

HB 2951 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/19

WHAT THE MEASURE DOES:

The measure requires the Secretary of State (SOS) to maintain an online database of notarial acts for notaries public to enter specified information about each act they perform. The database must be accessible by the SOS, clerks of an Oregon court, and notaries public, and its information may be released to other persons by the SOS 30 days after a request or the date the notarial act becomes public record, whichever comes first. The measure requires the database to generate a unique identification number for each act that contains the commission number of the notary public who performed the act, and for that number to be used on a certificate of a notarial act. The measure takes effect on 91st day following adjournment sine die, but the provisions do not become operative until January 1, 2027.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A notary public is an individual commissioned by the Secretary of State (SOS) to perform a notarial act, including taking an acknowledgment; administering an oath or affirmation; taking a verification on oath or affirmation; witnessing or attesting a signature; certifying or attesting a copy; and making, noting, or recording a protest of a negotiable instrument.

All notaries public must keep and maintain one or more journals, which is an accurate log of the notarizations performed and serves to protect the notary. The journal may also be used as evidence in a court of law. The two notarial acts that are required to be recorded in the journal are witnessing a signature and taking an acknowledgment, although the SOS recommends that all notarial acts be recorded in the journal.

If the notary is also a public official or employee, or if the journal resides with the SOS, the notarial journal falls under public records laws. Every other notary is exempt from being required to disclose the journal contents, unless requested by the SOS or under subpoena.

A certificate of a notarial act provides information on the notarization itself. Every properly completed notarization must include a certificate, either on the document itself or as a separate but attached document. Oregon law specifies the minimum requirements for notary certificates, including the venue, details of the notarial act, signer, and date.