



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

February 28, 2023

Good afternoon, Chair Prozanski, Vice Chair Thatcher and members of the Senate Committee on Judiciary. For the record, my name is Curt Vanderzanden representing KPFF Consulting Engineers. Our firm provides structural and civil engineering and surveying services for public agency and private developments throughout the state of Oregon. We have been in business in Oregon since 1974 and employ nearly 200 individuals in the State. I am writing today to strongly support Senate Bill 848 and to urge your support.

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 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.

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 is adequately protected by their insurance.

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

Thank you.

Sincerely,

Curtis C. Vanderzanden, PE, Principal
KPFF Consulting Engineers