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SENATE JOINT RESOLUTION NO. 239

Offered January 24, 2000

Establishing a joint subcommittee to study the Uniform Computer Information Transactions Act.

Patrons—Newman, Bolling, Couric, Hanger, Hawkins, Houck, Lambert, Marye, Maxwell, Potts, Puckett, Reynolds and Whipple

Referred to Committee on Rules

WHEREAS, the National Conference of Commissioners on Uniform State Laws has promulgated the Uniform Computer Information Transactions Act (UCITA), and it is now available for consideration for adoption by the several states; and

WHEREAS, the UCITA is major legislation that would govern transactions of computer information, thereby significantly impacting all Virginians who use computers; and

WHEREAS, the UCITA presents a significant policy decision to be made by the General Assembly; and

WHEREAS, the voluminous pages of the UCITA contain highly technical language and a legal scheme which even legal professionals may have trouble understanding; and

WHEREAS, the Commonwealth may be one of the first states to consider this major legislation and other states may be looking to the Commonwealth for guidance in considering the UCITA; and

WHEREAS, the Commonwealth is the leader in technology and relevant laws and it must be responsible in leading other states; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the Uniform Computer Information Transactions Act. The joint subcommittee shall be composed of twelve members, which shall include seven legislative members and five nonlegislative citizen members as follows: three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections, one of whom shall be a member of the Joint Commission on Technology and Science, one of whom shall be a member of the Senate Committee on Courts of Justice, and one of whom shall be a member of the Senate Committee on Commerce and Labor; four members of the House of Delegates, to be appointed by the Speaker, one of whom shall be a member of the Joint Commission on Technology and Science, one of whom shall be a member of the House Committee on Science and Technology, one of whom shall be a member of the House Committee on Courts of Justice, and one of whom shall be a member of the House Committee on Corporations, Insurance and Banking; one representative of those who would be considered licensors under the UCITA and one representative who would be considered a licensee under the UCITA to be appointed by the Senate Committee on Privileges and Elections; and one representative of consumer interests, one member with an expertise in intellectual properties, and one member from the academic legal community who is knowledgeable in the UCITA and the Uniform Commercial Code, to be appointed by the Speaker.

In conducting its study, the joint subcommittee shall review the UCITA and make a recommendation regarding the appropriateness of using the UCITA as the proper model to govern computer information transactions and shall make suggestions regarding alternatives or amendments to the UCITA that will assure that interests of both the licensors and licensees are adequately protected.

The direct costs of this study shall not exceed \$13,500.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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