

HB 3143 A STAFF MEASURE SUMMARY

Carrier: Rep. Bynum

House Committee On Business and Labor

Action Date: 03/20/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-0-2-0

Yeas: 9 - Barker, Barreto, Bonham, Boshart Davis, Bynum, Doherty, Evans, Fahey, Holvey

Exc: 2 - Boles, Clem

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Jan Nordlund, LPRO Analyst

Meeting Dates: 3/20

WHAT THE MEASURE DOES:

Clarifies that practice of engineering means providing specified services for others. Clarifies which aspects of land surveying, whether done for self or others, is a practice of land surveying subject to regulation. Clarifies that someone is practicing engineering or land surveying when they bid to perform or perform commercial or professional services or work, or when they claim in advertising, signs, letterhead, or such, that they are a professional or registered practitioner.

ISSUES DISCUSSED:

- Challenge in federal court to title and practice laws
- Court ruling requires statutory change to title laws
- Impact of land surveying on neighboring properties

EFFECT OF AMENDMENT:

Limits regulation of certain activities of land surveyors to when work is done for others.

BACKGROUND:

The Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) regulates the practices of engineering, land surveying, photogrammetric mapping, and water right examination in the state as they relate to the welfare of the public in safeguarding life, health, and property. The Board assures that only competent individuals are granted licenses to practice engineering, land surveying, and photogrammetric mapping; that only registered individuals are offering and/or providing engineering, land surveying, or photogrammetric mapping services, or water right examination; and that registered individuals maintain high standards of practice and compliance with applicable statutes, rules, and regulations.

Mats Jarlstrom was fined by the Board for claiming to be an engineer as he advocated for a review of traffic light calculations after his wife was ticketed for running a red light. He took his case to U.S. District Court. The court ruled that the engineering statutes and administrative rules violated his rights under the first amendment to the U.S. Constitution.

House Bill 3143-A clarifies when engineering, professional engineering, or land surveying is a regulated activity.