

House Bill 2951

Sponsored by Representative NELSON; Senator FREDERICK (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells the SOS to make an online database of notarial acts. The Act tells notaries to put data about acts into the database. (Flesch Readability Score: 65.5).

Directs the Secretary of State to maintain an online database of notarial acts. Requires notaries public to enter information about notarial acts in the database.

Becomes operative on January 1, 2027.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to notarial acts; creating new provisions; amending ORS 194.280 and 194.285; and pre-
3 scribing an effective date.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 194.**

6 **SECTION 2. (1) The Secretary of State shall maintain an online database of notarial acts**
7 **performed by notaries public.**

8 **(2) A notary public shall enter in the database the following information about each**
9 **notarial act performed by the notary public:**

10 **(a) The date and time of the notarial act;**

11 **(b) The full names of each individual for whom the notarial act was performed; and**

12 **(c) The title of any document notarized and the number of pages in the document.**

13 **(3) The database must generate a unique identification number for each notarial act en-**
14 **tered in the database. The number must contain the commission number of the notary public**
15 **who performed the notarial act.**

16 **(4) The database must be accessible by the Secretary of State, clerks of a court of this**
17 **state and notaries public.**

18 **(5) The Secretary of State may release information from the database upon request to a**
19 **person not listed in subsection (4) of this section the earlier of:**

20 **(a) Thirty days after the person requests the information; or**

21 **(b) The date on which a notarial act becomes public record by recordation or otherwise.**

22 **SECTION 3. ORS 194.280 is amended to read:**

23 194.280. (1) A notarial act must be evidenced by a certificate. The certificate must:

24 (a) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be
25 signed in the same manner as on file with the Secretary of State;

26 (b) Identify the jurisdiction in which the notarial act is performed;

27 (c) Contain the title of office of the notarial officer;

28 (d) Contain the name of the person for whom the notarial act is performed; *[and]*

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.

1 (e) If the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's
 2 commission; **and**

3 **(f) Contain the unique identification number for the notarial act generated by the online**
 4 **database of notarial acts created under section 2 of this 2025 Act.**

5 (2) The notarial officer may subsequently correct any information included on or omitted from
 6 the certificate.

7 (3) Except as provided in subsection (8) of this section, if a notarial act regarding a tangible
 8 record is performed by a notary public, an official stamp must be affixed to the certificate. If a
 9 notarial act regarding a tangible record is performed by a notarial officer other than a notary public
 10 and the certificate contains the information specified in subsection (1)(a) to (d) of this section, an
 11 official stamp may be affixed to the certificate. If a notarial act regarding an electronic record is
 12 performed by a notarial officer and the certificate contains the information specified in subsection
 13 (1)(a) to (d) of this section, an official stamp may be attached to or logically associated with the
 14 certificate.

15 (4) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) to
 16 (3) of this section and:

17 (a) Is in a short form set forth in ORS 194.285;

18 (b) Is in a form otherwise permitted by the law of this state;

19 (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was
 20 performed; or

21 (d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the re-
 22 quirements of the notarial act as provided in ORS 194.230, 194.235 and 194.240 or law of this state
 23 other than this chapter.

24 (5) By executing a certificate of a notarial act, a notarial officer certifies that the officer has
 25 complied with the requirements and made the determinations specified in ORS 194.225, 194.230,
 26 194.235 and 194.240.

27 (6) A notarial officer may not affix or attach the officer's signature to, or logically associate it
 28 with, a certificate until the notarial act has been performed.

29 (7) If a notarial act is performed regarding a tangible record, a certificate of a notarial act must
 30 be part of or securely affixed to the record. If a notarial act is performed regarding an electronic
 31 record, the certificate must be attached to or logically associated with the electronic record. If the
 32 Secretary of State by rule has established standards pursuant to ORS 194.360 for affixing, attaching
 33 or logically associating the certificate, the process must conform to the standards.

34 (8) The imprint of the official stamp of a notary public is not required to effectuate a
 35 notarization of a subdivision or partition plat required under ORS 92.010 to 92.192 or a condominium
 36 plat required under ORS 100.115, or any replat, supplement or amendment thereto, if the following
 37 appear below the notary public's signature:

38 (a) The printed name of the notary public;

39 (b) The words "NOTARY PUBLIC - OREGON";

40 (c) The words "COMMISSION NO." immediately followed by the notary public's commission
 41 number; and

42 (d) The words "MY COMMISSION EXPIRES" immediately followed by the date the notary
 43 public's commission expires, expressed in terms of the month, by name not abbreviated, two-digit
 44 date and four-digit year.

45 **SECTION 4.** ORS 194.285 is amended to read:

1 194.285. The following short form certificates of notarial acts are sufficient for the purposes in-
2 dicated, if completed with the information required by ORS 194.280 (1) to (3):

3 _____
4

5 (1) For an acknowledgment in an individual capacity:

6 State of _____

7 County of _____

8
9 This record was acknowledged before me on (date) _____ by (name(s) of individual(s))

10 _____.

11 Signature of notarial officer: _____

12 Stamp (if required):

13 Title of office: _____

14 My commission expires: _____

15 **Notarial Acts Database identification number:** _____

16
17 (2) For an acknowledgment in a representative capacity:

18 State of _____

19 County of _____

20
21 This record was acknowledged before me on (date) _____ by (name(s) of individual(s))
22 _____ as (type of authority, such as officer or trustee) _____ of (name of party
23 on behalf of whom record was executed) _____.

24 Signature of notarial officer: _____

25 Stamp (if required):

26 Title of office: _____

27 My commission expires: _____

28 **Notarial Acts Database identification number:** _____

29
30 (3) For a verification on oath or affirmation:

31 State of _____

32 County of _____

33
34 Signed and sworn to (or affirmed) before me on (date) _____ by (name(s) of individual(s))
35 making statement _____.

36 Signature of notarial officer:

37 Stamp (if required):

38 Title of office: _____

39 My commission expires: _____

40 **Notarial Acts Database identification number:** _____

41
42 (4) For witnessing or attesting a signature:

43 State of _____

44 County of _____

45 Signed (or attested) before me on (date) _____ by (name(s) of individual(s))

1 _____
 2 Signature of notarial officer: _____
 3 Stamp (if required):
 4 Title of office: _____
 5 My commission expires: _____
 6 **Notarial Acts Database identification number:** _____
 7
 8 (5) For certifying or attesting a copy of a record:
 9 State of _____
 10 County of _____
 11 I certify (or attest) that this is a true and correct copy of a record in the possession of
 12 _____
 13 Dated _____
 14 Signature of notarial officer: _____
 15 Stamp (if required):
 16 Title of office: _____
 17 My commission expires: _____
 18 **Notarial Acts Database identification number:** _____
 19 _____
 20

21 **SECTION 5. (1) Section 2 of this 2025 Act and the amendments to ORS 194.280 and 194.285**
 22 **by sections 3 and 4 of this 2025 Act become operative on January 1, 2027.**

23 **(2) The Secretary of State may take any action before the date specified in subsection (1)**
 24 **of this section to enable the secretary, on and after the operative date specified in subsection**
 25 **(1) of this section, to exercise all of the duties, functions and powers conferred on the sec-**
 26 **retary by section 2 of this 2025 Act and the amendments to ORS 194.280 and 194.285 by**
 27 **sections 3 and 4 of this 2025 Act.**

28 **SECTION 6. This 2025 Act takes effect on the 91st day after the date on which the 2025**
 29 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**
 30 _____