

# House Bill 3093

Sponsored by Representative MALSTROM (at the request of Radio Cab Company)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires transportation network company or other employer to conduct or have other person conduct test to determine whether individual that transportation network company or other employer intends to engage as participating driver has used or is using controlled substance.

Prohibits transportation network company from permitting individual to connect to digital network and accept requests for prearranged rides and prohibits employer from permitting or directing individual to accept requests for prearranged rides if individual has used or is using controlled substance.

Requires Director of Transportation to adopt rules to specify standards for conducting and interpreting results of test. Permits director to impose civil penalty on transportation network company or other employer that fails to conduct test, permits individual to connect to digital network for purpose of accepting requests for prearranged rides or permits or directs individual to accept prearranged rides.

Becomes operative January 1, 2018.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to drug testing for drivers for hire; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Controlled substance” has the meaning given that term in ORS 475.005.**

6 (b) **“Digital network” means a method for requesting a prearranged ride from a partic-**  
7 **ipating driver using a software application, a website or another Internet-based electronic**  
8 **technology that a transportation network company provides.**

9 (c)(A) **“Participating driver” means:**

10 (i) **An individual who:**

11 (I) **Receives a request through a digital network from a rider for a prearranged ride; and**

12 (II) **Offers or provides a prearranged ride to a rider in exchange for a fee that the rider**  
13 **pays; or**

14 (ii) **An employee of a private business who drives a vehicle for hire and who accepts re-**  
15 **quests for prearranged rides directly from riders or at the direction of an employer.**

16 (B) **“Participating driver” does not include an individual whose activities as a driver of**  
17 **a vehicle for hire are subject to regulation under another law of this state or under a local**  
18 **government ordinance or resolution.**

19 (d) **“Prearranged ride” means transportation that a rider requests from a participating**  
20 **driver directly or by means of a digital network that:**

21 (A) **Begins at the time a participating driver accepts a rider's request for transportation;**

22 (B) **Continues at any time during which the participating driver transports the rider and**  
23 **any other individual for whom the rider also requests transportation; and**

24 (C) **Ends at a destination chosen by the rider or any other individual for whom the rider**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 also requests transportation and at the time that the rider, or the last individual for whom  
 2 the rider requests transportation, exits the participating driver's vehicle.

3 (e) "Rider" means an individual who requests a prearranged ride directly from a partic-  
 4 ipating driver or who uses a digital network to request a prearranged ride from a partic-  
 5 ipating driver.

6 (f) "Transportation network company" means a corporation, association, partnership,  
 7 limited liability company, limited liability partnership or other legal entity that operates a  
 8 digital network in this state by means of which a participating driver receives a request from  
 9 a rider for a prearranged ride.

10 (2) For each individual that a transportation network company or another employer in-  
 11 tends to engage as a participating driver, the transportation network company or employer  
 12 shall conduct, or have another person conduct, a test to determine whether the individual  
 13 has used or is using a controlled substance.

14 (3) A transportation network company may not permit an individual to connect to the  
 15 digital network as a participating driver, and an employer that permits or directs partic-  
 16 ipating drivers to accept requests for prearranged rides may not employ an individual or  
 17 otherwise permit or direct the individual to accept a prearranged ride, if the test described  
 18 in subsection (2) of this section indicates that the individual has used or is using a controlled  
 19 substance.

20 (4) The Director of Transportation shall adopt rules to specify standards for conducting  
 21 and interpreting the results of the test described in subsection (2) of this section.

22 (5) The director may impose a civil penalty under ORS 183.745 in an amount the Depart-  
 23 ment of Transportation specifies by rule, not to exceed \$5,000, on a transportation network  
 24 company or other employer for each instance in which the transportation network company  
 25 or other employer:

26 (a) Fails to conduct a test in accordance with subsection (2) of this section or in ac-  
 27 cordance with rules the director adopts under this section; or

28 (b) Permits an individual that has used or is using a controlled substance to connect to  
 29 a digital network for the purpose of accepting requests for prearranged rides or that permits  
 30 or directs the individual to accept prearranged rides.

31 **SECTION 2.** (1) Section 1 of this 2017 Act becomes operative January 1, 2018.

32 (2) The Director of Transportation and the Department of Transportation may adopt  
 33 rules and take any other action before the operative date specified in subsection (1) of this  
 34 section that is necessary to enable the director or the department, on and after the operative  
 35 date specified in subsection (1) of this section, to exercise all of the duties, functions and  
 36 powers conferred on the director and the department by section 1 of this 2017 Act.

37 **SECTION 3.** This 2017 Act takes effect on the 91st day after the date on which the 2017  
 38 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.