

Enrolled Senate Bill 39

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CHAPTER

AN ACT

Relating to exemptions from registration in occupations regulated by the State Board of Examiners for Engineering and Land Surveying; creating new provisions; and amending ORS 455.062 and 672.060.

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

SECTION 1. ORS 672.060 is amended to read:

672.060. *[ORS 672.002 to 672.325 do not apply to the following:]*

[(1) A registered architect practicing architecture.]

[(2) A registered environmental health specialist or registered environmental health specialist trainee working under the supervision of a registered environmental health specialist practicing environmental sanitation, or a registered waste water specialist or registered waste water specialist trainee working under the supervision of a registered waste water specialist practicing waste water sanitation.]

Registration under ORS 672.002 to 672.325 is not required for the following:

[(3)] (1) *[A person working]* **The performance of work** as an employee or a subordinate of a registered professional engineer if:

(a) The work *[of the person]* does not include final engineering designs or decisions; **and**

(b) The work *[of the person]* is done under the supervision and control of and is verified by a registered professional engineer.*[,] and*

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

(2) The performance of engineering work by an employee, sole proprietorship, firm, partnership or corporation:

(a) **On property owned or leased by the employer, sole proprietorship, firm, partnership or corporation, or on property in which the employer, sole proprietorship, firm, partnership or corporation has an interest, estate or possessory right; and**

(b) **That affects exclusively the property or interests of the employer, sole proprietorship, firm, partnership or corporation, unless the performance affects the health or safety of the public or an employee.**

(3) The performance of engineering work by a person, or by full-time employees of the person, if:

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

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

(4) An offer by an employee, sole proprietorship, firm, partnership or corporation to perform engineering work if:

(a) The employer, sole proprietorship, firm, partnership or corporation holds a certificate of registration to engage in the practice of professional engineering issued by the proper authority of any other state, a territory or possession of the United States or a foreign country; and

(b) The offer includes a written statement that the offeror is not registered to practice engineering in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having an individual holding a valid certificate of registration in this state in responsible charge of the work prior to performing any engineering work within this state.

(5) The offering by a construction contractor licensed under ORS chapter 701 of services constituting the performance of engineering work if:

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

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

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

(6) The execution of engineering work designed by a professional engineer or the supervision of the construction of engineering work as a foreman or superintendent.

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

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

(9) The performance of work as a registered architect practicing architecture.

(10) The performance of work as a registered environmental health specialist or registered environmental health specialist trainee working under the supervision of a registered environmental health specialist practicing environmental sanitation, or a registered waste water specialist or registered waste water specialist trainee working under the supervision of a registered waste water specialist practicing waste water sanitation.

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

[(5) *An individual, firm, partnership or corporation practicing engineering or land surveying:*]

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

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

(12) The performance of land surveying by a person:

(a) On property owned or leased by the person, or on property in which the person has an interest, estate or possessory right; and

(b) That affects exclusively the property or interests of the person, unless the performance affects the health or safety of the public or an employee.

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

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

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

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

[(8)] **(13) [A landowner performing land surveying]** **The performance of land surveying work by a landowner** within the boundaries of the landowner's land or **by** the landowner's regular employee *[performing land surveying services]* as part of the employee's official duties within the boundaries of the land of the employer.

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

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

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

(14) An offer by a person to perform land surveying if:

(a) The person holds a certificate of registration to engage in the practice of land surveying issued by the proper authority of any other state, a territory or possession of the United States or a foreign country; and

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

(15) An offer by a person to perform photogrammetric mapping if:

(a) The person holds a certificate of registration to engage in the practice of professional photogrammetric mapping issued by the proper authority of any other state, a territory or possession of the United States or a foreign country; and

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

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

[(11) A person making plans or specifications for, or supervising the erection, enlargement or alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to the highest

interior overhead finish of the structure. The exemption in this subsection does not apply to a registered professional engineer.]

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

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

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

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

*[(13)] (16) [A person transcribing] **The transcription of** existing georeferenced data into a Geographic Information System or Land Information System format by manual or electronic means, and the maintenance of that data, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works of humans.*

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

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

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

*[(15)] (18) [A person preparing maps or compiling] **The preparation of maps or the compilation of** databases depicting the distribution of natural or cultural resources, features or phenomena, if the maps or data are not intended to indicate the authoritative location of property boundaries, the precise shape or contour of the earth or the precise location of fixed works by humans.*

*[(16)] (19) **The preparation by** a federal agency or its contractors[, *in the preparation*] of military maps, quadrangle topographic maps, satellite imagery or other maps or images that do not define real property boundaries.*

*[(17)] (20) **The preparation or transcription by** a federal agency or its contractors[, *in the preparation or transcription*] of documents or databases into a Geographical Information System or Land Information System format, including but not limited to the preparation or transcription of federal census and other demographic data.*

*[(18)] (21) **The preparation by** a law enforcement agency or its contractors[, *in the preparation*] of documents or maps for traffic accidents, crime scenes or similar purposes depicting physical features or events or generating or using georeferenced data involving crime statistics or criminal activities.*

*[(19)] (22) **Activities of** a peace officer, as defined in ORS 161.015, or a fire service professional, as defined in ORS 181A.355, **in** conducting, reporting on or testifying about or otherwise performing duties regarding an official investigation.*

*[(20)] (23) [A person creating] **The creation of** general maps prepared for private firms or governmental agencies:*

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

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

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

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

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

SECTION 2. ORS 455.062 is amended to read:

455.062. (1) A Department of Consumer and Business Services employee acting within the scope of that employment may provide typical [*plans*] **drawings** and specifications:

(a) For structures of a type for which the provision of [plans] **drawings** or specifications is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from the [application of] **registration requirements of** ORS 672.002 to 672.325; and

(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are metal or wood frame Use and Occupancy Classification Group U structures under the structural specialty code.

(2) A building official or inspector, as those terms are defined in ORS 455.715, when acting within the scope of direct employment by a municipality, may provide typical [plans and] **drawings or** specifications for structures of a type for which the provision of [plans] **drawings** or specifications is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from the [application of] **registration requirements of** ORS 672.002 to 672.325.

(3) This section does not alter any applicable requirement under ORS 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

SECTION 3. The amendments to ORS 455.062 and 672.060 by sections 1 and 2 of this 2019 Act apply to work performed, and offers made, on or after the effective date of this 2019 Act.

Passed by Senate February 28, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House April 30, 2019

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Tina Kotek, Speaker of House

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Kate Brown, Governor

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Bev Clarno, Secretary of State