

FINAL BILL REPORT

HB 1345

C 22 L 11
Synopsis as Enacted

Brief Description: Regarding the uniform unsworn foreign declarations act.

Sponsors: Representatives Rivers, Pedersen and Rodne; by request of Uniform Laws Commission.

House Committee on Judiciary
Senate Committee on Judiciary

Background:

Participants in legal proceedings before Washington courts and agencies generally may attest that certain statements are true through affidavits, which are voluntary, written declarations of facts that are sworn to by the declarant before a government officer and certified by that officer. For example, affidavits are often used to admit evidence in court. Washington law permits unsworn written declarations to be used in lieu of affidavits and other sworn statements, so long as the declarations follow a prescribed form. A declaration must state that it is certified or declared by the person to be true under penalty of perjury, be signed by the person, state the date and place of execution, and state that it is declared under Washington law. The law does not apply to: written statements requiring an acknowledgement; depositions; oaths of office; or oaths required to be taken before a special official other than a notary public.

In 2008 the National Conference of Commissioners on Uniform State Laws issued the Uniform Unsworn Foreign Declarations Act (Act), which allows people outside the geographic boundaries of the United States to submit unsworn written declarations in the place of affidavits and other sworn statements. The Act parallels a federal law in place since 1976. At least nine states and the District of Columbia have adopted the Act.

Summary:

The Uniform Unsworn Foreign Declarations Act (Act) is adopted. People who are physically located outside the boundaries of the United States, Puerto Rico, the United States Virgin Islands, and territories or possessions subject to United States jurisdiction may submit unsworn declarations in lieu of other sworn statements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In addition to existing exceptions, the Act does not allow unsworn declarations to be used in place of declarations to be recorded pursuant to certain real estate and business partnership laws and certain oaths required by statute relating to proving wills.

Unsworn declarations must be made in the same medium as required by Washington laws for sworn declarations.

The Act supersedes certain requirements of the federal Electronic Signatures in Global and National Commerce Act. In interpreting the Act, courts must consider the need to promote uniformity of the law regarding unsworn declarations among the states that adopt the Act.

Votes on Final Passage:

House	93	0
Senate	45	1

Effective: July 22, 2011