

HB 2425 A STAFF MEASURE SUMMARY

Carrier: Sen. Bentz

Senate Committee On Judiciary

Action Date: 05/01/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 4/25, 5/1

WHAT THE MEASURE DOES:

Allows county clerk to accept electronic signatures or records bearing electronic signatures for recording. Defines terms. Allows county clerks to collect fee for electronic delivery of images of records requested by private party.

ISSUES DISCUSSED:

- Electronic signatures allowed by statute
- Confusion at county level when recording trust deeds
- Current statute requires original signature on instruments
- Not clear whether a properly authenticated electronic signature is an original signature
- Process for proving signature
- Effect of amendment

EFFECT OF AMENDMENT:

Allows county clerks to collect fee for electronic delivery of images of records requested by private party.

BACKGROUND:

Current Oregon law requires that instruments conveying an interest in real property contain the original signature of the persons executing the instrument and the officer before whom the acknowledgement of the instrument was made. County clerks may record a certified copy of the instrument if recording is authorized by law and the instrument contains the original certification of the certifying officer. County clerks can also record electronic images, but the statute is not clear on what is required for original signatures in regards to recording electronic documents.

House Bill 2425 A includes electronic signatures within the definition of original signatures and clarifies the process for a county clerk to record instruments through electronic means. The measure also allows a county clerk to charge the same collection fee for electronic delivery of images of records as for hard copy of records.