

Submitter: Renee Alexander  
On Behalf Of: BBT Architects  
Committee: Senate Committee On Judiciary  
Measure: SB1575

My name is Renee Alexander, owner of BBT Architects (a woman owned firm), located in Bend, Oregon. I am writing today to strongly support Senate Bill 1575. This “duty to defend” language is legally problematic, expensive and a barrier to entry for many small, emerging, women and minority owned businesses, and is uninsurable by

professional liability insurance carriers. Businesses purchase liability insurance to protect themselves from legal harm. However, there is limited professional liability insurance available to engineers, architects and land surveyors that covers the legal expenses for others involved in construction projects.

The proposed bill will ensure fairness by:

1. Requiring each party to a construction contract be responsible for their own negligence or fault. This means parties will pay damages based on the actual liability, rather than mere alleged liability.
2. Ensuring whichever party is negligent would be able to purchase the proper insurance. This is not the case today and results in high-risk contract provisions that are unreasonable and uninsurable
3. Allowing all design companies, small and large, to compete on an even playing field. This is not the case now as the contractually imposed duty to defend is a major prohibitive factor for many emerging, women and minority owned businesses considering construction projects.

Sincerely,  
Renee Alexander