

HB 3143 A STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

Senate Committee On Business and General Government

Action Date: 04/18/19
Action: Do pass the A-Eng bill.
Vote: 4-0-1-0
Yeas: 4 - Dembrow, Girod, Olsen, Riley
Exc: 1 - Hass
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Tyler Larson, LPRO Analyst
Meeting Dates: 4/18

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:

- Recent federal court decision and need to revise statute
- Impact of proposed legislation on an individual who identifies as an engineer

EFFECT OF AMENDMENT:

No amendment.

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.

After his wife received a ticket for running a red light in 2013, Mats Jarlstrom analyzed the method for calculating the duration of yellow lights and found the formula failed to account for drivers who must slow down to make a legal turn. Mr. Jarlstrom, who holds bachelors degree in engineering from Sweden, described himself as an engineer as he advocated for changes to the formula. OSBEELS found that Mr. Jarlstrom violated state law by claiming to be an engineer without holding the appropriate license from OSBEELS, and assessed a civil penalty. Mr. Jarlstrom appealed the penalty to the U.S. District Court for the State of Oregon. In a 2018 decision, the court ruled that the prohibition on using the title "engineer" was substantially overbroad and a violation of the First Amendment of the U.S. Constitution.

House Bill 3143-A narrows regulated activities and oral representations that constitute the practice of engineering, professional engineering, or land surveying.