

## HOUSE AMENDMENTS TO HOUSE BILL 3195

By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

April 26

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “93.804  
2 and 93.810; and”.

3 Delete lines 5 through 27.

4 On page 2, delete lines 1 through 9.

5 In line 10, delete “3” and insert “1”.

6 In line 11, delete “subsection (2)” and insert “subsections (2) and (3)”.

7 In lines 15 through 17, delete the boldfaced material.

8 Delete lines 21 through 26 and insert:

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

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

20 “**SECTION 2.** ORS 93.810 is amended to read:

21 “93.810. The following are subjects of validating or curative Acts applicable to this chapter:

22 “(1) Evidentiary effect and recordation of conveyances before 1854.

23 “(2) Evidentiary effect and recordation of certified copies of deeds issued by **the** State Land  
24 Board [*prior to*] **before** 1885 where **the** original deed was lost.

25 “(3) Defective acknowledgments of married women to conveyances [*prior to*] **before** 1891.

26 “(4) Foreign instruments executed [*prior to*] **before** 1903.

27 “(5) Deeds of married women before 1907, validity; executed under power of attorney and record  
28 as evidence.

29 “(6) Conveyances by reversioners and remainderpersons to life tenant.

30 “(7) Decrees or judgments affecting lands in more than one county.

31 “(8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales;  
32 sales and deeds of executors, personal representatives, administrators, conservators and guardians;  
33 vested rights arising by adverse title; recordation.

34 “(9) Defective acknowledgments.

35 “(10) Title to lands from or through aliens.

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

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

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

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

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

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