

Enrolled House Bill 3195

Sponsored by Representative ESQUIVEL

CHAPTER

AN ACT

Relating to electronic records; creating new provisions; amending ORS 93.804 and 93.810; and declaring an emergency.

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

SECTION 1. ORS 93.804 is amended to read:

93.804. (1) Except as provided in [subsection (2)] **subsections (2) and (3)** of this section, [when any] **if an** instrument presented for recording conveys an interest in real property and is required by law to be acknowledged or proved, a county clerk [shall] **may** not record the instrument unless the instrument contains the original signatures of the persons executing the instrument and the original signature of the officer before whom the acknowledgment was made.

(2) A county clerk may record a certified copy of an instrument that conveys an interest in real property [when] **if a law authorizes** [the] recording [of] a certified copy of the instrument [is authorized by law] and the instrument contains the original certification of the certifying officer.

(3) If an instrument that is eligible to be recorded under the laws of this state is presented for recording as an electronic image or by electronic means, a county clerk may record the instrument. If the county clerk records the instrument, the county clerk shall require the person that presents the instrument for recording to certify that the instrument contains the original signatures required under subsection (1) of this section or that the instrument from which the person made the electronic image contains the original signatures required under subsection (1) of this section.

(4) A county clerk may enter into a contract to receive instruments as electronic images or by electronic means with a contractor that presents the instruments for recording on behalf of another person. The contractor or the other person shall certify by electronic means or otherwise that the instrument that the contractor presents for recording, or the instrument from which the electronic image was made, contains the original signatures required under subsection (1) of this section.

SECTION 2. ORS 93.810 is amended to read:

93.810. The following are subjects of validating or curative Acts applicable to this chapter:

- (1) Evidentiary effect and recordation of conveyances before 1854.
- (2) Evidentiary effect and recordation of certified copies of deeds issued by **the** State Land Board [prior to] **before** 1885 where **the** original deed was lost.
- (3) Defective acknowledgments of married women to conveyances [prior to] **before** 1891.
- (4) Foreign instruments executed [prior to] **before** 1903.
- (5) Deeds of married women before 1907, validity; executed under power of attorney and record as evidence.

- (6) Conveyances by reversioners and remainderpersons to life tenant.
- (7) Decrees or judgments affecting lands in more than one county.
- (8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales; sales and deeds of executors, personal representatives, administrators, conservators and guardians; vested rights arising by adverse title; recordation.

(9) Defective acknowledgments.

(10) Title to lands from or through aliens.

(11) An instrument that is presented for recording as an electronic image or by electronic means and that is recorded before the effective date of this 2011 Act.

SECTION 3. Section 4 of this 2011 Act is added to and made a part of ORS chapter 93.

SECTION 4. An instrument that is presented for recording as an electronic image or by electronic means and that a county clerk records before the effective date of this 2011 Act complies with the provisions of ORS 84.001 to 84.061 and 93.804.

SECTION 5. The amendments to ORS 93.804 and 93.810 by sections 1 and 2 of this 2011 Act apply to documents that are recorded or are presented for recording before, on or after the effective date of this 2011 Act.

SECTION 6. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 29, 2011

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 Ramona Kenady Line, Chief Clerk of House

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 Bruce Hanna, Speaker of House

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 Arnie Roblan, Speaker of House

Passed by Senate May 31, 2011

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 Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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 John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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 Kate Brown, Secretary of State