

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2127**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating  
2 new provisions; amending ORS 311.370;”.

3 Delete lines 5 through 30 and delete page 2 and insert:

4 **“SECTION 1. (1) As used in sections 1 and 2 of this 2015 Act:**

5 **“(a) ‘Authorized agent’ means an agent who is responsible for**  
6 **closing and settlement services in a conveyance.**

7 **“(b) ‘Charges against the real property’ means all ad valorem**  
8 **property taxes, additional taxes and potential additional taxes, fees,**  
9 **interest, penalties, costs and other charges that have been or will be**  
10 **charged or listed during the property tax year on the assessment roll**  
11 **or the tax roll with respect to real property that is the subject of an**  
12 **instrument described in section 2 (1) of this 2015 Act.**

13 **“(c) ‘Closing and settlement services’ means services that are pro-**  
14 **vided by:**

15 **“(A) A licensed escrow agent in a real estate closing escrow within**  
16 **the meaning of ORS 696.505 to 696.590; or**

17 **“(B) An attorney for the benefit of a transferor or a transferee in**  
18 **a conveyance, if, simultaneously with the conveyance, the attorney**  
19 **deposits the unpaid purchase price into the attorney’s client trust ac-**  
20 **count for disbursal pursuant to the written instructions of, or the**  
21 **agreement between, the transferor and transferee.**

22 **“(d) ‘Consideration’ means the amount of cash paid for a**

1 conveyance.

2 “(e) ‘Conveyance’ means the transfer of, or a contract to transfer,  
3 fee title to any real property located in this state to a transferee whose  
4 property is exempt from taxation under ORS 307.040 or 307.090.

5 “(2)(a) Except as provided in subsection (3) of this section, an au-  
6 thorized agent in a conveyance is required to withhold from the con-  
7 sideration payable to the transferor an amount equal to the amount  
8 of charges against the real property as of the date of the conveyance.

9 “(b) Amounts withheld pursuant to this section are held in trust for  
10 the taxing districts within the county in which the real property is  
11 located and shall be paid to the county tax collector before the con-  
12 sideration, net of the amounts withheld, may be paid to the transferor.

13 “(c) An authorized agent may withhold and pay funds to the county  
14 under this section without written instructions from the transferor.

15 “(3) An authorized agent is not required to withhold any amount  
16 under this section if the person who has conveyed or contracted to  
17 convey real property under an instrument described in section 2 (1)  
18 of this 2015 Act has provided to the authorized agent a written decla-  
19 ration of intent to obtain the certificate described in section 2 (1) of  
20 this 2015 Act.

21 **“SECTION 2. (1) Notwithstanding ORS 205.130, a county clerk may**  
22 **not record or cause to be recorded an instrument conveying or con-**  
23 **tracting to convey fee title to real property to an entity whose prop-**  
24 **erty is exempt from taxation under ORS 307.040 or 307.090 unless the**  
25 **instrument is accompanied by a certificate issued by the assessor of**  
26 **the county in which the real property is located attesting that all**  
27 **charges against the real property as of the date of the recording have**  
28 **been paid. An instrument recorded in violation of this section shall**  
29 **be deemed not to have been recorded.**

30 “(2)(a) On or after July 1 of any year, and before the date on which

1 the assessor makes a certificate pursuant to ORS 311.105, a person  
2 seeking to record an instrument described in subsection (1) of this  
3 section shall pay to the tax collector of the county:

4 “(A) If the exact amount of charges against the real property can  
5 be computed by the county assessor, the exact amount.

6 “(B) If the exact amount cannot be computed, an amount equal to  
7 the county assessor’s estimate of the exact amount.

8 “(b) The county assessor shall levy and the tax collector shall col-  
9 lect the exact amount or the county assessor’s estimate of the exact  
10 amount under this subsection.

11 “(c) Payment made pursuant to this subsection may be made less  
12 any discount allowed under ORS 311.505.

13 “(3)(a) If all charges against the real property as of the date of the  
14 recording have been paid, the county assessor shall issue the certif-  
15 icate described in subsection (1) of this section and may not unrea-  
16 sonably withhold delivery of the certificate.

17 “(b) The certificate shall be in a form prescribed by the Department  
18 of Revenue.

19 “(4) Any deficiency in the amount required to be paid under this  
20 section:

21 “(a) Notwithstanding ORS 311.405, is not a lien on the real property  
22 that is the subject of the instrument described in subsection (1) of this  
23 section;

24 “(b) Constitutes a personal debt of the person who has conveyed or  
25 contracted to convey the real property under the instrument described  
26 in subsection (1) of this section; and

27 “(c) Shall be collected as provided by law for the collection of de-  
28 linquent property taxes on personal property.

29 **“SECTION 3.** ORS 311.370 is amended to read:

30 “311.370. (1)(a) For all taxes, penalties and other charges collected by the

1 tax collector under, including, but not limited to, ORS 92.095, 100.110,  
2 285C.050 to 285C.250, 308.260, 308.865, 308A.119, 308A.324, 308A.700 to  
3 308A.733, 311.165, 311.206, 311.229, 311.405 (4) or (5), 311.415, 311.465, 354.690,  
4 358.525, 446.631 and 454.225 **and sections 1 and 2 of this 2015 Act**, the tax  
5 collector shall issue receipts similar in form to the receipts issued on pay-  
6 ment of taxes regularly charged on the tax roll.

7 “(b) The assessor shall enter all assessments of property to which para-  
8 graph (a) of this subsection applies in the assessment roll and shall make  
9 proper entries showing the extension of the taxes in the usual manner and  
10 as though no payment to the tax collector had been made.

11 “(2) Upon receipt [*thereof*], the tax collector shall deposit with the county  
12 treasurer all money collected by the tax collector under subsection (1) of this  
13 section. The county treasurer shall issue to the tax collector duplicate re-  
14 ceipts for the money and shall hold it in a special account in the name of  
15 the tax collector.

16 “(3) Upon delivery of the assessment roll pursuant to ORS 311.115, the tax  
17 collector shall post the payments evidenced by the receipts, and the amount  
18 of any underpayment or overpayment. The tax collector shall then make a  
19 statement to the county treasurer [*which shall specify*] **specifying** the  
20 amount to be retained in the special account to make the refunds required  
21 under subsection (4) of this section. The tax collector shall direct the county  
22 treasurer to transfer the balance in the special account to the unsegregated  
23 tax collections account described in ORS 311.385.

24 “(4) Any sum collected by the tax collector that exceeds the amount ex-  
25 tended on the tax roll as provided in subsection (1)(b) of this section by more  
26 than \$10 shall be refunded to the taxpayer by the county treasurer upon re-  
27 ceiving instructions for doing so from the tax collector. If an amount remains  
28 that cannot be refunded by June 30 of the next calendar year, the tax col-  
29 lector shall instruct the treasurer to transfer the amount to the unsegregated  
30 tax collections account described in ORS 311.385.

1       “(5) If a sum less than the tax charged on the tax roll has been collected,  
2 the deficiency shall be canceled by the tax collector if [*such sum*] **the defi-**  
3 **ciency** is \$10 or less, and the tax collector shall note upon the tax roll op-  
4 posite the appropriate account, ‘Tax deficiency canceled pursuant to ORS  
5 311.370.’ Otherwise, the deficiency shall be collected as provided by law.

6       “(6) If an appeal that is perfected under ORS 311.467 for taxes collected  
7 under ORS 311.465 results in a refund under ORS 311.806, the reimbursement  
8 for the refund to the unsegregated tax collections account shall be made from  
9 the account provided for in subsection (2) of this section.

10       “**SECTION 4. (1) Section 1 of this 2015 Act applies to conveyances**  
11 **of real property that become final on or after the effective date of this**  
12 **2015 Act.**

13       “(2) **Section 2 of this 2015 Act applies to instruments conveying or**  
14 **contracting to convey fee title to real property to an entity whose**  
15 **property is exempt from taxation under ORS 307.040 or 307.090 that are**  
16 **presented to a county clerk for recording on or after the effective date**  
17 **of this 2015 Act.**

18       “**SECTION 5. This 2015 Act takes effect on the 91st day after the**  
19 **date on which the 2015 regular session of the Seventy-eighth Legisla-**  
20 **tive Assembly adjourns sine die.”.**

21

---