

**NOTICE SEEKING PUBLIC COMMENT ON
OUT-OF-CYCLE AMENDMENT OF UTCR 21.090(4)**
(Comment Period Closes at 5:00 pm on September 28, 2020)

I. INTRODUCTION

We are seeking comment on out-of-cycle amendment of Uniform Trial Court Rule (UTCR) 21.090(4). Amendment of 21.090(4) was adopted out-of-cycle by [Chief Justice Order 20-029](#), effective July 21, 2020.

II. HOW TO SUBMIT COMMENTS

You may submit your comments by:

- clicking on the button below, next to each rule
- email (utcr@ojd.state.or.us)
- traditional mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon, 97301-2563)

Please submit your comments so that we receive them by 5:00 p.m. on September 28, 2020. Comments will be reviewed by the UTCR committee at its next meeting on October 2, 2020.

III. OUT-OF-CYCLE CHANGE

For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is show in {**braces, underline, and bold**}.

1. 21.090(4)

EXPLANATION

House Bill (HB) 4212 (2020 1st Special Session) authorized the Secretary of State's office to create a Remote Online Notarization (RON) pilot program. HB 4212, and the Secretary of State's administrative rules governing notaries, allow a notary to use an electronic signature. (OAR 160-100-0030). The amendment to 21.090(4) removes the "printed" signature requirement for notarial signatures, allowing filers to file electronically notarized documents with the court. The amendment allows filers to obtain notarial signatures in a manner that is consistent with social distancing requirements and continues the general trend toward use of electronic signatures.

The amended rule also removes the "imaged" requirement. This amendment clarifies that an electronic signature does not need to be imaged, although it applies regardless of the type of notary signature that is applied. In addition, feedback received from circuit courts indicated that some filers were attempting to electronically file photos of documents. Removing the "imaged" requirement will also ensure that filers understand that all electronically filed documents must be in PDF format, text searchable, and must adequately capture the contents of the document.

AMENDED RULE

21.090 ELECTRONIC SIGNATURES

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(1) * * *

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(4) When a document to be electronically filed [*requires*]{**contains**} the signature of a notary public, the [*notary public shall sign a printed form of the document. The printed*] document [*bearing the original signatures*] must be [*imaged and*] electronically filed in a format that accurately reproduces the [*original*] signatures and contents of the document.

(5) * * *

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