



ALLIANCE OF AMERICAN INSURERS  
AMERICAN ASSOCIATION OF LAW LIBRARIES  
AMERICAN COUNCIL OF LIFE INSURERS  
AMERICAN COMMITTEE FOR INTEROPERABLE SYSTEMS  
AMERICAN LIBRARY ASSOCIATION  
AMERICAN TROUBLEBUSTERS  
ANHEUSER-BUSCH.COM  
ART LIBRARIES SOCIETY OF NORTH AMERICA  
ASSOCIATION OF RESEARCH LIBRARIES  
ASSOCIATION FOR COMPUTING MACHINERY  
BLUE FEATHER TECHNOLOGIES  
BOEING  
CATERPILLAR INC.  
CATHOLIC HEALTHCARE WEST  
CENTER FOR STUDY OF RESPONSIVE LAW  
COLUMBIA CONSUMER EDUCATION COUNCIL  
COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION  
COMPUTER PROFESSIONALS FOR SOCIAL RESPONSIBILITY  
CONSOLEGAMES.COM  
CONSUMER FEDERATION OF AMERICA  
CONSUMER PROJECT ON TECHNOLOGY  
DEERE & COMPANY  
DOGHOUSE COMPUTING  
ELECTRONIC FRONTIER FOUNDATION  
FUSIONWERX  
GALLANT TECHNOLOGIES, INC.  
GEORGIA PACIFIC CORPORATION  
H B FULLER COMPANY  
HARRIS SYSTEMS  
INFOWARRIOR.ORG  
INFOWORLD  
INTERNATIONAL PAPER  
INVESTMENT COMPANY INSTITUTE  
JACKSON LABORATORIES  
MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY  
MBNA  
METROPOLITAN LIFE INSURANCE COMPANY  
MURRAY AND MURRAY Co. LPA  
MY PC XPERT  
NATIONAL CONSUMER LAW CENTER  
NATIONAL CONSUMERS LEAGUE  
NATIONAL COUNCIL OF TEACHERS OF ENGLISH  
NATIONAL HUMANITIES ALLIANCE  
NATIONAL RETAIL FEDERATION  
NATIONWIDE INSURANCE COMPANY  
NEW YORK LIFE INSURANCE COMPANY  
NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY  
OPENCONTENT  
OPENSonic NETWORKS  
OUR-TECH  
PERDUE FARMS  
PHILLIPS PETROLEUM COMPANY  
PRINCIPAL FINANCIAL GROUP  
PRUDENTIAL INSURANCE COMPANY  
RADSOFT.NET  
RAZORVISION STUDIOS  
SATISFICE, INC.  
SHELLER LAW FIRM  
SOCIETY FOR INFORMATION MANAGEMENT  
SPECIAL LIBRARIES ASSOCIATION  
TESLA SYSTEMS  
TORREY PINES SOFTWARE  
TRESMOTT RESEARCH  
TSI  
UBERSOFT.NET  
USAA  
UTAH ACADEMIC LIBRARY CONSORTIUM  
VIRGINIA ASSOCIATION OF LAW LIBRARIES  
VIRGINIA CONSUMER COUNCIL  
WALGREEN CORPORATION  
WORKSTATION

VIA FACSIMILE  
804-786-6310

January 28, 2004

RE: H.B. 548

Delegate Harvey B. Morgan  
Chairman  
House Committee on Commerce and Labor  
Virginia House of Delegates

Dear Chairman Morgan:

We are writing in opposition to H.B. 548, the bill that would amend the Uniform Computer Information Transactions Act (UCITA). These amendments as approved by the Joint Commission on Technology and Science (JCOTS) offer marginal improvement to a greatly flawed act. Moreover, JCOTS rejected several changes proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL), the drafters of UCITA, in three controversial areas—electronic self-help, reverse engineering, and right of return. Thus, if passed, the Virginia version of UCITA will vary from the model version of the Act now recommended by NCCUSL.

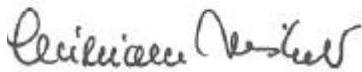
After its passage in Virginia (and Maryland) in 2000, UCITA drew widespread criticism from state attorneys general, many intellectual property and contract law professors, retail and manufacturing companies, insurance and financial institutions, consumer organizations, libraries and computer technology professionals. The American Bar Association (ABA) conducted a detailed review of the Act and subsequently failed to approve it as being ready for approval by state legislatures. Though the amendments included in H.B. 548 reflect some of the changes recommended by the ABA Working Group on UCITA, they do not include other significant ones as mentioned above.

UCITA was either considered or introduced in more than twenty state legislatures between 2000 and 2003. It is noteworthy, however, that in no state did the bill even advance to a floor vote. In 2002, there was even an effort among NCCUSL commissioners to have the Act downgraded. Finally, in August 2003, NCCUSL announced its decision to stop promoting the Act.

More notably for Virginia, Virginia is now in the unique position of having other states feel the need to defend their citizens from Virginia law because of UCITA. Four states (Vermont, North Carolina, Iowa and West Virginia) have passed so-called anti-UCITA "bomb-shelter" legislation to protect their states' citizens from contractual choice of law provisions that cite Virginia law. This trend belies the promises made by early proponents that UCITA would enhance Virginia's reputation as a good state for electronic commerce. We expect there will be continued interest in such legislation as long as UCITA remains enacted in Virginia.

Americans for Fair Electronic Commerce Transactions (AFFECT) is a diverse national coalition of over sixty for-profit businesses, non-profits, libraries, consumers and technology professionals that has been active in every state where UCITA has been considered since 2000. Our membership believes that H.B. 548 will not substantively improve Virginia law. Only repeal of UCITA will accomplish that goal.

Sincerely,



Miriam Nisbet  
President

c.c.  
Frank D Hargrove, Sr., Vice Chair  
Vincent F. Callahan, Jr.  
Robert Tata  
Harry J. Parrish  
Harry R. Purkey  
Terry G. Kilgore  
L. Preston Bryant, Jr.  
Kathy J. Byron  
R. Lee Ware, Jr.  
Allen W. Dudley  
H. Morgan Griffith  
Samuel A. Nixon, Jr.  
Thelma Drake  
Kenneth R. Plum  
Joseph P. Johnson, Jr.  
Dwight Clinton Jones  
Johnny S. Joannou  
Kenneth R. Melvin  
W. B. 'Benny' Keister,  
Fenton L Bland, Jr.  
Watkins M. Abbitt, Jr.