

Senate Bill 421

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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**.

Provides that civil action based on negligence, including but not limited to claim for indemnity or contribution, may not be brought against design professional for damages arising out of work performed by design professional on improvement unless action is brought by person who contracted with design professional. Exempts tort claim for personal injury, death or damage to property other than improvement.

A BILL FOR AN ACT

1
2 Relating to design professionals.

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

4 **SECTION 1. (1) As used in this section, "design professional" means a person that pro-**
5 **vides professional engineering, professional architecture, professional land surveying, pro-**
6 **fessional landscape architecture, professional soil science or professional urban planning**
7 **services.**

8 **(2) A civil action based on negligence, including but not limited to a claim for indemnity**
9 **or contribution, may not be brought against a design professional for any damages arising**
10 **out of work performed by the design professional on an improvement, as defined in ORS**
11 **87.005, unless the civil action is brought by the person who contracted with the design pro-**
12 **fessional to perform the work.**

13 **(3) The provisions of this section do not apply to a tort claim for personal injury or death,**
14 **or to damage to property other than the improvement.**

15 **SECTION 2. (1) Except as provided by subsection (2) of this section, section 1 of this 2011**
16 **Act applies to all causes of action described in section 1 of this 2011 Act, whether arising**
17 **before, on or after the effective date of this 2011 Act.**

18 **(2) Section 1 of this 2011 Act does not apply to a cause of action for which a judgment**
19 **was entered before the effective date of this 2011 Act.**

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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.