

REVENUE: No revenue impact**FISCAL: No fiscal impact**

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, George, Monroe, Shields
Nays:	0
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	5/11, 5/25

WHAT THE MEASURE DOES: Authorizes county clerks to record instruments presented as electronic images or by electronic means, including recordings made before the measure's effective date. Allows county clerks to enter into contracts to receive instruments as electronic images or by electronic means with a contractor that presents the instruments on behalf of others. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Intended to improve efficiency by taking advantage of technology
- Conforms statute to current practice in some counties

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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.