

House Bill 3023

Sponsored by Representatives MCLAIN, CLEM, BYNUM; Representatives BARKER, BARRETO, BONHAM, BOSCHART DAVIS, EVANS, LEIF, Senators HANSELL, HEARD, MANNING JR, ROBLAN, THOMSEN

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 that operates in this state to obtain license from Department of Transportation. Requires department to establish licensing program by rule and specifies conditions for obtaining license.

Requires transportation network company to keep certain records and to make certain disclosures to participating drivers and riders. Requires transportation network company to conduct criminal background check on individuals who apply to become participating drivers and to deny applications based on specified criteria.

Requires transportation network company to adopt, and oblige participating drivers to follow, certain policies.

Specifies automobile insurance coverage requirements for participating drivers. Permits insurers to exclude coverage for activities in which individual engages as participating driver.

Permits department to annually inspect random sample of records that transportation network company maintains. Permits department to impose civil penalty for violation of provisions of Act.

Becomes operative on January 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to transportation network companies; creating new provisions; amending ORS 825.017; and
3 prescribing an effective date.

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

SECTION 1. As used in sections 1 to 11 of this 2019 Act:

6 (1) **“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 (2) **“Participating driver” means an individual who:**

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

11 (b) **Offers or provides a prearranged ride to a rider in exchange for a fee that the rider**
12 **pays.**

13 (3) **“Prearranged ride” means transportation that a rider requests from a participating**
14 **driver by means of a digital network that:**

15 (a) **Begins at the time a participating driver accepts a rider’s request for transportation;**

16 (b) **Continues at any time during which the participating driver transports the rider and**
17 **any other individual for whom the rider also requests transportation; and**

18 (c) **Ends at a destination chosen by the rider or any other individual for which the rider**
19 **also requests transportation and at the time that the rider, or the last individual for whom**
20 **the rider requests transportation, exits the participating driver’s transportation network**
21 **company vehicle.**

22 (4) **“Rider” means an individual who uses a digital network to request a prearranged ride**
23 **from a participating driver.**

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 (5) “Transportation network company” means a corporation, association, partnership,
 2 limited liability company, limited liability partnership or other legal entity that operates a
 3 digital network in this state by means of which a participating driver receives a request from
 4 a rider for a prearranged ride.

5 (6)(a) “Transportation network company vehicle” means a motor vehicle that a partic-
 6 ipating driver:

7 (A) Owns, leases or has authorization to use; and

8 (B) Actually uses to offer or provide prearranged rides to riders.

9 (b) “Transportation network company vehicle” does not include:

10 (A) A taxicab, limousine or other vehicle for hire that is subject to a city’s or county’s
 11 regulation under ORS 221.495 or other applicable laws of this state, administrative rules, or
 12 city or county ordinances, resolutions or other measures; or

13 (B) A commercial vehicle, as defined in ORS 826.001, that the Department of Transpor-
 14 tation registers, licenses or regulates under provisions of law other than sections 1 to 11 of
 15 this 2019 Act or rules the department adopts under sections 1 to 11 of this 2019 Act.

16 SECTION 2. (1) Notwithstanding any other law to the contrary and except as provided in
 17 subsection (2) of this section, a transportation network company or participating driver is
 18 subject to exclusive regulation under sections 1 to 11 of this 2019 Act and is not subject to
 19 regulation or taxation as a taxicab, limousine, commercial vehicle, carrier, as defined in ORS
 20 825.005, common carrier or contract carrier or to a local governmental entity’s regulation
 21 of the rates the transportation network company charges or to any other requirements the
 22 local governmental entity may impose as a condition of operation within the local govern-
 23 mental entity’s jurisdiction.

24 (2) Sections 1 to 11 of this 2019 Act do not:

25 (a) Prevent a local government from enforcing an ordinance, resolution or other law that
 26 applies generally and that regulates traffic or provides for public safety; and

27 (b) Prohibit an airport or other transportation authority from charging a reasonable fee,
 28 consistent with fees the airport or other transportation authority charges to taxicabs, for
 29 the use of the airport or a transportation facility or from designating locations for picking
 30 up passengers or conducting related operations.

31 SECTION 3. (1)(a) Except as provided in paragraph (b) of this subsection, a person may
 32 not engage in business as a transportation network company in this state unless the person
 33 first obtains a license from the Department of Transportation.

34 (b) A person that operated as a transportation network company before the operative
 35 date of sections 1 to 11 of this 2019 Act under a local government ordinance, resolution or
 36 other regulation may continue to operate under the ordinance, resolution or regulation
 37 without first obtaining a license from the department until:

38 (A) The department adopts by rule and implements a licensing program under sections
 39 1 to 11 of this 2019 Act; and

40 (B) The date that the department specifies for obtaining a license under the rules de-
 41 scribed in subparagraph (A) of this paragraph.

42 (2) The department by rule shall implement a licensing program for transportation net-
 43 work companies that complies with the provisions of sections 1 to 11 of this 2019 Act. At a
 44 minimum, an applicant for a license must:

45 (a) Submit to the department a certificate of existence or certificate of authorization

1 from the Secretary of State that affirms that the applicant is a business entity that is reg-
 2 istered in this state or authorized to transact business in this state; and

3 (b) Identify the name and street address of the applicant's registered agent in this state.

4 (3)(a) The department shall issue a license to an applicant that:

5 (A) Meets the requirements specified in sections 1 to 11 of this 2019 Act and rules the
 6 department adopts under sections 1 to 11 of this 2019 Act; and

7 (B) Pays a fee of \$5,000 to the department.

8 (b) A license the department issues under this subsection expires at the end of the cal-
 9 endar year in which the department issued or renewed the license.

10 (c) The department may renew a license to operate as a transportation network company
 11 in each subsequent year after the department issues an initial license if a licensee continues
 12 to meet the requirements of sections 1 to 11 of this 2019 Act and if the licensee each year
 13 pays the fee specified in this subsection.

14 **SECTION 4. (1) A transportation network company shall:**

15 (a) Maintain a record of each prearranged ride that a participating driver provides after
 16 receiving a request by means of the transportation network company's digital network. The
 17 transportation network company shall maintain the record for a period of not less than three
 18 years after the date of the prearranged ride.

19 (b) Maintain records of each participating driver who received a request for a prear-
 20 ranged ride by means of the transportation network company's digital network. The trans-
 21 portation network company shall maintain each record for a period of not less than three
 22 years after the date on which the participating driver last received a request for a prear-
 23 ranged ride.

24 (c) Require a participating driver, while providing a prearranged ride, to use a transpor-
 25 tation network company vehicle that meets all applicable safety and emissions standards for
 26 motor vehicles in the jurisdiction in which the transportation network company vehicle is
 27 registered. If a participating driver will provide a prearranged ride by means of a transpor-
 28 tation network company vehicle with an odometer that registers more than 10,000 miles or
 29 that is more than one year old as of the date on which the participating driver will provide
 30 a prearranged ride, the participating driver shall provide to the transportation network
 31 company a written report of a safety inspection the transportation network company vehicle
 32 has undergone and passed before the participating driver begins providing prearranged rides.
 33 The safety inspection must test and confirm that components of the transportation network
 34 company vehicle identified in rules that the Department of Transportation adopts are work-
 35 ing correctly and that the transportation network company vehicle is in a condition that is
 36 safe for transporting passengers.

37 (d) Prohibit a participating driver from providing a prearranged ride in a transportation
 38 network company vehicle that is more than 10 years old as of the date on which the partic-
 39 ipating driver last provided a prearranged ride.

40 (e) Provide in writing to a participating driver, before permitting the participating driver
 41 to obtain a request for a prearranged ride from the transportation network company's digital
 42 network, a statement that:

43 (A) Specifies the type, amount, limits and exclusions and any other relevant information
 44 for any automobile insurance coverage the transportation network company provides to the
 45 participating driver while the participating driver uses a transportation network company

1 vehicle to provide prearranged rides or is connected to the transportation network
2 company's digital network and available to provide prearranged rides; and

3 (B) Notifies the participating driver that an automobile insurance policy for a transpor-
4 tation network company vehicle might not provide coverage during times in which the par-
5 ticipating driver uses the transportation network company vehicle to provide prearranged
6 rides or is connected to the transportation network company's digital network and available
7 to provide prearranged rides.

8 (f) Display, on the transportation network company's website or in any interface to the
9 transportation company's digital network, a picture of a participating driver and the license
10 plate number for the transportation network company vehicle the participating driver will
11 use to provide the prearranged ride. The transportation network company shall ensure that
12 the picture and license plate number is available to the rider before the rider enters into the
13 participating driver's transportation network company vehicle.

14 (g) Disclose, before a rider accepts a prearranged ride, in a display on the transportation
15 network company's website or in any interface to the transportation company's digital net-
16 work:

17 (A) The rate or method by which the transportation network company calculates the fee
18 for the prearranged ride and any related services; and

19 (B) An estimate of the total fee for the prearranged ride and any related services, if the
20 rider requests an estimate.

21 (h) Transmit to a rider, within a reasonable time after a prearranged ride ends, an elec-
22 tronic receipt that lists:

23 (A) The locations at which the prearranged ride began and ended;

24 (B) The total distance that the rider traveled during the prearranged ride and the total
25 time that the prearranged ride took; and

26 (C) The total fee, if any, that the transportation network company charged the rider.

27 (2) The Department of Transportation by rule shall specify the information that a
28 transportation network company must keep in records the transportation network company
29 maintains under subsection (1)(a) and (b) of this section.

30 **SECTION 5.** (1) An individual who intends to become a participating driver shall submit
31 an application to a transportation network company that:

32 (a) Lists the individual's name, address, age and driver license number; and

33 (b) Includes proof of automobile liability insurance that covers the applicant's transpor-
34 tation network company vehicle and proof of the applicant's motor vehicle registration, along
35 with any other information the transportation network company may require to evaluate the
36 application.

37 (2) For each individual that a transportation network company intends to engage as a
38 participating driver, the transportation network company shall:

39 (a) Conduct, or have another person conduct, a criminal background check that:

40 (A) Uses a criminal records locator or database that is nationwide in scope and validates
41 each criminal record that is located; and

42 (B) Searches the United States Department of Justice National Sex Offender Public
43 Website for a match between a listing on the website and the information the individual
44 submits in an application under subsection (1) of this section; and

45 (b) Obtain and review, or have another person obtain and review, a driving history report

1 for the individual.

2 (3) A transportation network company may not permit an individual to connect to the
3 transportation network company's digital network as a participating driver if the individual:

4 (a) Is not 21 years of age or older;

5 (b) Does not have a valid driver license and at least one year of experience as a driver
6 in a United States jurisdiction as of the date of the individual's application under subsection
7 (1) of this section;

8 (c) Does not have proof of registration for the transportation network company vehicle
9 the individual will use to provide prearranged rides;

10 (d) Does not have proof of having automobile liability insurance for the transportation
11 network company vehicle the individual will use to provide prearranged rides;

12 (e) Has had, in a period that begins three years before the date of the individual's appli-
13 cation under subsection (1) of this section, a license or other authorization to operate a ve-
14 hicle for hire revoked by a local government in this state;

15 (f) Has had, in a period that begins one year before the date of the individual's application
16 under subsection (1) of this section, more than three violations of the basic speed rule or
17 other moving violations or has had a Class A or Class B traffic violation that is the equiv-
18 alent, in the relevant jurisdiction, of one of these traffic violations:

19 (A) Failing to obey a police officer, as defined in ORS 811.535;

20 (B) Careless driving, as defined in ORS 811.135; or

21 (C) Violation driving while suspended or revoked, as defined in ORS 811.175;

22 (g) Was convicted:

23 (A) In the 10-year period before the date of the individual's application under subsection
24 (1) of this section, of any felony or the equivalent, in the relevant jurisdiction; or

25 (B) In the seven-year period before the date of the individual's application under sub-
26 section (1) of this section, of the equivalent, in the relevant jurisdiction, of a misdemeanor
27 that involved:

28 (i) Criminal driving while suspended or revoked, as defined in ORS 811.182;

29 (ii) Driving under the influence of intoxicants, as defined in ORS 813.010;

30 (iii) Reckless driving, as defined in ORS 811.140;

31 (iv) Fleeing or attempting to elude a police officer, as defined in ORS 811.540 (1)(b)(B);

32 (v) Assault in the fourth degree, as defined in ORS 163.160;

33 (vi) Strangulation, as defined in ORS 163.187;

34 (vii) Menacing, as defined in ORS 163.190; or

35 (viii) A sex offense; or

36 (h) Matches a listing in the United States Department of Justice National Sex Offender
37 Public Website.

38 **SECTION 6.** (1) A transportation network company shall adopt, shall display on the
39 transportation network company's website or in any interface to the transportation
40 company's digital network and shall notify each individual that the transportation network
41 company permits to connect to the transportation network company's digital network as a
42 participating driver of the following policies:

43 (a) A participating driver may not solicit or accept a request for a prearranged ride or
44 a request to provide transportation to a rider for compensation other than by means of a
45 transportation network company's digital network.

1 (b) A participating driver may not discriminate against a rider on the basis of the rider's:

2 (A) Intended destination;

3 (B) Race or color;

4 (C) National origin;

5 (D) Religious belief or affiliation;

6 (E) Sex, sexual orientation, gender or gender identity; or

7 (F) Disability.

8 (c) A participating driver shall comply with all laws that prohibit discrimination on the
9 basis of the categories identified in paragraph (b) of this subsection.

10 (d) A participating driver shall comply with all laws that relate to accommodating a rider
11 with a service animal.

12 (e) A participating driver may not use drugs or alcohol at any time during which the
13 participating driver is engaged in providing a prearranged ride or related services to a rider
14 or is connected to the transportation network company's digital network and available to
15 receive a request for a prearranged ride and related services.

16 (2) A transportation network company shall adopt and shall display on the transportation
17 network company's website, or in any interface to the transportation company's digital net-
18 work, a policy and procedure by means of which a rider may complain to the transportation
19 network company about a participating driver's violation of a policy the transportation net-
20 work company adopted under subsection (1) of this section.

21 (3)(a) As soon as possible after receiving a complaint from a rider under subsection (2)
22 of this section, a transportation network company shall suspend a participating driver's
23 ability to connect to the transportation network company's digital network and begin an in-
24 vestigation of the rider's complaint. A participating driver's ability to connect to the trans-
25 portation network company's digital network must remain suspended until the
26 transportation network company concludes the investigation.

27 (b) A transportation network company shall maintain records related to a complaint
28 from a rider under subsection (2) of this section for a period of not less than two years.

29 (4) A transportation network company may not, because of a rider's physical disability,
30 impose an additional charge for a participating driver's providing service to the rider.

31 **SECTION 7.** A transportation network company may not create a false impression, if the
32 impression is material to a provision or requirement of sections 1 to 11 of this 2019 Act, or
33 otherwise engage in a deceptive practice to mislead a governmental body or evade the
34 enforcement of any provision or requirement under sections 1 to 11 of this 2019 Act.

35 **SECTION 8.** (1) A transportation network company or a participating driver, or both the
36 transportation network company and the participating driver in combination, shall obtain
37 and keep in force at all times during which the participating driver remains as a participat-
38 ing driver with the transportation network company a primary automobile insurance policy
39 that provides coverage during times in which the participating driver is:

40 (a) Engaged in providing a prearranged ride to a rider; or

41 (b) Connected to a digital network and available to receive a request for a prearranged
42 ride.

43 (2) A primary automobile policy described in subsection (1) of this section must provide,
44 during times in which a participating driver is connected to a digital network and available
45 to receive a request for a prearranged ride but is not engaged in providing a prearranged

1 ride:

2 (a) Coverage with the following limits:

3 (A) \$50,000 for death or bodily injury for each person covered under the policy;

4 (B) \$100,000 for death or bodily injury per incident; and

5 (C) \$25,000 for property damage;

6 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
7 742.510; and

8 (c) Personal injury protection coverage at the minimum coverage amounts required for
9 private passenger vehicles under ORS 742.518 to 742.542.

10 (3) A primary automobile policy described in subsection (1) of this section must provide,
11 during times in which a participating driver is engaged in providing a prearranged ride:

12 (a) Coverage with a limit of \$1 million for death, bodily injury and property damage;

13 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
14 742.510; and

15 (c) Personal injury protection coverage at the minimum coverage amounts required for
16 motor vehicles under ORS 742.518 to 742.542.

17 (4) If a participating driver's primary automobile insurance policy has lapsed or does not
18 provide the coverage required under this section, the transportation network company with
19 which the participating driver is associated shall provide the required coverage beginning
20 with the first dollar of any claim. The transportation network company has a duty to defend
21 against the claim.

22 (5) An automobile policy that a transportation network company maintains under this
23 section may not require as a condition of providing coverage that the insurer deny a claim.

24 (6) A transportation network company or participating driver may obtain automobile in-
25 surance coverage that meets the requirements of this section from an insurer who has a
26 certificate of authority to transact insurance in this state that the Director of Transporta-
27 tion issued under ORS 731.402 or an eligible surplus lines insurer, as defined in ORS 735.405.

28 (7) An insurance policy that meets the requirements set forth in this section satisfies the
29 financial responsibility requirements for motor vehicles that are set forth in ORS chapter
30 806.

31 (8) A participating driver shall comply with ORS 806.011 at all times during which the
32 participating driver is engaged in providing a prearranged ride or related services to a rider
33 or is connected to the transportation network company's digital network and available to
34 receive a request for a prearranged ride and related services.

35 (9)(a) If an accident occurs at a time during which a participating driver is engaged in
36 providing a prearranged ride or related services to a rider or is connected to the transpor-
37 tation network company's digital network and available to receive a request for a prear-
38 ranged ride and related services, the participating driver shall provide all required
39 information about the automobile insurance policy to directly interested parties and insurers
40 and to investigating police officers.

41 (b) If an investigating police officer asks, a participating driver shall disclose to the police
42 officer whether at the time of the accident the participating driver was engaged in providing
43 a prearranged ride or related services to a rider or was connected to the transportation
44 network company's digital network and available to receive a request for a prearranged ride
45 and related services but not engaged in providing a prearranged ride.

1 **SECTION 9.** (1) An insurer may deny or exclude from an automobile insurance policy any
 2 and all coverage for a loss or injury that occurs while the insured is engaged in providing a
 3 prearranged ride or related services to a rider or is connected to a transportation network
 4 company's digital network and available to receive a request for a prearranged ride and re-
 5 lated services. Notwithstanding the provisions of ORS chapter 806, coverage that an insurer
 6 may exclude under the circumstances described in this subsection includes, but is not limited
 7 to:

8 (a) Liability coverage for death, bodily injury or property damage;

9 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
 10 742.510;

11 (c) Personal injury protection coverage at the minimum coverage amounts required for
 12 private passenger vehicles under ORS 742.518 to 742.542;

13 (d) Coverage for medical payments;

14 (e) Comprehensive coverage for physical damage to a motor vehicle; and

15 (f) Coverage for collisions and resulting physical damage.

16 (2) An insurer that denies or excludes coverage under this section does not have a duty
 17 to indemnify any party or defend against a claim brought against a participating driver or a
 18 transportation network company to the extent that the insurer denied or excluded coverage
 19 for the claim.

20 (3) This section does not limit or invalidate an exclusion of the type described in sub-
 21 section (1) of this section that existed in an automobile insurance policy before the operative
 22 date of sections 1 to 11 of this 2019 Act.

23 (4) An insurer that defends against a claim or indemnifies a party after denying or ex-
 24 cluding coverage for the claim has a right of contribution against any other insurer that
 25 provides coverage to a participating driver under section 8 of this 2019 Act.

26 (5) A transportation network company shall cooperate fully with an investigation of an
 27 accident that involves a participating driver and shall provide in response to a request from
 28 a party involved in the accident, an insurer or an investigating police officer the precise
 29 times during which the participating driver was engaged in providing a prearranged ride or
 30 related services to a rider or was connected to a transportation network company's digital
 31 network and available to receive a request for a prearranged ride and related services during
 32 a period that begins 12 hours before the time of the accident and ends 12 hours after the time
 33 of the accident.

34 (6) An insurer shall disclose in response to a request from another insurer that is named
 35 in the same claim the coverage, limits and exclusions for the automobile insurance policy the
 36 insurer provided.

37 (7) This section does not require an insurer to refer to this section or to use specific
 38 language to deny or exclude coverage as provided in this section.

39 (8) This section does not preclude an insurer from providing primary or excess automo-
 40 bile insurance coverage for a transportation network company vehicle if the insurer con-
 41 tracts with a participating driver to provide the coverage or if the insurer provides the
 42 coverage by endorsement on the participating driver's automobile insurance policy.

43 **SECTION 10.** (1) The Department of Transportation each year may inspect a random
 44 sample of records that a transportation network company maintains under section 4 (1)(a)
 45 and (b) of this 2019 Act solely for the purpose of verifying that the transportation network

1 **company is complying with sections 1 to 11 of this 2019 Act. The department shall agree with**
 2 **the transportation network company on a method for choosing a sample for inspection under**
 3 **this subsection and on a location at which the inspection occurs. The transportation network**
 4 **company may exclude from records subject to the department’s inspection under this sub-**
 5 **section information that identifies a particular participating driver or rider.**

6 (2) **A record that is subject to the department’s inspection under this section is confi-**
 7 **dential and is not subject to disclosure to another person without the written consent of the**
 8 **transportation network company. The record is not a public record and is not subject to**
 9 **disclosure under ORS 192.311 to 192.478.**

10 **SECTION 11. The Department of Transportation may impose a civil penalty of not more**
 11 **than \$100 for each of a transportation network company’s violations of a provision of**
 12 **sections 1 to 11 of this 2019 Act. The department shall impose the civil penalty in accordance**
 13 **with ORS 183.745.**

14 **SECTION 12. ORS 825.017 is amended to read:**

15 825.017. Except as provided in this section and ORS 825.026 and 825.030, this chapter does not
 16 apply to the persons or vehicles described in this section. The exemption under this section applies
 17 to the following persons and vehicles:

18 (1) Vehicles being used by, or under contract with, any school board, district or person respon-
 19 sible for the administration of elementary or secondary school activities, and engaged exclusively
 20 in transporting students or combinations of students and other persons to or from school, to or from
 21 authorized school activities or other activities sponsored by the governing board of a public uni-
 22 versity listed in ORS 352.002, or for purposes provided under ORS 332.427. This exemption shall not
 23 be affected by the charging of a fee to cover the costs of the transportation.

24 (2) Vehicles being used in a taxicab operation if the vehicle:

25 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

26 (b) Carries passengers for hire where the destination and route traveled may be controlled by
 27 a passenger and the fare is calculated on the basis of any combination of an initial fee, distance
 28 traveled or waiting time; and

29 (c) Is transporting persons or property, or both, between points in Oregon.

30 (3) Vehicles being used for the transportation of property by private carrier by means of a single
 31 vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.

32 (4) Vehicles being used in operating implements of husbandry.

33 (5) Vehicles being used as a hearse or ambulance.

34 (6) Vehicles being used over any private road or thoroughfare.

35 (7) Vehicles being used on any road, thoroughfare or property, other than a state highway,
 36 county road or city street, for the removal of forest products as defined in ORS 321.005, or the
 37 product of forest products converted to a form other than logs at or near the harvesting site, or
 38 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to
 39 a written agreement or permit authorizing the use, construction or maintenance of the road,
 40 thoroughfare or property, with:

41 (a) An agency of the United States;

42 (b) The State Board of Forestry;

43 (c) The State Forester; or

44 (d) A licensee of an agency named in this subsection.

45 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS

1 321.005, or the products of forest products converted to a form other than logs at or near the har-
 2 vesting site, if:

3 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
 4 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
 5 to use the road and requiring the owner to pay for or to perform the construction or maintenance
 6 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
 7 piling for the owners who are exempt under this section;

8 (b) The board, officer or agency that entered into the agreement or granted the permit, by con-
 9 tract with the county court or board of county commissioners, has assumed the responsibility for the
 10 construction or maintenance of the county road; and

11 (c) Copies of the agreements or permits required by this subsection are filed with the Director
 12 of Transportation.

13 (9) Vehicles being used in transporting persons with disabilities, with or without their supervi-
 14 sors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is
 15 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption
 16 provided by this subsection applies only when the motor vehicle is operated by or under contract
 17 with any person responsible for the administration of rehabilitation facilities as defined in ORS
 18 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030 and
 19 329A.250 to 329A.450.

20 (10) Vehicles owned or operated by the United States or by any governmental jurisdiction within
 21 the United States except as provided in ORS 825.022. This chapter does apply to vehicles when
 22 owned or operated:

23 (a) As a carrier of property for hire;

24 (b) By a transportation district organized under ORS 267.510 to 267.650;

25 (c) By a county service district authorized to provide public transportation under ORS 451.010;

26 or

27 (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS
 28 174.109, to provide public transportation.

29 (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to
 30 267.390.

31 (12) Vehicles owned or operated by, or under contract with, a person responsible for the con-
 32 struction or reconstruction of a highway under contract with the Department of Transportation or
 33 with an agency of the United States when operated within the immediate construction project as
 34 described in the governmental agency contract during the construction period.

35 (13) Vehicles owned or operated by, or under contract with, a charitable organization when ex-
 36 clusively engaged in performing transportation, either one way or round trip, necessary to the op-
 37 eration of the charitable organization. As used in this subsection, "charitable organization" means
 38 an organization that has no capital stock and no provision for making dividends or profits, but de-
 39 rives its funds principally from public and private charity and holds them in trust for the promotion
 40 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-
 41 section shall file an affidavit with the department stating that it is organized and operated in ac-
 42 cordance with the requirements of this subsection.

43 (14) Passenger vehicles with a passenger seating capacity that does not exceed five when used
 44 in the transportation of new telephone books.

45 (15) A vehicle that is used in a limousine service operation in which the destination and route

1 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-
2 nation of initial fee, distance traveled and waiting time if the vehicle:

- 3 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 4 (b) Carries passengers for hire between points in Oregon; and
- 5 (c) Operates on an irregular route basis.

6 (16) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Depart-
7 ment of Transportation under ORS 801.260, while involved in emergency and related operations.

8 (17) A person who provides services related to the packing or loading of household goods if the
9 person does not:

- 10 (a) Provide or operate a motor vehicle for the movement of the household goods; and
- 11 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-
12 ment of the household goods.

13 **(18) A transportation network company vehicle that a participating driver is using to**
14 **provide a prearranged ride or is using while the participating driver is connected to a digital**
15 **network and available to accept a request for a prearranged ride but is not providing a pre-**
16 **arranged ride. As used in this subsection, “transportation network company vehicle,” “par-**
17 **ticipating driver,” “prearranged ride” and “digital network” have the meanings given those**
18 **terms in section 1 of this 2019 Act.**

19 **SECTION 13. (1) Sections 1 to 11 of this 2019 Act and the amendments to ORS 825.017**
20 **by section 12 of this 2019 Act become operative January 1, 2020.**

21 **(2) The Director of Transportation may adopt rules and take any other action before the**
22 **operative date specified in subsection (1) of this section that is necessary to enable the di-**
23 **rector, on and after the operative date specified in subsection (1) of this section, to exercise**
24 **all of the duties, functions and powers conferred on the director by sections 1 to 11 of this**
25 **2019 Act and the amendments to ORS 825.017 by section 12 of this 2019 Act.**

26 **SECTION 14. This 2019 Act takes effect on the 91st day after the date on which the 2019**
27 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

28