



OREGON HOUSE OF REPRESENTATIVES

March 8, 2024

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building
Salem, OR 97301

RE: Vote Explanation – SB 1575 A

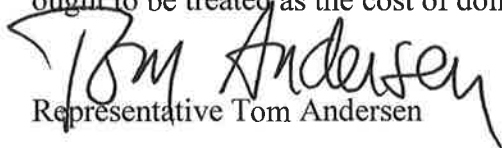
Chief Clerk Sekerak,

I voted against SB 1575 A because it will unfairly allocate risk to the taxpayer.

As a former Salem City Councilor and a workers compensation defense lawyer for nearly 40 years, I understand the complexities of our legal system. While on its face SB 1575 A may seem to be a straightforward “fix,” it will create an unwarranted carveout. There are multiple other avenues – such as the creation of better insurance risk pools – that would not shift inappropriate financial risk to our local governments.

All private sector contractors, and not taxpayers, should incur the cost of defending negligence claims to sort out instances of overlapping, uncertain liability. Under our current laws, a single contractor may be absolved of any negligence, but it is important that a fact-finding forum, such as courts or mediators, make this determination. If a third party’s injury on a public project is ultimately determined to be caused by bad design, the design consultant would only be obligated to indemnify the public owner up to the percentage of its negligence.

The duty to defend should rest on the shoulders of the party or firm providing the service because the liability could only arise because of their services. As a result, the duty to defend ought to be treated as the cost of doing business on public projects.


Representative Tom Andersen

