

AMENDMENTS TO SENATE BILL NO. 1097

Sponsor: SENATOR DiSANTO

Printer's No. 1598

1 Amend Bill, page 1, line 1, by striking out "Title" and
2 inserting

3 Titles 42 (Judiciary and Judicial Procedure)and

4 Amend Bill, page 1, line 2, by inserting after "Statutes,"
5 in Uniform Unsworn Foreign Declarations Act, further providing
6 for heading of chapter, for short title of chapter, for
7 definitions, for applicability and for form of unsworn
8 declaration, and,

9 Amend Bill, page 1, lines 10 and 11, by striking out all of
10 said lines and inserting

11 Section 1. Chapter 62 heading and sections 6201, 6202, 6203
12 and 6206 of Title 42 of the Pennsylvania Consolidated Statutes
13 are amended to read:

CHAPTER 62

UNIFORM UNSWORN [FOREIGN]

DECLARATIONS ACT

17 § 6201. Short title of chapter.

18 This chapter shall be known and may be cited as the Uniform
19 Unsworn [Foreign] Declarations Act.

20 § 6202. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 ["Boundaries of the United States." The geographic
25 boundaries of the United States, Puerto Rico, the Virgin Islands
26 and any territory or insular possession subject to the
27 jurisdiction of the United States.]

28 "Law." Includes [the Federal or a state constitution, a
29 Federal or state] a statute, [a] judicial decision or order, [a]
30 rule of court, [an] executive order and [an] administrative
31 rule, regulation or order.

32 "Record." Information that is inscribed on a tangible medium
33 or that is stored in an electronic or other medium and is
34 retrievable in perceivable form.

35 "Sign." With present intent to authenticate or adopt a

1 record:

2 (1) to execute or adopt a tangible symbol; or

3 (2) to attach to or logically associate with the record

4 an electronic symbol, sound or process.

5 ["State." A state of the United States, the District of

6 Columbia, Puerto Rico, the Virgin Islands or any territory or

7 insular possession subject to the jurisdiction of the United

8 States.]

9 "Sworn declaration." A declaration in a signed record given

10 under oath. The term includes a sworn statement, verification,

11 certificate and affidavit.

12 "Unsworn declaration." A declaration in a signed record

13 [that is] not given under oath but [is] given under penalty of

14 perjury.

15 § 6203. Applicability.

16 This chapter applies to an unsworn declaration by a declarant

17 who at the time of making the declaration is physically located

18 within or outside the boundaries of the United States whether or

19 not the location is subject to the jurisdiction of the United

20 States. [This chapter does not apply to a declaration by a

21 declarant who is physically located on property that is within

22 the boundaries of the United States and subject to the

23 jurisdiction of another country or a federally recognized Indian

24 tribe.]

25 § 6206. Form of unsworn declaration.

26 An unsworn declaration under this chapter must be in

27 substantially the following form:

28 I declare under penalty of perjury under the law of the

29 Commonwealth of Pennsylvania that the foregoing is true

30 and correct.[, and that I am physically located outside

31 the geographic boundaries of the United States, Puerto

32 Rico, the Virgin Islands and any territory or insular

33 possession subject to the jurisdiction of the United

34 States.

35 Executed] Signed on the.....day of.....,.....,

36 at.....,

37 (date).....(month).....(year).....

38 (city] county or other location, and state).....

39

40 (country).....

41 (printed name).....

42 (signature).....

43 Section 2. Section 304 of Title 57 is amended by adding a

44 subsection to read:

45 Amend Bill, page 1, line 14, by striking out "notary public"

46 and inserting

47 notarial officer

48 Amend Bill, page 1, line 17, by striking out "2" and

1 inserting
2 3
3 Amend Bill, page 1, line 19, by striking out "Definitions.--
4 Terms are defined in subsection (j)." and inserting
5 (Reserved).
6 Amend Bill, page 2, line 27, by striking out the period after
7 "act" and inserting
8 , including all interactions between the notary public
9 and the remotely located individual.
10 Amend Bill, page 6, line 26, by striking out "3" and
11 inserting
12 4
13 Amend Bill, page 7, lines 7 through 12, by striking out all
14 of said lines and inserting
15 Section 5. Upon the effective date of this section, the
16 Department of State shall immediately authorize a notary public
17 to conduct notarial acts in the manner authorized by 57 Pa.C.S.
18 § 314.1, provided the notary gives notice to the department as
19 required by 57 Pa.C.S. § 314.1(g)(1) and uses a communication
20 and identity proofing technology designated in the department's
21 March 25, 2020 notice of the limited suspension of the
22 requirements of 57 Pa.C.S. § 306, or that is designated in a
23 list of additional acceptable technologies subsequently adopted
24 by the department. A notary public may use any other technology
25 within 30 days of giving notice as required by 57 Pa.C.S. §
26 314.1(g)(1), unless the department for good cause prohibits the
27 use of the technology for failure to satisfy the requirements of
28 57 Pa.C.S. § 314.1 or determines that use of the technology
29 should be delayed pending an evaluation of the technology. This
30 section shall expire upon the adoption of regulations by the
31 department as required by 57 Pa.C.S. § 314.1(h)(2).
32 Section 6. This act shall take effect immediately.