

# House Bill 2085

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Secretary of State Bill Bradbury)

## 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**.

Modifies list of documents upon which notarial officer may rely in identifying person.

## A BILL FOR AN ACT

1 Relating to notaries public; creating new provisions; and amending ORS 194.515.

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

3 **SECTION 1.** ORS 194.515 is amended to read:

4 194.515. (1) In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

5 (2) In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

6 (3) In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

7 (4) In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true and accurate transcription or reproduction of that which was copied.

8 (5) In making or noting a protest of a negotiable instrument a notarial officer must determine the matters set forth in ORS 73.0505.

9 (6) A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person:

10 (a) Is personally known to the notarial officer;

11 (b) Is identified upon the oath or affirmation of a credible witness personally known to the notarial officer; or

12 (c) Is identified on the basis of identification documents.

13 (7) For purposes of this section, "personally known" means familiarity with a person resulting from interactions with that person over a period of time sufficient to eliminate every reasonable doubt that the person has the identity claimed.

14 (8) For purposes of subsection (6)(c) of this section, a notarial officer has satisfactory evidence upon which to identify a person if **the person:**

15 **(a) Produces a current driver license or current identity card issued by any state;**

16 **(b) Produces a current United States passport or a current officially recognized passport**

**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.

1 **of a foreign country;**

2 **(c) Produces a current United States military identification card;**

3 **(d) Produces a current identity card issued by a federally recognized Indian tribe;**

4 [(a)] **(e) [The person] Produces at least one current document, other than a document de-**  
5 **scribed in paragraphs (a) to (d) of this subsection,** issued by the federal government or a state,  
6 county, municipal or other local government and containing the person's photograph, signature and  
7 physical description;

8 [(b) *The person produces at least two current documents, each issued by an institution, a business*  
9 *entity, the federal government or a state, county, municipal or other local government and each con-*  
10 *taining the person's signature;]* or

11 [(c)] **(f) [The person] Is confined in a correctional facility and has been positively identified**  
12 **through examination or comparison of official government documents or records.**

13 [(9) *If a notarial officer is also an employee of a financial institution, as defined in ORS 706.008,*  
14 *and the person to be identified is a customer of the financial institution, one of the two current docu-*  
15 *ments required under subsection (8)(b) of this section may be a signature card signed by the customer*  
16 *and held by the financial institution in connection with the financial institution's transactions with the*  
17 *customer.*]

18 **SECTION 2. The amendments to ORS 194.515 by section 1 of this 2009 Act apply to iden-**  
19 **tification documents provided to or relied upon by a notarial officer on or after the effective**  
20 **date of this 2009 Act.**