

House Bill 3168

Sponsored by COMMITTEE ON BUSINESS AND LABOR

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**.

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 Engineering and Land Sur-
3 veying; creating new provisions; and amending ORS 672.060.

4 **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 environmental health specialist
9 trainee working under the supervision of a registered environmental health specialist practicing
10 environmental sanitation, or a registered waste water specialist or registered waste water specialist
11 trainee working under the supervision of a registered waste water specialist practicing waste water
12 sanitation.

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

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

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

17 (c) The person does not purport to be an engineer or registered professional engineer by any
18 verbal claim, sign, advertisement, letterhead, card or title.

19 (4) A person practicing land surveying under the supervision of a registered professional land
20 surveyor or registered professional engineer. The exemption in this subsection does not allow an
21 engineer to supervise a land surveying activity the engineer could not personally perform under
22 ORS 672.025.

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

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

27 (b) That affects exclusively the property or interests of the individual, firm, partnership or cor-
28 poration, unless the safety or health of the public, including employees and visitors, is involved.

29 (6) The performance of engineering work by a person, or by full-time employees of the person,
30 provided:

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.

- 1 (a) The work is in connection with or incidental to the operations of the person; and
- 2 (b) The engineering work is not offered directly to the public.
- 3 (7) A person executing engineering work designed by a professional engineer or supervising the
- 4 construction of engineering work as a foreman or superintendent.
- 5 (8) A landowner performing land surveying within the boundaries of the landowner's land or the
- 6 landowner's regular employee performing land surveying services as part of the employee's official
- 7 duties within the boundaries of the land of the employer.
- 8 (9) An individual, firm, partnership or corporation offering to practice engineering, land sur-
- 9 veying or photogrammetric mapping if:
- 10 (a) The individual, firm, partnership or corporation holds a certificate of registration to engage
- 11 in the practice of professional engineering, land surveying or photogrammetric mapping issued by
- 12 the proper authority of any other state, a territory or possession of the United States, or a foreign
- 13 country; and
- 14 (b) The offer includes a written statement that the offeror is not registered to practice engi-
- 15 neering, land surveying or photogrammetric mapping in the State of Oregon, but will comply with
- 16 ORS 672.002 to 672.325 by having an individual holding a valid certificate of registration in this
- 17 state in responsible charge of the work prior to performing any engineering, land surveying or
- 18 photogrammetric mapping work within this state.
- 19 (10) A person making plans or specifications for, or supervising the erection, enlargement or
- 20 alteration of, a building, or an appurtenance thereto, if the building is to be used for a single family
- 21 residential dwelling or farm building or is a structure used in connection with or auxiliary to a
- 22 single family residential dwelling or farm building, including but not limited to a three-car garage,
- 23 barn or shed or a shelter used for the housing of domestic animals or livestock. The exemption in
- 24 this subsection does not apply to a registered professional engineer.
- 25 (11) A person making plans or specifications for, or supervising the erection, enlargement or
- 26 alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000
- 27 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to
- 28 the highest interior overhead finish of the structure. The exemption in this subsection does not apply
- 29 to a registered professional engineer.
- 30 (12) A construction contractor licensed under ORS chapter 701 that offers services constituting
- 31 the practice of engineering if:
- 32 (a) The services are appurtenant to construction services to be provided by the contractor;
- 33 (b) The services constituting the practice of engineering are performed by an engineer or engi-
- 34 neers registered under ORS 672.002 to 672.325; and
- 35 (c) The offer by the construction contractor discloses in writing that the contractor is not an
- 36 engineer and identifies the engineer or engineers that will perform the services constituting the
- 37 practice of engineering.
- 38 (13) A person transcribing existing georeferenced data into a Geographic Information System
- 39 or Land Information System format by manual or electronic means, and the maintenance of that
- 40 data, if the data are clearly not intended to indicate the authoritative location of property bounda-
- 41 ries, the precise shape or contour of the earth or the precise location of fixed works of humans.
- 42 (14) A person carrying out activities under ORS 306.125 or 308.245. This exemption applies to
- 43 the transcription of tax maps, zoning maps and other public data records into Geographic Informa-
- 44 tion System or Land Information System formatted cadastre and the maintenance of those cadastre,
- 45 if:

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

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

3 (15) A person preparing maps or compiling databases depicting the distribution of natural or
4 cultural resources, features or phenomena, if the maps or data are not intended to indicate the au-
5 thoritative location of property boundaries, the precise shape or contour of the earth or the precise
6 location of fixed works by humans.

7 (16) A federal agency or its contractors, in the preparation of military maps, quadrangle
8 topographic maps, satellite imagery or other maps or images that do not define real property
9 boundaries.

10 (17) A federal agency or its contractors, in the preparation or transcription of documents or
11 databases into a Geographical Information System or Land Information System format, including but
12 not limited to the preparation or transcription of federal census and other demographic data.

13 (18) A law enforcement agency or its contractors, in the preparation of documents or maps for
14 traffic accidents, crime scenes or similar purposes depicting physical features or events or generat-
15 ing or using georeferenced data involving crime statistics or criminal activities.

16 (19) A peace officer, as defined in ORS 161.015, or a fire service professional, as defined in ORS
17 181A.355, conducting, reporting on or testifying about or otherwise performing duties regarding an
18 official investigation.

19 (20) A person creating general maps prepared for private firms or governmental agencies:

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

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

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

23 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
24 ographic location of any event; or

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

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

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

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

31 **(c) Certified by an international hydrographic organization in the highest surveyor cate-**
32 **gory recognized by the organization.**

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

34 672.060. ORS 672.002 to 672.325 do not apply to the following:

35 (1) A registered architect practicing architecture.

36 (2) A registered environmental health specialist or registered environmental health specialist
37 trainee working under the supervision of a registered environmental health specialist practicing
38 environmental sanitation, or a registered waste water specialist or registered waste water specialist
39 trainee working under the supervision of a registered waste water specialist practicing waste water
40 sanitation.

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

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

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

45 (c) The person does not purport to be an engineer or registered professional engineer by any

1 verbal claim, sign, advertisement, letterhead, card or title.

2 (4) A person practicing land surveying under the supervision of a registered professional land
 3 surveyor or registered professional engineer. The exemption in this subsection does not allow an
 4 engineer to supervise a land surveying activity the engineer could not personally perform under
 5 ORS 672.025.

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

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

10 (b) That affects exclusively the property or interests of the individual, firm, partnership or cor-
 11 poration, unless the safety or health of the public, including employees and visitors, is involved.

12 (6) The performance of engineering work by a person, or by full-time employees of the person,
 13 provided:

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

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

16 (7) A person executing engineering work designed by a professional engineer or supervising the
 17 construction of engineering work as a foreman or superintendent.

18 (8) A landowner performing land surveying within the boundaries of the landowner's land or the
 19 landowner's regular employee performing land surveying services as part of the employee's official
 20 duties within the boundaries of the land of the employer.

21 (9) An individual, firm, partnership or corporation offering to practice engineering, land sur-
 22 veying or photogrammetric mapping if:

23 (a) The individual, firm, partnership or corporation holds a certificate of registration to engage
 24 in the practice of professional engineering, land surveying or photogrammetric mapping issued by
 25 the proper authority of any other state, a territory or possession of the United States, or a foreign
 26 country; and

27 (b) The offer includes a written statement that the offeror is not registered to practice engi-
 28 neering, land surveying or photogrammetric mapping in the State of Oregon, but will comply with
 29 ORS 672.002 to 672.325 by having an individual holding a valid certificate of registration in this
 30 state in responsible charge of the work prior to performing any engineering, land surveying or
 31 photogrammetric mapping work within this state.

32 (10) A person making plans or specifications for, or supervising the erection, enlargement or
 33 alteration of, a building, or an appurtenance thereto, if the building is to be used for a single family
 34 residential dwelling or farm building or is a structure used in connection with or auxiliary to a
 35 single family residential dwelling or farm building, including but not limited to a three-car garage,
 36 barn or shed or a shelter used for the housing of domestic animals or livestock. The exemption in
 37 this subsection does not apply to a registered professional engineer.

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

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

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

1 (b) The services constituting the practice of engineering are performed by an engineer or engi-
 2 neers registered under ORS 672.002 to 672.325; and

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

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

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

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

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 22 boundaries.

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 24 databases into a Geographical Information System or Land Information System format, including but
 25 not limited to the preparation or transcription of federal census and other demographic data.

26 (18) A law enforcement agency or its contractors, in the preparation of documents or maps for
 27 traffic accidents, crime scenes or similar purposes depicting physical features or events or generat-
 28 ing or using georeferenced data involving crime statistics or criminal activities.

29 (19) A peace officer, as defined in ORS 161.015, or a fire service professional, as defined in ORS
 30 181A.355, conducting, reporting on or testifying about or otherwise performing duties regarding an
 31 official investigation.

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

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

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

36 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
 37 ographic location of any event; or

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

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

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

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

44 *[(c) Certified by an international hydrographic organization in the highest surveyor category re-*
 45 *cognized by the organization.]*

