



Electronic Receipts: Legally Sufficient in Oregon?

Preparing return receipt certified mailings is a hassle. It's time consuming, costly, not exactly sustainable, and often guaranteed to make your staff tear their hair out. Enter the green alternative: the [electronic return receipt](#).

Earlier this year, Washington state paved the way for use of electronic return receipt delivery with [HB 1426](#). The bill provides:

“Whenever a statute allows or requires the use of “certified mail with a return receipt requested,” [electronic return receipt delivery confirmation provided by the USPS](#) may be used.”

Can lawyers in Oregon use electronic receipts in instances where a statute requires notice by certified mail return receipt requested? The answer is unclear.

Oregon has no precise corollary to Washington's [HB 1426](#), but neither do we have a statute prohibiting the use of electronic return receipts. ORS 174.160 provides some guidance:

“Whenever, for the purpose of giving notice, registered or certified mail, with or without return receipt, is authorized or required by or pursuant to statute, it is sufficient to use in lieu thereof *any mailing method that provides for a return receipt.*” (Emphasis supplied.)

So doesn't this give Oregon practitioners the green light? Maybe. Maybe not. Oregon's Legislative Counsel office recommends proceeding with caution.

Re-read the statute which applies to your specific situation. Does it require the recipient to sign the return receipt or is confirmation of delivery enough? If the return receipt is electronic, the validity of an electronic signature might come into question. Unfortunately, ORS Chapter 84, governing the use and validity of electronic signatures, doesn't shed much light on return

receipt signatures. If the parties have not previously agreed to conduct business by electronic means, you should assume that an electronic signature will **not** suffice. See ORS 84.013 and 84.019. [CAVEAT: Washington practitioners should approach this issue cautiously as well. [HB 1426](#) speaks only to delivery confirmation **not** electronically signed receipts.]

What to do now?

Unless the parties have previously agreed to do business electronically, caution dictates using the old-fashioned paper method of certified mailings, at least in cases where a signature is required. If you are particularly risk-averse, you may want to use the paper-based approach for *all* certified/return receipt mailings. With luck, the law will catch up with the [technology](#) by the next legislative session.

With thanks to our awesome Oregon Legislative Counsel's office for their willingness to research this issue.

Posted in [Malpractice Avoidance](#), [Office Systems](#) | Tags: [Beverly Michaelis](#), [certified mailing](#), [delivery confirmation](#), [electronic return receipt](#), [electronic signature](#), [HB 1426](#), [mail](#), [mailing](#), [Oregon law practice management](#), [signature](#)

Originally published at <http://oregonlawpracticemanagement.wordpress.com/2009/12/11/the-best-of-solo-by-choice-getting-paid-and-maximizing-revenue/> November 16, 2009.

Copyright 2009 Beverly Michaelis