

House Bill 2746

Sponsored by Representative ESQUIVEL; Representatives BOONE, BUCKLEY, D EDWARDS, GARRARD, GILMAN, JENSON, KOMP, G SMITH, SPRENGER, WHISNANT

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**.

Requires escrow agent to arrange for interpreter services at closing of real estate transaction for single family dwelling if principal is non-English-speaking individual.

A BILL FOR AN ACT

1
2 Relating to use of interpreters in real estate transactions.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 696.505 to**
5 **696.590.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Interpreter" means an individual who is fluent in the primary language of a non-**
8 **English-speaking individual and, on the date that a real estate transaction closes:**

9 (A) **Is certified under the program described in ORS 45.291; or**

10 (B) **Has previously served as a qualified interpreter under ORS 45.275.**

11 (b) **"Non-English-speaking individual" means an individual who is unable to readily un-**
12 **derstand or communicate in the English language because of a disability or a non-English-**
13 **speaking cultural background.**

14 (2) **An escrow agent who is responsible for conducting or overseeing the closing of a real**
15 **estate transaction involving title, or an option for title, to a single family dwelling shall**
16 **communicate with any principals to the transaction who are natural persons and attempt to**
17 **ascertain whether those principals are non-English-speaking individuals. The escrow agent**
18 **must make the communication at least three days before the day on which the closing is**
19 **scheduled to occur. The communication must be either an in-person meeting or two-way**
20 **telephone conversation with the principal. An escrow agent is not required to communicate**
21 **with a principal under this subsection if:**

22 (a) **The escrow agent has personal knowledge that the principal is readily able to under-**
23 **stand and communicate in the English language; or**

24 (b) **The escrow agent knows that the principal is a non-English-speaking individual and**
25 **knows which language is the principal's primary language.**

26 (3) **Except as provided in subsection (4) of this section, if an escrow agent responsible for**
27 **a transaction described in subsection (2) of this section knows or has reason to believe that**
28 **a principal in a real estate transaction for a single family dwelling is a non-English-speaking**
29 **individual, the escrow agent shall arrange for the services of an interpreter to assist the**
30 **non-English-speaking individual at the time the non-English-speaking individual participates**
31 **in the closing of the transaction.**

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 **(4) The escrow agent is not required to arrange for an interpreter if:**

2 **(a) No interpreter provides services in the county where the closing takes place;**

3 **(b) All interpreters providing services in the county are contacted at least 48 hours be-**
4 **fore the scheduled closing and are unavailable;**

5 **(c) An interpreter fails to appear as scheduled and arranging for a timely replacement**
6 **is impracticable; or**

7 **(d) The escrow agent is notified by or on behalf of the principal that the principal has**
8 **selected and retained an interpreter to provide services at the closing.**

9 **(5) The interpreter may not have any direct or indirect financial interest in the real es-**
10 **tate transaction other than the receipt of a fee for providing interpreter services. The prin-**
11 **cipal receiving the interpreter services is responsible for paying the interpreter. If the**
12 **amount of the interpreter fee is known in advance of the closing, the escrow agent may list**
13 **the fee as a line item in the closing costs paid by the principal. An escrow agent may charge**
14 **the principal a flat fee to cover the cost of arranging for interpreter services, but may not**
15 **receive any compensation from the interpreter.**

16 **(6) An escrow agent is not subject to discipline for, or liable for damages arising out of,**
17 **an error or omission by an interpreter in providing services arranged for by the escrow agent**
18 **under this section. An escrow agent who in good faith arranges for interpreter services that**
19 **a principal does not actually require is not liable to the principal for any resulting costs in-**
20 **curring by the principal.**

21 **SECTION 3.** **Section 2 of this 2009 Act applies to real estate transactions that close 90**
22 **or more days after the effective date of this 2009 Act.**

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