

# DRAFT

## SUMMARY

Exempts certain persons measuring or describing water, underwater areas or submerged lands from laws regulating practice of surveying or other practices regulated by State Board of Examiners for Engineering and Land Surveying.

Sunsets exemption January 2, 2019.

## A BILL FOR AN ACT

1  
2 Relating to professions regulated by the State Board of Examiners for Engi-  
3 neering and Land Surveying; creating new provisions; and amending ORS  
4 672.060.

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

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

6 672.060. ORS 672.002 to 672.325 do not apply to the following:

7 (1) A registered architect practicing architecture.

8 (2) A registered environmental health specialist or registered environ-  
9 mental health specialist trainee working under the supervision of a regis-  
10 tered environmental health specialist practicing environmental sanitation,  
11 or a registered waste water specialist or registered waste water specialist  
12 trainee working under the supervision of a registered waste water specialist  
13 practicing waste water sanitation.

14 (3) A person working as an employee or a subordinate of a registered  
15 professional engineer if:

16 (a) The work of the person does not include final engineering designs or  
17 decisions;

18 (b) The work of the person is done under the supervision and control of  
19

1 and is verified by a registered professional engineer; and

2 (c) The person does not purport to be an engineer or registered profes-  
3 sional engineer by any verbal claim, sign, advertisement, letterhead, card or  
4 title.

5 (4) A person practicing land surveying under the supervision of a regis-  
6 tered professional land surveyor or registered professional engineer. The ex-  
7 emption in this subsection does not allow an engineer to supervise a land  
8 surveying activity the engineer could not personally perform under ORS  
9 672.025.

10 (5) An individual, firm, partnership or corporation practicing engineering  
11 or land surveying:

12 (a) On property owned or leased by the individual, firm, partnership or  
13 corporation, or on property in which the individual, firm, partnership or  
14 corporation has an interest, estate or possessory right; and

15 (b) That affects exclusively the property or interests of the individual,  
16 firm, partnership or corporation, unless the safety or health of the public,  
17 including employees and visitors, is involved.

18 (6) The performance of engineering work by a person, or by full-time em-  
19 ployees of the person, provided:

20 (a) The work is in connection with or incidental to the operations of the  
21 person; and

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

23 (7) A person executing engineering work designed by a professional engi-  
24 neer or supervising the construction of engineering work as a foreman or  
25 superintendent.

26 (8) A landowner performing land surveying within the boundaries of the  
27 landowner's land or the landowner's regular employee performing land sur-  
28 veying services as part of the employee's official duties within the bounda-  
29 ries of the land of the employer.

30 (9) An individual, firm, partnership or corporation offering to practice  
31 engineering, land surveying or photogrammetric mapping if:

1 (a) The individual, firm, partnership or corporation holds a certificate of  
2 registration to engage in the practice of professional engineering, land sur-  
3 veying or photogrammetric mapping issued by the proper authority of any  
4 other state, a territory or possession of the United States, or a foreign  
5 country; and

6 (b) The offer includes a written statement that the offeror is not regis-  
7 tered to practice engineering, land surveying or photogrammetric mapping  
8 in the State of Oregon, but will comply with ORS 672.002 to 672.325 by hav-  
9 ing an individual holding a valid certificate of registration in this state in  
10 responsible charge of the work prior to performing any engineering, land  
11 surveying or photogrammetric mapping work within this state.

12 (10) A person making plans or specifications for, or supervising the  
13 erection, enlargement or alteration of, a building, or an appurtenance  
14 thereto, if the building is to be used for a single family residential dwelling  
15 or farm building or is a structure used in connection with or auxiliary to a  
16 single family residential dwelling or farm building, including but not limited  
17 to a three-car garage, barn or shed or a shelter used for the housing of do-  
18 mestic animals or livestock. The exemption in this subsection does not apply  
19 to a registered professional engineer.

20 (11) A person making plans or specifications for, or supervising the  
21 erection, enlargement or alteration of, a building, or an appurtenance  
22 thereto, if the building has a ground area of 4,000 square feet or less and is  
23 not more than 20 feet in height from the top surface of lowest flooring to the  
24 highest interior overhead finish of the structure. The exemption in this sub-  
25 section does not apply to a registered professional engineer.

26 (12) A construction contractor licensed under ORS chapter 701 that offers  
27 services constituting the practice of engineering if:

28 (a) The services are appurtenant to construction services to be provided  
29 by the contractor;

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

1 (c) The offer by the construction contractor discloses in writing that the  
2 contractor is not an engineer and identifies the engineer or engineers that  
3 will perform the services constituting the practice of engineering.

4 (13) A person transcribing existing georeferenced data into a Geographic  
5 Information System or Land Information System format by manual or elec-  
6 tronic means, and the maintenance of that data, if the data are clearly not  
7 intended to indicate the authoritative location of property boundaries, the  
8 precise shape or contour of the earth or the precise location of fixed works  
9 of humans.

10 (14) A person carrying out activities under ORS 306.125 or 308.245. This  
11 exemption applies to the transcription of tax maps, zoning maps and other  
12 public data records into Geographic Information System or Land Information  
13 System formatted cadastre and the maintenance of those cadastre, if:

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

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

17 (15) A person preparing maps or compiling databases depicting the dis-  
18 tribution of natural or cultural resources, features or phenomena, if the maps  
19 or data are not intended to indicate the authoritative location of property  
20 boundaries, the precise shape or contour of the earth or the precise location  
21 of fixed works by humans.

22 (16) A federal agency or its contractors, in the preparation of military  
23 maps, quadrangle topographic maps, satellite imagery or other maps or im-  
24 ages that do not define real property boundaries.

25 (17) A federal agency or its contractors, in the preparation or tran-  
26 scription of documents or databases into a Geographical Information System  
27 or Land Information System format, including but not limited to the prepa-  
28 ration or transcription of federal census and other demographic data.

29 (18) A law enforcement agency or its contractors, in the preparation of  
30 documents or maps for traffic accidents, crime scenes or similar purposes  
31 depicting physical features or events or generating or using georeferenced

1 data involving crime statistics or criminal activities.

2 (19) A peace officer, as defined in ORS 161.015, or a fire service profes-  
3 sional, as defined in ORS 181A.355, conducting, reporting on or testifying  
4 about or otherwise performing duties regarding an official investigation.

5 (20) A person creating general maps prepared for private firms or gov-  
6 ernmental agencies:

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

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

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

11 (d) If produced by any electronic or print media, for use as an illustrative  
12 guide to the geographic location of any event; or

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

15 **(21) A person measuring or describing surface waters, underwater  
16 areas or submerged lands, who is:**

17 **(a) Conducting surveys for academic or scientific research purposes;**

18 **(b) Certified by a national surveyor or hydrographic society as a  
19 hydrographer; or**

20 **(c) Certified by an international hydrographic organization in the  
21 highest surveyor category recognized by the organization.**

22 **SECTION 2.** ORS 672.060, as amended by section 1 of this 2017 Act, is  
23 amended to read:

24 672.060. ORS 672.002 to 672.325 do not apply to the following:

25 (1) A registered architect practicing architecture.

26 (2) A registered environmental health specialist or registered environ-  
27 mental health specialist trainee working under the supervision of a regis-  
28 tered environmental health specialist practicing environmental sanitation,  
29 or a registered waste water specialist or registered waste water specialist  
30 trainee working under the supervision of a registered waste water specialist  
31 practicing waste water sanitation.

1 (3) A person working as an employee or a subordinate of a registered  
2 professional engineer if:

3 (a) The work of the person does not include final engineering designs or  
4 decisions;

5 (b) The work of the person is done under the supervision and control of  
6 and is verified by a registered professional engineer; and

7 (c) The person does not purport to be an engineer or registered profes-  
8 sional engineer by any verbal claim, sign, advertisement, letterhead, card or  
9 title.

10 (4) A person practicing land surveying under the supervision of a regis-  
11 tered professional land surveyor or registered professional engineer. The ex-  
12 emption in this subsection does not allow an engineer to supervise a land  
13 surveying activity the engineer could not personally perform under ORS  
14 672.025.

15 (5) An individual, firm, partnership or corporation practicing engineering  
16 or land surveying:

17 (a) On property owned or leased by the individual, firm, partnership or  
18 corporation, or on property in which the individual, firm, partnership or  
19 corporation has an interest, estate or possessory right; and

20 (b) That affects exclusively the property or interests of the individual,  
21 firm, partnership or corporation, unless the safety or health of the public,  
22 including employees and visitors, is involved.

23 (6) The performance of engineering work by a person, or by full-time em-  
24 ployees of the person, provided:

25 (a) The work is in connection with or incidental to the operations of the  
26 person; and

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

28 (7) A person executing engineering work designed by a professional engi-  
29 neer or supervising the construction of engineering work as a foreman or  
30 superintendent.

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1 landowner's land or the landowner's regular employee performing land sur-  
2 veying services as part of the employee's official duties within the bounda-  
3 ries of the land of the employer.

4 (9) An individual, firm, partnership or corporation offering to practice  
5 engineering, land surveying or photogrammetric mapping if:

6 (a) The individual, firm, partnership or corporation holds a certificate of  
7 registration to engage in the practice of professional engineering, land sur-  
8 veying or photogrammetric mapping issued by the proper authority of any  
9 other state, a territory or possession of the United States, or a foreign  
10 country; and

11 (b) The offer includes a written statement that the offeror is not regis-  
12 tered to practice engineering, land surveying or photogrammetric mapping  
13 in the State of Oregon, but will comply with ORS 672.002 to 672.325 by hav-  
14 ing an individual holding a valid certificate of registration in this state in  
15 responsible charge of the work prior to performing any engineering, land  
16 surveying or photogrammetric mapping work within this state.

17 (10) A person making plans or specifications for, or supervising the  
18 erection, enlargement or alteration of, a building, or an appurtenance  
19 thereto, if the building is to be used for a single family residential dwelling  
20 or farm building or is a structure used in connection with or auxiliary to a  
21 single family residential dwelling or farm building, including but not limited  
22 to a three-car garage, barn or shed or a shelter used for the housing of do-  
23 mestic animals or livestock. The exemption in this subsection does not apply  
24 to a registered professional engineer.

25 (11) A person making plans or specifications for, or supervising the  
26 erection, enlargement or alteration of, a building, or an appurtenance  
27 thereto, if the building has a ground area of 4,000 square feet or less and is  
28 not more than 20 feet in height from the top surface of lowest flooring to the  
29 highest interior overhead finish of the structure. The exemption in this sub-  
30 section does not apply to a registered professional engineer.

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1 services constituting the practice of engineering if:

2 (a) The services are appurtenant to construction services to be provided  
3 by the contractor;

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

6 (c) The offer by the construction contractor discloses in writing that the  
7 contractor is not an engineer and identifies the engineer or engineers that  
8 will perform the services constituting the practice of engineering.

9 (13) A person transcribing existing georeferenced data into a Geographic  
10 Information System or Land Information System format by manual or elec-  
11 tronic means, and the maintenance of that data, if the data are clearly not  
12 intended to indicate the authoritative location of property boundaries, the  
13 precise shape or contour of the earth or the precise location of fixed works  
14 of humans.

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17 public data records into Geographic Information System or Land Information  
18 System formatted cadastre and the maintenance of those cadastre, if:

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28 maps, quadrangle topographic maps, satellite imagery or other maps or im-  
29 ages that do not define real property boundaries.

30 (17) A federal agency or its contractors, in the preparation or tran-  
31 scription of documents or databases into a Geographical Information System



1 or Land Information System format, including but not limited to the prepa-  
2 ration or transcription of federal census and other demographic data.

3 (18) A law enforcement agency or its contractors, in the preparation of  
4 documents or maps for traffic accidents, crime scenes or similar purposes  
5 depicting physical features or events or generating or using georeferenced  
6 data involving crime statistics or criminal activities.

7 (19) A peace officer, as defined in ORS 161.015, or a fire service profes-  
8 sional, as defined in ORS 181A.355, conducting, reporting on or testifying  
9 about or otherwise performing duties regarding an official investigation.

10 (20) A person creating general maps prepared for private firms or gov-  
11 ernmental agencies:

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

13 (b) For publication in a gazetteer or an atlas as an educational tool or  
14 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  
17 guide to the geographic location of any event; or

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

20 *[(21) A person measuring or describing surface waters, underwater areas  
21 or submerged lands, who is:]*

22 *[(a) Conducting surveys for academic or scientific research purposes;]*

23 *[(b) Certified by a national surveyor or hydrographic society as a  
24 hydrographer; or]*

25 *[(c) Certified by an international hydrographic organization in the highest  
26 surveyor category recognized by the organization.]*

27 **SECTION 3. The amendments to ORS 672.060 by section 2 of this**  
28 **2017 Act become operative January 2, 2019.**

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