

House Bill 2388

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act allows land owners to create easements for themselves over their own land. (Flesch Readability Score: 67.5).

Allows for the creation of an easement over an owner's property for the benefit of the owner by declaration of the owner.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to easements; creating new provisions; amending ORS 105.170; and declaring an emergency.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 93.**

4 **SECTION 2. An easement may be created by an instrument in which the owner of the**
5 **land burdened by the easement is also the owner of the easement. Such an easement:**

6 **(1) Is effective upon recording, unless otherwise specified in the instrument;**

7 **(2) May not be considered void, voidable or terminated due to the operation of merger**
8 **at the time of creation or at a later time; and**

9 **(3) May be conveyed as any other easement.**

10 **SECTION 3. ORS 105.170 is amended to read:**

11 105.170. For purposes of ORS 105.170 to 105.185:

12 (1) "Easement" means:

13 **(a) A nonpossessory interest in the land of another which entitles the holders of an interest in**
14 **the easement to a private right of way, embodying the right to pass across another's land; or**

15 **(b) An easement created under section 2 of this 2025 Act.**

16 (2) "Holders of an interest in an easement" means those with a legal right to use the easement,
17 including the owner of the land across which the easement passes if the owner of the land has the
18 legal right to use the easement.

19 **SECTION 4. This 2025 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
21 **on its passage.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.