

HOUSE AMENDMENTS TO HOUSE BILL 4110

By COMMITTEE ON REVENUE

February 17

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “311.411 and”.
- 2 In line 6, after “(1)” insert “(a)”.
- 3 Delete lines 10 through 17 and insert:
- 4 “(b) Notwithstanding paragraph (a) of this subsection, for a taxpayer with a dependent under the
5 age of three at the close of the tax year, the credit allowed under this section shall be in an amount
6 equal to 11 percent of the earned income credit allowable to the individual for the same tax year
7 under section 32 of the Internal Revenue Code.”.
- 8 In lines 18 through 28, restore the bracketed material and delete the boldfaced material.
- 9 On page 2, line 4, restore “(6)” and delete “(7)”.
- 10 In line 7, restore “(7)” and delete “(8)”.
- 11 After line 10, insert:
- 12 “**SECTION 3.** ORS 311.411 is amended to read:
- 13 “311.411. (1) As used in this section:
- 14 “(a) ‘Authorized agent’ means an agent who is responsible for closing and settlement services
15 in a conveyance.
- 16 “(b) ‘Charges against the real property’ means all ad valorem property taxes, additional taxes
17 and potential additional taxes, fees, interest, penalties, costs and other charges that have been or
18 will be charged or listed during the property tax year on the assessment roll or the tax roll with
19 respect to real property that is the subject of an instrument described in subsection (2) of this sec-
20 tion.
- 21 “(c) ‘Closing and settlement services’ means services that are provided by:
- 22 “(A) A licensed escrow agent in a real estate closing escrow within the meaning of ORS 696.505
23 to 696.590; or
- 24 “(B) An attorney for the benefit of a transferor or a transferee in a conveyance, if, simultane-
25 ously with the conveyance, the attorney deposits the unpaid purchase price into the attorney’s client
26 trust account for disbursement pursuant to the written instructions of, or the agreement between, the
27 transferor and transferee.
- 28 “(d) ‘Consideration’ means the amount of cash paid for a conveyance.
- 29 “(e) ‘Conveyance’ means the transfer of, or a contract to transfer, fee title to any real property
30 located in this state to a transferee whose property is exempt from taxation under ORS 307.040 or
31 307.090. **‘Conveyance’ does not include a transfer of fee title of less than an entire parcel of
32 property for state highway, county road or city street purposes.**
- 33 “(2) Notwithstanding ORS 205.130, a county clerk may not record or cause to be recorded an
34 instrument conveying or contracting to convey fee title to real property to an entity whose property
35 is exempt from taxation under ORS 307.040 or 307.090 unless the instrument is accompanied by a

1 certificate issued by the assessor of the county in which the real property is located attesting that
2 all charges against the real property as of the date of the recording have been paid.

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

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

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

10 “(b) The county assessor shall levy and the tax collector shall collect the exact amount or the
11 county assessor’s estimate of the exact amount under this subsection.

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

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

17 “(b) Amounts withheld pursuant to this subsection are held in trust for the taxing districts
18 within the county in which the real property is located and shall be paid to the county tax collector
19 before the consideration, net of the amounts withheld, may be paid to the transferor.

20 “(5)(a) If all charges against the real property as of the date of the recording have been paid,
21 the county assessor shall issue the certificate described in subsection (2) of this section and may
22 not unreasonably withhold delivery of the certificate.

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

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

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

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

29 “(c) Shall be collected as provided by law for the collection of delinquent property taxes on
30 personal property.”.

31 In line 11, delete “3” and insert “4”.

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