

Senate Bill 143

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Makes certain exemptions from practice of engineering inapplicable to registered professional engineers.

A BILL FOR AN ACT

1 Relating to practice of engineering exemptions; creating new provisions; and amending ORS 672.060.

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

3 **SECTION 1.** ORS 672.060 is amended to read:

4 672.060. ORS 672.002 to 672.325 do not apply to **the following:**

5 (1) A registered architect practicing architecture.

6 (2) A registered environmental health specialist or registered environmental health specialist
7 trainee working under the supervision of a registered environmental health specialist practicing
8 environmental sanitation, or a registered waste water specialist or registered waste water specialist
9 trainee working under the supervision of a registered waste water specialist practicing waste water
10 sanitation.

11 (3) A person working as an employee or a subordinate of a registered professional engineer if:

12 (a) The work of the person does not include final engineering designs or decisions;

13 (b) The work of the person is done under the supervision and control of and is verified by a
14 registered professional engineer; and

15 (c) The person does not purport to be an engineer or registered professional engineer by any
16 verbal claim, sign, advertisement, letterhead, card or title.

17 (4) A person practicing land surveying under the supervision of a registered professional land
18 surveyor or registered professional engineer. The exemption in this subsection does not allow an
19 engineer to supervise a land surveying activity the engineer could not personally perform under
20 ORS 672.025.

21 (5) An individual, firm, partnership or corporation practicing engineering or land surveying:

22 (a) On property owned or leased by the individual, firm, partnership or corporation, or on
23 property in which the individual, firm, partnership or corporation has an interest, estate or
24 possessory right; and

25 (b) That affects exclusively the property or interests of the individual, firm, partnership or cor-
26 poration, unless the safety or health of the public, including employees and visitors, is involved.

27 (6) The performance of engineering work by a person, firm or corporation, or by full-time em-
28 ployees thereof, provided:

29 (a) The work is in connection with or incidental to the operations of the persons, firms or cor-
30

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 porations; and

2 (b) The engineering work is not offered directly to the public.

3 (7) A person executing engineering work designed by a professional engineer or supervising the
4 construction of engineering work as a foreman or superintendent.

5 (8) A landowner performing land surveying within the boundaries of the landowner's land or the
6 landowner's regular employee performing land surveying services as part of the employee's official
7 duties within the boundaries of the land of the employer.

8 (9) An individual, firm, partnership or corporation offering to practice engineering or land sur-
9 veying if:

10 (a) The individual, firm, partnership or corporation holds a certificate of registration to engage
11 in the practice of professional engineering or land surveying issued by the proper authority of any
12 other state, a territory or possession of the United States, or a foreign country; and

13 (b) The offer includes a written statement that the offeror is not registered to practice engi-
14 neering or land surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by
15 having a person holding a valid certificate of registration in this state in responsible charge of the
16 work prior to performing any engineering or land surveying work within this state.

17 (10) A person making plans or specifications for, or supervising the erection, enlargement or
18 alteration of, a building, or an appurtenance thereto, if the building is to be used for a single family
19 residential dwelling or farm building or is a structure used in connection with or auxiliary to a
20 single family residential dwelling or farm building, including but not limited to a three-car garage,
21 barn or shed or a shelter used for the housing of domestic animals or livestock. *[ORS 672.002 to*
22 *672.325 do not prevent a person from]* **The exemption in this subsection does not apply to a**
23 **registered professional engineer.**

24 (11) **A person** making plans or specifications for, or supervising the erection, enlargement or
25 alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000
26 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to
27 the highest interior overhead finish of the structure. **The exemption in this subsection does not**
28 **apply to a registered professional engineer.**

29 *[(11)]* (12) A construction contractor licensed under ORS chapter 701 that offers services con-
30 stituting the practice of engineering if:

31 (a) The services are appurtenant to construction services to be provided by the contractor;

32 (b) The services constituting the practice of engineering are performed by an engineer or engi-
33 neers registered under ORS 672.002 to 672.325; and

34 (c) The offer by the construction contractor discloses in writing that the contractor is not an
35 engineer and identifies the registered engineer or engineers that will perform the services consti-
36 tuting the practice of engineering.

37 *[(12)]* (13) A person transcribing existing georeferenced data into a Geographic Information
38 System or Land Information System format by manual or electronic means, and the maintenance of
39 that data, if the data are clearly not intended to indicate the authoritative location of property
40 boundaries, the precise shape or contour of the earth or the precise location of fixed works of hu-
41 mans.

42 *[(13)]* (14) A person carrying out activities under ORS 306.125 or 308.245. This exemption applies
43 to the transcription of tax maps, zoning maps and other public data records into Geographic Infor-
44 mation System or Land Information System formatted cadastre and the maintenance of those
45 cadastre, if:

1 (a) The data are not modified for other than graphical purposes; and

2 (b) The data are clearly not intended to authoritatively represent property boundaries.

3 ~~[(14)]~~ (15) A person preparing maps or compiling databases depicting the distribution of natural
4 or cultural resources, features or phenomena, if the maps or data are not intended to indicate the
5 authoritative location of property boundaries, the precise shape or contour of the earth or the pre-
6 cise location of fixed works by humans.

7 ~~[(15)]~~ (16) A federal agency or its contractors, in the preparation of military maps, quadrangle
8 topographic maps, satellite imagery or other maps or images that do not define real property
9 boundaries.

10 ~~[(16)]~~ (17) A federal agency or its contractors, in the preparation or transcription of documents
11 or databases into a Geographical Information System or Land Information System format, including
12 but not limited to the preparation or transcription of federal census and other demographic data.

13 ~~[(17)]~~ (18) A law enforcement agency or its contractors, in the preparation of documents or maps
14 for traffic accidents, crime scenes or similar purposes depicting physical features or events or gen-
15 erating or using georeferenced data involving crime statistics or criminal activities.

16 ~~[(18)]~~ (19) A peace officer, as defined in ORS 161.015, or a fire service professional, as defined
17 in ORS 181.610, conducting, reporting on or testifying about or otherwise performing duties regard-
18 ing an official investigation.

19 ~~[(19)]~~ (20) A person creating general maps prepared for private firms or governmental agencies:

20 (a) For use as guides to motorists, boaters, aviators or pedestrians;

21 (b) For publication in a gazetteer or an atlas as an educational tool or reference publication;

22 (c) For use in the curriculum of any course of study;

23 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
24 ographic location of any event; or

25 (e) If prepared for conversational or illustrative purposes, including but not limited to for use
26 as advertising material or user guides.

27 **SECTION 2. The amendments to ORS 672.060 by section 1 of this 2009 Act apply to plans**
28 **and specifications in final documents that a registered professional engineer provides on or**
29 **after the effective date of this 2009 Act and to supervision services that a registered profes-**
30 **sional engineer provides on or after the effective date of this 2009 Act.**

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