## CERTIFICATION OF ENROLLMENT

## HOUSE BILL 1345

## 62nd Legislature 2011 Regular Session

Passed by the House February 14, 2011 Yeas 93 Nays 0  Speaker of the House of Representatives	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.
	Chief Clerk
President of the Senate	
Approved	FILED
	Secretary of State State of Washington
Governor of the State of Washington	

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## HOUSE BILL 1345

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Passed Legislature - 2011 Regular Session

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 <u>NEW SECTION.</u> **Sec. 1.** SHORT TITLE. This chapter may be cited as
- 5 the uniform unsworn foreign declarations act.
- 6 <u>NEW SECTION.</u> **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:

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- 1 (a) To execute or adopt a tangible symbol; or
- 2 (b) To attach to or logically associate with the record an electronic symbol, sound, or process.
- 4 (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.
- 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 unsworn declaration by a declarant who at the time of making the 14 declaration is physically located outside the boundaries of the United 15 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 declarant who is physically located on property that is within the 18 boundaries of the United States and subject to the jurisdiction of 19 20 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:
- 27 (a) A deposition;

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

1 NEW SECTION. Sec. 6. FORM OF UNSWORN DECLARATION. An unsworn 2 declaration under this chapter must be in substantially the following 3 form: 4 I declare under penalty of perjury under the law of Washington that the foregoing is true and correct, and that I am physically located 5 outside the geographic boundaries of the United States, Puerto Rico, 6 the United States Virgin Islands, and any territory or insular 7 possession subject to the jurisdiction of the United States. 8 9 Executed on the . . . day of . . . . . , . . . . , (month) (year) 10 (date) 11 12 (city or other location, and state) (country) 13 . . . . . . . . . 14 (printed name) 15 . . . . . . . . . 16 (signature) NEW SECTION. Sec. 7. UNIFORMITY OF APPLICATION AND CONSTRUCTION. 17 In applying and construing this uniform act, consideration must be 18 19 given to the need to promote uniformity of the law with respect to its 20 subject matter among states that enact it. 21 NEW SECTION. Sec. 8. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. 22 This chapter modifies, limits, and supersedes the federal electronic signatures in global and national 23 24 commerce act, 15 U.S.C. Sec. 7001, et seq., but does not modify, limit, 25 or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or 26 authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b). 27 28 NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute

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a new chapter in Title 5 RCW.