

HOUSE AMENDMENTS TO HOUSE BILL 2321

By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

April 26

1 Delete lines 4 through 13 of the printed bill and insert:

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

3 **“(a) ‘Agreement’ has the meaning given that term in ORS 84.004.**

4 **“(b) ‘Public body’ has the meaning given that term in ORS 174.109.**

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

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

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

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

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

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

21 **“(d) The person has not withdrawn the agreement the person made under paragraph (b)**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

23 **“(3) A public body, in the statement described in subsection (2)(c) of this section and in**
24 **each notice the public body sends by electronic mail under this section, shall describe a**
25 **method by which a person who has agreed under subsection (2)(b) of this section to receive**
26 **a notice by electronic mail may withdraw the person’s agreement.**

27 **“(4) A notice sent in accordance with ORS 84.043 (1) and this section to an electronic**
28 **mail address a person has provided under subsection (2) of this section is presumed to have**
29 **been received as provided in ORS 84.043 (2). A person may rebut this presumption only by**
30 **showing that the notice did not enter an information processing system as provided in ORS**
31 **84.043 (2)(a) or that the notice was not in the form described in ORS 84.043 (2)(b).**

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

35 **“(b) For purposes of this section, a notice that a public body sends by electronic mail is**

1 **an electronic record as defined in ORS 84.004.”.**

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