

**SB 369 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Barker

**House Committee On Judiciary**

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**Action Date:** 05/20/19

**Action:** Do Pass the A-Eng bill.

**Vote:** 11-0-0-0

**Yeas:** 11 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 5/16, 5/20

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**WHAT THE MEASURE DOES:**

Adds the date when a public body issues a certificate of occupancy or the date when the owner uses or occupies the improvement for its intended purpose as possible triggers of substantial completion of a construction, alteration, or repair of improvement to real property.

**ISSUES DISCUSSED:**

- Measure provides clarity
- Examples of indeterminate triggers of substantial completion
- Improved recognition of standard will help finish and sell homes

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

An action against a person arising from the construction, alteration, or repair of any improvement to real property, including those providing supervision, inspection, design, planning, surveying, or architectural or engineering services must be commenced within ten years of substantial completion or abandonment of the project if the project is a small commercial or residential structure. For large commercial structures, the action must commence within six years of substantial completion or abandonment. ORS 12.135 defines substantial completion as the date when the contractee accepts, in writing, that the property has reached a state of completion when it may be used or occupied for its intended purpose.

Senate Bill 369 A includes two additional occurrences that could be defined as substantial completion of a project. Under the measure, substantial completion can include the date when a public body issues a certificate of occupancy or the date when the owner uses or occupies the improvement for its intended purpose.