HOUSE DOCKET, NO. 63 FILED ON: 1/15/2019

HOUSE . . . . . No. 63

So much of the recommendations of the Commission on Uniform State Laws (House, No. 56) as relates to the Uniform Unsworn Foreign Declarations Act. The Judiciary

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to the Uniform Unsworn Foreign Declarations Act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws are hereby amended by inserting after section 83 of chapter 233 the following sections 84A through 84H:--

SECTION 84A. SHORT TITLE. Sections 84A through 84H may be cited as the Uniform Unsworn Foreign Declarations Act.

SECTION 84B. DEFINITIONS. In this Act:

(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.

SECTION 84C. APPLICABILITY. This Act 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 Act 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.

SECTION 84D. VALIDITY OF UNSWORN DECLARATION. (a) Except as otherwise provided in subsection (b), if a law of this Commonwealth requires or permits use of a

sworn declaration, an unsworn declaration meeting the requirements of this Act has the same effect as a sworn declaration.

(b) This Act does 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;

(4) a declaration to be recorded pursuant to chapter 183; or

(5) an oath required by section 2-504 of chapter 190B.

SECTION 84E. REQUIRED MEDIUM. If a law of this Commonwealth requires that a sworn declaration be presented in a particular medium, an unsworn declaration must be presented in that medium.

SECTION 84F. FORM OF UNSWORN DECLARATION. An unsworn declaration under this Act must be in substantially the following form:

I declare under penalty of perjury under the law of Commonwealth of Massachusetts 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 location, and state)

_____.

(country)

_____

(printed name)

_____

(signature)

SECTION 84G. 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.

SECTION 84H. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This Act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. section 7001, et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. section 7003(b).

SECTION 2. This Act takes effect on July first, two thousand and seventeen.