

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1109
(Judiciary Committee)
(At the request of the Commission on Uniform State Laws)

AN ACT to create and enact chapter 31-15 of the North Dakota Century Code, relating to the Uniform Unsworn Domestic Declarations Act; and to amend and reenact subsection 4 of section 12.1-11-01 of the North Dakota Century Code, relating to the crime of perjury.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 12.1-11-01 of the North Dakota Century Code is amended and reenacted as follows:

4. For purposes of this section, "false statement under oath or equivalent affirmation" includes a writing made in accordance with chapter chapters 31-14 and 31-15.

SECTION 2. Chapter 31-15 of the North Dakota Century Code is created and enacted as follows:

31-15-01. Definitions.

In this chapter:

1. "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.
2. "Law" includes a statute, judicial decision or order, rule of court, executive order, and administrative rule, regulation, or order.
3. "Record" means information inscribed on a tangible medium or stored in an electronic or other medium and which is retrievable in perceivable form.
4. "Sign" means with present intent to authenticate 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" means a declaration in a signed record given under oath. The term includes a sworn statement, verification, certificate, and affidavit.
6. "Unsworn declaration" means a declaration in a signed record not given under oath but given under penalty of perjury.

31-15-02. Applicability.

This chapter 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.

31-15-03. Validity of unsworn declaration.

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:
- 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 for recording in the real estate records in the office of county recorder; or
 - e. An oath required by section 30.1-08-04.

31-15-04. Required medium.

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

31-15-05. Form of unsworn declaration.

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

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

Signed _____ on the _____ day of _____, _____ at
(month) (year)

(city or other location, and state) (country)

(printed name)

(signature)

31-15-06. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supercedes the Electronic Signatures in Global and National Commerce Act [15 U.S.C. 7001 et seq.] but does 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)].

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1109.

House Vote: Yeas 88 Nays 0 Absent 6

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State