



AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON

Since 1956

*“The Engineers”*

## TESTIMONY

### Support of SB 848: Senate Committee on Judiciary

February 23, 2023

Good afternoon, Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary. For the record, my name is Alison Davis, Executive Director of the American Council of Engineering Companies of Oregon. ACEC Oregon was established in 1956 and represents 120 private consulting engineering and land surveying companies in Oregon (and Clark County, WA), which translates to about 5,000 employees.

ACEC Oregon is a member organization of the American Council of Engineering Companies, Washington, DC.

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 the industry invests in the local economy, creating jobs and housing for Oregonians. Currently, the A/E/C industry (Architecture/Engineering/Construction) are being forced into unfair contracting practices called “duty to defend” clauses, which require design firms 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 women, minority and emerging small businesses.** Because engineers, architects and land surveyors are being forced to shoulder all the legal liability and legal expense, far beyond what their professional liability insurance allows, fewer projects are being designed and built in our communities—including low-income public housing—to help address Oregon’s homelessness crisis.

We respectfully ask this committee to support SB 848. Passing this bill would eliminate 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 pays their own way and are adequately protected by their insurance.**

For questions ACEC Oregon is happy to be a resource!

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Alison Davis". The signature is fluid and cursive.

Alison Davis, Executive Director  
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