

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 848**

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