

**SENATE AMENDMENTS TO  
SENATE BILL 848**

By COMMITTEE ON JUDICIARY

April 12

1 On page 1 of the printed bill, delete lines 14 through 18 and insert:

2 “(3) A public body as defined in ORS 174.109, including a public body acting as part of an  
3 intergovernmental entity formed with another state or with a political subdivision of another state,  
4 may not include a requirement in a contract with a person or entity providing architecture, land-  
5 scape architecture, engineering, photogrammetric mapping, transportation planning, land surveying  
6 services or related services, requiring that the person or entity pay for attorney fees, expert or in-  
7 vestigation expenses or other defense costs incurred by the public body or intergovernmental entity  
8 in defending against a claim for professional negligence and relating to the professional services  
9 provided by the person or entity providing architecture, landscape architecture, engineering, pho-  
10 togrammetric mapping, transportation planning, land surveying services or related services, until  
11 after the person or entity’s liability or fault is determined by adjudication or alternative dispute  
12 resolution or otherwise resolved by settlement agreement, but not to exceed the proportionate fault  
13 of the person or entity. A contractual provision that violates this subsection is unenforceable until  
14 after the person or entity’s liability or fault is determined by adjudication or alternative dispute  
15 resolution or otherwise resolved by settlement agreement.”.

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