

Testimony to the
Senate Committee on Judiciary in Support of SB 848

Good afternoon, Chair Prozanski, Vice Chair Thatcher and members of the Senate Committee on Judiciary. For the record, my name is Travis Tormanen representing Windsor Engineers. Windsor is a 50-person engineering firm that does extensive business for municipal clients. While we are a small business, many of our municipal clients are in the State of Oregon, including people such as City of Hood River, City of Harrisburg, and City of Cannon Beach. I am writing today to strongly support Senate Bill 848.

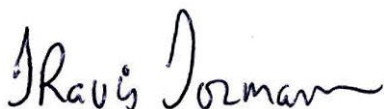
Oregon's engineers, architects, and land surveyors care deeply about our communities, which is why we invest in our local economy, creating jobs and housing for Oregonians. Right now, we are being forced into unfair contracting practices called "duty to defend" clauses, which require us to pay the legal expenses for those involved in construction projects even before fault is determined. This is detrimental to all design firms but especially to women, minority and emerging small businesses. Because engineers, architects, and land surveyors are being forced to shoulder all the legal liability and legal expenses far beyond what they're able to get insured for, fewer projects are being designed and built in our communities. This includes low-income public housing to help address Oregon's homelessness crisis.

Our firm's experience with the duty to defend has been that it is difficult as a small company to negotiate proper terms that are fair to both parties. Being forced to sign a clause that isn't fair or walk away isn't a good set of options for us. It either leaves us at an unacceptable risk exposure to things beyond our control or causes us to lose business.

We respectfully ask this committee to support SB 848. Passing this bill would eliminate bad and unfair contract practices and ensure everyone involved in a project pays their fair share of legal expenses. This isn't about shirking responsibility – it's about ensuring fairness, so everyone is paying their own way and adequately protected by their insurance.

Thank you for your service and we are happy to be a resource if you have additional questions.

Sincerely,



TRAVIS TORMANEN
PARTNER