

**Testimony of  
Elliott P. Dale  
OREGON BANKERS ASSOCIATION  
re: Proposed Amendments to ORS 74A.1080**

**February 13, 2013**

I am Elliott Dale, here on behalf of the Oregon Bankers Association. I would like to speak to you briefly in support of House Bill 2590:

This bill would amend ORS 74A.1080, a short section in the Funds Transfers article (Article 4A) of the Uniform Commercial Code (“UCC”) in response to changes in Federal law.

Article 4A provides rules governing commercial wire transfers. UCC Section 108 (ORS 74A.1080 in our code) provides that chapter 74A does not apply to funds transfers where any part of the transfer is governed by the federal Electronic Fund Transfer Act of 1978 (“EFTA”). The federal act was enacted to govern consumer wire transfers. Therefore, current 74A.1080 makes it clear that while commercial wire transfers are generally governed by chapter 74A, any part of a transfer which is governed by the federal EFTA will be outside the scope of and not governed by chapter 74A.

The Dodd-Frank Wall Street Reform and Consumer Protection Act amends the EFTA. Regulations implementing the amendment to the EFTA will become effective this month. Under this amendment, the EFTA will now govern “remittance transfers”. These are electronic funds transfers that are requested by a consumer to a person in a foreign country, where the transfer is initiated by a person or financial institution that provides remittance transfers for consumers in the normal course of its business. Unless amended as provided by House Bill 2590, when EFTA amendment and implementing regulations go into effect, ORS chapter 74A will not govern remittance transfers, even if they are not “electronic fund transfers” and are thus not covered by the federal law. House Bill 2590 provides a necessary change to ensure continuity in Oregon law governing commercial wire transfers.

The Oregon Bankers Association supports the proposed amendments enacted by House Bill 2590.