CERTIFICATION OF ENROLLMENT

HOUSE BILL 1345

Chapter 22, Laws of 2011

62nd Legislature
2011 Regular Session

UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

EFFECTIVE DATE: 07/22/11

Passed by the House February 14, 2011
Yea 93  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 28, 2011
Yea 45  Nays 1

BRAD OWEN
President of the Senate
Approved April 11, 2011, 2:30 p.m.

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 1345 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED

April 11, 2011

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to the uniform unsworn foreign declarations act; and adding a new chapter to Title 5 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be cited as the uniform unsworn foreign declarations act.

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter:

(1) "Boundaries of the United States" means the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(2) "Law" includes the federal or a state Constitution, a federal or state statute, a judicial decision or order, a rule of court, an executive order, and an administrative rule, regulation, or order.

(3) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(4) "Sign" means, with present intent to authenticate or adopt a record:
(a) To execute or adopt a tangible symbol; or
(b) To attach to or logically associate with the record an
electronic symbol, sound, or process.

(5) "State" means a state of the United States, the District of
Columbia, Puerto Rico, the United States Virgin Islands, or any
territory or insular possession subject to the jurisdiction of the
United States.

(6) "Sworn declaration" means a declaration in a signed record
given under oath. The term includes a sworn statement, verification,
certificate, and affidavit.

(7) "Unsworn declaration" means a declaration in a signed record
that is not given under oath, but is given under penalty of perjury.

NEW SECTION. Sec. 3. APPLICABILITY. This chapter applies to an
unsworn declaration by a declarant who at the time of making the
declaration is physically located outside the boundaries of the United
States whether or not the location is subject to the jurisdiction of
the United States. This chapter does not apply to a declaration by a
declarant who is physically located on property that is within the
boundaries of the United States and subject to the jurisdiction of
another country or a federally recognized Indian tribe.

NEW SECTION. Sec. 4. VALIDITY OF UNSWORN DECLARATION. (1) Except
as otherwise provided in subsection (2) of this section, if a law of
this state requires or permits use of a sworn declaration, an unsworn
declaration meeting the requirements of this chapter has the same
effect as a sworn declaration.

(2) This chapter does not apply to:
(a) A deposition;
(b) An oath of office;
(c) An oath required to be given before a specified official other
than a notary public;
(d) A declaration to be recorded pursuant to Title 64 or 65 RCW; or
(e) An oath required by RCW 11.20.020.

NEW SECTION. Sec. 5. REQUIRED MEDIUM. If a law of this state
requires that a sworn declaration be presented in a particular medium,
an unsworn declaration must be presented in that medium.
NEW SECTION. Sec. 6. FORM OF UNSWORN DECLARATION. An unsworn declaration under this chapter must be in substantially the following form:

I declare under penalty of perjury under the law of Washington that the foregoing is true and correct, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Executed on the . . . . day of . . . . . . . , . . . ., (date) (month) (year)

at . . . . . . . . . . . . . . . . . . . , . . . . . . . . . (city or other location, and state) (country)

. . . . . . . . .
(printed name)

. . . . . . . . .
(signature)

NEW SECTION. Sec. 7. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 8. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001, et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 5 RCW.

Passed by the House February 14, 2011.
Passed by the Senate March 28, 2011.
Approved by the Governor April 11, 2011.
Filed in Office of Secretary of State April 11, 2011.