

TO: House Judiciary Committee
FROM: Cindy Robert, AIA Oregon
RE: SB 46-A
Hearing Wednesday, May 8
DATE: May 6, 2013

SB 46-A passed the Senate Judiciary Committee unanimously and the Senate floor 26-3.

SB 46-A adjusts the statute of repose to 6 years for a “large commercial structure” - which means any structure that is not a residential structure or small commercial structure.

SB 46-A leaves at 10 years both residences and “small commercial structure” - which means:

- (a) A nonresidential structure that has a ground area of 10,000 square feet or less;
- (b) A nonresidential leasehold, rental unit or other unit that is part of a larger structure;
- (c) A nonresidential structure of any size for which the contract price of all construction contractor work to be performed on the structure as part of a construction project does not total more than \$250,000; or
- (d) An appurtenance to a structure or unit described in paragraphs (a) to (c) of this subsection.

With SB 46-A, the statute of repose for design work matches the same repose limitations for residences and commercial structures for construction contractors (2009).

Oregon Statute of Repose

Ultimate Repose (ORS 12.135)

Construction Contractor
current

6 years
Large Commercial Structure

10 years
Residential or Small Commercial (condo association)

Design Professional
current

10 years
All structures requiring design professional
Note that design professionals are not required for residential design in Oregon

With SB 46-A
Brings in line with contractors

6 years large commercial structures
10 years small commercial structures & condo association
Public projects all remain at 10 years