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DIVISION 1

PROCEDURAL RULES

160-001-0000

Notice of Intent to Adopt, Amend or Repeal Rules

Prior to the adoption, amendment or repeal of any rule under ORS Chapters 56, 58, 60, 62, 63, 65, 70, 79, 87, 128, 194, 554, 647 and 648, the Secretary of State shall give notice of the proposed adoption, amendment, or repeal at least 21 days prior to the effective date.

(1) By placing a notice in the Secretary of State's Bulletin referred to in ORS 183.360;

(2) By mailing a copy of the notice to persons on the Division mailing list established pursuant to ORS 183.335(7); and

(3) By mailing a copy of the notice to the following persons and publication for:

- (a) Business Registry:
- (A) The Oregon State Bar;
- (B) Capitol Press Room;
- (C) Associated Press;
- (D) Oregon Bankers Association;
- (E) Department of Revenue;
- (F) Internal Revenue Service;
- (G) McCord;
- (H) Fairchild Record Search;
- (I) Prentice Hall;
- (J) Chairperson of the Executive Committee of the Business Law Section of the Oregon State Bar;
- (K) Chairperson of the Executive Committee of the Patent and Trademark Section of the Oregon State Bar;
- (L) Commerce Clearing House, Inc.;
- (M) CT Corporation System.
- (b) Notary Public:
- (A) Associated Press;
- (B) Capitol Press Room;
- (C) Oregon Bar Association;
- (D) Department of Justice;
- (E) Oregon Bankers Association.
- (c) Uniform Commercial Code:
- (A) Associated Press;
- (B) Capitol Press Room;
- (C) Oregon Bar Association;
- (D) Department of Justice;
- (E) Oregon Bankers Association;
- (F) Department of Revenue;
- (G) Internal Revenue Service;
- (H) Department of Employment;
- (I) McCord Co.;
- (J) Fairchild Record Search;
- (K) Prentice Hall;
- (L) Unisearch.

Stat. Auth.: ORS 56, ORS 58, ORS 60, ORS 62, ORS 63, ORS 65, ORS 68, ORS 70, ORS 128, ORS 183, ORS 554, ORS 647 & ORS 648

Stats. Implemented: ORS 183.335

Hist.: CC 2-1985, f. & ef. 3-6-85; Renumbered from 815-050-0001; PRD 1-1988, f. & cert. ef. 2-5-88; Renumbered from former paragraphs 164-001-0000(3)(b)(A) - (K) & (c)(A) - (M); CC 2-1988, f. 9-28-88, cert. ef. 10-3-88; CORP 1-1991, f. & cert. ef. 1-22-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

Stat. Auth.: ORS 56, ORS 58, ORS 60, ORS 62, ORS 63, ORS 65, ORS 68, ORS 70, ORS 128, ORS 183, ORS 554, ORS 647 & ORS 648

Stats. Implemented: ORS 183.335

- (a) Associated Press;
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- (C) Oregon Bar Association;
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- (K) Prentice Hall;
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Stat. Auth.: ORS 56, ORS 58, ORS 60, ORS 62, ORS 63, ORS 65, ORS 68, ORS 70, ORS 128, ORS 183, ORS 554, ORS 647 & ORS 648

Stats. Implemented: ORS 183.335

Hist.: CC 2-1985, f. & ef. 3-6-85; Renumbered from 815-050-0001; PRD 1-1988, f. & cert. ef. 2-5-88; Renumbered from former paragraphs 164-001-0000(3)(b)(A) - (K) & (c)(A) - (M); CC 2-1988, f. 9-28-88, cert. ef. 10-3-88; CORP 1-1991, f. & cert. ef. 1-22-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-001-0005

Model Rules of Procedure

The Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures

Act effective November 4, 1993, are adopted as the rules of procedure for the Corporation Division of the Secretary of State's office.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.341

Hist.: CC 1-1988, f. & cert. ef. 8-12-88; CORP 3-1990, f. & cert. ef. 12-5-90;

CORP 3-1991, f. & cert. ef. 12-6-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

DIVISION 5

FEES AND REFUNDS

160-005-0005

Fees For Records

(1) This rule establishes fees for copies of or access to Business Registry records.

(2) The fee for computer screen printouts is \$1 per entity.

(3) Fees for special computer searches are as follows:

(a) Customized searches:

(A) Associated Name Search (30 names) — \$50;

(B) SIC Code Search (30 numbers) — \$50;

(C) Zip Code Search (30 numbers) — \$50;

(D) Searches requiring additional programming and/or multiple reports \$25 per hour.

(b) Tape (per data set) — \$200;

(c) Active, inactive and history (tape) — \$300;

(d) New business subscription:

(A) Paper:

(i) Per month — \$15;

(ii) Per year — \$150.

(B) Tape — \$15.

(e) Expedite fee for all requests, \$50. Requires delivery within 48 hours of receipt;

(f) Form fees:

(A) Labels (starting with 2nd thousand) — \$2 per thousand;

(B) Paper (starting with 2nd box) — \$30 per box.

(4) Fees for remote telephone access to Business Registry's files through the user's own terminal (word processor, personal computer, dedicated computer terminal), modem, and telephone lines are as follows:

(a) Initial Hook-up fee — \$50;

(b) Administrative fee — \$50;

(c) Actual computer and long distance charges. A billing statement will be issued each month. To avoid interruption of service, payment must be received within ten working days of the statement date.

(5) The fee for paper copies used for certification purposes of documents is \$15 per copy of a document file. A document file includes:

(a) Documents initially filed for corporations, limited partnerships, limited liability companies, limited liability partnerships, business trusts and trade and service marks; and

(b) Supplementary documents for corporations, limited partnerships, limited liability companies, limited liability partnerships, business trusts and trade and service marks; and

(c) Assumed business name applications, amendments, withdrawals, cancellations and renewals.

(6) The fee for paper copies of documents is \$5 per copy of a document file.

(7) The fee for paper copies of single documents not part of the document file is \$5 per document. Examples of single documents are:

(a) Annual reports;

(b) Change of registered agent of office and registered agent resignation.

(8) Microfilm copies of actual documents filed with Business Registry is \$20 per reel of microfilm.

(9) The subscription fees for trade and service marks are as follows:

(a) Monthly transactions:

(A) Paper — \$65;

(B) 3.5 inch floppy disk, provided by customer — \$15;

(C) 3.5 inch floppy disk, provided by Division — \$30;

(b) Full Data Base (3.5 inch floppy disk provided by customer) — \$15;

(c) Full Data Base 3.5 inch floppy disk provided by Division) — \$30,

(10) The fee for a copy of the Oregon Administrative Rules (Chapter 160) and the ORS Chapters administered by Business Registry is \$5 per chapter.

(11) The fee for a No Record Certificate is \$5.

(12) Research fee of \$20 per hour with the first 1/2 hour free.

(13) The Secretary of State may charge a fee for providing via dedicated telecommunications media (such as a 900 number) information on potential business entity name conflicts. Entity name conflict information shall be preliminary and non-binding. The name availability fee shall not exceed \$5.00 for the initial two minutes and \$2.00 each additional minute.

(14) The Secretary of State may charge fees for expedited copies and certificate service via dedicated telecommunications media (such as a 900 number) not to exceed:

(a) Copies of a document file — \$10;

(b) Copies of single documents not part of the document file — \$10;

(c) Certificate of existence or authorization and/or other facts of record — \$15;

(d) Copies of document file used for certification purposes — \$20;

(e) Only one copy or certificate request per phone call.

Stat. Auth.: ORS 56, ORS 58, ORS 60, ORS 62, ORS 63, ORS 65, ORS 68, ORS 70, ORS 128, ORS 183, ORS 192, ORS 554, ORS 647 & ORS 648

Stats. Implemented: ORS 68.675 & ORS 647.009

Hist.: CC 9-1985(Temp), f. & ef. 9-25-85; CC 4-1986, f. & ef. 1-6-86; Renumbered from 815-010-0004; CC 2-1988, f. 9-28-88, cert. ef. 10-3-88; CORP 1-1991, f. & cert. ef. 1-22-91; Renumbered from 160-001-0010; CORP 2-1991, f. 6-21-91, cert. ef. 7-1-91; CORP 1-1992, f. & cert. ef. 3-18-92; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 1-1994, f. 12-30-94, cert. ef. 1-1-95; CORP 4-1995, f. 12-5-95, cert. ef. 12-6-95

160-005-0010

Refund Of Monies

(1) This rule, pursuant to ORS 293.445, provides for the refund of fees paid in excess of the amount legally due to the Corporation Division.

(2) The Secretary of State shall not refund fees paid in excess of the amount legally due to the Division if the amount is \$10 or less, unless a refund is requested in writing by the applicant or the applicant's legal representative. However, the Secretary of State shall not make refunds unless the request is received within three years after the date payment is received by the Division.

Stat. Auth.: ORS 56, ORS 58, ORS 60, ORS 62, ORS 63, ORS 65, ORS 68, ORS 70, ORS 79, ORS 87, ORS 128, ORS 183, ORS 194, ORS 293, ORS 554, ORS 647 & ORS 648

Stats. Implemented: ORS 56.140

Hist.: CC 15, f. 1-11-74, ef. 2-11-74; CC 6-1985, f. & ef. 5-3-85; Renumbered from 815-010-0001; CC 2-1988, f. 9-28-88, cert. ef. 10-3-88; CORP 1-1991, f. & cert. ef. 1-22-91; Renumbered from 160-001-0015; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 4-1995, f. 12-5-95, cert. ef. 12-6-95

DIVISION 10

BUSINESS REGISTRY SECTION

160-010-0010

Guideline for Determining Business and Entity Name Availability

(1) This rule furnishes guidelines designed to determine whether a proposed name is distinguishable on the active records of Business Registry. The records consist of corporation, limited liability company, limited liability partnership, limited partnership or business trust names, reserved or registered names, and assumed business names. Registration or filing of a name by the Division advises the public that the name is registered to individuals or a particular entity. The Secretary of State's role is ministerial. Registration or filing of a name does not grant rights or interests in that name. The Secretary of State does not have the power to determine or set-

tle competing claims to a name under other statutes or under the common law.

(2) Items which *do not* make a requested name distinguishable from all other registered names on the record are:

(a) The presence or absence, or differences between, the following words when they are the last word in the name: "Corporation", "Company", "Incorporated", "Limited", "Limited Liability Company", "Limited Liability Partnership", "Limited Partnership", "Professional Corporation", or any abbreviation or derivation thereof;

(b) "Corporation", "Company", "Incorporated", "Limited", "Limited Liability Company", "Limited Liability Partnership", "Limited Partnership", "Professional corporation", or any abbreviation or derivation thereof when used in conjunction with the same as a double entity identifier".

EXAMPLE: "ABC Construction Company, Inc." and "ABC Construction Company" are not distinguishable.

"Northwest Corporation Services Company" and "Northwest Services Company" *are* distinguishable.

(c) The presence or absence of any article, preposition, or conjunction;

(d) Differences in punctuation;

(e) Differences in the use of special characters;

(f) Differences in capitalization;

(g) Differences between ampersand and the word "and". The ampersand is the equivalent of the word "and";

(h) Making a word plural.

(3) Prohibitions:

(a) A name cannot begin with more than seven numbers unless the seventh number is followed by a space(s) or letter(s);

(b) Entity identifiers, such as "corporation", "incorporated", "limited", "limited liability company", "limited liability partnership", "business trust", "professional corporation" or "limited partnership" or any abbreviation or derivation thereof cannot be used with an assumed business name unless all the registrants on the assumed business name are entities identified in the name;

(c) The Division shall not approve requested names which imply in any way that it is an agency of the state or any of its political subdivisions without proof of authorization to register such a name.

Stat. Auth.: ORS 56, ORS 58, ORS 60, ORS 62, ORS 63, ORS 65, ORS 68, ORS 70, ORS 128, ORS 183, ORS 554 & ORS 648

Stats. Implemented: ORS 58.085, ORS 60.094, ORS 62.131, ORS 63.094, ORS 65.094, ORS 68.735, ORS 70.010, ORS 128.580, ORS 554.005 & ORS 648.051

Hist.: CC 14-1986, f. & ef. 7-23-86; Renumbered from 815-050-0041, 815-050-0043, 815-050-0045, 815-050-0051 & 815-050-0055; CC 2-1988, f. 9-28-88, cert. ef. 10-3-88; CORP 1-1991, f. & cert. ef. 1-22-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 1-1994, f. 12-30-94, cert. ef. 1-1-95; CORP 3-1995, f. 8-31-95, cert. ef. 9-1-95

160-010-0020

Designation of Authorized Representative

If the authorized representative of an assumed business name registration withdraws and the registrants fail within the time prescribed to replace the withdrawn authorized representative, the new authorized representative shall be the first listed registrant who has not resigned as authorized representative.

Stat. Auth.: ORS 648

Stats. Implemented: ORS 648.010

Hist.: CC 8-1985(Temp), f. & ef. 9-25-85; CC 1-1986, f. & ef. 1-6-86; Renumbered from 815-050-0070; CC 2-1988, f. 9-28-88, cert. ef. 10-3-88; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-010-0100

Code List for Designating Primary Business Activity

(1) The Secretary of State designates the classification codes found in the current Standard Industrial Classification Manual as the codes to be used for designating primary business activity. This federal manual may be obtained at public libraries, through bookstores, or by ordering from: Standard Industrial Classification Manual, National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, Order No. PB 87-10012.

(2) A description of the category of the primary business activity shall be sufficient for coding purposes.

Stat. Auth.: ORS 56, ORS 58, ORS 60, ORS 62, ORS 65, ORS 68, ORS 70, ORS 128, ORS 554 & ORS 648
 Stats. Implemented: ORS 58.225, ORS 60.787, ORS 62.453, ORS 63.787, ORS 65.787, ORS 68.715, ORS 70.460, ORS 128.595, ORS 554.315 & ORS 648.010
 Hist.: CC 10-1985, f. & ef. 9-25-85; Renumbered from 815-050-0030; CC 2-1988, f. 9-28-88, cert. ef. 10-3-88; CORP 1-1991, f. & cert. ef. 1-22-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 1-1994, f. 12-30-94, cert. ef. 1-1-95

160-010-0200

Classes of Goods and Services

Pursuant to ORS 647.024, the Secretary of State establishes the following classes of goods and services. Applications to register a trade or service mark must designate the code number for goods or services with which the mark is being used:

(1) Goods:

(a) 101:

- (A) Chemical Products used in industry;
- (B) Artificial and Synthetic Resins;
- (C) Plastics in the Form of Powders, Liquids or Paste;
- (D) Fertilizers;
- (E) Tanning and Adhesive Substances.

(b) 102:

- (A) Paints, Varnishes, and Lacquers;
- (B) Coloring Matters and Natural Resins.

(c) 103:

- (A) Laundry, Cleaning, and Polishing Substances;
- (B) Cleansing and Cosmetic Items;
- (C) Perfumery and Essential Oils.

(d) 104:

- (A) Industrial Oils and Greases;
- (B) Lubricants and Absorbing Compositions;
- (C) Fuels and Illuminants.

(e) 105:

- (A) Pharmaceutical, Veterinary and Sanitary Substances;
- (B) Infants' and Invalids' Foods;
- (C) Bandaging Material;
- (D) Dental Wax;
- (E) Disinfectants and Weed Killers.

(f) 106: Metal and Articles Made from Metal and not Included in Other Classes.

(g) 107:

- (A) Machines and Machine Tools;
- (B) Motors (Except for Land Vehicles);
- (C) Large Size Agricultural Implements;
- (D) Incubators.

(h) 108: Hand Tools and Cutlery.

(i) 109:

(A) Scientific, Nautical, Surveying and Electrical Apparatus and Instruments;

(B) Photographic, Cinematographic, Optical, Lifesaving, and Teaching Apparatus;

(C) Cash Registers and Calculating Machines.

(j) 110: Surgical, Medical, Dental, and Veterinary Instruments and Apparatus.

(k) 111: Installations for Lighting, Heating, Steam Generating, Cooking, Refrigerating, Drying, Ventilating, Water Supply and Sanitary Purposes.

(l) 112: Vehicles.

(m) 113: Firearms, Ammunition, and Fireworks.

(n) 114: Precious Metals and Jewelry.

(o) 115: Musical Instruments and Supplies; Phonographs, Recording Tapes, Records, and Tape Recorders.

(p) 116:

- (A) Paper Articles and Bookbinding Materials;
- (B) Printed Matter, Photographs and Stationery;
- (C) Artists' Materials and Paint Brushes;
- (D) Instructional and Teaching Material.

(q) 117:

- (A) Plastics in the Form of Sheets, Blocks and Rods;
- (B) Packing or Insulating Materials;
- (C) Hose Pipes (Non-metallic).

(r) 118:

(A) Leather, Imitations and Articles Made from Both and Not Included in Other Classes;

(B) Skins and Hides;

(C) Travel Gear, Umbrellas and Walking Sticks;

(D) Saddlery.

(s) 119:

(A) Building and Road Materials;

(B) Stone, Stone Products; Cement and Earthenware Pipes.

(t) 120:

(A) Furniture, Mirrors, Picture Frames;

(B) Articles (not Included in Other Classes) of Wood, Wicker, Ivory, Shell;

(C) Substitutes for all These Materials, or of Plastics.

(u) 121:

(A) Small Domestic Utensils and Containers;

(B) Combs, Sponges and Brushes (Other than Paint Brushes);

(C) Brush Making Materials;

(D) Glassware, Porcelain and Earthenware, Not Included in Other Classes.

(v) 122:

(A) Ropes, String and Nets;

(B) Canvas Products and Stuffing Materials.

(w) 123: Yarns and Threads.

(x) 124:

(A) Bed and Table Covers;

(B) Textile Articles not Included in Other Classes.

(y) **125:** Clothing and Footwear.

(z) **126:** Garment Decorations and Buttons.

(aa) **127:** Floor Coverings and Non-textile Wall Hangings.

(bb) **128:** Toys; Sporting Articles (except Clothing); Decorations.

(cc) 129:

(A) Meats; Fruits and Vegetables (Except Fresh);

(B) Dairy Products; Jams; Oils; Fats; Preserves and Pickles.

(dd) **130:** Coffee, Tea, Cocoa and Coffee Substitutes, Rice, Tapioca, Sago, Flour, Cereals, Yeast, Baking Powder and Condiments, Breads, Pastry, Confectionary, and Honey.

(ee) 131:

(A) Agricultural, Horticultural, Forestry Products and Grains not Included in Other Classes;

(B) Living Animals, Plants and Flowers;

(C) Fruits, Vegetables and Seeds;

(D) Foodstuffs for Animals.

(ff) **132:** Beer and Nonalcoholic Drinks.

(gg) **133:** Wines, Spirits and Liqueurs.

(hh) **134:** Tobacco and Smokers' Articles.

(2) Services:

(a) **135:** Advertising and Business.

(b) **136:** Insurance and Financial.

(c) **137:** Construction and Repair.

(d) **138:** Communication.

(e) **139:** Transportation and Storage.

(f) **140:** Material Treatment.

(g) **141:** Education and Entertainment.

(h) **142:** Miscellaneous.

Stat. Auth.: ORS 647

Stats. Implemented: ORS 647.024

Hist.: CC 11-1985(Temp), f. & ef. 9-25-85; CC 2-1986, f. & ef. 1-6-86; Renumbered from 815-050-0060; CC 2-1988, f. 9-28-

160-010-0300

Business Registry Mailing List

(1) Business Registry records provided through customized computer searches or new business subscription lists may show a "No Solicitations" symbol associated with an address or addresses of the party(s) of record.

(2) A "No Solicitations" symbol shall denote the declared desire of the record holder to receive no direct mail marketing or unsolicited business mail.

(3) The Corporation Division shall provide a "No Solicitations" option on new assumed business registrations, articles of incorporation, partnership registrations and other new filings.

(4) An explanation of the “No Solicitations” mark shall accompany customized computer searches or new business subscription lists.

(5) The Corporation Division shall use its best efforts to accurately record the “No Solicitations” mark in accordance with this rule. Business registrants should be informed that there is no obligation on the part of persons using the lists to refrain from mailing solicitations to businesses which have requested the mark. The mark is simply informational.

Stat. Auth.: ORS 56.022

Stats. Implemented: ORS 56.022

Hist.: CORP 2-1997, f. & cert. ef. 5-22-97

160-010-0400

Professional Corporation Limit on Joint and Several Liability

(1) The Secretary of State, assisted by the Office of Economic Analysis, Department of Administrative Services, has calculated the inflation factor affecting joint and several liability caps of Professional Corporations to be 1.171467764, following the formula prescribed in ORS 58.187.

(2) Therefore, joint and several liability claims under ORS 58.185(5) & (8) made against a single shareholder shall not exceed \$350,000.

(3) The total joint and several liability for a single claim made against one or more licensed Oregon shareholders under ORS 58.185(5) and (8) shall not exceed \$2,350,000.

(4) As required by ORS 58.187(1), the Corporation Division hereby adopts said figures.

Stat. Auth.: ORS 58.187

Stats. Implemented: ORS 58.187

Hist.: CORP 1-2000, f. & cert. ef. 2-1-00

DIVISION 50

UNIFORM COMMERCIAL CODE

160-050-0000

Definitions and Abbreviations

(1) “UCC”: Uniform Commercial Code.

(2) “Standard Form”: Those forms approved by the Secretary of State’s Office for use in the UCC system. The approval specifications include the content, layout, and manner of printing. Forms which do not meet every criteria may not be considered standard forms.

(3) “Walk-In Search”: A walk-in search shall be a request, in person, for information from our UCC information retrieval systems and/or copies of statements on file in this office.

(4) “Secured Party of Record”: is The original secured party listed on the filing unless amended or assigned. If amended or assigned, the “secured party of record” is the latest assignee or amended name and address:

(a) The address used to mail renewal notices shall be the secured party name and address of record. If the secured party has not specifically filed an amendment showing a change in address, the renewal notice shall be sent to the address of record, regardless of what may show on continuations, renewals, or other filings;

(b) The UCC Section may attempt to trace or obtain an accurate name or address and/or resend a renewal notice returned because of incorrect name or address.

Stat. Auth.: ORS 79.4025 & ORS 79.4030(3)(b)

Stats. Implemented: ORS 79.4025

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90

160-050-0010

Uniform Commercial Code Forms — Standard

The following forms have been approved by the Secretary of State’s Office in accordance with ORS 79.4025 as the standard forms for general use in filing statements and requesting searches pursuant to the Oregon Uniform Commercial Code:

(1) UCC-1 — Uniform Commercial Code Financing Statement.

(2) UCC-1A — Financing Statement — Real Property (for county use only).

(3) UCC-3 — Uniform Commercial Code Statement of Continuation, Release, Assignment, Termination, Amendment, etc.

(4) UCC-3A — Statements of Continuation, Release, Assignment, Termination, etc. — For Collateral Related to Real Estate (for county use only).

(5) UCC-11 — Request for Copies or Information.

(6) General instructions for filling out the approved standard forms are contained on the form and in printed material from the Secretary of State Office. Persons who make filings under the code should consult these instructions in preparing their statements for filing. Individuals may obtain approved standard forms from publishers of legal forms.

Stat. Auth.: ORS 79.4025(1)

Stats. Implemented: ORS 79.4025

Hist.: SD 120, f. & ef. 12-21-77; SD 3-1978, f. 6-30-78, ef. 7-1-78; SD 39-1980, f. & ef. 3-24-80; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 165-025-0005; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0020

Uniform Commercial Code Forms — Non-Standard

Reproduced, reset or in-house forms may not be approved by the Secretary of State’s Office and may therefore be subject to a non-standard form fee. To obtain prior approval of reproduced, reset or in-house forms, a written request must be submitted.

(1) Minimum form standards shall include use of 20 lb. bond paper, 8 1/2 x 11 inch pages, information identical to a standard form, clear and legible copy for the purposes of document storage and retrieval, and meets all filing standards.

(2) Forms not meeting minimum filing and form standards as determined by the Secretary of State’s Office may be charged a non-standard form fee.

(3) Forms accepted by other states must meet Oregon filing and form standards to be accepted as standard forms in Oregon.

NOTE: General instructions for filing are contained on the standard forms and in printed material from the Secretary of State’s Office. Persons who make filings under the code should consult these instructions in preparing their statements for filing.

Stat. Auth.: ORS 79.4025(1) & ORS 79.4025(3)(b)

Stats. Implemented: ORS 79.4025

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0030

Uniform Commercial Code Filing Standards

(1) A filing officer is not required to determine if a financing statement is properly prepared or presented to the appropriate filing officer. This is the sole responsibility of the individual filing the financing statement:

(a) UCC-1 and UCC-3 forms should be filed only at the Secretary of State Uniform Commercial Code office;

(b) UCC-1A and UCC-3A forms should be filed only at a county office.

(2) All forms filed with a UCC filing officer must comply with all information requirements, and include all required fees and signature(s):

(a) All required fees must be prepaid. No filing will be accepted without adequate fees;

(b) Signature requirements for each form shall be original signatures unless the financing statement or security agreement provides for a carbon, photographic or other reproduction, pursuant to ORS 79.4020(1);

(c) The Secretary of State may require filings under ORS 79.4020(2) to provide copies of previous filings under which filer claims signature exemption.

(3) Forms not meeting these requirements shall be rejected, and the form returned to the sender without being filed.

(4) Non-standard forms which comply with all other requirements may be accepted instead of the standard forms listed in OAR 160-050-0010.

(5) The endorsement date of the cancelled check (or other payment media) tendered as filing fees, and not the filing date of record, will serve as the date of presentation under ORS 79.4030(1) only:

(a) For the purposes of ORS 79.3120(4); and

(b) For the period beginning May 24, 1996 through August 30, 1996, and

(c) If the statement was accepted by the filing officer.

Stat. Auth.: ORS 79.4025

Stats. Implemented: ORS 79.4020, ORS 79.4025 & ORS 79.4040

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 1-1996, f. & cert. ef. 3-1-96; CORP 1-1997, f. & cert. ef. 3-24-97

160-050-0040

Uniform Commercial Code Filing and Certified Search Fees

(1) The Uniform Commercial Code filing fees are:

(a) UCC-1, Standard form — \$10 per form;

(b) More than one debtor name — no additional fee;

(c) Assumed Business names — no additional fee;

(d) UCC-1A (County Office) — \$5 per page;

(e) UCC-3, Standard form (except Terminations) — \$10 per form.

(f) UCC-3A (County Office) — \$5 per page.

(g) Termination (Secretary of State office) — no fee;

(h) Termination (County Office) — \$5 per page;

(i) Transmitting Utilities/Supplemental Indentures — \$10 per form;

(j) IRS Tax Liens — \$10 per form;

(k) IRS Tax Liens (County Office) — \$5 per page;

(l) Oregon Department of Revenue Warrants — \$10 per form;

(m) Oregon Employment Department Warrants — \$10 per form.

(2) The Uniform Commercial Code search service fees are:

(a) UCC-11 information search, Standard form — \$10 per name (each distinct debtor name to be searched);

(b) Requested copies of UCC documents — \$5 per names searched;

Copy fee will be levied per request, whether or not any copies are found.

EXAMPLES: The copy fee for UCC documents found on a search for *John Doe* is:

For Information search, \$10;

Plus, for requested copies, \$5;

Total, \$15.

The copy fee for UCC documents found on a search for *John and Jane Doe* is:

For information search (\$10 per name x 2 =), \$20;

plus, for requested copies, (\$5 per name x 2 =), \$10;

Total, \$30.

(c) State Seal Certificate — \$10 per cert.

plus (for requested copies) — \$5 per name searched;

(d) Copy(ies) of a UCC (filing number provided) — \$5;

(e) UCC Search (County Office) — \$3.75 per name;

(f) Copy of a UCC (County Office) — \$0.25 per page.

(3) A fee of \$10 for a non-standard form may be added to any other fee due.

(4) UCC Customer Guide — \$5 each

Stat. Auth.: ORS 79.4025 & ORS 205.320(4)

Stats. Implemented: ORS 79.4025

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1990, f. & cert. ef. 8-16-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 1-1995, f. 2-8-95, cert. ef. 9-1-95

160-050-0050

UCC Summaries of Financing Statements

Summaries or compilation of filed financing statements are available in the form of microfilm rolls. Duplicate copies of each microfilm roll may be obtained for a fee of \$20 each.

Stat. Auth.: ORS 79.4025(3)(d) & ORS 79.4025(3)(e) & ORS 79.4080(1) & ORS 79.4080(2)

Stats. Implemented: ORS 79.4025 & ORS 79.4080

Hist.: SD 4-1979(Temp), f. & ef. 8-1-79; SD 8-1979, f. & ef. 12-7-79; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 165-025-0010; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0060

UCC Remote/Local Access Subscription Service

(1) The fees for the Remote/Local Access program are:

(a) Required registration fee — \$25 per month;

(b) Access/use fee — \$0.20 per minute.

(2) A billing statement will be issued at the end of each month of service. To avoid interruption in service payment must be submitted within ten working days of statement date.

Stat. Auth.: ORS 79.4025(3)(e)

Stats. Implemented: ORS 79.4025 & ORS 79.4080

Hist.: PRD 5-1988, f. & cert. ef. 4-19-88; Renumbered from 164-010-0020; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90

160-050-0070

Uniform Commercial Code Fax Service

Fax filings must be clear and legible copy for the purposes of document storage and retrieval. Forms not meeting these requirements shall be rejected and the form returned to the sender without being filed. All fees must be prepaid by VISA/Mastercard.

Stat. Auth.: ORS 79.4025(3)(b)

Stats. Implemented: ORS 79.4025

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0080

Uniform Commercial Code Research Service

In addition to debtor name based search requests and summaries and compilations, the UCC section may provide other information retrieval and research services.

(1) The fees for research service shall be \$20 per hour based on actual costs incurred. Amounts of less than one hour shall be charged in 1/2 hour increments.

(2) The fee for research service computer printouts shall be \$1 per page.

Stat. Auth.: ORS 79.4080(1) & ORS 79.4080(2)

Stats. Implemented: ORS 79.4080

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0085

Establishing Fees for Uniform Commercial Code Data Records

The Secretary of State, Corporation Division, Uniform Commercial Code Section, may charge a fee for supplying copies of the Uniform Commercial Code, Farm Products and Statutory Lien electronically stored records on request. Pursuant to ORS 177.130 and 192.440, based upon actual costs of production, the copies of electronically recorded media shall be charged at the rate of \$200 per hour required to generate the copies with a minimum time of one hour charged. The Secretary of State shall provide the aforementioned records in magnetic tape form in the most current record format in which the records are maintained. The requester shall provide the appropriate magnetic tapes necessary for the copying of the records.

Stat. Auth.: ORS 177.130 & ORS 192.440

Stats. Implemented: ORS 79.4080

Hist.: CORP 2-1990, f. & cert. ef. 12-3-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

Statutory Liens

160-050-0100

Definitions and Abbreviations

(1) "ASL": Agricultural Services Lien.

(2) "Standard Form": Those forms approved by the Secretary of State's Office for use in the ASL system. The approval specifications include the content, layout, and manner of printing. Forms which do not meet every criteria may not be considered standard forms.

(3) "UCC" Uniform Commercial Code.

Stat. Auth.: ORS 87.226 & ORS 87.246(2)

Stats. Implemented: ORS 87.246

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0110

Statutory Lien Standard Forms

The following forms have been approved by the Secretary of State as the standard forms for general use in filing statements:

(1) Notice of Claim of Agricultural Services Lien — Farm Labor, Services, Materials.

(2) Certificate of Satisfaction of Discharge of Claim of Lien for Farm Labor, Services, Materials.

(3) Cessation Form (available from Secretary of State's Office).

(4) Amendment Form (use Notice of Claim of Agricultural Services Lien).

(5) General instructions for filling out the approved standard forms are contained in printed material from the Secretary of State's Office.

(6) Persons who make Statutory Lien filings should consult these instructions in preparing their statements for filing. Individuals may obtain approved standard forms from publishers of legal forms, unless otherwise noted.

Stat. Auth.: ORS 87.246 & ORS 87.346

Stats. Implemented: ORS 87.246

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0120

Statutory Lien Non-Standard Forms

Reproduced, reset or in-house forms may not be approved by the Secretary of State's Office. To obtain prior approval of reproduced, reset or in-house forms, a written request must be submitted.

(1) Minimum form standards shall include use of 20 lb. bond paper, 8-1/2 x 11 inch page size, information identical to a standard form, a clear and legible copy for the purposes of document storage and retrieval, and meets all filing standards.

(2) Forms not meeting minimum filing and form standards as determined by the Secretary of State's Office shall be returned without being filed.

(3) Forms accepted by other states must meet Oregon filing and form standards to be accepted in Oregon.

Stat. Auth.: ORS 87.246(2)

Stats. Implemented: ORS 87.246

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0130

Statutory Filing Standards

(1) A filing officer is not required to determine if a lien is properly prepared or presented to the appropriate filing officer. This is the sole responsibility of the individual filing the lien.

(2) All forms filed with a UCC filing officer must comply with all information requirements and include all required fees and signatures.

(3) Grain Producer's Lien — Minimum information required for a Notice of Filing Extension of Grain Producer's Lien shall be:

(a) Grain producer's name and address, purchaser's name and address;

(b) A description of the grain charged with the lien;

(c) The producer's demand amount, less all credits and offsets;

(d) The date on which payment was due to the agricultural producer for the grain charged with the lien;

(e) All statements required by ORS Chapter 87;

(f) Properly completed and signed oath/affirmation;

(g) Signed and sealed notary statement.

(4) Minimum information required for a Certificate of Grain Producer's Lien Satisfaction shall be:

(a) Filing number and date of lien;

(b) Grain producer's name and address, purchaser's name and address;

(c) A description of the grain charged with the lien;

(d) The producer's demand amount, less all credits and offsets;

(e) A statement declaring that full payment has been received and that the claim of lien is discharged;

(f) Producer's signature and date of signature.

(5) Hazardous Waste Lien — Minimum information required for a Notice of Claim of Lien for Environmental Cleanup of Hazardous Waste shall be:

(a) Name and address of the person(s) against whose property the lien attaches;

(b) Name and address of lien claimant; claimant's signature;

(c) Statement of lien claimant's demand;

(d) Description of the property charged with the lien;

(e) All statements required by ORS Chapter 465 and/or 466.

(6) All required fees must be prepaid. No filing will be accepted without adequate fees.

Stat. Auth.: ORS 87.242(2), ORS 87.762, ORS 87.777, ORS 465.335 & ORS 466.835

Stats. Implemented: ORS 87.242, ORS 87.762, ORS 465.335 & ORS 466.835
Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0140

Statutory Lien Filing and Search Fees

(1) The Statutory Lien filing fees are:

(a) Agricultural Services Lien:

(A) Notice of Claim of Agricultural Services Lien — \$10 per form;

(B) Certificate of Satisfaction — No Charge;

(C) Cessation — \$10 per form.

(b) Grain Producer's Lien:

(A) Notice of Filing Extension of Grain Producer's Lien — \$10 per form;

(B) Certificate of Grain Lien Satisfaction — No Charge.

(c) Hazardous Waste Lien: Notice of Claim of Lien for Environmental Cleanup of Hazardous Waste — \$10 per form.

(2) The Statutory Lien search fees are:

(a) Lien Search — \$10 per name;

(b) Requested Lien Copy(ies) — \$5;

(c) Certificate(State seal) — \$10 per cert.

(3) A fee of \$10 for a non-standard form may be added to any other fee due.

Stat. Auth.: ORS 87.246(3), ORS 87.767, ORS 177.130 & ORS 192.440

Stats. Implemented: ORS 87.246, ORS 87.767, ORS 177.130 & ORS 192.440

Hist.: PRD 4-1988, f. & cert. ef. 3-17-88; Renumbered from 164-010-0030; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 1-1995, f. 2-8-95, cert. ef. 9-1-95

160-050-0160

Statutory Lien Miscellaneous Services

(1) Remote Access to the Statutory Lien data base may be offered. The fees for the Remote Access program are:

(a) Required registration/administration fee — \$25 per month;

(b) Access/use fee — \$0.20 per minute;

(c) A billing statement will be issued at the end of each month of service. To avoid interruption in service payment must be submitted within ten working days of statement date.

(2) In addition to debtor name based search requests and summaries, the UCC section may provide other information retrieval and research services:

(a) The fees for research service shall be \$20 per hour based on actual costs incurred. Amounts of less than one hour shall be charged in 1/2 hour increments;

(b) The fee for research service computer printouts shall be \$1 per page.

Stat. Auth.: ORS 79.4025(3)(e), ORS 79.4080(1), ORS 79.4080(2) & ORS 79.4080(4) & ORS 87.246(3)

Stats. Implemented: ORS 79.4080

Hist.: PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

Oregon Farm Products Central Filing System

160-050-0170

Authority and References

(1) Public Law 99-198, section 1324.

(2) Title 9, C.F.R., Part 205 (1986).

(3) ORS 79.4010, 79.4025, 79.4080 and 79.6020 through 79.8010.

(4) ORS 192.015.

(5) USDA Letter dated November 28, 1986, Certifying Oregon Farm Products Central Filing System as of November 28, 1986.

(6) Chapter 111, Oregon Laws 1989.

(7) USDA Letter dated August 22, 1989, Certifying Oregon Farm Products Central Filing System as including all farm products produced in the State.

Stat. Auth.: ORS 79 & ORS 192
 Stats. Implemented: ORS 79.6030
 Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87;
 SOS 11-1987, f. 7-9-87, ef. 8-1-87; SOS 24-1987, f. 11-5-87, ef. 11-15-87; PRD
 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0000

160-050-0180

Oregon Farm Products Central Filing System

(1) Oregon Farm Products Central Filing System is a statewide filing system which permits the registering of a security interest in farm products by filing an effective financing statement (EFS) with the Office of the Secretary of State.

(2) Within the context of the Oregon Farm Products Central Filing System, farm products means an agricultural commodity including but not limited to wheat, corn, soybeans, or a species of fish or livestock such as cattle, hogs, sheep, horses, or poultry used or produced in farming operations, or a product of such crop, fish or livestock in its unmanufactured state, including but not limited to wool clip, milk and eggs, that is in the possession of a person engaged in farming operations.

(3) In Oregon, the effective financing statement does not create a security interest in the farm products. It is not the same as a financing statement or security agreement filed under the Uniform Commercial Code laws. The effective financing statement is a document which meets the requirements of Section 1324 of Public Law 99-198.

(4) The secured party must submit a UCC filing under ORS Chapter 79 to perfect a security interest in farm products.

Stat. Auth.: ORS 79.6020(4) & ORS 79.6020(5) & ORS 79.6030
 Stats. Implemented: ORS 79.6030
 Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87;
 SOS 11-1987, f. 7-9-87, ef. 8-1-87; SOS 24-1987, f. 11-5-87, ef. 11-15-87; PRD
 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0010

160-050-0190

Definitions and Abbreviations

(1) Where terms used in this rule are not explicitly or completely defined in ORS 79.6020 or herein, definitions and usage of terms from the references are applicable.

(2) "EFS": An effective financing statement relating to farm products.

(3) "Debtor": For purposes of this rule, the term "debtor" shall mean any persons subjecting farm products to security interests, even if they are not debtors but are subjecting products to security interests for other debts.

Stat. Auth.: ORS 79.6020 - ORS 79.7010
 Stats. Implemented: ORS 79.6030
 Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87;
 PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0020;
 CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0200

EFS Requirements

(1) An EFS must be filed on a form prescribed and approved by the Secretary of State. The form shall be designated "EFS-1". The fee for filing a Form EFS-1 is \$10 per filing. The filing fee is required to be submitted with the EFS.

(2) The information on the Form EFS-1 should meet the following requirements:

(a) Name and address of the debtor:

(A) The name and address of the debtor are required;

(B) The debtor name or names must be entered completely and precisely;

(C) The name of individuals must be entered in order of last name (surname), first name, and, if any, middle initial or name;

(D) Assumed business names and corporate names must appear beginning with first word or character that is not an article or punctuation mark;

(E) The address of the debtor is the mailing address of the debtor;

(F) If there are multiple debtors, the address of each debtor must be shown;

(G) If there are more than three debtors, use the Form EFS-5 with the Form EFS-1.

(b) Social Security Number or IRS taxpayer identification number of the debtor:

(A) The Social Security Number or IRS taxpayer identification number of the debtor is required. The Social Security Number or IRS taxpayer identification number for each debtor must appear next to each debtor's name. For each debtor listed, there must be a Social Security Number or IRS taxpayer identification number;

(B) If the debtor is a sole proprietorship which has adopted an assumed business name which is listed on the EFS, the Social Security Number of the debtor should appear next to the assumed business name;

(C) If more than one individual is liable on the debt, then the Social Security Number of each individual must appear next to the assumed business name.

(c) Name, address and telephone number of the secured party:

(A) The name and address of the secured party are required;

(B) The same rules for the name of the debtor are applicable to the way the name of the secured party is submitted;

(C) The address of the secured party must be the address where information pertaining to the security interest may be obtained;

(D) The telephone number of the secured party is requested.

(d) Farm Product name or code:

(A) Each farm product that is produced in Oregon is assigned a four-digit numerical code. The codes are located on the back side of the Form EFS-1;

(B) The farm product code is required;

(C) Each filing party is responsible for listing the appropriate farm product code for a farm product on which the EFS or notice of security interest is being filed;

(D) The four-digit product code for each farm product subject to the security interest must be entered. A table of product codes appears on the back of the Form EFS-1;

(E) If the space provided on the Form EFS-1 for farm product codes is not adequate, Form EFS-5 should be used to submit additional codes.

(e) Crop year:

(A) The crop year, for crops grown in soil, is the calendar year in which it is harvested or to be harvested;

(B) For animals, the crop year is the calendar year in which they are born or acquired;

(C) For poultry or eggs, the crop year is the calendar year in which they are sold or to be sold;

(D) If an EFS does not show a crop year, it will be regarded as applicable to the crop or farm product in question for every year the EFS is effective;

(E) The crop year is a two-digit or four-digit code representing the actual year;

(F) The crop year is required to be shown on the Form EFS-1 unless every year of the farm product in question, for the duration of the EFS, is subject to the particular security interest.

(f) County Code:

(A) Each county in Oregon is assigned a two-digit numerical code. The county code represents the county in which the farm product is produced or is to be produced. The county codes are located on the back side of the Form EFS-1;

(B) The county code is required;

(C) Below is a list of the county codes for Oregon:

(i) Baker — 01;

(ii) Benton — 02;

(iii) Clackamas — 03;

(iv) Clatsop — 04;

(v) Columbia — 05;

(vi) Coos — 06;

(vii) Crook — 07;

(viii) Curry — 08;

(ix) Deschutes — 09;

(x) Douglas — 10;

(xi) Gilliam — 11;

(xii) Grant — 12;

(xiii) Harney — 13;

(xiv) Hood River — 14;

(xv) Jackson — 15;

- (xvi) Jefferson — 16;
- (xvii) Josephine — 17;
- (xviii) Klamath — 18;
- (xix) Lake — 19;
- (xx) Lane — 20;
- (xxi) Lincoln — 21;
- (xxii) Linn — 22;
- (xxiii) Malheur — 23;
- (xxiv) Marion — 24;
- (xxv) Morrow — 25;
- (xxvi) Multnomah — 26;
- (xxvii) Polk — 27;
- (xxviii) Sherman — 28;
- (xxix) Tillamook — 29;
- (xxx) Umatilla — 30;
- (xxxi) Union — 31;
- (xxxii) Wallowa — 32;
- (xxxiii) Wasco — 33;
- (xxxiv) Washington — 34;
- (xxxv) Wheeler — 35;
- (xxxvi) Yamhill — 36.

(D) The county code(s) must be listed for each product code shown.

(g) Amount of farm product (where applicable):

(A) The amount of farm product may or may not be shown on every EFS and master list entry;

(B) The need to supply this additional information arises only where some of the product owned by debtor is subject to the security interest and some is not;

(C) If the EFS does not show an amount, this constitutes a representation that all of such product owned by debtor is subject to the security interest in question;

(D) The amount must be sufficient to enable a reader of the information to identify what product owned by the debtor is subject, as distinguished from what of the same product owned by the same debtor is not subject;

(E) Twenty characters have been allotted on the master list for providing information on the amount of farm product. The description of the amount should not be more than 20 characters.

(h) Brief Description of farm product:

(A) A brief description of the farm product may be shown on the EFS and master list entry;

(B) The need to supply this additional information arises only where some of the product owned by debtor is subject to the security interest and some is not;

(C) Seventy-five characters have been allotted on the master list for providing information on the description of the farm product. The farm product description should not be more than 75 characters:

(i) Property location description (where applicable):

(A) A reasonable description of the location of the farm product may be shown on the EFS and master list entry;

(B) The need to supply this additional information arises only where some of the product owned by debtor is subject to the security interest and some is not;

(C) Seventy-five characters have been allotted on the master list for providing information on the description of the property location of the farm product. The farm product property location description should not be more than 75 characters.

(j) Signatures of Debtor and Secured Party:

(A) Each individual debtor named as the debtor must sign the EFS;

(B) Each corporate debtor must be signed by an authorized officer;

(C) Each partnership debtor, when the general partners are not also named individually as debtors, must be signed by a general partner;

(D) The EFS must be signed by both the debtor and secured party.

(3) The EFS will be rejected if it does not contain the name and address of the debtor, Social Security Number or IRS taxpayer identification number of the debtor, name and address of the secured

party, farm product code, county code, signatures of both the debtor and secured party, and the EFS filing fees.

Stat. Auth.: ORS 79.6030 & ORS 79.6060

Stats. Implemented: ORS 79.6030

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87;

SOS 11-1987, f. 7-9-87, ef. 8-1-87; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90;

Renumbered from 164-050-0030; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0210

Amendment, Continuation, Assignment and Lapse of EFS

(1) An EFS may be amended, assigned, continued or lapsed by the secured party of record. An amendment, assignment, continuation or lapse must be filed on a form prescribed and approved by the Secretary of State. The form shall be designated "Form EFS-3". A lapse or termination may be filed on the Acknowledgement Copy of Form EFS-1 or Form EFS-3.

(2) The document number assigned by the Secretary of State to the EFS to which the action pertains must be entered.

(3) Signature rules for Form EFS-3:

(a) When the Form EFS-3 is being used to file an amendment, both the debtor and the secured party must sign the filing;

(b) When the Form EFS-3 is being used to file a continuation, assignment or lapse statement, only the signature of the secured party is required;

(c) Each individual debtor named as the debtor must sign the EFS-3 when it is being used to file an amendment to an EFS;

(d) Each corporate debtor must be signed by an authorized officer;

(e) Each partnership debtor, when the general partners are not also named individually as debtors, must be signed by a general partner.

(4) An EFS must be amended in writing, within three (3) months of any material changes. It must be signed by both the debtor and secured party.

(5) The EFS remains effective for a period of five years from the date of filing. Its effectiveness may be extended by an additional five years by refiling or filing a continuation statement within six months before the expiration of the initial five year period.

(6) If the secured party no longer has a security interest to register, the secured party should file a statement of termination or lapse.

(7) Upon the expiration of the effective period of an EFS, the EFS lapses.

(8) Filing fees:

(a) If the Form EFS-3 is not accompanied by the filing fee, it will be rejected;

(b) The filing fees of Form EFS-3 transactions are set out in paragraphs (A) through (D) of this subsection as follows:

(A) Amendments: The filing fee for an amendment is \$10 per filing. If multiple amendments are required to an existing EFS filing, this can be accomplished by filing a single EFS-3 for a filing fee of \$10;

(B) Assignment: The filing fee for an assignment is \$10 per filing;

(C) Continuation: The filing fee for a continuation is \$10 per filing;

(D) Termination: There is no filing fee for filing a termination/lapse statement.

Stat. Auth.: ORS 79.6030 & ORS 79.6060

Stats. Implemented: ORS 79.6030

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87;

SOS 7-1987(Temp), f. & ef. 5-13-87; SOS 11-1987, f. 7-9-87, ef. 8-1-87; PRD

1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0040; CORP 1-

1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0220

Farm Products

(1) The list of Oregon farm products and codes is as follows:

(a) Grains:

(A) Barley — 0101;

(B) Corn for grain — 0102;

(C) Oats — 0103;

(D) Rye — 0104;

(E) Triticale — 0105;

(F) Wheat — 0106.

(b) **Hay and Forage:**

- (A) Alfalfa — 0201;
- (B) Ensilage — 0202;
- (C) Grass and Grain Straw — 0203;
- (D) Hay — 0204;
- (E) Sorghum — 0205.

(c) **Grass and Legume Seeds:**

- (A) Alfalfa Seed — 0301;
- (B) Bentgrass — 0302;
- (C) Bluegrass — 0303;
- (D) Brome — 0304;
- (E) Clover — 0305;
- (F) Fescue — 0306;
- (G) Field Peas — 0307;
- (H) Orchardgrass — 0308;
- (I) Rape Seed — 0309;
- (J) Ryegrass — 0310;
- (K) Timothy — 0311;
- (L) Vetch — 0312;
- (M) Wheat Grass — 0313;
- (N) Other Grass Seed — 0314;
- (O) Other Legume Seed — 0315;

(d) **Field Crops:**

- (A) Herbs — 0401;
- (B) Hops — 0402;
- (C) Mint — 0403;
- (D) Oil Seed — 0404;
- (E) Potatoes — 0405;
- (F) Sugarbeet — 0406;
- (G) Vegetable and Flower Seeds — 0407;
- (H) Canola — 0408.

(e) **Fruits:**

- (A) Apples — 0501;
- (B) Apricots — 0502;
- (C) Cantaloupes — 0503;
- (D) Cherries — 0504;
- (E) Grapes — 0505;
- (F) Peaches — 0506;
- (G) Pears — 0507;
- (H) Plums — 0508;
- (I) Prunes — 0509;
- (J) Watermelons — 0510;
- (K) Kiwi — 0511.

(f) **Nuts:**

- (A) Filberts — 0601;
- (B) Walnuts — 0602.

(g) **Berries:**

- (A) Blackberries — 0701;
- (B) Blueberries — 0702;
- (C) Boysen and Youngberries — 0703;
- (D) Other Caneberries — 0704;
- (E) Cranberries — 0705;
- (F) Currants — 0706;
- (G) Elderberries — 0707;
- (H) Gooseberries — 0708;
- (I) Loganberries — 0709;
- (J) Marionberries — 0710;
- (K) Raspberries — 0711;
- (L) Strawberries — 0712.

(h) **Vegetables:**

- (A) Artichokes — 0801;
- (B) Asparagus — 0802;
- (C) Beans — 0803;
- (D) Beets — 0804;
- (E) Broccoli — 0805;
- (F) Brussel Sprouts — 0806;
- (G) Cabbage — 0807;
- (H) Carrots — 0808;
- (I) Cauliflower — 0809;
- (J) Celery — 0810;
- (K) Corn — 0811;
- (L) Cucumbers — 0812;

- (M) Eggplant — 0813;
- (N) Garlic — 0814;
- (O) Kohlrabi — 0815;
- (P) Lettuce — 0816;
- (Q) Mushrooms — 0817;
- (R) Onions — 0818;
- (S) Peas — 0819;
- (T) Peppers — 0820;
- (U) Pumpkins — 0821;
- (V) Radishes — 0822;
- (W) Rhubarb — 0823;
- (X) Rutabagas — 0824;
- (Y) Spinach — 0825;
- (Z) Squash — 0826;
- (AA) Tomatoes — 0827;
- (BB) Turnips — 0828.

(i) **Specialty Products:**

- (A) Bees — 0901;
- (B) Bees Wax — 0902;
- (C) Bulbs — 0903;
- (D) Greenhouse Stock — 0904;
- (E) Honey — 0905;
- (F) Logs — 0906;
- (G) Nursery Stock — 0907;
- (H) Standing Timber — 0908;
- (I) Trees (Except Standing Timber) — 0909;
- (J) Turf Sod — 0910;
- (K) Worms — 0911.

(j) **Livestock:**

- (A) Cattle and Calves — 1001;
- (B) Goats — 1002;
- (C) Hogs and Pigs — 1003;
- (D) Horses — 1004;
- (E) Llamas — 1005;
- (F) Milk — 1006;
- (G) Mink — 1007;
- (H) Mules — 1008;
- (I) Rabbits — 1009;
- (J) Sheep and Lamb — 1010;
- (K) Wool — 1011;
- (L) Buffaloes — 1012;
- (M) Alpaca — 1013;
- (N) Reindeer — 1014.

(k) **Poultry:**

- (A) Broilers — 1101;
- (B) Chickens — 1102;
- (C) Ducks — 1103;
- (D) Eggs — 1104;
- (E) Geese — 1105;
- (F) Turkeys — 1106;
- (G) Ostriches — 1107;
- (H) Emu — 1108;
- (I) Rhea — 1109.

(l) **Fish and Shellfish:** Fish and Shellfish — 1201.

(2) Pursuant to the Administrative Procedures Act the Secretary of State may add, modify or delete farm products and codes.

(3) Buyers, commission merchants, selling agents, farmers or any interested person may suggest changes to the farm product list. These suggestions must be submitted in writing.

Stat. Auth.: ORS 79.6020, ORS 79.6030 & ORS 79.6070(1)

Stats. Implemented: ORS 79.6070

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87; SOS 11-1987, f. 7-9-87, ef. 8-1-87; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0050; CORP 2-1995, f. 7-31-95, cert. ef. 8-1-96

160-050-0230

Master List and Portions of Master List

(1) The master list shall contain all the information submitted on EFS's filed in the Secretary of State's Office. It contains the name and address of the debtor, name and address of secured party, Social Security Number or IRS taxpayer identification number of the debtor, farm product code, farm product name, description of farm product, description of location, amount of farm product, crop year,

county, date of filing, time of filing, and file number of EFS. This information shall be compiled and entered into a computerized record for farm products in the system.

(2) The Secretary of State may produce two monthly master lists: alphabetically by debtor name or numerically by debtor Social Security Number or IRS taxpayer identification number. The master list will be organized by farm product and shall be made available for all counties and crop years or select counties and crop years.

(3) Portions of the master list will be provided according to the requests of the subscribing registrants of the system. Each portion of the master list includes data from all EFS's which cover a particular farm product. Within each portion of the master list, EFS data is organized in the same manner as the master list.

(4) After data entry is complete at the end of the month, the master list will be run on computer printouts or generated microfiche. It will include all filings as of the last business day of the month.

Stat. Auth.: ORS 79.6070

Stats. Implemented: ORS 79.6070

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87; SOS 11-1987, f. 7-9-87, ef. 8-1-87; SOS 24-1987, f. 11-5-87, ef. 11-15-87; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0060; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0240

Registration of Buyers, Commission Merchants and Selling Agents; Subscription to Master Lists or Portions of Master Lists

(1) The proper place to register as a buyer, commission merchant or selling agent of farm products is in the Secretary of State's Office. The registration or renewal of registration must be submitted on a form prescribed and approved by the Secretary of State. The form shall be designated "Form EFS-4". The registration fee is part of the subscription fee.

(2) Registration is part of the process to subscribe for master lists or portions of master lists. Each registrant will be assigned a permanent registration number by the Secretary of State. A copy of the administrative rules on registration is available upon request at no charge. The master list or portion of master list will be distributed to registrants monthly.

(3) Registration is effective for a period of 12 calendar months. Renewal of registration may be filed at any time after 90 days prior to expiration of a current registration period. The registrant must indicate the registration number on the renewal registration form.

(4) The registration may be amended by filing an amended registration. If the amended registration is to amend a name or address, there is no fee. If the amended registration is to add or change products, the amended registration fee is \$10 per product.

(5) The Secretary of State shall maintain a list of all buyers of farm products, commission merchants and selling agents who register with the Secretary of State.

(6) Subscriptions for master lists or portion(s) of master lists are made at the time of registration or at any time during the period for which the registrant is registered, provided no subscription for a master list or portion of the master list will run beyond the month in which the registration will expire.

(7) Subscriptions made other than at the time of registration must be made on Form EFS-4, prescribed and approved by the Secretary of State.

(8) A subscription for any master list or portion of the master list will be for the period of the registration.

(9) The person registering with the Secretary of State must provide the following information on the Form EFS-4:

(a) Name and mailing address of the registrant. The registrant must identify the registration as being for a buyer, commission merchant or selling agent;

(b) Social Security Number or IRS taxpayer identification number of registrant;

(c) Telephone number;

(d) Number of farm product(s) included in the registration;

(e) Farm product code(s);

(f) Crop year or years for which master list or portion of master list is to be sent;

(g) Indication of the type of master list or portion of master list requested;

(h) Signature of the registrant;

(i) Registration/Subscription fee;

(j) Original registration number, if renewal or amended registration.

(10) Lists will be mailed to registrant within seven working days from the end of the month.

(11) The subscription fees for the master list or portions of master list are as follows:

(a) Standard paper reports — \$500 per year per product;

(b) Microfiche — Up to five product code lists included with the registration/subscription fee of \$50, and \$10 for each additional product.

Stat. Auth.: ORS 79.6070 & ORS 79.7010

Stats. Implemented: ORS 79.6070 & ORS 79.7010

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87; SOS 11-1987, f. 7-9-87, ef. 8-1-87; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0070

160-050-0250

Forms Used in Oregon Farm Products Central Filing System

The Secretary of State prescribes and approves the list of forms below for use in the Oregon Farm Products Central Filing System:

(1) Form EFS-1 — Farm Products Effective Financing Statement;

(2) Form EFS-3 — Farm Products — Statement of Continuation, Amendment, Assignment and Lapse;

(3) Form EFS-4 — Buyer, Commission Merchant, Selling Agent Registration/ Subscription.

Stat. Auth.: ORS 79.6030

Stats. Implemented: ORS 79.6030

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87; SOS 2-1987(Temp), f. & ef. 1-9-87; SOS 4-1987, f. & ef. 2-24-87; SOS 11-1987, f. 7-9-87, ef. 8-1-87; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0080; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0260

Method of Recording the Date and Time of Filing an EFS

(1) Documents are received in the office of the Secretary of State. The documents will be checked by a filing officer to determine if they meet the filing requirements and if the proper filing fees have been submitted with the documents.

(2) The EFS's, notices, amendments, continuation statements, and lapsed statements that meet filing requirements are stamped with the date of filing, time of filing and a file number.

Stat. Auth.: ORS 79.6070(1)

Stats. Implemented: ORS 79.6070

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 165-050-0090; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0270

Requests of Oral Confirmation

(1) Upon request, the Secretary of State shall respond with an oral confirmation of the filing of any or all EFS's naming a particular debtor on the regular business day following the day on which the request for oral confirmation is received, at or before the time of day when it was received. The Secretary of State will include in such oral confirmation any information specified by the requesting party which would appear on the master list with regard to such EFS's.

(2) The request for oral confirmation shall be presented to the Secretary of State's Office during regular business hours. Regular business hours are from 8 am to 5 pm, excluding holidays, Saturdays and Sundays.

(3) The written request for oral confirmation shall contain the name and address of the requester, date of request, telephone number of the requester, and the name and address of the debtor for which information is being requested.

(4) Upon receipt of a request for oral confirmation, the Secretary of State shall stamp the request with the date, time and search number.

(5) A search will be made of the computerized records for the information on the debtor and this information will be provided orally.

(6) Secretary of State will provide a written confirmation of the information given orally on the debtor within two working days from the date of giving the information orally.

(7) The service fee for a request for oral confirmation is \$10 per debtor name.

Stat. Auth.: ORS 79.6080

Stats. Implemented: ORS 79.6080

Hist.: SD 33-1986(Temp), f. 12-5-86, ef. 12-24-86; SOS 1-1987, f. & ef. 1-2-87; SOS 11-1987, f. 7-9-87, ef. 8-1-87; PRD 1-1989, f. 12-12-89, cert. ef. 1-1-90; Renumbered from 164-050-0100; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94

160-050-0280

EFS Search Fees

(1) The Effective Financing Statement search fees are:

(a) UCC-11 information search, Standard form — \$10 per name (each distinct debtor name to be searched);

(b) Requested copies of EFS documents — \$5 per name searched.

(2) Copy fee will be levied per request, whether or not any copies are found.

EXAMPLES: The copy fee for EFS documents found on a search for *John*

Doe is:

For Information search, \$10;

Plus, for requested copies, \$5;

Total, \$15.

The copy fee for EFS documents found on a search for *John* and *Jane Doe* is:

For information search (\$10 per name x 2 =), \$20;

Plus, for requested copies, (\$5 per name x 2 =), \$10;

Total, \$30.

(a) State Seal Certificate — \$10 per certificate; plus, for requested copies — \$5 per name searched;

(b) Copy(ies) of a EFS (filing number provided) — \$5.

Stat. Auth.: ORS 79.6030

Stats. Implemented: ORS 79.6080

Hist.: CORP 1-1995, f. 2-8-95, cert. ef. 9-1-95

DIVISION 100

NOTARIES PUBLIC

160-100-0000

Definitions

As used in ORS 194.005 to 194.200, ORS 194.505 to 194.595 and OAR 160-100-0000 to 160-100-0620:

(1) “Days” means calendar days.

(2) “File”, “Filed” and “Deliver” means cause to be actually received by the Secretary of State.

(3) “Notarial Record” means any record of any notarial act performed by a notary public, except when a specified record or act is excluded.

(4) “Notary Fee” means any money or other thing of value as consideration for performing a notarial act. A notary fee does not include a fee for traveling to perform a notarial act.

(5) “Official Seal” or “Official Notary Seal” means a stamp made of any substance, capable of making a legible imprint on paper in black ink that can be legibly reproduced by a photographic method and that meets the description of OAR 160-100-0100. An official seal does not include the mechanism to which the stamp is attached.

(6) “Official Seal Embosser” or “Official Notary Seal Embosser” means any device capable of creating an embossed imprint on paper that meets the description of OAR 160-100-0120. An official seal embosser does not include the mechanism to which the embosser plate is attached.

(7) “Secretary of State” means the Notary Public Section of the Secretary of State’s office.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.335

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0000

160-100-0010

Date of Mailing

Whenever ORS 194.005 to 194.200, ORS 194.505 to 194.595 and OAR 160-100-0000 to 160-100-0620 require or permit a document or object to be mailed to the Secretary of State, the date of mailing shall be the date the document or object was personally delivered to the U.S. Postal Service or a private courier service or placed in a mail depository used by such postal or courier service, as evidenced by a postmark date imprinted on the envelope or package containing the document or object or on a receipt issued by the postal or courier service.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.335

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0010

160-100-0020

Name of Notary Public

Whenever ORS 194.005 to 194.200, ORS 194.505 to 194.595, except ORS 194.014, and OAR 160-100-0000 to 160-100-0620 refer to the name of a notary public, the name shall be the name of the notary public as it appears on the notary public’s written commission.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.335

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0020

160-100-0030

Signature of Notary Public

Whenever ORS 194.005 to 194.200, ORS 194.505 to 194.595 and OAR 160-100-0000 to 160-100-0620 require or permit a notary public to sign his or her name, the notary public shall sign the name as it appears on the notary public’s written commission.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.014

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0030

160-100-0040

Administrative Services Fees

The Secretary of State shall charge the following fees for performing the administrative services indicated:

(1) \$20, nonrefundable, for processing each application, including written examination, for a commission as a notary public.

(2) \$10 for apostilles for public officials and notaries public.

(3) \$10 for each notary public certificate of good standing.

(4) \$5 for each duplicate notary public commission.

(5) \$5 for each duplicate Certificate of Authorization to Obtain Official Seal.

(6) \$5 for processing a request to change the notary public’s name on the notary public’s written commission.

(7) \$1 for copying each page of a document.

(8) \$200 for each computer tape of notary public databases or portions of databases, new tapes to be provided by purchasers.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 177.130, ORS 192.440, ORS 194.020 & ORS 194.052

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; Suspended by SOS-AD 2-1992(Temp), f. & cert. ef. 2-14-92; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0040; CORP 1-1994, f. 12-30-94, cert. ef. 1-1-95

Certificate of Authorization, Official Seal and Official Seal Embosser

160-100-0100

Description of Imprint of Official Seal

(1) An outline of an imprint of an official seal of a notary public shall be a rectangle measuring 3/4 inch high and 2-3/8 inches long formed by a continuous solid or braided line.

(2) The imprint of an official seal of a notary public shall contain within the outline border:

(a) The state seal, as described in ORS 186.020, measuring one half inch in diameter and located in the upper left corner of the official seal;

(b) The following words, in descending order, centered in the official seal to the right of the state seal:

(A) The words **“Official Seal”**. The words shall be printed in not less than 8 point sized type and in capital letters;

(B) The name of the notary public. The name shall be printed in not less than 8 point sized type, bold print, and in capital letters;

(C) The words **“Notary Public — Oregon”**. The words shall be printed in 8 point sized type and in capital letters;

(D) The words **“Commission No.”** immediately followed by the commission number. The words shall be printed in not less than 8 point sized type and in capital letters;

(E) The words **“My Commission Expires”**, immediately followed by the notary public’s expiration date, expressed in terms of the month, day and year, i.e. “January 1, 1990” and printed in not less than 8 point sized type and in capital letters.

(3) The imprint of an official seal of a notary public shall be made with black ink:

(a) Of a type that will not be removable under normal conditions; or

(b) Of a type considered permanent, such as India ink, when applied to plastic or mylar surfaces. **EXAMPLES:** [Examples not included. See ED. NOTE.]

[ED. NOTE: Copies of the Examples referenced in this rule are available from the agency.]

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.031

Hist.: SD 7-1978, f. & ef. 8-10-78; Renumbered from 165-027-0010; SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0100

160-100-0110

Use of Official Seal

(1) A notary public shall use the notary public’s official seal to perform a notarial act.

(2) A notary public shall use the notary public’s official seal by placing a legible imprint of the official seal on a notarial certificate.

(3) A notary public shall not place an imprint of the notary public’s official seal over any signature in a document to be notarized or in a notarial certificate, nor over any writing in a notarial certificate.

(4) When a notarial certificate is on a separate piece of paper attached to the document to be notarized or when there are attachments to the document to be notarized, such as pictures, a notary public may use an additional imprint of the notary public’s official seal to mark for identification the document or attachment if the imprint does not make any part of the document or attachment illegible.

(5) A notary public shall not use the notary public’s official seal for any purpose other than to perform a notarial act.

(6) A notary public shall not permit any other person to use the notary public’s official seal for any purpose.

(7) A notary public shall not use any other notary public’s official seal or any other object in lieu of the notary public’s official seal to perform a notarial act.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.005 & ORS 194.031

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0110

160-100-0120

Description of Official Seal Embosser

(1) An official seal embosser of a notary public shall be two concentric circles each formed by a continuous solid or intermittent line. The outer circle shall measure not less than one and one half inches and not more than two inches in diameter.

(2) The embossment of the official seal embosser of a notary public shall contain the following printed in capital letters:

(a) The name of the notary public centered at the top and between the two circles;

(b) The words **“STATE OF OREGON”** centered at the bottom and between the two circles;

(c) The word **“NOTARY”** above the word **“PUBLIC”** both centered within the inner circle. **EXAMPLE:**



Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.031

Hist.: SD 7-1978, f. & ef. 8-10-78; Renumbered from 165-027-0005; SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0120

160-100-0130

Use of Official Seal Embosser

(1) A notary public may use an official seal embosser to perform a notarial act but only *in addition to* the notary public’s official seal.

(2) If a notary public uses an official seal embosser, the notary public shall use it by placing the embossment on a notarial certificate.

(3) A notary public shall not place the embossment over any signature in a document to be notarized or in a notarial certificate nor over any writing in a notarial certificate.

(4) When a notarial certificate is on a separate piece of paper attached to the document to be notarized or when there are attachments to the document to be notarized, such as pictures, a notary public may use an additional embossment of the notary public’s official seal to mark for identification the document or attachment if the embossment does not make any part of the document or attachment illegible.

(5) A notary public shall not use the notary public’s official seal embosser for any purpose other than to perform a notarial act.

(6) A notary public shall not permit any other person to use the notary public’s official seal embosser for any purpose.

(7) A notary public shall not use any other notary public’s official seal embosser or any other object in lieu of the notary public’s official seal embosser to perform a notarial act.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.031

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0130

160-100-0140

Filing Imprint of Official Seal with Secretary of State

A notary public shall file the following information with the Secretary of State within ten days after the date the notary public receives the notary public’s official seal and Certificate of Authorization from a vendor of official seals:

(1) An imprint of the notary public’s official seal. The imprint shall be placed in the location designated for the imprint on the Certificate of Authorization;

(2) The Certificate of Authorization. The Certificate of Authorization shall be the original Certificate of Authorization issued by the Secretary of State to the notary public. The Certificate of Authorization shall be completed by the vendor with the information required on the Certificate of Authorization.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.031

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0140

160-100-0150

Notification of Secretary of State That Certificate of Authorization is Unusable

(1) A notary public whose Certificate of Authorization is lost, misplaced, destroyed or otherwise unusable shall file with the Secretary of State a written statement, under oath or affirmation, with-

in ten days after the date the notary public discovers that the Certificate of Authorization was lost, misplaced, destroyed or otherwise unusable.

(2) The statement shall set forth:

(a) A statement of whether the Certificate of Authorization is lost, misplaced, destroyed or in some other manner made unusable;

(b) An explanation of how the Certificate of Authorization became unusable;

(c) The date the notary public discovered that the Certificate of Authorization was unusable;

(d) If lost or misplaced, a statement that the notary public does not possess the Certificate of Authorization and does not know who possesses it or where it is located;

(e) If lost or misplaced, a statement that if the notary public subsequently reacquires possession of the lost or misplaced Certificate of Authorization, then the notary public shall file it with the Secretary of State within ten days after the date the notary public reacquires possession of the lost or misplaced Certificate of Authorization;

(f) A request that the Secretary of State issue a duplicate Certificate of Authorization to the notary public.

(3) The Secretary of State shall issue a duplicate Certificate of Authorization to the notary public as if the notary public had made a request pursuant to ORS 194.031(5).

(4) A notary public who is issued a duplicate Certificate of Authorization pursuant to this rule shall use it to comply with the requirements of ORS 194.010(4) and OAR 160-100-0140. To comply with OAR 160-100-0140, the notary public shall file with the Secretary of State an imprint of the notary public's seal and the duplicate Certificate of Authorization within ten days after the notary public receives the completed duplicate Certificate of Authorization from a vendor of official seals.

(5) If a notary public subsequently reacquires possession of a lost or misplaced Certificate of Authorization, then the notary public shall file with the Secretary of State a written statement of explanation and the lost or misplaced Certificate of Authorization within ten days after the date the notary public reacquires possession of the lost or misplaced Certificate of Authorization.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.335

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0150

160-100-0160

Notification of Secretary of State that Official Seal is Unworkable

(1) A notary public whose official seal is lost, misplaced, destroyed, broken, damaged or otherwise unworkable shall personally deliver or mail to the Secretary of State a written statement, under oath or affirmation, within ten days after the date the notary public discovers that the seal was lost, misplaced, destroyed, broken, damaged or otherwise unworkable.

(2) The statement shall include:

(a) A statement of whether the official seal is lost, misplaced, destroyed, broken, damaged or in some other manner made unworkable;

(b) An explanation of how the official seal became unworkable;

(c) The date the notary public discovered that the official seal was unworkable;

(d) If lost or misplaced, a statement that the notary public does not possess the official seal and does not know who possesses it or where it is located;

(e) If lost or misplaced, a statement that if the notary public subsequently reacquires possession of the lost or misplaced official seal, then the notary public shall file it with the Secretary of State within ten days after the date the notary public reacquires possession of the lost or misplaced official seal;

(f) A request that the Secretary of State issue a duplicate Certificate of Authorization to the notary public.

(3) A notary public who is issued a duplicate Certificate of Authorization pursuant to ORS 194.031(5) and this rule shall use it to comply with the requirements of ORS 194.010(4) and OAR 160-

100-0140. To comply with OAR 160-100-0140, the notary public shall file with the Secretary of State an imprint of the notary public's official seal and duplicate Certificate of Authorization within ten days after the notary public receives the completed duplicate Certificate of Authorization from the official seal vendor or vendor's representative.

(4) If a notary public subsequently reacquires possession of a lost or misplaced official seal, then the notary public shall file with the Secretary of State a written statement of explanation and the lost or misplaced official seal within ten days after the date the notary public reacquires possession of the lost or misplaced official seal.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.031

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0160

Notarial Journal

160-100-0200

Form and Content of Notarial Journal

A notarial journal of a notary public may be in any form that meets the physical requirements set out in this rule and the entry requirements set out in OAR 160-100-0210:

(1) The cover and pages inside the cover shall be bound together by any binding method that is designed to prevent the insertion or removal of the cover or a page;

(2) Each page shall be consecutively numbered from the beginning to the end of the journal. If a journal provides two pages on which to record the required information about the same notarial act, then both pages may be numbered with the same number or each page may be numbered with a different number. A page number shall be preprinted;

(3) Each line shall be consecutively numbered from the beginning to the end of the page. If a line extends across two pages, the line shall be numbered with the same number on both pages. A line number shall be preprinted;

(4) A notarial journal of a notary public shall contain on the inside of the front cover or on the first page the following information in any order:

(a) The name of the notary public;

(b) The notary public's commission number;

(c) The notary public's commission expiration date;

(d) The notary public's residence or business street or mailing address;

(e) The earliest date the journal may be destroyed, which shall be seven years after expiration of the last commission in which entry was made in the journal;

(f) One of the following statements:

(A) That, in the event of the decease of this notary public, the journal shall be delivered or mailed to the Secretary of State; or

(B) That, in the event the notary public has entered into a written agreement with his/her employer pursuant to OAR 160-100-0360, the date such written agreement was entered into, the name and address of the employer and instructions that the journal shall be delivered or mailed to the employer in the event of the decease of the notary public;

(g) The meaning of any not commonly abbreviated word or symbol used in recording a notarial act in the notarial journal;

(h) The signature of the notary public;

(i) At the respective time of entry, the dates of the first and last notarial acts recorded in the notarial journal.

EXAMPLE: First entry on July 6, 1990, last entry on January 7, 1992.

(5) If a notary public's name, commission number, commission expiration date, destruction date or address that is written in the notarial journal changes before the notary public ceases to use the notarial journal, the notary public shall draw a single line through the old information and write the new information to the side of the old information.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.152

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0200

160-100-0210

Information Required to Be Recorded in Notarial Journal

Except as provided in OAR 160-100-0220 and 160-100-0230, a notary public shall record in a notarial journal the following information about each notarial act performed by the notary public:

- (1) The date and time the notarial act was performed;
- (2) The type of notarial act performed;
- (3) The date of the document notarized;
- (4) The type of document notarized;
- (5) The printed name of the person whose statement, signature or document was notarized;
- (6) The signature of the person whose statement, signature or document was notarized.
- (7) A description of how the notary public identified the person whose statement, signature or document was notarized. The description shall be as follows:

(a) If the notary public identified such person by personally knowing the person, then the description shall consist of the statements either "personally known" or "personal knowledge";

(b) If the notary public identified such person by seeing and hearing a credible witness personally known to the notary public testify under oath or affirmation, then the description shall consist of, in the following order, the legal name and residence street address of the witness;

(c) If the notary public identified such person by seeing identification documents, then the description shall consist of, in the following order, the name of the organization that issued the document; the type of document and the number of the identification document, if any. For example, Oregon driver's license number 1234567.

(8) An entry may contain any other information.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.152

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0210

160-100-0220

Abbreviated Multiple Entry in Notarial Journal

(1) If a notary public notarizes duplicate originals of a single statement or document for the same person on the same date, the notary public may, in lieu of recording individually in the notarial journal the information required by OAR 160-100-0210 for each notarized duplicate original, record a single entry in the notarial journal for all notarizations of the statement or document, which shall set forth all the information required by OAR 160-100-0210, and the total numbers of the statement or document notarized.

(2) If a notary public notarizes different statements or documents for the same person on the same date, the notary public may, in lieu of recording individually in the notarial journal the information required by OAR 160-100-0210 for each notarized statement or document, record a single entry in the notarial journal for all notarizations of such statements or documents, which shall set forth the number of statements or documents and the information required by OAR 160-100-0210(1), (2), (5), (6) and (7), and for each statement or document the information required by OAR 160-100-0210(3) and (4) and, if there are duplicate originals of any statement or document, the total number of the statement or document notarized.

(3) If a notary public notarizes more than one statement, signature or document for the same person but not on the same date, the notary public may, in lieu of recording individually in the notarial journal the information required by OAR 160-100-0210(5) and (7) for each notarization for that person, record a reference to a prior entry in the notarial journal for that person (identifying the page and line numbers of the prior entry) which prior entry shall set forth the information required by OAR 160-100-0210(5) and (7).

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.152

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0220

160-100-0230

Notarial Acts Not Required to Be Recorded in Notarial Journal

A notary public may, but is not required to, record in a notarial journal any information about the following notarial acts performed or documents notarized by the notary public:

- (1) Administering an oath or affirmation;
- (2) Certifying or attesting a copy of a document;
- (3) Affidavits;
- (4) Billing statements for media advertising;
- (5) Protests of commercial paper (to be recorded as provided in ORS 194.090 and 73.0505).

(6) Verifications upon oath or affirmation.

Stat. Auth.: ORS 194.152(2)

Stats. Implemented: ORS 194.152

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; SOS-AD 3-1990(Temp), f. & cert. ef. 7-2-90; SOS-AD 1-1991, f. & cert. ef. 1-7-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0230

160-100-0240

Information Required to Be Recorded in Record of Protests

A notary public shall maintain a record of information about each protest of commercial paper performed by the notary public consisting of copies of source originals.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.090

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-240

Disposition of Notarial Records Upon Termination of Commission

160-100-0300

Termination of Commission Due to Expiration — No Application for New Commission

(1) A notary public whose commission was terminated because of expiration, and who has not applied for a new commission within 30 days after the date of termination shall arrange for the storage of his/her notarial records, *except records of protests of commercial paper (see OAR 160-100-0350)*, in any form and at any location. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records.

(2) A notary public shall file a statement with the Secretary of State within ten days after the date the notary public stored such records. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., expiration;
- (e) The date the notary public stored such notarial records;
- (f) The street address and exact location at such address where such records are stored and any subsequent relocation of such records.

(3) A notary public shall store such records for a period of seven years after the date of commission expiration. After the seven-year period, the notary public may destroy such records.

(4) A notary public shall destroy the official seal and/or official seal embosser immediately upon expiration of the commission.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.154

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0300

160-100-0310

Termination of Commission Due to Expiration — Application for New Commission Made Within 30 Days

(1) A notary public whose commission was terminated because of expiration and who has filed with the Secretary of State an application for a new commission within 30 days after the date of termination shall retain his/her notarial records at the notary public's residence or business location. Such records may be retained in any form as long as such records or any reproduction of such records are readable.

(2) If the notary public is issued a new commission within three months after the date of termination, then the notary public shall continue to retain his/her notarial records at the notary public's residence or business location. Such records may be retained in any form as long as such records or any reproduction of such records are readable.

able. Such records shall be retained for a period of seven years after the date of expiration of the prior commission during which the records were kept. After the seven-year period, the notary public may destroy such records.

(3) If the notary public is not issued a commission for any reason within three months after the date of expiration, then the notary public shall arrange for the storage of his/her notarial records as required by OAR 160-100-0300.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.154

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0310

160-100-0320

Termination of Commission Due to Resignation

(1) A notary public whose commission was terminated because of resignation shall arrange for the storage of his/her notarial records, *except records of protests of commercial paper (see OAR 160-100-0350)*, in any form and at any location within 30 days following resignation. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records.

(2) A notary public shall file a statement with the Secretary of State within ten days after the date the notary public stored such records. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., resignation and an explanation why the notary public is resigning;
- (e) The notary public's resignation date;
- (f) The date the notary public stored such notarial records;
- (g) The street address and exact location at such address where such records are stored and any subsequent relocation of such records.

(3) A notary public shall store such records for a period of seven years after the date of resignation. After the seven-year period, the notary public may destroy such records.

(4) At the same time that the notary public files the statement required by section (2) of this rule with the Secretary of State, a notary public shall file with the Secretary of State the notary public's official seal and official seal embosser, if any. The Secretary of State may destroy the official seal and/or official seal embosser upon receipt.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.154

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0320

160-100-0330

Termination of Commission Due to Revocation

(1) A notary public whose commission was terminated because of revocation shall file his/her notarial records with the Secretary of State within 30 days after the date of revocation.

(2) At the same time that the notary public files such records with the Secretary of State, a notary public shall file a statement with the Secretary of State. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., revocation;
- (e) The notary public's commission revocation date.

(3) At the same time that the notary public files such records and statement with the Secretary of State, a notary public shall file with the Secretary of State the notary public's official seal and official seal embosser, if any.

(4) The Secretary of State shall store such records for a period of seven years after the date of revocation. After the seven-year period, the Secretary of State may destroy such records. The Secretary

of State may destroy the official seal and/or official seal embosser upon receipt.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.154

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0330

160-100-0340

Termination of Commission Due to Death

(1) Within 30 days of termination of a notary public's commission as a result of death, an heir or personal representative of the notary public shall file the notary public's notarial records with the Secretary of State, *unless the notary public entered into a written agreement with his/her employer pursuant to OAR 160-100-0360*.

(2) The heir or personal representative shall file a statement with the Secretary of State. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., the notary public is deceased;
- (e) The notary public's date of death.

(3) At the same time that an heir or personal representative files such record and statement with the Secretary of State, an heir or personal representative shall file with the Secretary of State the notary public's official seal and official seal embosser, if any.

(4) The Secretary of State shall store such records for a period of seven years after the date of decease of the notary public. After the seven-year period, the Secretary of State may destroy such records. The Secretary of State may destroy the official seal and/or official seal embosser upon receipt.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.156

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0340

160-100-0350

Record of Protests of Commercial Paper

(1) A notary public whose commission terminates because of expiration, resignation or revocation, shall file his/her records of protests of commercial paper and any other notarial record relating only to protests of commercial paper with the Secretary of State within 30 days after the date of termination.

(2) At the same time that the notary public files such records with the Secretary of State, a notary public shall file a statement with the Secretary of State. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., expiration, resignation or revocation;
- (e) The notary public's commission termination date.

(3) The Secretary of State shall store such records for a period of seven years after the date of termination. After the seven-year period, the Secretary of State may destroy such records.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.130

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0350

160-100-0360

Notary Public's Responsibilities When Agreement Has Been Entered into with Employer

A notary public who has entered into an agreement with his/her employer relating to the employer's retention and disposal of the notary public's notarial records following termination of employment pursuant to ORS 194.152(3) shall retain a written copy of the agreement which may be examined by the Secretary of State upon request. The agreement shall contain at least the following information:

- (1) Date agreement was entered into;
- (2) Names of parties to agreement;

(3) Terms of agreement, including retention of records by the employer for a period not less than seven years after termination of the notary's commission;

(4) Signatures of all parties to agreement.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.152

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0360

Notarial Fees and Waiver of Notarial Fees

160-100-0400

Maximum Amount of Notary Fees Permitted to be Charged

A notary public shall not charge, attempt to charge, or receive a notary fee that is more than:

- (1) \$5 for taking an acknowledgment;
- (2) \$5 for taking a verification upon an oath or affirmation;
- (3) \$5 for certifying a copy of a document;
- (4) \$5 for witnessing or attesting a signature;
- (5) \$5 for protesting commercial paper, except a check drawn on an insolvent financial institution in which case the fee is \$0;
- (6) \$1 for administering an oath or affirmation without a signature;
- (7) \$1 for taking a deposition, each page;
- (8) \$1 for all other notarial acts not specified in this rule.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.164

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0400

160-100-0410

Displaying List of Notary Fees

A notary public who charges a fee for a notarial act shall either display a list of notary fees specified in OAR 160-100-0400 in a conspicuous location in the notary public's place of business or give a copy of the notice to any person requesting a notarial act to read before having the notarial act performed. A place of business is the notary public's residence, business office or any other location in which the notary public performs a notarial act.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.162

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0410

160-100-0420

Filing Statement of Waiver of Notary Fees; Withdrawing Statement of Waiver

(1) A notary public may file with the Secretary of State a statement waiving the right to charge a notary fee.

(2) If a notary public files a written statement of waiver, then the notary public shall:

(a) Not charge, attempt to charge or receive any notary fee for a notarial act performed after the date the notary public filed the statement of waiver;

(b) Not display a list of notary fees otherwise required by OAR 160-100-0410.

(3) If a notary public who has filed a statement of waiver wants to charge a fee to perform a notarial act, then notary public shall file with the Secretary of State a written statement withdrawing the statement of waiver and shall comply with the requirements of OAR 160-100-0400 and 160-100-0410.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.010

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0420

Complaints Against Notaries Public

160-100-0430

Filing Complaint Against Notary Public; Investigation of Notary Public by Secretary of State

(1) A person may file a complaint against a notary public with the Secretary of State. A complaint shall be in writing and signed and dated by the person filing the complaint. A complaint that does not

comply with the requirements of this section shall not be filed, responded to or acted upon by the Secretary of State.

(2) The Secretary of State may commence an investigation of a notary public as a result of information received from any source.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.166 & ORS 194.335

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0430

Conviction of a Notary Public or Notary Public Applicant of a Felony or Lesser Offense Incompatible with the Duties of a Notary Public

160-100-0500

Notification of Secretary of State of Conviction

Within 30 days of having been convicted of any felony or lesser offense incompatible with the duties of a notary public, the notary public shall file a written statement with the Secretary of State containing the following information:

- (1) The name of the notary public;
- (2) The notary public's commission number;
- (3) The notary public's Commission expiration date;
- (4) Type of conviction;
- (5) Court and jurisdiction of court in which convicted;
- (6) Sentence imposed by court.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.166 & ORS 194.335

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0500

160-100-0510

Conviction of a Lesser Offense Incompatible with the Duties of a Notary Public

"Conviction of a lesser offense incompatible with the duties of a notary public" as cited in ORS 194.166(4) and OAR 160-100-610(67) shall mean having been convicted in any court of the State of Oregon or any other state or federal jurisdiction of one of the crimes listed below or any comparable crime:

- (1) 162.075 — False swearing;
- (2) 162.085 — Unsworn falsification;
- (3) 162.235 — Obstructing governmental or judicial administration;
- (4) 162.295 — Tampering with physical evidence;
- (5) 162.305 — Tampering with public records;
- (6) 162.335 — Compounding a felony;
- (7) 162.355 — Simulating legal process;
- (8) 162.365 — Criminal impersonation;
- (9) 162.375 — Initiating a false report;
- (10) 162.385 — Giving false information to police officer for a citation;
- (11) 162.425 — Misuse of confidential information;
- (12) 165.007 — Forgery in the 2nd degree;
- (13) 165.017 — Criminal possession of a forged instrument in the 2nd degree;
- (14) 165.037 — Criminal simulation;
- (15) 165.042 — Fraudulently obtaining a signature;
- (16) 165.080 — Falsifying business records;
- (17) 165.095 — Misapplication of entrusted property;
- (18) 165.100 — Issuing a false financial statement;
- (19) 165.102 — Obtaining execution of documents by deception;

(20) Any misconduct identified of the notary offenses listed in ORS 194.990;

(21) Any other offense of a similar nature to the above listed crimes which is incompatible with the duties of a notary public.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.166

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0510

Administrative Actions

160-100-0600**Refusal to Issue, Revocation, Suspension, Civil Penalties and Official Warning for Official Misconduct**

(1) OAR 160-100-0610 identifies official misconduct, as defined in ORS 194.005(8), and identifies sanctions that may be taken by the Secretary of State for first acts of misconduct, including refusing to issue, revoking, or suspending a commission in ORS 194.166, assessing a civil penalty in ORS 194.980, or issuing an official warning in ORS 194.985.

(2) The Secretary of State may assess increasingly severe sanctions up to and including a \$1500 civil penalty and revocation of a notary public's commission, where applicable, for:

(a) Failure to correct or cease official misconduct within time periods specified by the Secretary of State in a final order (final notice of assessment) or Official Warning letter;

(b) A repeated act or acts of official misconduct which occur subsequent to any previous sanction assessed by the Secretary of State for the same type of misconduct;

(c) Accumulation of more than one different notary misconducts occurring during a seven-year period.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.166, ORS 194.980 & ORS 194.985

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0600

160-100-0610**Conduct Which Constitutes Official Misconduct**

As provided in OAR 160-100-0600, the following conduct constitutes official misconduct, as defined in ORS 194.005, for purposes of refusing to issue, revoke or suspend a notary public's commission pursuant to ORS 194.166, assessing a civil penalty against a person pursuant to ORS 194.980, or issuing an official warning to a person pursuant to ORS 194.985:

(1) A person, who is in the business of making or selling official seals, provided an official seal to a person who did not present to such vendor the original Certificate of Authorization issued by the Secretary of State to the person pursuant to ORS 194.010(2). See ORS 194.010(4)(a). Sanction for First Act of Misconduct: Official warning.

(2) A person performed a notarial act within the state of Oregon when the person was not commissioned as a notary public. See ORS 194.012. Sanction for First Act of Misconduct: Refuse to commission. (Class B Misdemeanor)

(3) A notary public used as an official seal an object that was not a stamp, or was a stamp but the stamp was made of a substance that was incapable of making a legible imprint on paper or was incapable of making an imprint that could be legibly reproduced under a photographic method. See ORS 194.031(1). Sanction for First Act of Misconduct: Official warning.

(4) A notary public, who received the notary public's official seal from a vendor of official seals, did not file with the Secretary of State an imprint of the notary public's official seal and the information required by OAR 160-100-0140 within ten days after the date the notary public received the official seal from the vendor. See ORS 194.031(4). Sanction for First Act of Misconduct: Official warning.

(5) A notary public, whose official seal was lost, misplaced, destroyed, broken, damaged or otherwise unworkable, did not personally deliver or mail to the Secretary of State a written notice of that fact within ten days after the date the notary public discovered that the notary public's official seal was lost, misplaced, destroyed, broken, damaged or otherwise unworkable. See ORS 194.031(5) and OAR 160-100-0160(1). Sanction for First Act of Misconduct: Official warning.

(6) A notary public used the notary public's seal embosser in lieu of the notary public's official seal. See ORS 194.031(6) and OAR 160-100-0130(1). Sanction for First Act of Misconduct: Official warning.

(7) A notary public performed a notarial act in another state pursuant to the authority of the notary public's Oregon commission. See ORS 194.043. Sanction for First Act of Misconduct: Official warning.

(8) A notary public did not deliver or mail to the Secretary of State a written notice of change of address within 30 days after the date the notary public changed the notary public's residence or business street or mailing address. See ORS 194.047 and 194.166(15). Sanction for First Act of Misconduct: Official warning.

(9) A notary public performed a notarial act using a new name different than the notary public's name as it appeared on the notary public's written commission. See ORS 194.052(1). Sanction for First Act of Misconduct: Official warning.

(10) A notary public did not deliver or mail to the Secretary of State a written notice of change of name within 30 days after the date the notary public's name changed. See ORS 194.052(2) and 194.166(15). Sanction for First Act of Misconduct: Official warning.

(11) A notary public issued a certificate of dishonor of a negotiable instrument (also known as a protest of commercial paper as defined in ORS 73.0505(2)) but in the certificate did not identify the negotiable instrument protested, certify that due presentment was made or the reason why presentment was excused, or certify that the instrument protested was dishonored by nonacceptance or nonpayment, as required by ORS 73.0505(2). See ORS 194.070. Sanction for First Act of Misconduct: Official warning.

(12) A notary public did not keep a record of all certificates of dishonor (also known as a protest of commercial paper as defined in ORS 73.0505(2)) issued by the notary public during the term of a commission. See ORS 194.090. Sanction for First Act of Misconduct: Official warning.

(13) A notary public performed an acknowledgment of a document executed by a corporation of which the notary public was a shareholder, director, officer or employee at the time of the notarization when the notary public was a party to the document either in an individual or representative capacity. See ORS 194.100(2)(a). Sanction for First Act of Misconduct: Official warning.

(14) A notary public issued a certificate of dishonor of a negotiable instrument (also known as a protest of commercial paper as defined in ORS 73.0505(2)) that was owned or held for collection by a corporation of which the notary public was a shareholder, director, officer or employee of a corporation at the time of the notarization when the notary public was a party to the negotiable instrument in an individual capacity. See ORS 194.100(2)(b). Sanction for First Act of Misconduct: Official warning.

(15) A notary public did not provide, keep, maintain or protect a chronological journal of notarial acts performed by the notary public during the term of a commission. See ORS 194.152(1). Sanction for First Act of Misconduct: Official warning.

(16) A notary public whose commission was terminated because of expiration and who did not reapply did not arrange for the storage of his/her notarial records, file a statement with Secretary of State or destroy the notary public's official seal and official seal embosser, if any. See ORS 194.154 and OAR 160-100-0300. Sanction for First Act of Misconduct: Official warning.

(17) A notary public whose commission terminated because of resignation did not arrange for the storage of his/her notarial records, file a statement or the notary public's official seal and official seal embosser, if any, with the Secretary of State. See ORS 194.154 and OAR 160-100-0320. Sanction for First Act of Misconduct: Official warning.

(18) A notary public whose commission terminated because of revocation did not file his/her notarial records, a statement or the notary public's official seal and official seal embosser, if any, with the Secretary of State. See ORS 194.154 and OAR 160-100-0330. Sanction for First Act of Misconduct: \$500.

(19) A notary public whose commission terminated because of expiration and who filed an application for a new commission within 30 days after the date of termination but was not issued a new commission within 90 days after the date of termination, did not dispose of the notary public's notarial records in accordance with OAR 160-100-0310 within 90 days after the date of termination. See ORS 194.154(3). Sanction for First Act of Misconduct: Official warning.

(20) A notary public notarized a document in which the notary public signed or was named other than as a notary public. See ORS 194.158(1). Sanction for First Act of Misconduct: Official warning.

(21) A notary public endorsed or promoted a product, service, contest or other offering by using the notary public's title or official seal. See ORS 194.158(2). Sanction for First Act of Misconduct: \$500 civil penalty.

(22) A notary public made a representation that the notary public had powers, qualifications, rights or privileges that the notary public did not have. See ORS 194.162(2). Sanction for First Act of Misconduct: \$500 civil penalty.

(23) A notary public, who was not licensed to practice law in the state of Oregon and who advertised in a language other than English to perform a notarial act, did not include in the advertisement the statement: "I am not licensed to practice law in the state of Oregon and I am not permitted to give legal advice on immigration or other legal matters or accept fees for legal advice." This should be written in the same language used in the advertisement and in English and prominently displayed. See ORS 194.162(3)(a) and 194.166(10). Sanction for First Act of Misconduct: Official warning.

(24) A notary public, who was not licensed to practice law in the state of Oregon and who advertised in a language other than English to perform a notarial act, did not include in the advertisement a list of notarial fees specified in OAR 160-100-0410. See ORS 194.162(3)(b) and 194.166(10). Sanction for First Act of Misconduct: Official warning.

(25) A notary public, who was not licensed to practice law in the state of Oregon and who advertised in a language other than English to perform a notarial act, did not display the statement and list of notarial fees required by ORS 194.162(3) in a conspicuous place in the notary public's place of business. See ORS 194.162(4) and 194.166(10). Sanction for First Act of Misconduct: Official warning.

(26) A notary public used the term "notario publico" or a non-English equivalent term in a business card, advertisement, notice, sign or in any other manner which misrepresents the authority of the notary public. See ORS 194.162(5). Sanction for First Act of Misconduct: Official warning.

(27) A notary public who charged a fee for traveling to perform a notarial act did not explain to the person who requested the notarial act that the traveling fee was in addition to the fee to perform the notarial act or was not required by law, or did not obtain in advance the agreement of the person who requested the notarial act to the amount of the traveling fee. See ORS 194.160(2). Sanction for First Act of Misconduct: Official warning.

(28) A notary public, except a notary public who filed with the Secretary of State a statement waiving the right to charge a notary fee, did not comply with the fee display requirements specified in OAR 160-100-0410. See ORS 194.160(3). Sanction for First Act of Misconduct: Official warning.

(29) A notary public failed to maintain the qualifications to be a notary public required under ORS 194.022. See ORS 194.166(1). Sanction for First Act of Misconduct: Revocation of commission.

(30) A notary public or notary public applicant made a substantial and material misstatement or omission of fact in an application submitted to the Secretary of State. See ORS 194.166(2). Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

(31) A notary public or notary public applicant was convicted of a felony, or of a lesser offense incompatible with the duties of a notary public. See ORS 194.166(4) and OAR 160-100-0510. Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

(32) A notary public or a notary public applicant had a professional license that was issued by a governmental entity revoked, suspended, restricted or denied for misconduct, dishonesty or a cause substantially relating to the duties or responsibilities of a notary public. See ORS 194.166(5). Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

(33) A notary public was judicially determined to be liable for damages in a suit for fraud or misrepresentation or in a suit for failing to discharge fully and faithfully the duties as a notary public. See ORS 194.166(6). Sanction for First Act of Misconduct: Revocation of commission.

(34) A notary public used a false or misleading advertisement in which the notary public represented that the notary public had powers, qualifications, rights or privileges that the office of notary public does not have, including but not limited to the power to counsel on immigration matters. See ORS 194.166(7). Sanction for First Act of Misconduct: Suspension of commission for a period of 90 days and \$1,000 civil penalty.

(35) A notary public engaged in the unauthorized practice of law. See ORS 194.166(8). Sanction for First Act of Misconduct: Suspension of commission for a period of 90 days and \$1,000 civil penalty.

(36) A notary public charged a notary fee that was more than the maximum fee specified in OAR 160-100-0400. See ORS 194.166(9). Sanction for First Act of Misconduct: \$500 civil penalty.

(37) A notary public committed an act involving dishonesty, fraud or deceit with the intent to substantially benefit the notary public or another or substantially injure another. See ORS 194.166(11). Sanction for First Act of Misconduct: Suspension of commission for a period of 90 days and \$1,000 civil penalty.

(38) A notary public executed a notarial certificate that contained a statement known to the notary public to be false. See ORS 194.166(13). Sanction for First Act of Misconduct: \$500 civil penalty.

(39) A notary public used an official seal or official seal embosser that did not conform to ORS 194.031, OAR 160-100-0100 and 160-100-0120 to perform a notarial act. See ORS 194.166(14). Sanction for First Act of Misconduct: Official warning.

(40) A notary public did not determine either from personal knowledge as defined in ORS 194.505(7) or from satisfactory evidence as defined in ORS 194.515(6) and 194.505(8) that the person acknowledging a document as defined in ORS 194.505(2) in the presence of the notary public was the person whose signature was on the document. See ORS 194.515(1). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(41) A notary public did not determine either from personal knowledge as defined in ORS 194.505(7) or from satisfactory evidence as defined in ORS 194.515(6) and 194.505(8) that the person verifying a statement by oath or affirmation as defined in ORS 194.505(3) in the presence of the notary public is the person whose signature was on the statement. See ORS 194.515(2). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(42) A notary public did not determine either from personal knowledge as defined in ORS 194.505(7) or from satisfactory evidence as defined in ORS 194.515(6) and 194.505(8) that the signature on a document was the signature of the person signing the document in the presence of the notary public and named in the document. See ORS 194.515(3). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(43) A notary public did not determine from satisfactory knowledge as defined in ORS 194.515(6) and 194.505(8) that the copy of a document presented to the notary public was a complete and correct transcription or reproduction of the document presented. See ORS 194.515(4). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(44) A notary public did not determine or from satisfactory knowledge as defined in ORS 194.515(6) and 194.505(8) the identity of the negotiable instrument, that presentment was required and made, or that presentment was excused and not made and the reason why presentment was excused, that the instrument was dishonored by nonacceptance or nonpayment, or all or any combination of the above. See ORS 194.515(5). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(45) A notary public did not evidence a notarial act by issuing a notarial certificate as defined in ORS 194.005(5) containing the signature of the notary public, the title of the notary public, the date the notary public's commission expires, the date the notary public performed the notarial act, the name of the governmental jurisdiction in which the notarial act was performed, the official seal of the notary public, and, if a United States commissioned officer on active duty,

then also the notary public's military rank. See ORS 194.565(1). Sanction for First Act of Misconduct: Official warning.

(46) A notary public did not evidence a notarial act by a notarial certificate as defined in ORS 194.005(5) in a form prescribed by a law of the United States or of the State of Oregon or, if not prescribed, then in a form permitted by ORS 194.575 or in a form designed by the notary public that describes the acts of the notary public and such acts meet all of the requisite elements of the notarial act. See ORS 194.565(2). Sanction for First Act of Misconduct: Official warning.

(47) A notary public engaged in any other act or omission involving any act prohibited or mandated by ORS 194.005 to 194.200, 194.505 to 194.595 or any rule adopted by the Secretary of State or any other law governing notarization. See ORS 194.005(8). Sanction for First Act of Misconduct: \$500 civil penalty.

(48) A notary public did not use the notary public's official seal in performing a notarial act. See OAR 160-100-0110(1). Sanction for First Act of Misconduct: Official warning.

(49) A notary public used the notary public's official seal or official seal embosser to perform a notarial act but did not place an imprint of the official seal or official seal embosser on a notarial certificate. See OAR 160-100-0110(2) and 160-100-0130(2). Sanction for First Act of Misconduct: Official warning.

(50) A notary public used the notary public's official seal or official seal embosser to perform a notarial act but placed an imprint of the official seal or official seal embosser over any signature in a document to be notarized or in a notarial certificate or over any writing in a notarial certificate. See OAR 160-100-0110(3) and 160-100-0130(3). Sanction for First Act of Misconduct: Official warning.

(51) A notary public used the notary public's official seal or official seal embosser for a purpose other than to perform a notarial act. See OAR 160-100-0110(5) and 160-100-0130(5). Sanction for First Act of Misconduct: Official warning.

(52) A notary public permitted another person to use the notary public's official seal or official seal embosser. See OAR 160-100-0110(6) or 160-100-0130(6). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days and \$500 civil penalty.

(53) A notary public used another notary public's official seal or official seal embosser or an object in lieu of the notary public's official seal or official seal embosser to perform a notarial act. See OAR 160-100-0110(7) and 160-100-0130(7). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days and \$500 civil penalty.

(54) A notary public, whose Certificate of Authorization was lost, misplaced, destroyed or otherwise unusable, did not file with the Secretary of State a written statement, under oath or affirmation within ten days after the date the notary public discovered that the Certificate of Authorization was lost, misplaced, destroyed or otherwise unusable. See OAR 160-100-0150(1). Sanction for First Act of Misconduct: Official warning.

(55) A notary public, whose Certificate of Authorization was lost, misplaced, destroyed or otherwise unusable, did not file with the Secretary of State a written statement containing the information required by OAR 160-100-0150(2). See OAR 160-100-0150(2). Sanction for First Act of Misconduct: Official warning.

(56) A notary public, who was issued a duplicate Certificate of Authorization pursuant to OAR 160-100-0150 and 160-100-0160, did not file with the Secretary of State an imprint of the notary public's seal and duplicate Certificate of Authorization within ten days after the notary public received the completed duplicate Certificate of Authorization from a vendor of official seals. See OAR 160-100-0150(4) and 160-100-0160(3). Sanction for First Act of Misconduct: Official warning.

(57) A notary public who subsequently reacquired possession of a lost, misplaced, destroyed or otherwise unusable Certificate of Authorization did not file with the Secretary of State a written statement of explanation within ten days after the date the notary public reacquired possession of the unusable Certificate of Authorization. See OAR 160-100-0150(5). Sanction for First Act of Misconduct: Official warning.

(58) A notary public, whose official seal was lost, misplaced, destroyed, broken, damaged or otherwise unworkable, did not file with the Secretary of State a written statement containing the information required by OAR 160-100-0160(2). See OAR 160-100-0160(2). Sanction for First Act of Misconduct: Official warning.

(59) A notary public who subsequently reacquired possession of a lost or misplaced official seal did not file with the Secretary of State a written statement of explanation and the lost or misplaced official seal within ten days after the date the notary public reacquired possession of the lost or misplaced official seal. See OAR 160-100-0160(4). Sanction for First Act of Misconduct: Official warning.

(60) A notary public used a notarial journal that was not in the form required by OAR 160-100-0200. See OAR 160-100-0200. Sanction for First Act of Misconduct: Official warning.

(61) A notary public did not enter in a notarial journal the information about each notarial act performed by the notary public required by OAR 160-100-0210. See OAR 160-100-0210. Sanction for First Act of Misconduct: Official warning.

(62) A notary public recorded information about multiple notarial acts performed by the notary public in a manner that did not comply with the requirements of OAR 160-100-0220. See OAR 160-100-0220. Sanction for First Act of Misconduct: Official warning.

(63) A notary public used a record of protests that did not contain the information about each certificate of dishonor issued by the notary public required by OAR 160-100-0240. See OAR 160-100-0240. Sanction for First Act of Misconduct: Official warning.

(64) A notary public whose commission was terminated because of expiration, resignation or revocation did not file with the Secretary of State the notary public's record of protests and any other notarial records relating only to protests of commercial paper in accordance with OAR 160-100-0350 within 30 days after the date of termination. See OAR 160-100-0350(1). Sanction for First Act of Misconduct: Official warning.

(65) A notary public whose commission was terminated because of expiration, resignation or revocation did not file with the Secretary of State the statement required by OAR 160-100-0350(2) within 30 days after the date of termination. See OAR 160-100-0350(2). Sanction for First Act of Misconduct: Official warning.

(66) A notary public who entered into an agreement with an employer relating to the employer's retention and disposal of the notary public's notarial records following termination of employment pursuant to ORS 194.152(3) did not retain a written copy of the agreement or make such available upon request of the Secretary of State. See OAR 160-100-0360(1). Sanction for First Act of Misconduct: Official warning.

(67) A notary public who was convicted for a felony or lesser offense incompatible with the duties of a notary public did not file a statement with the Secretary of State within 30 days of conviction. See OAR 160-100-0500. Sanction for First Act of Misconduct: \$500 civil penalty.

Stat. Auth.: ORS 194

Stats. Implemented: ORS 194.166 & ORS 194.980

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; Renumbered from 164-100-0610

160-100-0620

Appeal Process

In the event the Secretary of State sanctions a notary public for official misconduct or proposes to refuse to appoint or proposes to