

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 0
<b>Yeas:</b>	Cameron, Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Jan Nordlund, Administrator
<b>Meeting Dates:</b>	3/31, 4/14, 4/20

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**WHAT THE MEASURE DOES:** Allows county clerk to record instrument that is presented as an electronic image or by electronic means. Requires person presenting instrument for recording to certify that it contains original signature or that instrument from which electronic image was made contains original signature. Allows county clerk to enter into contract to receive instruments as electronic images or by electronic means with contractor who presents the instruments on behalf of others. Applies to documents recorded or presented for recording before, on, or after the effective date. Declares an emergency, effective on passage.

**ISSUES DISCUSSED:**

- Desire to record real estate transactions electronically
- Jackson County's use of electronic filing and court challenge
- No change in how documents are acknowledged, notarized

**EFFECT OF COMMITTEE AMENDMENT:** Replaces original measure.

**BACKGROUND:** An electronic signature is defined as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Oregon adopted the Uniform Electronic Transactions Act (UETA) in 2001, but ORS 93.804 prohibits a county clerk from recording documents without an original signature. Jackson County's clerk has been recording electronic documents for a year and was challenged in court. The resulting ruling held that electronic recording is permitted under UETA, but that decision is being appealed. House Bill 3195-A clarifies that electronic recording is permitted, retroactively and going forward.