

CHAPTER.....

AN ACT relating to foreign declarations; enacting the Uniform Unsworn Foreign Declarations Act; authorizing the use in this State under certain circumstances of unsworn declarations executed outside of the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the use of an unsworn declaration in lieu of an affidavit or other sworn declaration for declarations that are executed within this State and for declarations that are executed outside of this State. (NRS 53.045)

This bill adopts the Uniform Unsworn Foreign Declarations Act (UUFDA), which applies uniform standards to unsworn declarations executed outside of the United States. The UUFDA, adopted by the Uniform Law Commission in 2008, affirms the use in state law proceedings of unsworn declarations made by declarants who are physically outside the boundaries of the United States when making the declaration and who may not have access to a notary. Under the UUFDA, unsworn declarations cannot be used for depositions, oaths of office, oaths related to self-proved wills, declarations recorded under certain real estate statutes and oaths required to be given before specified officials other than a notary. Use of an unsworn declaration, like a sworn declaration, is subject to penalties for perjury, and the UUFDA provides a model form that unsworn declarations must substantially follow.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 53 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *The provisions of sections 2 to 16, inclusive, of this act may be cited as the Uniform Unsworn Foreign Declarations Act.*

Sec. 3. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“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.*

Sec. 5. *“Law” includes the Constitution of the United States, 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.

Sec. 6. *“Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 7. *“Sign” means, with present intent to authenticate or adopt a record:*

- 1. To execute or adopt a tangible symbol; or*
- 2. To attach to or logically associate with the record an electronic symbol, sound or process.*

Sec. 8. *“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.*

Sec. 9. *“Sworn declaration” means a declaration in a signed record given under oath. The term includes a sworn statement, verification, certificate and affidavit.*

Sec. 10. *“Unsworn declaration” means a declaration in a signed record that is not given under oath but is given under penalty of perjury.*

Sec. 11. *The provisions of sections 2 to 16, inclusive, of this act apply 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. Sections 2 to 16, inclusive, of this act do 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.*

Sec. 12. *1. Except as otherwise provided in subsection 2, if a law of this State requires or permits the use of a sworn declaration, an unsworn declaration meeting the requirements of sections 2 to 16, inclusive, of this act has the same effect as a sworn declaration.*

2. The provisions of sections 2 to 16, inclusive, of this act do not apply to:

- (a) A deposition;*
- (b) An oath of office;*
- (c) An oath required to be given before a specified official other than a notary public;*
- (d) A document intended to be recorded pursuant to chapter III of NRS; or*



(e) A self-proving declaration or affidavit signed pursuant to NRS 133.050 or 133.055.

Sec. 13. *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.*

Sec. 14. *An unsworn declaration under sections 2 to 16, inclusive, of this act must be in substantially the following form:*

I declare under penalty of perjury under the law of the State of Nevada 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 ____ (date) day of ____ (month),
____ (year), at _____ (city or
other location and state), _____(country).*

(printed name)

(signature)

Sec. 15. *In applying and construing sections 2 to 16, inclusive, of this 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.*

Sec. 16. *The provisions of sections 2 to 16, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001, et seq., but do 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).*

Sec. 17. NRS 53.045 is hereby amended to read as follows:

53.045 Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:



1. If executed in this State: "I declare under penalty of perjury that the foregoing is true and correct."

Executed on
(date) (signature)

2. ~~FF~~ *Except as otherwise provided in sections 2 to 16, inclusive, of this act, if* executed outside this State: "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on
(date) (signature)

Sec. 18. NRS 116.645 is hereby amended to read as follows:

116.645 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division or the Commission.

Sec. 19. NRS 116A.250 is hereby amended to read as follows:

116A.250 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to



substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division or the Commission.

Sec. 20. NRS 116B.830 is hereby amended to read as follows:

116B.830 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division or the Commission.

Sec. 21. NRS 119.115 is hereby amended to read as follows:

119.115 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division.



Sec. 22. NRS 119A.195 is hereby amended to read as follows:

119A.195 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division.

Sec. 23. NRS 119B.115 is hereby amended to read as follows:

119B.115 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division.

Sec. 24. NRS 232.547 is hereby amended to read as follows:

232.547 1. A division, office, authority, commission, board or other entity set forth in NRS 232.510 may adopt regulations to establish procedures to conduct business electronically with persons who have business with that division, office, authority, commission, board or other entity. The regulations may include, without limitation, the establishment of fees to cover the costs to the



division, office, authority, commission, board or other entity of conducting business electronically.

2. Notwithstanding any other provision, if a division, office, authority, commission, board or other entity adopts regulations to conduct business electronically pursuant to subsection 1, the division, office, authority, commission, board or other entity may provide that a declaration made pursuant to NRS 53.045 *or sections 2 to 16, inclusive, of this act* may satisfy the requirement that a signature or statement be notarized, acknowledged, verified or made under oath.

3. The division, office, authority, commission, board or other entity may refuse to conduct business electronically with a person who has failed to pay money owed to the division, office, authority, commission, board or other entity.

Sec. 25. NRS 645.191 is hereby amended to read as follows:

645.191 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division or the Commission.

Sec. 26. NRS 645C.175 is hereby amended to read as follows:

645C.175 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged,



verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division or the Commission.

Sec. 27. NRS 645D.125 is hereby amended to read as follows:

645D.125 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division.

