

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 689

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 2102 (MCL 600.2102) and by adding chapter  
21A.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2102. (1) ~~In cases where~~ **IF** by law the affidavit of ~~any~~  
2 **A** person residing in another state of the United States ~~,~~ or in  
3 ~~any~~ **A** foreign country ~~,~~ is required ~~,~~ or may be received in **AN**  
4 **ACTION OR** judicial ~~proceedings~~ **PROCEEDING** in this state, to  
5 entitle the ~~same~~ **AFFIDAVIT** to be read, it must be authenticated  
6 ~~as follows~~ **UNDER THE UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT,**  
7 **1969 PA 57, MCL 565.261 TO 565.270, OR BE AN UNSWORN DECLARATION**  
8 **EXECUTED UNDER CHAPTER 21A.**

9       ~~(1) It must be certified by the consul general, deputy~~

1 ~~consul general, or some consul or deputy consul of the United~~  
 2 ~~States resident in such foreign country, to have been taken and~~  
 3 ~~subscribed before him, specifying the time and place where taken~~  
 4 ~~and have the consular seal attached, or~~

5 ~~—— (2) It must be certified by some judge of a court having a~~  
 6 ~~seal to have been taken and subscribed before him, specifying the~~  
 7 ~~time and place where taken;~~

8 ~~—— (3) The genuineness of the signature of such judge, the~~  
 9 ~~existence of the court and the fact that such judge is a member~~  
 10 ~~thereof, must be certified by the clerk of the court under the~~  
 11 ~~seal thereof;~~

12 ~~—— (4) If such affidavit be taken in any other of the United~~  
 13 ~~States or in any territory thereof, it may be taken before a~~  
 14 ~~commissioner duly appointed and commissioned by the governor of~~  
 15 ~~this state to take affidavits therein, or before any notary~~  
 16 ~~public or justice of the peace authorized by the laws of such~~  
 17 ~~state to administer oaths therein. The signature of such notary~~  
 18 ~~public or justice of the peace, and the fact that at the time of~~  
 19 ~~the taking of such affidavit the person before whom the same was~~  
 20 ~~taken was such notary public or justice of the peace, shall be~~  
 21 ~~certified by the clerk of any court of record in the county where~~  
 22 ~~such affidavit shall be taken, under the seal of said court.~~

## 23 **CHAPTER 21A**

### 24 **UNIFORM UNSWORN FOREIGN DECLARATIONS ACT**

25 **SEC. 2181. THIS CHAPTER MAY BE REFERRED TO AND CITED AS THE**  
 26 **"UNIFORM UNSWORN FOREIGN DECLARATIONS ACT".**

27 **SEC. 2182. AS USED IN THIS CHAPTER:**

1 (A) "BOUNDARIES OF THE UNITED STATES" MEANS THE GEOGRAPHIC  
2 BOUNDARIES OF THE UNITED STATES, PUERTO RICO, THE UNITED STATES  
3 VIRGIN ISLANDS, AND ANY TERRITORY OR INSULAR POSSESSION SUBJECT  
4 TO THE JURISDICTION OF THE UNITED STATES.

5 (B) "LAW" INCLUDES THE FEDERAL OR A STATE CONSTITUTION, A  
6 FEDERAL OR STATE STATUTE, A JUDICIAL DECISION OR ORDER, A COURT  
7 RULE, AN EXECUTIVE ORDER, AND AN ADMINISTRATIVE RULE, REGULATION,  
8 OR ORDER.

9 (C) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A  
10 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER  
11 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

12 (D) "SIGN" MEANS TO DO EITHER OF THE FOLLOWING WITH PRESENT  
13 INTENT TO AUTHENTICATE OR ADOPT A RECORD:

14 (i) EXECUTE OR ADOPT A TANGIBLE SYMBOL.

15 (ii) ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN  
16 ELECTRONIC SYMBOL, SOUND, OR PROCESS.

17 (E) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT  
18 OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR  
19 ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION  
20 OF THE UNITED STATES.

21 (F) "SWORN DECLARATION" MEANS A DECLARATION IN A SIGNED  
22 RECORD GIVEN UNDER OATH. SWORN DECLARATION INCLUDES A SWORN  
23 STATEMENT, VERIFICATION, CERTIFICATE, AND AFFIDAVIT.

24 (G) "UNSWORN DECLARATION" MEANS A DECLARATION OR OTHER  
25 AFFIRMATION OF TRUTH IN A SIGNED RECORD THAT IS NOT GIVEN UNDER  
26 OATH, BUT IS GIVEN UNDER PENALTY OF PERJURY.

27 SEC. 2183. THIS CHAPTER APPLIES TO AN UNSWORN DECLARATION BY

1 A DECLARANT WHO AT THE TIME OF MAKING THE DECLARATION IS  
2 PHYSICALLY LOCATED OUTSIDE THE BOUNDARIES OF THE UNITED STATES  
3 WHETHER OR NOT THE LOCATION IS SUBJECT TO THE JURISDICTION OF THE  
4 UNITED STATES. THIS CHAPTER DOES NOT APPLY TO A DECLARATION BY A  
5 DECLARANT WHO IS PHYSICALLY LOCATED ON PROPERTY THAT IS WITHIN  
6 THE BOUNDARIES OF THE UNITED STATES AND SUBJECT TO THE  
7 JURISDICTION OF ANOTHER COUNTRY OR A FEDERALLY RECOGNIZED INDIAN  
8 TRIBE.

9 SEC. 2184. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
10 (2), IF A LAW OF THIS STATE REQUIRES OR PERMITS USE OF A SWORN  
11 DECLARATION, AN UNSWORN DECLARATION MEETING THE REQUIREMENTS OF  
12 THIS CHAPTER HAS THE SAME EFFECT AS A SWORN DECLARATION.

13 (2) THIS CHAPTER DOES NOT APPLY TO ANY OF THE FOLLOWING:

14 (A) A DEPOSITION.

15 (B) AN OATH OF OFFICE.

16 (C) AN OATH REQUIRED TO BE GIVEN BEFORE A SPECIFIED OFFICIAL  
17 OTHER THAN A NOTARY PUBLIC.

18 (D) A DECLARATION TO BE RECORDED WITH A REGISTER OF DEEDS.

19 (E) AN OATH REQUIRED BY SECTION 2504 OF THE ESTATES AND  
20 PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.2504.

21 (F) A DECLARATION IN A DOCUMENT FILED WITH THE COURT IN THE  
22 COURSE OF ADMINISTERING THE ESTATE OF A DECEDENT.

23 SEC. 2185. IF A LAW OF THIS STATE REQUIRES THAT A SWORN  
24 DECLARATION BE PRESENTED IN A PARTICULAR MEDIUM, AN UNSWORN  
25 DECLARATION MUST BE PRESENTED IN THAT MEDIUM.

26 SEC. 2186. AN UNSWORN DECLARATION UNDER THIS CHAPTER MUST BE  
27 IN SUBSTANTIALLY THE FOLLOWING FORM:

1 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
 2 STATE OF MICHIGAN THAT THE FOREGOING IS TRUE AND CORRECT, AND  
 3 THAT I AM PHYSICALLY LOCATED OUTSIDE THE GEOGRAPHIC BOUNDARIES OF  
 4 THE UNITED STATES, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS,  
 5 AND ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
 6 JURISDICTION OF THE UNITED STATES.

7 EXECUTED ON THE DAY OF , AT  
 8 (DATE) (MONTH) (YEAR)  
 9  
 10 (CITY OR OTHER LOCATION, AND STATE) (COUNTRY)  
 11  
 12 (PRINTED NAME)  
 13  
 14 (SIGNATURE)

15 SEC. 2187. IN APPLYING AND CONSTRUING THIS CHAPTER,  
 16 CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF  
 17 THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG THE STATES THAT  
 18 ENACT THE UNIFORM UNSWORN FOREIGN DECLARATIONS ACT.

19 SEC. 2188. THIS ACT MODIFIES, LIMITS, AND SUPERSEDES THE  
 20 FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE  
 21 ACT, 15 USC 7001 TO 7031, EXCEPT THAT IT DOES NOT MODIFY, LIMIT,  
 22 OR SUPERSEDE SECTION 101(C) OF THE ELECTRONIC SIGNATURES IN  
 23 GLOBAL AND NATIONAL COMMERCE ACT, 15 USC 7001(C), OR AUTHORIZE  
 24 ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN SECTION  
 25 103(B) OF THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
 26 COMMERCE ACT, 15 USC 7003(B).

27 SEC. 2190. THIS CHAPTER TAKES EFFECT APRIL 1, 2013.

28 Enacting section 1. Section 2102 of the revised judicature

1 act of 1961, 1961 PA 236, MCL 600.2102, as amended by this  
2 amendatory act, takes effect April 1, 2013.

3 Enacting section 2. This amendatory act does not take effect  
4 unless Senate Bill No. 688 of the 96th Legislature is enacted  
5 into law.