

# House Bill 2253

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care for Secretary of State Kate Brown)

## 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**.

Replaces required verified oath for notice of lien for certain nonpossessory chattel liens with self-executing attestation under penalty of perjury.

Replaces duties of Secretary of State with respect to credentialing or signature certification of members of consular corps with credentialing or signature certification of public officials of public bodies within state.

Prohibits Secretary of State from certifying notary signatures on documents regarding allegiance to government, relating to relinquishment or renunciation of citizenship or other relationship to governmental authority, or purporting to claim immunity for bearer from laws of state or nation.

## A BILL FOR AN ACT

1  
2 Relating to substantiating statements; amending ORS 87.242, 192.190 and 194.040.

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

4 **SECTION 1.** ORS 87.242 is amended to read:

5 87.242. (1) A person claiming a lien created by ORS 87.216, 87.222 or 87.232 shall file a written  
6 notice of claim of lien with the recording officer of the county in which the lien debtor resides, or,  
7 if the lien debtor is a business, the county in which the lien debtor has its principal place of busi-  
8 ness, not later than 60 days after the close of the furnishing of the labor, services or materials. A  
9 person claiming a lien created by ORS 87.226 shall file a written notice of claim of lien with the  
10 Secretary of State not later than 75 days after the close of the furnishing of the labor, services or  
11 materials. The Secretary of State shall include a notice of claim of lien that is filed with the secre-  
12 tary under this subsection in the index maintained by the secretary for filing financing statements  
13 pursuant to ORS chapter 79.

14 (2) The notice of claim of lien required under subsection (1) of this section shall be a statement  
15 in writing verified by the *[oath]* **attestation under penalty of perjury** of the lien claimant and must  
16 contain:

17 (a) A true statement of the lien claimant's demand after deducting all credits and offsets;

18 (b) The name of the owner of the chattel to be charged with the lien;

19 (c) A description of the labor, services or materials provided by the lien claimant for the benefit  
20 of the owner of the chattel to be charged with the lien;

21 (d) A description of the chattel to be charged with the lien sufficient for identification;

22 (e) A statement that the amount claimed is a true and bona fide existing debt as of the date of  
23 the filing of notice of claim of lien;

24 (f) The date on which payment was due to the lien claimant for labor, services or materials;

25 (g) The terms of extended payment; and

26 (h) Such other information as the Secretary of State may require for the written notice of claim  
27 of lien created by ORS 87.226.

**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 (3) If the person entitled to a lien under ORS 87.216 to 87.232 does not properly file a notice of  
2 claim of lien within the time required by subsection (1) of this section, the person waives the right  
3 to the lien.

4 **SECTION 2.** ORS 192.190 is amended to read:

5 192.190. (1) **As used in this section, “public official” means any person who is serving the**  
6 **State of Oregon or any of its political subdivisions or any other public body as defined in ORS**  
7 **174.109 as an elected official, appointed official, employee or agent, irrespective of whether**  
8 **the person is compensated for the services.**

9 [(1)] (2) Subject to such rules as the Secretary of State may adopt, the secretary may accept and  
10 file as a public record the credentials of a [*member of the consular corps if that member’s jurisdiction*  
11 *includes the State of Oregon*] **public official.**

12 [(2)] (3) The Secretary of State may certify as to the official character and the genuineness of  
13 the signature of a [*member of the consular corps*] **public official** whose credentials have been ac-  
14 cepted and filed under subsection [(1)] (2) of this section.

15 [(3)] (4) Fees for the filing of credentials and the issuance of certificates under this section shall  
16 be established by the Secretary of State pursuant to ORS 177.130.

17 **SECTION 3.** ORS 194.040 is amended to read:

18 194.040. (1) The Secretary of State shall keep a record of appointment and commission of each  
19 notary public. The Secretary of State may certify as to the term of office of such notary public and  
20 imprint upon all instruments requiring a notarial certificate.

21 **(2) The Secretary of State may not certify a signature of a notary public on a document:**

22 **(a) Regarding allegiance to a government or jurisdiction;**

23 **(b) Relating to the relinquishment or renunciation of citizenship, sovereignty, in itinere**  
24 **status or world service authority; or**

25 **(c) Setting forth or implying a claim of immunity for the bearer from the laws of this**  
26 **state or nation.**

27 [(2)] (3) Full faith and credit shall be given to all protestations, attestations and other instru-  
28 ments of publication of all notaries public appointed under ORS 194.010.

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