

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

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**Action:** Do Pass

**Vote:** 9 - 0 - 0

**Yeas:** Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker

**Nays:** 0

**Exc.:** 0

**Prepared By:** Anna Braun, Counsel

**Meeting Dates:** 5/15, 5/22

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**WHAT THE MEASURE DOES:** Shortens the time period to bring a lawsuit against design professional from 10 years to six years for large commercial structures.

**ISSUES DISCUSSED:**

- Policy change in 2009
- Not expanding to residences

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Statute of ultimate repose differs from a statute of limitations in that it is a firm time period in which a lawsuit must be brought or a claim cannot be filed. A statute of limitations may be extended for equitable reasons and often depends on the time the injury was discovered.

In 2009, House Bill 2434 A shortened statute of ultimate repose for large commercial structures defined under ORS 701.005 from 10 years to six years. The definition of large commercial structures excluded large structures owned or maintained by homeowners associations, small commercial structures and residential structures. Under current statute, the statute of ultimate repose for architects, landscape architects and engineers design professionals is 10 years. Senate Bill 46 A shortens the time period for architects, landscape architects and engineers but only for large commercial structures.