# I.R.C.P. 28.e.2. Definitions.

Idaho Rules of Civil Procedure Rule 28(e)(2). Definitions.

In this rule:

(a) "Boundaries of the United States" means the geographic boundaries of the United States, PuertoRico, the United States Virgin Islands, and any territory or insular possession subject to thejurisdiction of the United States.

(b) "Law" includes the federal or a state constitution, a federal or state statute, a judicial decision ororder, a rule of court, 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 anelectronic or other medium and is retrievable in perceivable form.

(d) "Sign" means, with present intent to authenticate or adopt a record:

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

(2) to attach to or logically associate with the record an electronic symbol, sound, orprocess.

(e) "State" means a state of the United States, the District of Columbia, Puerto Rico, the UnitedStates Virgin Islands, or any territory or insular possession subject to the jurisdiction of the UnitedStates.

(f) "Sworn declaration" means a declaration in a signed record given under oath. The term includes asworn statement, verification, certificate, and affidavit.

(g) "Unsworn declaration" means a declaration in a signed record that is not given under oath, but isgiven under penalty of perjury.

Comment:

1. The District of Columbia is included in the definition of"boundaries of the United States" to

eliminate any potential ambiguity.

2. The definition of"law" is drafted in an open-ended manner to give it the widest possible application. The term is not ordinarily defined in uniform acts but in this context it is important that judges applying the act be in no doubt about its breadth. The wording is taken from the definition contained in the Revised Model State Administrative Procedure Act.

3. A "record" includes information that is in intangible form (e.g., electronically stored) as well as tangible form (e.g., written on paper). It is consistent with the Uniform Electronic Transactions Act and the federal Electronic Signatures in. Global and National Commerce Act (15 U.S.C. § 7001 et seq.).

4. The definition of "sign" is broad enough to cover any writing containing a traditional signature and any record containing an electronic signature. It is consistent with the Uniform Electronic Transactions Act and the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7001 et seq.).

(Amended January 8, 1976, effective March 1, 1976; am. July 2, 1976, effective October 1, 1976; amended March 23, 1983, effective July 1, 1983; amended June 15, 1987, June 17, 1987, effective July 1, 1987, April 29, 2013, effective July 1, 2013.)

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