

CHAPTER 332
FORMERLY
SENATE BILL NO. 262

AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE
RELATING TO UNSWORN FOREIGN DECLARATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 10 by inserting a new Chapter 53A to read as follows:

“CHAPTER 53A. DELAWARE UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

§ 5351. Short Title.

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

§ 5352. Definitions.

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.

§ 5353. 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.

§ 5354. Validity of Unsworn Declaration.

(a) Except as otherwise provided in subsection (b), 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.

(b) This chapter 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 Title 25; or

(5) an acknowledgement or affidavit required by Section 1305 of Title 12.

§ 5355. 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.

§ 5356. 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 Delaware 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 _____ (month), _____ (year), at _____ (city or other location, and state), _____ (country).

_____ (printed name)

_____ (signature)’

§ 5357. 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.

§ 5358. 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).

§ 5359. Effective Date.

This chapter takes effect upon enactment.”

Section 2. Amend § 1224 of Title 11 by inserting the following phrase after the words “or under oath in a written instrument”: “or in an unsworn declaration made pursuant to Chapter 53A of Title 10.

Approved July 02, 2010