
ASSEMBLY BILL NO. 88—ASSEMBLYMAN SEGERBLOM

PREFILED JANUARY 7, 2011

Referred to Committee on Judiciary

SUMMARY—Enacts the Uniform Unsworn Foreign Declarations Act. (BDR 4-325)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

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:

1 Existing law authorizes the use of an unsworn declaration in lieu of an affidavit
2 or other sworn declaration for declarations that are executed within this State and
3 for declarations that are executed outside of this State. (NRS 53.045)
4 This bill adopts the Uniform Unsworn Foreign Declarations Act (UUFDA),
5 which applies uniform standards to unsworn declarations executed outside of the
6 United States. The UUFDA, adopted by the Uniform Law Commission in 2008,
7 affirms the use in state law proceedings of unsworn declarations made by
8 declarants who are physically outside the boundaries of the United States when
9 making the declaration and who may not have access to a notary. Under the
10 UUFDA, unsworn declarations cannot be used for depositions, oaths of office,
11 oaths related to self-proved wills, declarations recorded under certain real estate
12 statutes and oaths required to be given before specified officials other than a notary.
13 Use of an unsworn declaration, like a sworn declaration, is subject to penalties for
14 perjury, and the UUFDA provides a model form that unsworn declarations must
15 substantially follow.



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

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

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

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

11 **Sec. 4.** *“Boundaries of the United States” means the*
12 *geographic boundaries of the United States, Puerto Rico, the*
13 *United States Virgin Islands and any territory or insular*
14 *possession subject to the jurisdiction of the United States.*

15 **Sec. 5.** *“Law” includes the Constitution of the United States,*
16 *a state constitution, a federal or state statute, a judicial decision or*
17 *order, a rule of court, an executive order and an administrative*
18 *rule, regulation or order.*

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

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

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

27 **Sec. 8.** *“State” means a state of the United States, the*
28 *District of Columbia, Puerto Rico, the United States Virgin*
29 *Islands or any territory or insular possession subject to the*
30 *jurisdiction of the United States.*

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

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

37 **Sec. 11.** *The provisions of sections 2 to 16, inclusive, of this*
38 *act apply to an unsworn declaration by a declarant who at the time*
39 *of making the declaration is physically located outside the*
40 *boundaries of the United States, whether or not the location is*



1 *subject to the jurisdiction of the United States. Sections 2 to 16,*
2 *inclusive, of this act do not apply to a declaration by a declarant*
3 *who is physically located on property that is within the boundaries*
4 *of the United States and subject to the jurisdiction of another*
5 *country or a federally recognized Indian tribe.*

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

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

13 (a) *A deposition;*

14 (b) *An oath of office;*

15 (c) *An oath required to be given before a specified official*
16 *other than a notary public;*

17 (d) *A document intended to be recorded pursuant to chapter*
18 *III of NRS; or*

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

21 **Sec. 13.** *If a law of this State requires that a sworn*
22 *declaration be presented in a particular medium, an unsworn*
23 *declaration must be presented in that medium.*

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

26
27 *I declare under penalty of perjury under the law of the*
28 *State of Nevada that the foregoing is true and correct, and*
29 *that I am physically located outside the geographic*
30 *boundaries of the United States, Puerto Rico, the United*
31 *States Virgin Islands and any territory or insular possession*
32 *subject to the jurisdiction of the United States.*

33
34 *Executed on the ____ (date) day of _____ (month),*
35 *_____ (year), at _____ (city or*
36 *other location and state), _____(country).*

37
38 _____
39 (printed name)

40
41 _____
42 (signature)

43 **Sec. 15.** *In applying and construing sections 2 to 16,*
44 *inclusive, of this act, consideration must be given to the need to*



1 *promote uniformity of the law with respect to its subject matter*
2 *among states that enact it.*

3 **Sec. 16.** *The provisions of sections 2 to 16, inclusive, of this*
4 *act modify, limit and supersede the federal Electronic Signatures*
5 *in Global and National Commerce Act, 15 U.S.C. §§ 7001, et seq.,*
6 *but do not modify, limit or supersede Section 101(c) of that Act, 15*
7 *U.S.C. § 7001(c), or authorize electronic delivery of any of the*
8 *notices described in Section 103(b) of that Act, 15 U.S.C. §*
9 *7003(b).*

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

11 53.045 Any matter whose existence or truth may be established
12 by an affidavit or other sworn declaration may be established with
13 the same effect by an unsworn declaration of its existence or truth
14 signed by the declarant under penalty of perjury, and dated, in
15 substantially the following form:

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

18
19 Executed on
20 (date) (signature)

21
22 2. ~~##~~ *Except as otherwise provided in sections 2 to 16,*
23 *inclusive, of this act, if* executed outside this State: "I declare under
24 penalty of perjury under the law of the State of Nevada that the
25 foregoing is true and correct."

26
27 Executed on
28 (date) (signature)

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

30 116.645 1. The Administrator may adopt regulations which
31 establish procedures for the Division to conduct business
32 electronically pursuant to title 59 of NRS with persons who are
33 regulated pursuant to this chapter and with any other persons with
34 whom the Division conducts business. The regulations may include,
35 without limitation, the establishment of fees to pay the costs of
36 conducting business electronically with the Division.

37 2. In addition to the process authorized by NRS 719.280, if the
38 Division is conducting the business electronically with a person and a
39 law requires a signature or record to be notarized, acknowledged,
40 verified or made under oath, the Division may allow the person to
41 substitute a declaration that complies with the provisions of NRS
42 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
43 requirement.



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

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

5 116A.250 1. The Administrator may adopt regulations which
6 establish procedures for the Division to conduct business
7 electronically pursuant to title 59 of NRS with persons who are
8 regulated pursuant to this chapter and with any other persons with
9 whom the Division conducts business. The regulations may include,
10 without limitation, the establishment of fees to pay the costs of
11 conducting business electronically with the Division.

12 2. In addition to the process authorized by NRS 719.280, if the
13 Division is conducting business electronically with a person and a
14 law requires a signature or record to be notarized, acknowledged,
15 verified or made under oath, the Division may allow the person to
16 substitute a declaration that complies with the provisions of NRS
17 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
18 requirement.

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

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

23 116B.830 1. The Administrator may adopt regulations which
24 establish procedures for the Division to conduct business
25 electronically pursuant to title 59 of NRS with persons who are
26 regulated pursuant to this chapter and with any other persons with
27 whom the Division conducts business. The regulations may include,
28 without limitation, the establishment of fees to pay the costs of
29 conducting business electronically with the Division.

30 2. In addition to the process authorized by NRS 719.280, if the
31 Division is conducting business electronically with a person and a
32 law requires a signature or record to be notarized, acknowledged,
33 verified or made under oath, the Division may allow the person to
34 substitute a declaration that complies with the provisions of NRS
35 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
36 requirement.

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

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

41 119.115 1. The Administrator may adopt regulations which
42 establish procedures for the Division to conduct business
43 electronically pursuant to title 59 of NRS with persons who are
44 regulated pursuant to this chapter and with any other persons with
45 whom the Division conducts business. The regulations may include,



1 without limitation, the establishment of fees to pay the costs of
2 conducting business electronically with the Division.

3 2. In addition to the process authorized by NRS 719.280, if the
4 Division is conducting business electronically with a person and a
5 law requires a signature or record to be notarized, acknowledged,
6 verified or made under oath, the Division may allow the person to
7 substitute a declaration that complies with the provisions of NRS
8 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
9 requirement.

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

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

14 119A.195 1. The Administrator may adopt regulations which
15 establish procedures for the Division to conduct business
16 electronically pursuant to title 59 of NRS with persons who are
17 regulated pursuant to this chapter and with any other persons with
18 whom the Division conducts business. The regulations may include,
19 without limitation, the establishment of fees to pay the costs of
20 conducting business electronically with the Division.

21 2. In addition to the process authorized by NRS 719.280, if the
22 Division is conducting business electronically with a person and a
23 law requires a signature or record to be notarized, acknowledged,
24 verified or made under oath, the Division may allow the person to
25 substitute a declaration that complies with the provisions of NRS
26 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
27 requirement.

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

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

32 119B.115 1. The Administrator may adopt regulations which
33 establish procedures for the Division to conduct business
34 electronically pursuant to title 59 of NRS with persons who are
35 regulated pursuant to this chapter and with any other persons with
36 whom the Division conducts business. The regulations may include,
37 without limitation, the establishment of fees to pay the costs of
38 conducting business electronically with the Division.

39 2. In addition to the process authorized by NRS 719.280, if the
40 Division is conducting business electronically with a person and a
41 law requires a signature or record to be notarized, acknowledged,
42 verified or made under oath, the Division may allow the person to
43 substitute a declaration that complies with the provisions of NRS
44 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
45 requirement.



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

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

5 232.547 1. A division, office, authority, commission, board
6 or other entity set forth in NRS 232.510 may adopt regulations to
7 establish procedures to conduct business electronically with persons
8 who have business with that division, office, authority, commission,
9 board or other entity. The regulations may include, without
10 limitation, the establishment of fees to cover the costs to the
11 division, office, authority, commission, board or other entity of
12 conducting business electronically.

13 2. Notwithstanding any other provision, if a division, office,
14 authority, commission, board or other entity adopts regulations to
15 conduct business electronically pursuant to subsection 1, the
16 division, office, authority, commission, board or other entity may
17 provide that a declaration made pursuant to NRS 53.045 *or sections*
18 *2 to 16, inclusive, of this act* may satisfy the requirement that a
19 signature or statement be notarized, acknowledged, verified or made
20 under oath.

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

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

26 645.191 1. The Administrator may adopt regulations which
27 establish procedures for the Division to conduct business
28 electronically pursuant to title 59 of NRS with persons who are
29 regulated pursuant to this chapter and with any other persons with
30 whom the Division conducts business. The regulations may include,
31 without limitation, the establishment of fees to pay the costs of
32 conducting business electronically with the Division.

33 2. In addition to the process authorized by NRS 719.280, if the
34 Division is conducting business electronically with a person and a
35 law requires a signature or record to be notarized, acknowledged,
36 verified or made under oath, the Division may allow the person to
37 substitute a declaration that complies with the provisions of NRS
38 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
39 requirement.

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

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

44 645C.175 1. The Administrator may adopt regulations which
45 establish procedures for the Division to conduct business



1 electronically pursuant to title 59 of NRS with persons who are
2 regulated pursuant to this chapter and with any other persons with
3 whom the Division conducts business. The regulations may include,
4 without limitation, the establishment of fees to pay the costs of
5 conducting business electronically with the Division.

6 2. In addition to the process authorized by NRS 719.280, if the
7 Division is conducting business electronically with a person and a
8 law requires a signature or record to be notarized, acknowledged,
9 verified or made under oath, the Division may allow the person to
10 substitute a declaration that complies with the provisions of NRS
11 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
12 requirement.

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

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

17 645D.125 1. The Administrator may adopt regulations which
18 establish procedures for the Division to conduct business
19 electronically pursuant to title 59 of NRS with persons who are
20 regulated pursuant to this chapter and with any other persons with
21 whom the Division conducts business. The regulations may include,
22 without limitation, the establishment of fees to pay the costs of
23 conducting business electronically with the Division.

24 2. In addition to the process authorized by NRS 719.280, if the
25 Division is conducting business electronically with a person and a
26 law requires a signature or record to be notarized, acknowledged,
27 verified or made under oath, the Division may allow the person to
28 substitute a declaration that complies with the provisions of NRS
29 53.045 *or sections 2 to 16, inclusive, of this act* to satisfy the legal
30 requirement.

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

