

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 16.
PARTICULAR ACTIONS, PROCEEDINGS
AND MATTERS.

CHAPTER 53.
UNSWORN FOREIGN DECLARATIONS; UNIFORM
ACT.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 53. UNSWORN FOREIGN

DECLARATIONS; UNIFORM ACT.

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CHAPTER 53. UNSWORN FOREIGN DECLARATIONS; UNIFORM ACT.

Refs & Annos

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama	2011-533	1-1-2012	Ala. Code §§ 12-21-80 to 12-21-87.
Colorado	2009, c. 115	8-5-2009	C.R.S.A. §§ 12-55-301 to 12-55-308.
Connecticut	2010, P.A. 10-33	10-1-2010	C.G.S.A. §§ 1-65aa to 1-65hh.
Delaware	2010, c. 332	7-2-2010	10 Del.C. §§ 5351 to 5359.
District of Columbia	2010, c. 18- 191	7-23-2010	D.C. Official Code, 2001 Ed. §§ 16-5301 to 16- 5308.
Indiana	2010, P.L. 57	7-1-2010	West's A.I.C. §§ 34-59-1-1 to 34-59-1-13.
Minnesota	2010, c. 295	8-1-2010	M.S.A. § 358.115.
Montana	2011, c. 352	10-1-2011	MCA §§ 26-1-1101 to 26-1-1108.
Nevada	2011, c. 11	10-1-2011	NRS §§ 53.350 to 53.390.
New Mexico	2009, c. 78	7-1-2009	NMSA 1978, §§ 44-10-1 to 44-10-8.
North Dakota	2011, c. 243	8-1-2011	NDCC 31-14-01 to 31-14-06.
South Dakota	2012, c. 257	7-1-2012	SDCL §§ 18-1-1 to 18-1-6.
Tennessee	2010, c. 902	7-1-2010	T.C.A. §§ 24-9-301 to 24-9-308.
Utah	2009, c. 100	5-12-2009	U.C.A. 1953, §§ 78B-18-101 to 78B-18-108.
Washington	2011, c. 22	7-22-2011	West's RCWA 5.50.010 to 5.50.901.
Wisconsin	2009, c. 166	3-30-2010	W.S.A. 887.015.

§ 16-5301. SHORT TITLE.

This chapter may be cited as the "Uniform Unsworn Foreign Declarations Act".

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-191, the "Uniform Unsworn Foreign Declarations Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-427, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on March 2, 2010, and March 16, 2010, respectively. Signed by the Mayor on April 7, 2010, it was assigned Act No. 18-380 and transmitted to both Houses of Congress for its review. D.C. Law 18-191 became effective on July 23, 2010.

Uniform Law

This section is based upon § 1 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.

§ 16-5302. DEFINITIONS.

For the purposes of this chapter, the term:

- (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 a District of Columbia statute, a judicial decision or order, 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 "sworn declaration" 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.

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-191, see notes following § 16-5301.

Uniform Law

This section is based upon § 2 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.

§ 16-5303. 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.

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-191, see notes following § 16-5301.

Uniform Law

This section is based upon § 3 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.

§ 16-5304. VALIDITY OF UNSWORN DECLARATION.

(a) Except as otherwise provided in subsection (b) of this section, if a law of the District of Columbia requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of this chapter shall have the same effect as a sworn declaration.

(b) This chapter shall not apply to:

(1) A deposition;

(2) An oath of office;

(3) An oath required to be given before a specified official other than a notary public; or

(4) A declaration to be recorded with the Recorder of Deeds of the District of Columbia.

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-191, see notes following § 16-5301.

Uniform Law

This section is based upon § 4 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.

§ 16-5305. REQUIRED MEDIUM.

If a law of the District of Columbia requires that a sworn declaration be presented in a particular medium, an unsworn declaration shall be presented in that medium.

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-191, see notes following § 16-5301.

Uniform Law

This section is based upon § 5 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.

§ 16-5306. FORM OF UNSWORN DECLARATION.

An unsworn declaration under this chapter shall be in substantially the following form:

"I declare under penalty of perjury under the law of the District of Columbia 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 _____, _____, at _____, _____:
(date) (month) (year) (city or other (country)
location,
and state)

"(printed name)

"(signature).".

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400; Sept. 26, 2012, D.C. Law 19-171, § 75(d), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 inserted quotation marks in the form.

Legislative History of Laws

For Law 18-191, see notes following § 16-5301.

For history of Law 19-171, see notes under § 16-2331.

Uniform Law

This section is based upon § 6 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.

§ 16-5307. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-191, see notes following § 16-5301.

This section is based upon § 7 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.

§ 16-5308. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U. S.C. § 7003(b)).

(July 23, 2010, D.C. Law 18-191, § 2(b), 57 DCR 3400.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-191, see notes following § 16-5301.

Uniform Law

This section is based upon § 8 of the Uniform Unsworn Foreign Declarations Act. See Vol. 14, Uniform Laws Annotated, Master Edition or ULA Database on Westlaw.