

**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 this section:**

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 subsection (2) of this section.**

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) Notwithstanding ORS 205.130, a county clerk may not record
6 or cause to be recorded an instrument conveying or contracting to
7 convey fee title to real property to an entity whose property is exempt
8 from taxation under ORS 307.040 or 307.090 unless the instrument is
9 accompanied by a certificate issued by the assessor of the county in
10 which the real property is located attesting that all charges against
11 the real property as of the date of the recording have been paid.

12 “(3)(a) On or after July 1 of any year, and before the date on which
13 the assessor makes a certificate pursuant to ORS 311.105, a person
14 seeking to record an instrument described in subsection (2) of this
15 section shall pay to the tax collector of the county:

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

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

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

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

25 “(4)(a) Pursuant to written instructions from the transferor, an
26 authorized agent in a conveyance may withhold from the consideration
27 payable to the transferor an amount equal to the amount of charges
28 against the real property as of the date of the conveyance.

29 “(b) Amounts withheld pursuant to this subsection are held in trust
30 for the taxing districts within the county in which the real property

1 is located and shall be paid to the county tax collector before the
2 consideration, net of the amounts withheld, may be paid to the
3 transferor.

4 “(5)(a) If all charges against the real property as of the date of the
5 recording have been paid, the county assessor shall issue the certifi-
6 cate described in subsection (2) of this section and may not unrea-
7 sonably withhold delivery of the certificate.

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

10 “(6) Any deficiency in the amount required to be paid under this
11 section:

12 “(a) Notwithstanding ORS 311.405, is not a lien on the real property
13 that is the subject of the instrument described in subsection (2) of this
14 section;

15 “(b) Constitutes a personal debt of the person who has conveyed or
16 contracted to convey the real property under the instrument described
17 in subsection (2) of this section; and

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

20 “SECTION 2. ORS 311.370 is amended to read:

21 “311.370. (1)(a) For all taxes, penalties and other charges collected by the
22 tax collector under, including, but not limited to, ORS 92.095, 100.110,
23 285C.050 to 285C.250, 308.260, 308.865, 308A.119, 308A.324, 308A.700 to
24 308A.733, 311.165, 311.206, 311.229, 311.405 (4) or (5), 311.415, 311.465, 354.690,
25 358.525, 446.631 and 454.225 **and section 1 of this 2015 Act**, the tax collector
26 shall issue receipts similar in form to the receipts issued on payment of taxes
27 regularly charged on the tax roll.

28 “(b) The assessor shall enter all assessments of property to which para-
29 graph (a) of this subsection applies in the assessment roll and shall make
30 proper entries showing the extension of the taxes in the usual manner and

1 as though no payment to the tax collector had been made.

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

7 “(3) Upon delivery of the assessment roll pursuant to ORS 311.115, the tax
8 collector shall post the payments evidenced by the receipts, and the amount
9 of any underpayment or overpayment. The tax collector shall then make a
10 statement to the county treasurer [*which shall specify*] **specifying** the
11 amount to be retained in the special account to make the refunds required
12 under subsection (4) of this section. The tax collector shall direct the county
13 treasurer to transfer the balance in the special account to the unsegregated
14 tax collections account described in ORS 311.385.

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

22 “(5) If a sum less than the tax charged on the tax roll has been collected,
23 the deficiency shall be canceled by the tax collector if [*such sum*] **the defi-**
24 **ciency** is \$10 or less, and the tax collector shall note upon the tax roll op-
25 posite the appropriate account, ‘Tax deficiency canceled pursuant to ORS
26 311.370.’ Otherwise, the deficiency shall be collected as provided by law.

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

