
HOUSE BILL 1345

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Rivers, Pedersen, and Rodne; by request of Uniform Laws Commission

Read first time 01/19/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the uniform unsworn foreign declarations act;
2 and adding a new chapter to Title 5 RCW.

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

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

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

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

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

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

17 (4) "Sign" means, with present intent to authenticate or adopt a
18 record:

1 (a) To execute or adopt a tangible symbol; or

2 (b) To attach to or logically associate with the record an
3 electronic symbol, sound, or process.

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

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

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

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

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

26 (2) This chapter does not apply to:

27 (a) A deposition;

28 (b) An oath of office;

29 (c) An oath required to be given before a specified official other
30 than a notary public;

31 (d) A declaration to be recorded pursuant to Title 64 or 65 RCW; or

32 (e) An oath required by RCW 11.20.020.

33 NEW SECTION. **Sec. 5.** REQUIRED MEDIUM. If a law of this state
34 requires that a sworn declaration be presented in a particular medium,
35 an unsworn declaration must be presented in that medium.

