

At the request of Oregon State Association of County Assessors

**PROPOSED AMENDMENTS TO
HOUSE BILL 4110**

1 On page 1 of the printed bill, line 2, after “ORS” insert “311.411 and”.

2 On page 2, after line 10, insert:

3 **“SECTION 3.** ORS 311.411 is amended to read:

4 “311.411. (1) As used in this section:

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

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

13 “(c) ‘Closing and settlement services’ means services that are provided by:

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

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

21 “(d) ‘Consideration’ means the amount of cash paid for a conveyance.

1 “(e) ‘Conveyance’ means the transfer of, or a contract to transfer, fee title
2 to any real property located in this state to a transferee whose property is
3 exempt from taxation under ORS 307.040 or 307.090. **‘Conveyance’ does not**
4 **include a transfer of fee title of less than an entire parcel of property**
5 **for state highway, county road or city street purposes.**

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

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

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

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

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

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

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

30 “(b) Amounts withheld pursuant to this subsection are held in trust for

1 the taxing districts within the county in which the real property is located
2 and shall be paid to the county tax collector before the consideration, net
3 of the amounts withheld, may be paid to the transferor.

4 “(5)(a) If all charges against the real property as of the date of the re-
5 cording have been paid, the county assessor shall issue the certificate de-
6 scribed in subsection (2) of this section and may not unreasonably withhold
7 delivery of the certificate.

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

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

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

13 “(b) Constitutes a personal debt of the person who has conveyed or con-
14 tracted to convey the real property under the instrument described in sub-
15 section (2) of this section; and

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

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

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