

HB 2952 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/19

WHAT THE MEASURE DOES:

The measure requires certificates of a notarial acts to include the type of document subject to the act, the number of document pages, and the title of the person for whom the act is performed. The measure adds the parcel identification number and names and commission number of notaries public to the list of information required in the indirect general index kept by the county clerks and requires the parcel identification number to be on the first page of an instrument presented to a county clerk that conveys or establishes an interest in real estate. It allows a county clerk to refuse to accept a document that has characteristics suggesting it may be fraudulent. The measure applies to notarial acts performed on or after January 1, 2026.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A notary public is an individual commissioned to perform a notarial act by the Secretary of State, including taking an acknowledgment; administering an oath or affirmation; taking a verification on oath or affirmation; witnessing or attesting a signature; certifying or attesting a copy; and making, noting, or recording a protest of a negotiable instrument.

A certificate of a notarial act provides information on the notarization itself. Every properly completed notarization must include a certificate, either on the document itself or as a separate but attached document. Oregon law specifies the minimum requirements for notary certificates, including the venue, details of the notarial act, signer, and date.

County clerks record documents that affect title to real property. When a document is received for recording, it is checked for compliance with Oregon recording statutes. As a document is recorded, an index is created, and the image is scanned for document retrieval.

The first page of a document submitted for recording must contain the names of the transactions, names of the parties, name of person for returning the document, the true and actual consideration paid for documents conveying or contracting to convey fee title, name and address for where tax statements should be sent, and lien amount for instruments recorded in the County Clerk Lien Record. Where an instrument presented for recording does not comply with the requirements, a county clerk is authorized to charge and collect a \$20 penalty.