

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 689

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 2102 (MCL 600.2102) and by adding chapter 21A.

The People of the State of Michigan enact:

Sec. 2102. (1) If by law the affidavit of a person residing in another state of the United States or in a foreign country is required or may be received in an action or judicial proceeding in this state, to entitle the affidavit to be read, it must be authenticated under the uniform recognition of acknowledgments act, 1969 PA 57, MCL 565.261 to 565.270, or be an unsworn declaration executed under chapter 21A.

CHAPTER 21A

UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

Sec. 2181. This chapter may be referred to and cited as the “uniform unsworn foreign declarations act”.

Sec. 2182. As used in this chapter:

(a) “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.

(b) “Law” includes the federal or a state constitution, a federal or state statute, a judicial decision or order, a court rule, an executive order, and an administrative rule, regulation, or order.

(c) “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.

(d) “Sign” means to do either of the following with present intent to authenticate or adopt a record:

(i) Execute or adopt a tangible symbol.

(ii) Attach to or logically associate with the record an electronic symbol, sound, or process.

(e) “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.

(f) “Sworn declaration” means a declaration in a signed record given under oath. Sworn declaration includes a sworn statement, verification, certificate, and affidavit.

(g) “Unsworn declaration” means a declaration or other affirmation of truth in a signed record that is not given under oath, but is given under penalty of perjury.

Sec. 2183. 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.

Sec. 2184. (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 any of the following:

(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 declaration to be recorded with a register of deeds.

(e) An oath required by section 2504 of the estates and protected individuals code, 1998 PA 386, MCL 700.2504.

(f) A declaration in a document filed with the court in the course of administering the estate of a decedent.

Sec. 2185. 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. 2186. An unsworn declaration under this chapter must be in substantially the following form:

I declare under penalty of perjury under the laws of the state of Michigan 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)

Sec. 2187. In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact the uniform unsworn foreign declarations act.

Sec. 2188. This act modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 USC 7001 to 7031, except that it does not modify, limit, or supersede section 101(c) of the electronic signatures in global and national commerce act, 15 USC 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of the electronic signatures in global and national commerce act, 15 USC 7003(b).

Sec. 2190. This chapter takes effect April 1, 2013.

Enacting section 1. Section 2102 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2102, as amended by this amendatory act, takes effect April 1, 2013.

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

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

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Governor