

House Bill 2425

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor for NW Credit Union Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows county clerk to record electronic record or record bearing electronic signature.

A BILL FOR AN ACT

Relating to recording of documents; amending ORS 93.804.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 93.804 is amended to read:

93.804. (1) **As used in this section:**

(a) **“Instrument” includes an electronic record as defined in ORS 84.004.**

(b) **“Original certification” or “original signature” includes an electronic signature as defined in ORS 84.004.**

[(1)] (2) Except as provided in subsections [(2) and] (3) **and (4)** of this section, if an instrument presented for recording conveys an interest in real property and is required by law to be acknowledged or proved, a county clerk may not record the instrument unless the instrument contains the original signatures of the persons executing the instrument and the original signature of the officer before whom the acknowledgment was made.

[(2)] (3) A county clerk may record a certified copy of an instrument that conveys an interest in real property if a law authorizes recording a certified copy of the instrument and the instrument contains the original certification of the certifying officer.

[(3)] (4) If an instrument that is eligible to be recorded under the laws of this state is presented for recording as an electronic image or by electronic means, a county clerk may record the instrument. If the county clerk records the instrument, the county clerk shall require the person that presents the instrument for recording to certify **by electronic means or otherwise** that the instrument, **or the instrument from which the electronic image was made**, contains the original signatures required under subsection [(1)] (2) of this section [or that the instrument from which the person made the electronic image contains the original signatures required under subsection (1) of this section].

[(4)] (5) A county clerk may enter into a contract to receive instruments as electronic images or by electronic means with a contractor that presents the instruments for recording on behalf of another person. The contractor or the other person shall certify by electronic means or otherwise that the instrument that the contractor presents for recording, or the instrument from which the electronic image was made, contains the original signatures required under subsection [(1)] (2) of this section.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in **boldfaced** type.