

AN ACT

ENTITLED, An Act to adopt the Uniform Unsworn Domestic Declarations Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That the code be amended by adding a NEW SECTION to read:

This Act may be cited as the Uniform Unsworn Domestic Declarations Act.

Section 2. That the code be amended by adding a NEW SECTION to read:

The terms in this Act mean:

- (1) "Boundaries of the United States," 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 statute, judicial decision or order, rule of court, executive order, and administrative rule, regulation, or order;
- (3) "Record," 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," with present intent to authenticate or adopt a record to execute 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) "Sworn declaration," a declaration in a signed record given under oath. The term includes a sworn statement, verification, certificate, and affidavit;
- (6) "Unsworn declaration," a declaration in a signed record not given under oath but is given under penalty of perjury.

Section 3. That the code be amended by adding a NEW SECTION to read:

This Act applies to an unsworn declaration by a declarant who at the time of making the

declaration is physically located within the boundaries of the United States.

Section 4. That the code be amended by adding a NEW SECTION to read:

Except as otherwise provided in this section, if a law of this state 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.

This Act does not apply to:

- (1) A deposition under § 15-6-26;
- (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 43;
- (5) Any declaration, oath, or verification required under title 2 or 12; or
- (6) An oath required by § 29A-2-504.

Section 5. That the code be amended by adding a NEW SECTION to read:

If a law of this state requires that a sworn declaration be presented in a particular medium, an unsworn declaration must be presented in the same medium.

Section 6. That the code be amended by adding a NEW SECTION to read:

An unsworn declaration under this Act must be in substantially the following form:

**FORM OF UNSWORN DECLARATION**

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

Signed on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_.

Date          Month    Year    City or other location, state

\_\_\_\_\_

Printed Name

---

Signature

Section 7. That the code be amended by adding a NEW SECTION to read:

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 8. That the code be amended by adding a NEW SECTION to read:

This Act modifies, limits, or supersedes the 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).

An Act to adopt the Uniform Unsworn Domestic Declarations Act.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1085

\_\_\_\_\_  
Chief Clerk

=====

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1085  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

=====

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

20\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_

\_\_\_\_\_  
Governor

=====

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State