

SB 765 STAFF MEASURE SUMMARY

Carrier: Rep. Power

House Committee On Judiciary

Action Date: 05/20/21

Action: Do Pass.

Vote: 8-0-2-0

Yeas: 8 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Power, Wallan

Exc: 2 - Noble, Wilde

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 5/3, 5/5, 5/20

WHAT THE MEASURE DOES:

Makes permanent provisions relating to performance of remote notarial acts enacted on temporary basis in 2020 First Special Session. Allows notary public to perform notarial acts, including taking acknowledgments, administering oaths or affirmations, witnessing or attesting a signature, or certifying or attesting copies of documents, with individuals who are not in the physical presence of the notary. Requires technology that allows simultaneous sight and sound, or appropriate adaptive technologies, between notary and individual. Requires personal knowledge of the identity of the remote individual, a recorded oath or affirmation from a credible witness of the identity of the individual, or identity proofing. Requires notary to make audiovisual recording of the performance of the notarial act and retain the recording for a period of at least 10 years. Requires Secretary of State to establish remote notarization rules. Allows notary public to charge up to \$25 per remote notarial act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Process for remote notarization
- Number of states adopting remote notarization
- Cost to consumers capped
- Validation of documents

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In the First Special Session on 2020, House Bill 4212 made several changes to statutes in response to the coronavirus pandemic. Among them, a proposal from the Oregon Law Commission to allow remote notarization of some documents was allowed on a temporary basis. The sections dealing with remote notarial acts are scheduled to sunset June 30, 2021.

Senate Bill 765 makes permanent the changes in House Bill 4212 as applied to notarial acts.