

Senate Bill 39

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Board of Examiners for Engineering and Land Surveying)

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**.

Replaces exemption from laws regulating practice of engineering, land surveying and photogrammetric mapping with exemption from registration requirement. Modifies exemption of employee or subordinate of registered professional engineer from statutes regulating practice of engineering. Revises terminology regarding exempted entities. Rearranges exemption provisions.

A BILL FOR AN ACT

1
2 Relating to exemptions from registration in occupations regulated by the State Board of Examiners
3 for Engineering and Land Surveying; creating new provisions; and amending ORS 455.062 and
4 672.060.

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

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

7 672.060. [*ORS 672.002 to 672.325 do not apply to the following:*]

8 [*(1) A registered architect practicing architecture.*]

9 [*(2) A registered environmental health specialist or registered environmental health specialist*
10 *trainee working under the supervision of a registered environmental health specialist practicing envi-*
11 *ronmental sanitation, or a registered waste water specialist or registered waste water specialist trainee*
12 *working under the supervision of a registered waste water specialist practicing waste water*
13 *sanitation.*]

14 **Registration under ORS 672.002 to 672.325 is not required for the following:**

15 [(3)] (1) [*A person working*] **The performance of work** as an employee or a subordinate of a
16 registered professional engineer if:

17 (a) The work [*of the person*] does not include final engineering designs or decisions; **and**

18 (b) The work [*of the person*] is done under the supervision and control of and is verified by a
19 registered professional engineer.[: *and*]

20 [*(c) The person does not purport to be an engineer or registered professional engineer by any verbal*
21 *claim, sign, advertisement, letterhead, card or title.*]

22 **(2) The performance of engineering work by an employee, sole proprietorship, firm,**
23 **partnership or corporation:**

24 **(a) On property owned or leased by the employer, sole proprietorship, firm, partnership**
25 **or corporation, or on property in which the employer, sole proprietorship, firm, partnership**
26 **or corporation has an interest, estate or possessory right; and**

27 **(b) That affects exclusively the property or interests of the employer, sole proprietorship,**
28 **firm, partnership or corporation, unless the performance affects the health or safety of the**
29 **public or an employee.**

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 (3) The performance of engineering work by a person, or by full-time employees of the
2 person, if:

3 (a) The engineering work is in connection with or incidental to the operations of the
4 person; and

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

6 (4) An offer by an employee, sole proprietorship, firm, partnership or corporation to
7 perform engineering work if:

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

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

16 (5) The offering by a construction contractor licensed under ORS chapter 701 of services
17 constituting the performance of engineering work if:

18 (a) The services are appurtenant to construction services to be provided by the con-
19 struction contractor;

20 (b) The services constituting the practice of engineering are performed by an engineer
21 or engineers registered under ORS 672.002 to 672.325; and

22 (c) The offer by the construction contractor discloses in writing that the contractor is
23 not an engineer and identifies the engineer or engineers that will perform the services con-
24 stituting the practice of engineering.

25 (6) The execution of engineering work designed by a professional engineer or the super-
26 vision of the construction of engineering work as a foreman or superintendent.

27 (7) The making of drawings or specifications for, or the supervision of the erection, en-
28 largement or alteration of, a building, or an appurtenance thereto, if the building has a
29 ground area of 4,000 square feet or less and is not more than 20 feet in height from the top
30 surface of lowest flooring to the highest interior overhead finish of the structure. The ex-
31 emption in this subsection does not apply to a registered professional engineer.

32 (8) The making of drawings or specifications for, or the supervision of the erection, en-
33 largement or alteration of, a building, or an appurtenance thereto, if the building is to be
34 used for a single family residential dwelling or farm building or is a structure used in con-
35 nection with or auxiliary to a single family residential dwelling or farm building, including
36 but not limited to a three-car garage, barn or shed or a shelter used for the housing of do-
37 mestic animals or livestock. The exemption in this subsection does not apply to a registered
38 professional engineer.

39 (9) The performance of work as a registered architect practicing architecture.

40 (10) The performance of work as a registered environmental health specialist or regis-
41 tered environmental health specialist trainee working under the supervision of a registered
42 environmental health specialist practicing environmental sanitation, or a registered waste
43 water specialist or registered waste water specialist trainee working under the supervision
44 of a registered waste water specialist practicing waste water sanitation.

45 [(4)] (11) [A person practicing] The performance of land surveying work under the supervision

1 of a registered professional land surveyor or registered professional engineer. The exemption in this
 2 subsection does not allow an engineer to supervise a land surveying activity the engineer could not
 3 personally perform under ORS 672.025.

4 *[(5) An individual, firm, partnership or corporation practicing engineering or land surveying:]*

5 *[(a) On property owned or leased by the individual, firm, partnership or corporation, or on property*
 6 *in which the individual, firm, partnership or corporation has an interest, estate or possessory right;*
 7 *and]*

8 *[(b) That affects exclusively the property or interests of the individual, firm, partnership or corpo-*
 9 *ration, unless the safety or health of the public, including employees and visitors, is involved.]*

10 **(12) The performance of land surveying by a person:**

11 **(a) On property owned or leased by the person, or on property in which the person has**
 12 **an interest, estate or possessory right; and**

13 **(b) That affects exclusively the property or interests of the person, unless the perform-**
 14 **ance affects the health or safety of the public or an employee.**

15 *[(6) The performance of engineering work by a person, or by full-time employees of the person,*
 16 *provided:]*

17 *[(a) The work is in connection with or incidental to the operations of the person; and]*

18 *[(b) The engineering work is not offered directly to the public.]*

19 *[(7) A person executing engineering work designed by a professional engineer or supervising the*
 20 *construction of engineering work as a foreman or superintendent.]*

21 *[(8)]* **(13) [A landowner performing land surveying] The performance of land surveying work**
 22 **by a landowner** within the boundaries of the landowner's land or **by** the landowner's regular em-
 23 ployee *[performing land surveying services]* as part of the employee's official duties within the
 24 boundaries of the land of the employer.

25 *[(9) An individual, firm, partnership or corporation offering to practice engineering, land surveying*
 26 *or photogrammetric mapping if:]*

27 *[(a) The individual, firm, partnership or corporation holds a certificate of registration to engage in*
 28 *the practice of professional engineering, land surveying or photogrammetric mapping issued by the*
 29 *proper authority of any other state, a territory or possession of the United States, or a foreign country;*
 30 *and]*

31 *[(b) The offer includes a written statement that the offeror is not registered to practice engineering,*
 32 *land surveying or photogrammetric mapping in the State of Oregon, but will comply with ORS 672.002*
 33 *to 672.325 by having an individual holding a valid certificate of registration in this state in responsible*
 34 *charge of the work prior to performing any engineering, land surveying or photogrammetric mapping*
 35 *work within this state.]*

36 **(14) An offer by a person to perform land surveying if:**

37 **(a) The person holds a certificate of registration to engage in the practice of land sur-**
 38 **veying issued by the proper authority of any other state, a territory or possession of the**
 39 **United States or a foreign country; and**

40 **(b) The offer includes a written statement that the offeror is not registered to practice**
 41 **land surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having**
 42 **an individual holding a valid certificate of registration in this state in responsible charge of**
 43 **the work prior to performing any land surveying work within this state.**

44 **(15) An offer by a person to perform photogrammetric mapping if:**

45 **(a) The person holds a certificate of registration to engage in the practice of professional**

1 **photogrammetric mapping issued by the proper authority of any other state, a territory or**
 2 **possession of the United States or a foreign country; and**

3 **(b) The offer includes a written statement that the offeror is not registered to practice**
 4 **photogrammetric mapping in the State of Oregon, but will comply with ORS 672.002 to 672.325**
 5 **by having an individual holding a valid certificate of registration in this state in responsible**
 6 **charge of the work prior to performing any photogrammetric mapping work within this**
 7 **state.**

8 *[(10) A person making plans or specifications for, or supervising the erection, enlargement or al-*
 9 *teration of, a building, or an appurtenance thereto, if the building is to be used for a single family*
 10 *residential dwelling or farm building or is a structure used in connection with or auxiliary to a single*
 11 *family residential dwelling or farm building, including but not limited to a three-car garage, barn or*
 12 *shed or a shelter used for the housing of domestic animals or livestock. The exemption in this sub-*
 13 *section does not apply to a registered professional engineer.]*

14 *[(11) A person making plans or specifications for, or supervising the erection, enlargement or al-*
 15 *teration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000 square*
 16 *feet or less and is not more than 20 feet in height from the top surface of lowest flooring to the highest*
 17 *interior overhead finish of the structure. The exemption in this subsection does not apply to a registered*
 18 *professional engineer.]*

19 *[(12) A construction contractor licensed under ORS chapter 701 that offers services constituting the*
 20 *practice of engineering if:]*

21 *[(a) The services are appurtenant to construction services to be provided by the contractor;]*

22 *[(b) The services constituting the practice of engineering are performed by an engineer or engineers*
 23 *registered under ORS 672.002 to 672.325; and]*

24 *[(c) The offer by the construction contractor discloses in writing that the contractor is not an en-*
 25 *gineer and identifies the engineer or engineers that will perform the services constituting the practice*
 26 *of engineering.]*

27 *[(13)]* **(16)** *[A person transcribing]* **The transcription of** existing georeferenced data into a Ge-
 28 ographic Information System or Land Information System format by manual or electronic means, and
 29 the maintenance of that data, if the data are clearly not intended to indicate the authoritative lo-
 30 cation of property boundaries, the precise shape or contour of the earth or the precise location of
 31 fixed works of humans.

32 *[(14)]* **(17)** *[A person carrying out]* Activities under ORS 306.125 or 308.245. This exemption ap-
 33 plies to the transcription of tax maps, zoning maps and other public data records into Geographic
 34 Information System or Land Information System formatted cadastre and the maintenance of those
 35 cadastre, if:

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

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

38 *[(15)]* **(18)** *[A person preparing maps or compiling]* **The preparation of maps or the compilation**
 39 **of** databases depicting the distribution of natural or cultural resources, features or phenomena, if
 40 the maps or data are not intended to indicate the authoritative location of property boundaries, the
 41 precise shape or contour of the earth or the precise location of fixed works by humans.

42 *[(16)]* **(19)** **The preparation by** a federal agency or its contractors[, *in the preparation*] of mili-
 43 tary maps, quadrangle topographic maps, satellite imagery or other maps or images that do not de-
 44 fine real property boundaries.

45 *[(17)]* **(20)** **The preparation or transcription by** a federal agency or its contractors[, *in the*

1 *preparation or transcription*] of documents or databases into a Geographical Information System or
 2 Land Information System format, including but not limited to the preparation or transcription of
 3 federal census and other demographic data.

4 [(18)] **(21) The preparation by** a law enforcement agency or its contractors[, *in the*
 5 *preparation*] of documents or maps for traffic accidents, crime scenes or similar purposes depicting
 6 physical features or events or generating or using georeferenced data involving crime statistics or
 7 criminal activities.

8 [(19)] **(22) Activities of** a peace officer, as defined in ORS 161.015, or a fire service professional,
 9 as defined in ORS 181A.355, **in** conducting, reporting on or testifying about or otherwise performing
 10 duties regarding an official investigation.

11 [(20)] **(23) [A person creating] The creation of** general maps prepared for private firms or gov-
 12 ernmental agencies:

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

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

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

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

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

20 **SECTION 2.** ORS 455.062 is amended to read:

21 455.062. (1) A Department of Consumer and Business Services employee acting within the scope
 22 of that employment may provide typical [*plans*] **drawings** and specifications:

23 (a) For structures of a type for which the provision of [*plans*] **drawings** or specifications is ex-
 24 empted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS
 25 672.060 from the [*application of*] **registration requirements of** ORS 672.002 to 672.325; and

26 (b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are metal
 27 or wood frame Use and Occupancy Classification Group U structures under the structural specialty
 28 code.

29 (2) A building official or inspector, as those terms are defined in ORS 455.715, when acting
 30 within the scope of direct employment by a municipality, may provide typical [*plans and*] **drawings**
 31 **or** specifications for structures of a type for which the provision of [*plans*] **drawings** or specifica-
 32 tions is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted
 33 under ORS 672.060 from the [*application of*] **registration requirements of** ORS 672.002 to 672.325.

34 (3) This section does not alter any applicable requirement under ORS 671.010 to 671.220 or
 35 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

36 **SECTION 3. The amendments to ORS 455.062 and 672.060 by sections 1 and 2 of this 2019**
 37 **Act apply to work performed, and offers made, on or after the effective date of this 2019 Act.**