

**HB 2425 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Bonham

**House Committee On Business and Labor**

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**Action Date:** 02/18/19

**Action:** Do Pass.

**Vote:** 9-0-2-0

**Yeas:** 9 - Barker, Bonham, Boshart Davis, Bynum, Clem, Doherty, Evans, Fahey, Holvey

**Exc:** 2 - Barreto, Boles

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Jan Nordlund, LPRO Analyst

**Meeting Dates:** 2/11, 2/18

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**WHAT THE MEASURE DOES:**

Allows county clerk to record electronic record or record bearing electronic signature.

**ISSUES DISCUSSED:**

- Desire for express statutory authority to record documents containing electronic signatures
- Oregon's Uniform Electronic Transactions Act
- Concern that borrowers/purchasers do not receive paper copies of transaction

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Oregon's Uniform Electronic Transactions Act (ORS 84.001 to 84.061) governs which type of documents can be electronically signed. Even though clerks are currently authorized to record documents that are presented as electronic images or by electronic means, there are different interpretations as to whether records containing electronic signatures can be recorded with a county clerk. The person presenting the instruments must certify that the instruments contain the original signatures of the persons executing the instrument and the original signature of the notary. The statutes, however, do not define "original signature."

House Bill 2425 provides a definition for "original signature" that includes an electronic signature.