

December 2019

## Report of the 1955 Annual Meeting of the National Conference of Commissioners on Uniform State Laws

wyoming State Bar

Follow this and additional works at: <https://scholarship.law.uwyo.edu/wlj>

---

### Recommended Citation

wyoming State Bar, *Report of the 1955 Annual Meeting of the National Conference of Commissioners on Uniform State Laws*, 10 WYO. L.J. 60 (1955)

Available at: <https://scholarship.law.uwyo.edu/wlj/vol10/iss1/10>

This Special Section is brought to you for free and open access by Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Wyoming Law Journal by an authorized editor of Law Archive of Wyoming Scholarship.

REPORT OF THE 1955 ANNUAL MEETING OF THE  
NATIONAL CONFERENCE OF COMMISSIONERS ON  
UNIFORM STATE LAWS

The 1955 annual meeting of the National Conference of Commissioners on Uniform State Laws was held in the Bellevue-Stratford Hotel in Philadelphia, Pennsylvania, during the week of August 15th.

The State of Wyoming was represented by Alfred M. Pence of Laramie. H. Glenn Kinsley of Sheridan and Charles M. Crowell of Casper were unable to attend. The conference was attended by 99 commissioners from 47 jurisdictions.

The conference approved the following uniform acts:

1. Amendment to Uniform Acknowledgement Act as amended.
2. Uniform Motor Vehicle Certificate of Title and Anti-Theft Act.
3. Uniform Post-Convictions Procedure Act.
4. Uniform Arbitration Act, and the
5. Uniform Contribution Among Tortfeasers Act.

I.

UNIFORM ACKNOWLEDGEMENT ACT AS AMENDED

Insofar as my search has been able to disclose, the State of Wyoming did not adopt the Uniform Acknowledgments Act and, therefore, would not hold any especial interest in this proposed amendment.

II.

UNIFORM MOTOR VEHICLE CERTIFICATE OF TITLE AND ANTI-THEFT ACT

This act has been under consideration by the conference for several years, and not only embodies years of work on the part of the conference but an equal amount of time and effort of national organizations interested in the subject matter. Probably no act that has been adopted by the conference has had the benefit of more expert counsel from the F.B.I., insurance carriers, finance companies, automobile manufacturers and other interested national groups. Its adoption would constitute a rather substantial revision of our existing Certificate of Title Act. The changes which would be most noticeable would be the anti-theft provisions and the methods of recording and protecting the interests of lien holders. The act contemplates a centralization for the issuance of certificates of title and the recording of lien instruments. This would be a departure from the present system which is conducted on a county level. There would appear to be considerable merit in this act both from the standpoint of improving our present methods and from the standpoint of its contribution toward uniformity among the various states. I would recommend careful consideration of this act.

## III.

## UNIFORM POST-CONVICTIONS PROCEDURE ACT

This act is designed to provide an exclusive remedy for challenging the legality of incarceration under judgment of conviction of a felony and sentence of death or imprisonment therefor. It provides a remedy heretofore available under a writ of habeas corpus, writ of coram nobis or other small common law or statutory remedy.

The act is designed to give the prisoner an opportunity to present a case to the court from which he may secure relief of the nature of re-trial, bail, discharge, correction of sentence or any other matter that might appear necessary or proper.

It would appear that it should receive careful study and evaluation by those specializing in the field of criminal law. However, the act appears to commend itself as an improvement on existing procedures.

## IV.

## UNIFORM ARBITRATION ACT

This is the second effort of the conference on the drafting of a Uniform Arbitration Act. The former act was adopted by the Wyoming Legislature in 1927, and was limited in its scope to the arbitration of existing disputes and is found in Article 56 of Chapter 3 of the Compiled Statutes of Wyoming, 1945. The earlier act, which is a part of our statutory law, did not meet with favor among various legislators, having been adopted by only a very few states. The act which was passed by this year's conference provides for the arbitration of both existing and future disputes and applies to agreements between employers and employees, as well as other types of agreements. It provides adequate safe-guards for review of proceedings and awards by courts and is generally felt to be a comprehensive treatment of the law of arbitration, having the approval of the American Arbitration Association, organized Labor and other interested groups.

I would recommend the most careful consideration of this act as a replacement for our present Uniform Arbitration Act.

## V.

## UNIFORM CONTRIBUTION AMONG TORTFEASERS ACT

The purpose of this act is to make uniform the law as respect the contribution among tortfeasers. Its adoption would constitute, as I am advised, new statutory legislation for our state. It is an act which should be carefully considered upon its merits for presentation to the Legislature of Wyoming.

The accomplishments of the 1955 conference were, in my opinion, quite commendable. The conference handled some difficult acts, yet by an unusual concentration of effort, accomplished its agenda in its entirety.

In the last 10 years, the State of Wyoming has adopted only two uniform acts. It would appear that our legislature has not taken full advantage of the membership of the State of Wyoming in the national conference. The state makes a substantial contribution to the conference and then, of course, pays the travel and per diem expense of its commissioners. This out-lay of expenditure on the part of the state is more than justified, if the legislature takes full advantage of the product of the conference. On the other hand, it would seem rather extravagant to participate in the conference, as Wyoming does, and then fail to utilize the uniform acts which are promulgated by the conference.

I have given considerable thought to this matter in the past few weeks in an effort to better understand why our state has not passed more of these uniform acts. Possibly, the Wyoming State Bar has not discharged its obligation in analyzing these acts and making recommendations with respect to the introduction and passage thereof by the legislature. Again, perhaps the commissioners on uniform state laws have not been active enough in causing the introduction and lending their support to the consideration and passage of the acts. Whatever the cause may be, it would appear that if our participation in the conference is to be justified, greater advantage should be taken of the accomplishments of the conference.

I, therefore, earnestly recommend to the Wyoming State Bar that it have a permanent committee on uniform state laws to whom these acts may be referred when they are adopted by the conference and the American Bar Association, a committee which can then study the acts in relation to the existing statutory law of the State of Wyoming, and make recommendations to the legislative committee of the state bar.

I see no reason why this machinery might not be effective, except in cases involving acts of the length of the Uniform Commercial Code, where a special committee might well be employed. In any event, it seems to me that the State Bar of Wyoming in the interest of better legislation, should interest itself in an analysis and recommendation of these acts. I think it then would be the prerogative of the legislative committee of the bar and the commissioners on uniform state laws to make themselves available to the legislative committee hearings for explanation and discussion of the acts introduced.

I commend this to the Wyoming State Bar as a subject for proper discussion and action.

Respectfully submitted,  
Alfred M. Pence, Commissioner