

# ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON

Testimony Presented to the  
Senate Rural Communities and Economic Development Committee  
In Opposition to SB 582 -1 amendments  
April 4, 2013

Chair Roblan and members of the Committee, good afternoon and thank you for the opportunity to present my testimony in opposition to SB 582 -1 amendments.

My name is Erik Peterson and I am the President of the American Council of Engineering Companies (ACEC) Oregon. I am a registered professional engineer, and owner of Peterson Structural Engineers, Inc. ACEC Oregon is a professional organization representing more than 110 member firms and 3,500 employees in Oregon. Our members include many small rural firms as well as major companies providing design services to public and private clients across the nation and world.

In summary the problems that we see with this bill are as follows:

- 1) SB 582-1 amendments gives the Director of the Oregon Department of Consumer and Business Services complete power to adopt alternative building code requirements if the code is deemed "unclear, duplicative, inadequate or unsuitable". While it appears there are some qualifications to limit the provision application to location, type of structure, or code provision other sections allow the Director to modify the applications that appears would keep this entity from amending the code as they saw fit for any application.
- 2) SB 582-1 amendments allow a Building Official, Department Employee or Building Inspector to act as a design consultant but then stipulates that if they do so they are not engaged in the practice of Engineering and defined by ORS 672. This means that an unqualified, unlicensed, uninsured person may provide engineering advice and consultation WITHOUT having to be a licensed professional registered with OSBEELS.
- 3) SB 582-1 amendments allow the aforementioned public sector employees to charge for these services, as if they were a private consultant. This would be allowed in direct competition with private sector companies without having to carry insurance, business or a Professional Engineering license. It also appears to allow the Department of Consumer and Business Affairs to advertise and provide professional services under contract to other municipalities, as if they were a private consulting firm. They appear to be able to do this without having to carry insurance.

ORS 672.020 states, "(1) In order to safeguard life, health and property, no person shall practice or offer to practice engineering in this state unless the person is registered and has a valid certificate to practice engineering issued under ORS 672.002 to 672.325. (2) Each registered professional engineer shall, upon registration, obtain a seal of the design authorized by the State Board of Examiners for Engineering and Land Surveying. Every final document including drawings, specifications, designs, reports, narratives, maps and plans issued by a registrant shall be stamped with the seal and signed by the registrant.

Our concern is that the bill as written does not protect the public. It allows the building official to take design responsibility and offer it to the public without the benefit of additional education or certification. As engineers, we believe that professional licensure demonstrates the professional competency that the public expects when they procure these services.

Thank you for your consideration.

5319 SW Westgate Drive, Suite 224, Portland, Oregon 97221  
phone (503) 292-2348 ♦ fax (503) 292-2410  
[www.acecOregon.org](http://www.acecOregon.org)

*Member of the American Council of Engineering Companies, Washington, D.C.*

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