

A-Engrossed
House Bill 2321

Ordered by the House April 26
Including House Amendments dated April 26

Sponsored by Representative BARNHART; Representatives CANNON, NATHANSON, READ, J SMITH, Senator DINGFELDER (Pre-session filed.)

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.

[Requires] **Authorizes** public body to send notice by electronic mail if *[public body has person's electronic mail address and person has not made request for mailing of paper copy of notice]* **person enters into agreement with public body to receive notice by electronic mail and certain other conditions are met.**

[Requires that forms used by public bodies that require mailing addresses for purpose of giving notice must include space for electronic mail address.]

A BILL FOR AN ACT

1
2 Relating to electronic mail.

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

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

5 (a) **"Agreement"** has the meaning given that term in ORS 84.004.

6 (b) **"Public body"** has the meaning given that term in ORS 174.109.

7 (2) **A public body may send to a person by electronic mail a notice that a law of this state**
8 **requires the public body to send by regular mail if:**

9 (a) **The law does not expressly prohibit or restrict the use of electronic mail as a means**
10 **by which to deliver the notice;**

11 (b) **The person enters into an agreement with the public body in which the person pro-**
12 **vides the public body with an electronic mail address and affirmatively indicates that the**
13 **public body may use the electronic mail address as a means for sending to the person a no-**
14 **tice required by a law of this state;**

15 (c) **The public body, before entering into an agreement under paragraph (b) of this sub-**
16 **section, provides the person with a statement that, in a clear and conspicuous manner, in-**
17 **forms the person that:**

18 (A) **The public body will use the electronic mail address the person provides as the means**
19 **by which the public body sends to the person a notice required by a law of this state; and**

20 (B) **The person may withdraw the person's agreement to receive the notice by electronic**
21 **mail and may instead elect to receive the notice by regular mail; and**

22 (d) **The person has not withdrawn the agreement the person made under paragraph (b)**
23 **of this subsection.**

24 (3) **A public body, in the statement described in subsection (2)(c) of this section and in**
25 **each notice the public body sends by electronic mail under this section, shall describe a**

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 **method by which a person who has agreed under subsection (2)(b) of this section to receive**
2 **a notice by electronic mail may withdraw the person's agreement.**

3 **(4) A notice sent in accordance with ORS 84.043 (1) and this section to an electronic mail**
4 **address a person has provided under subsection (2) of this section is presumed to have been**
5 **received as provided in ORS 84.043 (2). A person may rebut this presumption only by showing**
6 **that the notice did not enter an information processing system as provided in ORS 84.043**
7 **(2)(a) or that the notice was not in the form described in ORS 84.043 (2)(b).**

8 **(5)(a) Except as otherwise provided in this section, ORS 84.001 to 84.061 apply to a notice**
9 **that a public body sends under this section and to an agreement between a public body and**
10 **a person under this section.**

11 **(b) For purposes of this section, a notice that a public body sends by electronic mail is**
12 **an electronic record as defined in ORS 84.004.**

13