



Department of Consumer and Business Services

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**Electronic Transmission of Documents
Senate Bill 190 A**

Background: The mission of the Workers' Compensation Board (WCB) is to provide timely and impartial resolution of disputes arising under the workers' compensation and safety laws. Under the current version of ORS 656.726(5), the board members are empowered to make and declare all administrative rules which are reasonably required in the performance of their duties. This includes the rules of practice and procedure related to hearings and board review proceedings.

Historically, WCB's operations and communications have been in paper form. However, increasingly, workers' compensation stakeholders expect to electronically communicate with board staff. Likewise, other state agencies are demanding electronic interfaces and linkages. It is also anticipated in the near future, the Court of Appeals will require WCB to provide appellate files electronically.

Current statutory provisions in chapter 656 (laws relating to workers' compensation and safe employment in Oregon) require physical mailing of filings, notices, and other documents. In addition, current statutory provisions implicitly require original signatures on documents. See *e.g.*, ORS 656.236, 656.283, 656.289, 656.295. While the Oregon Uniform Electronic Transactions Act is available and useful in facilitating electronic records and signatures, as a general matter, it requires the agreement from all parties. 2011 Or Laws ch 242 (HB 2321) likewise allows public bodies to send notices electronically that are statutorily required to be sent by regular mail provided the recipient agrees and electronic notices are not otherwise prohibited by law.

Concept: Senate Bill 190 A would revise ORS 656.726(5) to specifically allow the board members to adopt new rules and/or revise existing rules pertaining to electronic transmission of filings, notices, and other documents under the board's authority. The board would be empowered, through the rulemaking and public hearing process, to define the terms "mailing," "filing" and "signature" to include electronic transmission. As a result, the board would be able to convert the existing paper process into electronic submissions to offer a more efficient option for the parties and their legal representatives, with potential cost savings, and more timely communications.

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