

Chapter 18

Utah Uniform Unsworn Foreign Declarations Act

78B-18-101 Title.

This chapter is known as the "Utah Uniform Unsworn Foreign Declarations Act."

Enacted by Chapter 100, 2009 General Session

78B-18-102 Definitions.

As used 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.

Enacted by Chapter 100, 2009 General Session

78B-18-103 Applicability.

- (1) 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.
- (2) 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.

Enacted by Chapter 100, 2009 General Session

78B-18-104 Validity of unsworn declaration.

- (1) Except as otherwise provided in Subsection (2), 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) depositions;
 - (b) oaths of office;

- (c) oaths required to be given before a specified official other than a notary public;
- (d) declarations to be recorded pursuant to Title 57, Real Estate; or
- (e) oaths required by Section 75-2-504.

Enacted by Chapter 100, 2009 General Session

78B-18-105 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.

Enacted by Chapter 100, 2009 General Session

78B-18-106 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 Utah 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)

Enacted by Chapter 100, 2009 General Session

78B-18-107 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.

Enacted by Chapter 100, 2009 General Session

78B-18-108 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. 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).

Enacted by Chapter 100, 2009 General Session