

A-Engrossed
Senate Bill 49

Ordered by the Senate April 9
Including Senate Amendments dated April 9

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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.

Modifies employment-related child care subsidy program to require certain individuals associated with care provider to be enrolled in Central Background Registry. **Changes terminology.**

Corrects certain statutory cross-references related to Central Background Registry.

Directs Department of Human Services to transfer files related to background checks to Office of Child Care no later than July 1, 2022.

A BILL FOR AN ACT

1
2 Relating to the Central Background Registry; creating new provisions; and amending ORS 307.480,
3 315.208, 329A.030, 329A.250, 329A.270, 329A.310, 329A.500, 329A.992, 419B.005, 419B.035, 433.235,
4 609.652, 742.260 and 825.017.

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

6 **SECTION 1.** ORS 329A.250 is amended to read:

7 329A.250. As used in ORS 329A.030, [*and*] 329A.250 to 329A.450 **and 329A.500**, unless the context
8 requires otherwise:

9 (1) "Babysitter" means a person who goes into the home of a child to give care during the
10 temporary absence of the parent or legal guardian or custodian.

11 (2) "Certification" means the certification that is issued under ORS 329A.280 by the Office of
12 Child Care to a family child care home, child care center or other child care facility.

13 (3) "Child" means a child under 13 years of age or a child under 18 years of age who has special
14 needs or disabilities and requires a level of care that is above normal for the child's age.

15 (4) Subject to ORS 329A.440, "child care" means the care, supervision and guidance on a regular
16 basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part
17 of the 24 hours of the day, in a place other than the child's home, with or without compensation.
18 "Child care" does not include care provided:

19 (a) In the home of the child;

20 (b) By the child's parent, guardian, or person acting in loco parentis;

21 (c) By a person related to the child by blood or marriage within the fourth degree as determined
22 by civil law;

23 (d) On an occasional basis by a person not ordinarily engaged in providing child care;

24 (e) By providers of medical services;

25 (f) By a babysitter;

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 (g) By a person who cares for children from only one family other than the person's own family;
2 (h) By a person who cares for no more than three children other than the person's own children;
3 or
4 (i) By a person who is a member of the child's extended family, as determined by the office on
5 a case-by-case basis.
- 6 (5) "Child care facility" means any facility that provides child care to children, including a day
7 nursery, nursery school, child care center, certified or registered family child care home or similar
8 unit operating under any name, but not including any:
- 9 (a) Preschool recorded program.
10 (b) Facility providing care for school-age children that is primarily a single enrichment activity,
11 for eight hours or less a week.
12 (c) Facility providing care that is primarily group athletic or social activities sponsored by or
13 under the supervision of an organized club or hobby group.
14 (d) Facility operated by:
15 (A) A school district as defined in ORS 332.002;
16 (B) A political subdivision of this state; or
17 (C) A governmental agency.
18 (e) Residential facility licensed under ORS 443.400 to 443.455.
19 (f) Babysitters.
20 (g) Facility operated as a parent cooperative for no more than four hours a day.
21 (h) Facility providing care while the child's parent remains on the premises and is engaged in
22 an activity offered by the facility or in other nonwork activity.
23 (i) Facility operated as a school-age recorded program.
- 24 (6) "Family" has the meaning given that term in ORS 329.145.
25 (7) "Occasional" means that care is provided for no more than 70 days in any calendar year.
26 (8) "Parent cooperative" means a child care program in which:
27 (a) Care is provided by parents on a rotating basis;
28 (b) Membership in the cooperative includes parents;
29 (c) There are written policies and procedures; and
30 (d) A board of directors that includes parents of the children cared for by the cooperative con-
31 trols the policies and procedures of the program.
- 32 (9) "Preschool recorded program" means a facility providing care for preschool children that is
33 primarily educational for four hours or less per day and where no child is present at the facility for
34 more than four hours per day.
35 (10) "Record" means the record that is issued under ORS 329A.255 to a preschool recorded
36 program or under ORS 329A.257 to a school-age recorded program.
37 (11) "Registration" means the registration that is issued under ORS 329A.330 by the Office of
38 Child Care to a family child care home where care is provided in the family living quarters of the
39 provider's home.
40 (12) "School age" means of an age eligible to be enrolled in kindergarten or above on or before
41 the first day of the current school year.
42 (13) "School-age recorded program" means a program for school-age children:
43 (a) That is not operated by a school district as defined in ORS 332.002;
44 (b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330;
45 and

1 (c) In which youth development activities are provided to children during hours that school is
2 not in session and does not take the place of a parent's care.

3 (14)(a) **"Subsidized care" means the care, supervision and guidance on a regular basis of**
4 **a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part**
5 **of the 24 hours of a day, with or without compensation.**

6 (b) **"Subsidized care" does not include care provided:**

7 (A) **By the child's parent, guardian or person acting in loco parentis;**

8 (B) **By a sibling living in the same home as the child;**

9 (C) **By a person on the same subsidized care case of a child in care; or**

10 (D) **By a provider of medical services, as determined by the office on a case-by-case basis.**

11 (15) **"Subsidized care facility" means any facility that provides subsidized care to chil-**
12 **dren, including a day nursery, nursery school, child care center, certified or registered family**
13 **child care home or similar unit operating under any name, but not including any program**
14 **described in subsection (5)(a) to (i) of this section.**

15 [(14)] (16) **"Youth development activities" means care, supervision or guidance that is intended**
16 **for enrichment, including but not limited to teaching skills or proficiency in physical, social or ed-**
17 **ucational activities such as tutoring, music lessons, social activities, sports and recreational activ-**
18 **ities.**

19 **SECTION 2.** ORS 329A.500 is amended to read:

20 329A.500. (1) The Department of Human Services, in consultation with the Early Learning Di-
21 vision and the Office of Child Care, shall adopt rules for the operation of subsidy programs for
22 employment-related child care administered by the department. At a minimum, and taking into ac-
23 count the availability of funds, the rules must provide the following:

24 (a) Subsidy recipients may be entitled to receive the subsidy for at least one year, regardless
25 of changes in employment. Rules adopted by the department may provide for termination of subsidy
26 eligibility for reasons other than changes in employment during the one-year period. Exit eligibility
27 and copays must be structured to mitigate the financial impact of reduced subsidy support due to
28 increased income.

29 (b) Subsidy recipients who are enrolled in coursework, as defined by the department by rule,
30 may be entitled to receive the subsidy to enable the subsidy recipient to attend and participate in
31 the coursework provided all other eligibility requirements are met.

32 (c) Persons who are self-employed may qualify for subsidy programs provided all other eligibility
33 requirements are met.

34 (d) Subsidy recipients who voluntarily choose [*child care providers*] **subsidized care facilities**
35 **that meet minimum standards established under the tiered quality rating and improvement system**
36 **implemented under ORS 329A.261 may qualify for lower copayments. A fair representation of the**
37 **subsidy recipients who qualify for lower copayments must be persons with children who are from**
38 **underserved racial, ethnic or minority populations. In addition, [*child care providers*] **subsidized****

39 **care facilities** that meet specified minimum standards established under the tiered quality rating
40 and improvement system may receive an enhanced reimbursement under the subsidy programs.

41 (e) Subsidy recipients must report a change of [*child care provider*] **subsidized care facility** to
42 the department during the period a subsidy is being received.

43 (f) **A care provider is not eligible to receive a reimbursement under the subsidy programs**
44 **unless each subject individual described in ORS 329A.030 (10)(d) who operates, resides in or**
45 **may have unsupervised contact with children at the subsidized care facility that provides or**

1 **will provide subsidized care to the person's child is enrolled in the Central Background Reg-**
2 **istry under ORS 329A.030.**

3 (2) The department shall work to meet federal recommendations for income eligibility and mar-
4 ket access in regard to employment-related child care administered by the department.

5 **SECTION 3.** ORS 329A.030 is amended to read:

6 329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may
7 maintain information in the registry through electronic records systems.

8 (2)(a) A subject individual shall apply to and must be enrolled in the Central Background Reg-
9 istry as part of the individual's application to operate a program or serve in a position described in
10 subsection [(10)] **(10)(a) or (c)** of this section.

11 (b) An individual who has been the subject of a founded or substantiated report of child abuse
12 shall apply to and **must** be enrolled in the Central Background Registry prior to providing any of
13 the types of care identified in ORS 329A.250 (4)(a), (g) or (h) if:

14 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or
15 suffered serious physical injury, as defined in ORS 161.015; or

16 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom
17 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS
18 329A.250 (4)(a), (c), (f), (g), (h) or (i).

19 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
20 of this subsection is not required to enroll in the Central Background Registry if more than seven
21 years has elapsed since the date of the child abuse determination.

22 **(d) A subject individual described in subsection (10)(d) of this section may apply to and**
23 **be enrolled in the Central Background Registry.**

24 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-
25 fice shall complete:

26 (A) A criminal records check under ORS 181A.195;

27 (B) A criminal records check of other registries or databases in accordance with rules adopted
28 by the Early Learning Council;

29 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
30 and

31 (D) A foster care certification check and an adult protective services check in accordance with
32 rules adopted by the council.

33 (b) In addition to the information that the office is required to check under paragraph (a) of this
34 subsection, the office may consider any other information obtained by the office that the office, by
35 rule, determines is relevant to enrollment in the Central Background Registry.

36 (4)[(a)] The office shall enroll the individual in the Central Background Registry if the individ-
37 ual:

38 [(A)] **(a)** Is determined to have no criminal, child abuse and neglect, negative adult protective
39 services or negative foster home certification history, or to have dealt with the issues and provided
40 adequate evidence of suitability for the registry;

41 [(B)] **(b)** Has paid the applicable fee established pursuant to ORS 329A.275; and

42 [(C)] **(c)** Has complied with the rules of the Early Learning Council adopted pursuant to this
43 section.

44 [(b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office
45 may enroll an individual in the registry if the Department of Human Services has completed a back-

1 *ground check on the individual and the individual has received approval from the department for*
2 *purposes of providing child care.]*

3 (5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an indi-
4 vidual in the Central Background Registry if:

5 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

6 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

7 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
8 enrolled in the registry, the office shall remove the individual from the registry.

9 (6)(a) The office may conditionally enroll an individual in the Central Background Registry
10 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
11 gation if the individual has met other requirements of the office for enrollment in the registry.

12 (b) The office may enroll an individual in the registry subject to limitations identified in rules
13 adopted by the council.

14 (7) An enrollment in the Central Background Registry may be renewed upon application to the
15 office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted
16 by the Early Learning Council pursuant to this section. However, an individual who is determined
17 to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed
18 or suspended from the registry by the office.

19 (8)(a) A child care facility shall not hire or employ an individual if the individual is not enrolled
20 in the Central Background Registry.

21 (b) Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a
22 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

23 (9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
24 section, including but not limited to rules regarding expiration and renewal periods and limitations
25 related to the subject individual's enrollment in the Central Background Registry.

26 (10) *[For purposes of]* **As used in** this section, "subject individual" means:

27 (a) A subject individual as defined by the Early Learning Council by rule[.];

28 (b) An individual subject to subsection (2)(b) of this section; *[or]*

29 (c) A person who applies to be:

30 [(a)] (A) The operator or an employee of a child care or treatment program;

31 [(b)] (B) The operator or an employee of an Oregon prekindergarten program under ORS 329.170
32 to 329.200;

33 [(c)] (C) The operator or an employee of a federal Head Start program regulated by the United
34 States Department of Health and Human Services;

35 [(d)] (D) An individual in a child care facility who may have unsupervised contact with
36 children, as *[identified by the office]* **determined by the council by rule;**

37 [(e)] (E) A contractor or an employee of the contractor who provides early childhood special
38 education or early intervention services pursuant to ORS 343.455 to 343.534;

39 [(f)] (F) A child care provider who is required to be enrolled in the Central Background Registry
40 by any state agency;

41 [(g)] (G) A contractor, employee or volunteer of a metropolitan service district organized under
42 ORS chapter 268 who may have unsupervised contact with children and who is required to be en-
43 rolled in the Central Background Registry by the metropolitan service district;

44 [(h)] (H) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a
45 properly executed power of attorney under ORS 109.056 who is providing respite services as a vol-

1 unteer with a private agency or organization that facilitates the provision of such respite services;
2 or

3 [(i)] **(I)** The operator or an employee of an early learning program as defined in rules adopted
4 by the council[.]; **or**

5 **(d)(A) An individual who operates a subsidized care facility;**

6 **(B) An individual who has attained 18 years of age and resides in a subsidized care facil-**
7 **ity; or**

8 **(C) An individual in a subsidized care facility who has attained 18 years of age and who**
9 **may have unsupervised contact with children, as determined by the council by rule.**

10 (11)(a) Information provided to a metropolitan service district organized under ORS chapter 268
11 about the enrollment status of the persons described in subsection [(10)(g)] **(10)(c)(G)** of this section
12 shall be subject to a reciprocal agreement with the metropolitan service district. The agreement
13 must provide for the recovery of administrative, including direct and indirect, costs incurred by the
14 office from participation in the agreement. Any moneys collected under this paragraph shall be
15 deposited in the Child Care Fund established under ORS 329A.010.

16 (b) Information provided to a private agency or organization facilitating the provision of respite
17 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
18 under ORS 109.056 about the enrollment status of the persons described in subsection [(10)(h)]
19 **(10)(c)(H)** of this section shall be subject to an agreement with the private agency or organization.
20 The agreement must provide for the recovery of administrative, including direct and indirect, costs
21 incurred by the office from participation in the agreement. Any moneys collected under this para-
22 graph shall be deposited in the Child Care Fund established under ORS 329A.010.

23 (c) Information provided to a private agency or organization about the enrollment status of the
24 persons described in subsection [(10)(i)] **(10)(c)(I)** of this section shall be subject to an agreement
25 with the private agency or organization. The agreement must provide for the recovery of adminis-
26 trative, including direct and indirect, costs incurred by the office from participation in the agree-
27 ment. Any moneys collected under this paragraph shall be deposited in the Child Care Fund
28 established under ORS 329A.010.

29 **SECTION 4.** ORS 307.480 is amended to read:

30 307.480. As used in ORS 307.480 to 307.510 unless the context requires otherwise:

31 (1) "Agricultural workforce housing" means housing:

32 (a) That is limited to occupancy by agricultural workers, including agricultural workers who are
33 retired or disabled, and the immediate family members of the agricultural workers; and

34 (b) No dwelling unit of which is occupied by a relative of the owner or operator of the agricul-
35 tural workforce housing, other than a manufactured dwelling in a manufactured dwelling park
36 nonprofit cooperative as defined in ORS 62.803.

37 (2) "Eligible agricultural workforce housing" means agricultural workforce housing that:

38 (a) Is owned or operated by a nonprofit corporation as a nonprofit facility;

39 (b) Is not provided in connection with the recruitment or employment of agricultural workers;
40 and

41 (c) Complies with all applicable local, state and federal building codes.

42 (3) "Eligible child care facility" means a child care facility that is:

43 (a) Certified under ORS [329A.030 and] 329A.250 to 329A.450;

44 (b) Owned or operated by a nonprofit corporation as a nonprofit facility; and

45 (c) Operated in conjunction or cooperation with an eligible farm labor camp.

1 (4) "Eligible farm labor camp" means a farm labor camp that:

2 (a) Is owned or operated by a nonprofit corporation as a nonprofit facility; and

3 (b) Complies with the safety and health standards for agricultural labor housing and related fa-
4 cilities adopted under the Oregon Safe Employment Act.

5 (5) "Farm labor camp" means any place, area or piece of land where housing or sleeping places
6 are owned or maintained:

7 (a) By a person engaged in the business of providing housing or sleeping places for employees
8 or prospective employees of another person and the immediate families of the employees or pro-
9 spective employees if the employees or prospective employees are or will be engaged in agricultural
10 work. Eligible farm labor camps may provide housing to workers not currently engaged in agricul-
11 tural work if agricultural work is not available and employees or prospective employees are required
12 either to engage in agricultural work or to leave the farm labor camp once agricultural work be-
13 comes available in the area.

14 (b) In connection with any work or place where agricultural work is being performed, whether
15 the housing or sleeping places are owned or maintained by the employer or by another person.

16 (6) "Owned or operated by a nonprofit corporation as a nonprofit facility" includes, but is not
17 limited to:

18 (a) The possession or operation of agricultural workforce housing, child care facility or farm
19 labor camp property by a nonprofit corporation pursuant to a written lease or lease-purchase
20 agreement if:

21 (A) The nonprofit corporation is obligated under the terms of the lease or lease-purchase
22 agreement to pay the ad valorem taxes on the property used in operating the agricultural workforce
23 housing, child care facility or farm labor camp; or

24 (B) The rent payable by the nonprofit corporation has been established to reflect the savings
25 resulting from the exemption from taxation.

26 (b) The possession or operation of the property by a partnership of which the nonprofit corpo-
27 ration is:

28 (A) A general partner or the general manager; and

29 (B) Responsible for the day-to-day operation of the property.

30 (7)(a) "Rental" means the net amount of income from eligible agricultural workforce housing,
31 an eligible child care facility or an eligible farm labor camp after deduction of costs paid or incurred
32 in the operation of the housing, facility or camp.

33 (b) Deductible costs under this subsection:

34 (A) Include, but are not limited to, salaries or other compensation, insurance, utilities, garbage
35 disposal, supplies, repairs and maintenance, interest and capital costs, whether capitalized and de-
36 preciated or amortized or deducted currently.

37 (B) Do not include in lieu taxes imposed under ORS 307.490.

38 **SECTION 5.** ORS 315.208 is amended to read:

39 315.208. (1) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer
40 is a corporation that is an employer, under ORS chapter 317 or 318) is allowed to an employer, based
41 upon costs actually paid or incurred by the employer, to acquire, construct, reconstruct, renovate
42 or otherwise improve real property so that the property may be used primarily as a dependent care
43 facility.

44 (2) The credit allowed under this section shall be the least of:

45 (a) \$2,500 multiplied by the number of full-time equivalent employees employed by the employer

1 (on the property or within such proximity to the property that any dependents of the employees may
2 be cared for in the facility) on any date within the two years immediately preceding the end of the
3 first tax year for which credit is first claimed;

4 (b) Fifty percent of the cost of the acquisition, construction, reconstruction, renovation or other
5 improvement; or

6 (c) \$100,000.

7 (3) To qualify for the credit allowed under subsection (1) of this section:

8 (a) The amounts paid or incurred by the employer for the acquisition, construction, recon-
9 struction, renovation or other improvement to real property may be paid or incurred either:

10 (A) To another to be used to acquire, construct, reconstruct, renovate or otherwise improve real
11 property to the end that it may be used as a dependent care facility with which the employer con-
12 tracts to make dependent care assistance payments which payments are wholly or partially entitled
13 to exclusion from income of the employee for federal tax purposes under section 129 of the Internal
14 Revenue Code; or

15 (B) To acquire, construct, reconstruct, renovate or otherwise improve real property to the end
16 that it may be operated by the employer, or a combination of employers, to provide dependent care
17 assistance to the employees of the employer under a program or programs under which the assist-
18 ance is, under section 129 of the Internal Revenue Code, wholly or partially excluded from the in-
19 come of the employee.

20 (b) The property must be in actual use as a dependent care facility on the last day of the tax
21 year for which credit is claimed and dependent care services assisted by the employer must take
22 place on the acquired, constructed, reconstructed, renovated or improved property and must be en-
23 titled to an exclusion (whole or partial) from the income of the employee for federal tax purposes
24 under section 129 of the Internal Revenue Code on the last day of the tax year for which credit is
25 claimed.

26 (c) The person or persons operating the dependent care facility on the property acquired, con-
27 structed, reconstructed, renovated or improved must hold a certification (temporary or not) issued
28 under ORS [329A.030 and] 329A.250 to 329A.450 by the Office of Child Care to operate the facility
29 on the property on the last day of the tax year of any tax year in which credit under this section
30 is claimed.

31 (d) The dependent care facility acquired, constructed, reconstructed, renovated or otherwise
32 improved must be located in Oregon. No credit shall be allowed under this section if the dependent
33 care facility is not acquired, constructed, reconstructed, renovated or improved to accommodate six
34 or more children.

35 (e) The employer must meet any other requirements or furnish any information, including in-
36 formation furnished by the employees or person operating the dependent care facility, to the De-
37 partment of Revenue that the department requires under its rules to carry out the purposes of this
38 section.

39 (f) The dependent care facility, the costs of the acquisition, construction, reconstruction, reno-
40 vation or improvement upon which the credit granted under this section is based, must be placed
41 in operation before January 1, 2002.

42 (4) The total amount of the costs upon which the credit allowable under this section is based,
43 and the total amount of the credit, shall be determined by the employer, subject to any rules adopted
44 by the department, during the tax year in which the property acquired, constructed, reconstructed,
45 renovated or otherwise improved is first placed in operation as a dependent care facility certified

1 by the Office of Child Care under ORS [329A.030 and] 329A.250 to 329A.450. One-tenth of the total
 2 credit is allowable in that tax year and one-tenth of the total credit is allowable in each succeeding
 3 tax year, not to exceed nine tax years, thereafter. No credit shall be allowed under this section for
 4 any tax year at the end of which the dependent care facility is not in actual operation under a
 5 current certification (temporary or not) issued by the Office of Child Care nor shall any credit be
 6 allowed for any tax year at the end of which the employer is not providing dependent care assist-
 7 ance entitled to exclusion (whole or partial) from employee income for federal tax purposes under
 8 section 129 of the Internal Revenue Code for dependent care on the property. Any tax credit al-
 9 lowable under this section in a tax year may be carried forward in the same manner and to the same
 10 tax years as if it were a tax credit described in ORS 315.204.

11 (5) Nothing in this section shall affect the computation of depreciation or basis of a dependent
 12 care facility. If a deduction is allowed for purposes of ORS chapter 316, 317 or 318 for the amounts
 13 paid or incurred upon which the credit under this section is based, the deduction shall be reduced
 14 by the dollar amount of the credit granted under this section.

15 (6) For purposes of the credit allowed under this section:

16 (a) The definitions and special rules contained in section 129(e) of the Internal Revenue Code
 17 shall apply to the extent applicable.

18 (b) "Employer" means a resident, part-year resident or full-year nonresident employer carrying
 19 on a business, trade, occupation or profession in this state.

20 (7) The department shall require that evidence that the person operating the dependent care
 21 facility on the date that the taxpayer's tax year ends holds a current certification (temporary or
 22 otherwise) to operate the facility accompany the tax return on which any amount of tax credit
 23 granted under this section is claimed, or that such evidence be separately furnished. If the evidence
 24 is not so furnished, no credit shall be allowed for the tax year for which the evidence is not fur-
 25 nished. The Office of Child Care shall cooperate by making such evidence, in an appropriate form,
 26 available to the person operating the facility, if the person is currently certified (temporary or not)
 27 so that, if necessary, it may be made available to the taxpayer.

28 **SECTION 6.** ORS 329A.270 is amended to read:

29 329A.270. (1) A certification or registration authorized by ORS [329A.030 and] 329A.250 to
 30 329A.450 and issued to a child care facility may be renewed upon submission of an application and
 31 payment of the required fee not later than 30 days prior to the expiration date of the current cer-
 32 tification or registration if the Office of Child Care finds that the child care facility that is seeking
 33 renewal of the certification or registration is in compliance with the requirements of ORS 181A.200,
 34 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200,
 35 181A.215, 329A.030 and 329A.250 to 329A.450.

36 (2) Upon submission of an application for renewal in proper time, manner and form, and payment
 37 of the required fee, the current certification or registration, unless officially revoked, shall remain
 38 in force until the Office of Child Care has acted on the application for renewal and has given notice
 39 of the action taken.

40 **SECTION 7.** ORS 329A.310 is amended to read:

41 329A.310. (1) Application for a certification or for the annual renewal thereof shall be made to
 42 the Office of Child Care on forms provided by the office and accompanied by a nonrefundable fee.
 43 The fee shall vary according to the type of facility and the number of children for which the facility
 44 is requesting to be certified, and shall be determined and applied through rules adopted by the Early
 45 Learning Council pursuant to ORS 329A.275.

1 (2) All fees received under subsection (1) of this section shall be deposited in the Child Care
2 Fund established under ORS 329A.010 and may be used for the administration of ORS 181A.200,
3 329A.030 and 329A.250 to 329A.450.

4 (3) Any certification issued pursuant to ORS [329A.030 and] 329A.250 to 329A.450 authorizes
5 operation of the facility only on the premises described in the certification and only by the person
6 named in the certification.

7 (4) Unless sooner revoked, a temporary certification expires on the date specified therein. Un-
8 less sooner revoked and except as provided in ORS 329A.270 (2), an annual certification expires one
9 year from the date of issuance.

10 **SECTION 8.** ORS 329A.992 is amended to read:

11 329A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS 329A.260
12 for enforcement of the provisions of ORS chapter 329A, the Office of Child Care may:

13 (a) Suspend or revoke a certification or registration issued under ORS [329A.030 and] 329A.250
14 to 329A.450, or impose a civil penalty in the manner provided in ORS 183.745, for violation of:

15 (A) Any of the provisions of ORS 329A.030 and 329A.250 to 329A.450;

16 (B) The terms and conditions of a certification or registration issued under ORS [329A.030
17 and] 329A.250 to 329A.450; or

18 (C) Any rule of the Early Learning Council adopted under ORS 329A.030 and 329A.250 to
19 329A.450.

20 (b) Impose a civil penalty in the manner provided in ORS 183.745 and file for injunctive relief
21 in a circuit court for the provision of child care, or for having a child in an individual's care, in
22 violation of ORS 329A.030 (2).

23 **(c) Remove an individual described in ORS 329A.030 (10)(d) from the Central Background**
24 **Registry, or impose a civil penalty in the manner provided in ORS 183.745, for the individual's**
25 **or the subsidized care facility's violation of:**

26 **(A) Any of the provisions of ORS 329A.030 or 329A.500; or**

27 **(B) Any rule of the Early Learning Council adopted under ORS 329A.030, 329A.500 or**
28 **329A.505 or of the Department of Human Services adopted under ORS 329A.500.**

29 (2) The Early Learning Council may adopt by rule a schedule establishing the civil penalties
30 that may be imposed under this section.

31 (3) Except as provided in subsection (4) of this section, penalties imposed under this section may
32 not exceed:

33 (a) \$750 per violation for a registered family child care home.

34 (b) \$1,200 per violation for a certified family child care home.

35 (c) \$2,500 per violation for a certified child care center that is not a family child care home.

36 (4) The office may impose a civil penalty of not more than \$1,500 for a child care facility that
37 provides child care without a valid:

38 (a) Certification, in violation of ORS 329A.280; or

39 (b) Registration, in violation of ORS 329A.330.

40 (5) Each day that a child care facility is operating in violation of any of the provisions described
41 in subsection (1) of this section is a separate violation.

42 (6) The office may revoke a child care facility's certification or registration or deny a child care
43 facility's renewal application for a certification or registration if the facility fails to pay a civil
44 penalty after the order imposing the penalty becomes final.

45 (7) A civil penalty imposed under this section may be remitted or reduced upon such terms and

1 conditions as the office considers proper and consistent with the public health and safety.

2 (8) All moneys received under this section shall be paid into the State Treasury and credited to
3 the General Fund.

4 **SECTION 9.** ORS 419B.005 is amended to read:

5 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

6 (1)(a) "Abuse" means:

7 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
8 which has been caused by other than accidental means, including any injury which appears to be
9 at variance with the explanation given of the injury.

10 (B) Any mental injury to a child, which shall include only observable and substantial impairment
11 of the child's mental or psychological ability to function caused by cruelty to the child, with due
12 regard to the culture of the child.

13 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
14 tration and incest, as those acts are described in ORS chapter 163.

15 (D) Sexual abuse, as described in ORS chapter 163.

16 (E) Sexual exploitation, including but not limited to:

17 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
18 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage
19 in the performing for people to observe or the photographing, filming, tape recording or other ex-
20 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
21 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
22 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or
23 which is designed to serve educational or other legitimate purposes; and

24 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
25 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
26 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

27 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
28 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
29 welfare of the child.

30 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
31 to the child's health or welfare.

32 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

33 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
34 methamphetamines are being manufactured.

35 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
36 manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a sub-
37 stantial risk of harm to the child's health or safety.

38 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
39 conditions described in paragraph (a) of this subsection.

40 (2) "Child" means an unmarried person who:

41 (a) Is under 18 years of age; or

42 (b) Is under 21 years of age and residing in or receiving care or services at a child-caring
43 agency as that term is defined in ORS 418.205.

44 (3) "Higher education institution" means:

45 (a) A community college as defined in ORS 341.005;

- 1 (b) A public university listed in ORS 352.002;
- 2 (c) The Oregon Health and Science University; and
- 3 (d) A private institution of higher education located in Oregon.
- 4 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
- 5 to have experienced abuse.
- 6 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
- 7 (5) "Law enforcement agency" means:
- 8 (a) A city or municipal police department.
- 9 (b) A county sheriff's office.
- 10 (c) The Oregon State Police.
- 11 (d) A police department established by a university under ORS 352.121 or 353.125.
- 12 (e) A county juvenile department.
- 13 (6) "Public or private official" means:
- 14 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
- 15 including any intern or resident.
- 16 (b) Dentist.
- 17 (c) School employee, including an employee of a higher education institution.
- 18 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 19 or employee of an in-home health service.
- 20 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
- 21 Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon
- 22 Youth Authority, a local health department, a community mental health program, a community de-
- 23 velopmental disabilities program, a county juvenile department, a child-caring agency as that term
- 24 is defined in ORS 418.205 or an alcohol and drug treatment program.
- 25 (f) Peace officer.
- 26 (g) Psychologist.
- 27 (h) Member of the clergy.
- 28 (i) Regulated social worker.
- 29 (j) Optometrist.
- 30 (k) Chiropractor.
- 31 (L) Certified provider of foster care, or an employee thereof.
- 32 (m) Attorney.
- 33 (n) Licensed professional counselor.
- 34 (o) Licensed marriage and family therapist.
- 35 (p) Firefighter or emergency medical services provider.
- 36 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 37 (r) A child care provider registered or certified under ORS [329A.030 and] 329A.250 to 329A.450.
- 38 (s) Member of the Legislative Assembly.
- 39 (t) Physical, speech or occupational therapist.
- 40 (u) Audiologist.
- 41 (v) Speech-language pathologist.
- 42 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 43 gations or discipline by the commission.
- 44 (x) Pharmacist.
- 45 (y) An operator of a preschool recorded program under ORS 329A.255.

1 (z) An operator of a school-age recorded program under ORS 329A.257.

2 (aa) Employee of a private agency or organization facilitating the provision of respite services,
3 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
4 109.056.

5 (bb) Employee of a public or private organization providing child-related services or activities:

6 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
7 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
8 vision or auspices of religious, public or private educational systems or community service organ-
9 izations; and

10 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide
11 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
12 ficking.

13 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
14 if compensated and if the athlete is a child.

15 (dd) Personal support worker, as defined in ORS 410.600.

16 (ee) Home care worker, as defined in ORS 410.600.

17 (ff) Animal control officer, as defined in ORS 609.500.

18 (gg) Member of a school district board or public charter school governing body.

19 (hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide a
20 service identified in an individualized written service plan of a child with a developmental disability.

21 **SECTION 10.** ORS 419B.035 is amended to read:

22 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and
23 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records
24 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
25 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
26 ment of Human Services shall make the records available to:

27 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
28 subsequent investigation of child abuse;

29 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-
30 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant
31 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse
32 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-
33 tion, care or treatment;

34 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
35 ceeding;

36 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
37 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile
38 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
39 participants in case reviews;

40 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
41 that a child has been subjected to child abuse or neglect;

42 (f) The Office of Child Care for certifying, registering or otherwise regulating child care facili-
43 ties;

44 (g) The Office of Children's Advocate;

45 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS

1 339.390 or 342.176 involving any child or any student;

2 (i) Any person, upon request to the Department of Human Services, if the reports or records
3 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
4 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
5 disclosed in accordance with ORS 192.311 to 192.478;

6 (j) The Office of Child Care for purposes of [*ORS 329A.030 (10)(g), (h) and (i)*] **applications de-**
7 **scribed in ORS 329A.030 (10)(c)(G), (H) and (I)**;

8 (k) With respect to a report of abuse occurring at a school or in an educational setting that
9 involves a child with a disability, Disability Rights Oregon;

10 (L) The Department of Education for purposes of investigations conducted under ORS 339.391;
11 and

12 (m) An education provider for the purpose of making determinations under ORS 339.388.

13 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-
14 partment of Human Services may exempt from disclosure the names, addresses and other identifying
15 information about other children, witnesses, victims or other persons named in the report or record
16 if the department determines, in written findings, that the safety or well-being of a person named in
17 the report or record may be jeopardized by disclosure of the names, addresses or other identifying
18 information, and if that concern outweighs the public's interest in the disclosure of that information.

19 (b) If the Department of Human Services does not have a report or record of abuse regarding
20 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
21 161.015, the department may disclose that information.

22 (3) The Department of Human Services may make reports and records compiled under the pro-
23 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
24 agency, organization or other entity when the department determines that such disclosure is neces-
25 sary to administer its child welfare services and is in the best interests of the affected child, or that
26 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect
27 children from abuse and neglect or for research when the Director of Human Services gives prior
28 written approval. The Department of Human Services shall adopt rules setting forth the procedures
29 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
30 section. The name, address and other identifying information about the person who made the report
31 may not be disclosed pursuant to this subsection and subsection (1) of this section.

32 (4) A law enforcement agency may make reports and records compiled under the provisions of
33 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-
34 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement
35 agency determines that disclosure is necessary for the investigation or enforcement of laws relating
36 to child abuse and neglect or necessary to determine a claim for crime victim compensation under
37 ORS 147.005 to 147.367.

38 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific
39 case relating to child abuse or neglect, shall make reports and records in the case available upon
40 request to any law enforcement agency or community corrections agency in this state, to the De-
41 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose
42 of managing and supervising offenders in custody or on probation, parole, post-prison supervision
43 or other form of conditional or supervised release. A law enforcement agency may make reports and
44 records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement,
45 community corrections, corrections or parole agencies in an open case when the law enforcement

1 agency determines that the disclosure will not interfere with an ongoing investigation in the case.
2 The name, address and other identifying information about the person who made the report may not
3 be disclosed under this subsection or subsection (6)(b) of this section.

4 (6)(a) Any record made available to a law enforcement agency or community corrections agency
5 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-
6 vision or to a physician, physician assistant or nurse practitioner in this state, as authorized by
7 subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board,
8 physician, physician assistant or nurse practitioner. Any record or report disclosed by the Depart-
9 ment of Human Services to other persons or entities pursuant to subsections (1) and (3) of this sec-
10 tion shall be kept confidential.

11 (b) Notwithstanding paragraph (a) of this subsection:

12 (A) A law enforcement agency, a community corrections agency, the Department of Corrections
13 and the State Board of Parole and Post-Prison Supervision may disclose records made available to
14 them under subsection (5) of this section to each other, to law enforcement, community corrections,
15 corrections and parole agencies of other states and to authorized treatment providers for the pur-
16 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-
17 vision or other form of conditional or supervised release.

18 (B) A person may disclose records made available to the person under subsection (1)(i) of this
19 section if the records are disclosed for the purpose of advancing the public interest.

20 (7) An officer or employee of the Department of Human Services or of a law enforcement agency
21 or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section
22 may not release any information not authorized by subsections (1) to (6) of this section.

23 (8) As used in this section, "law enforcement agency" has the meaning given that term in ORS
24 181A.010.

25 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

26 **SECTION 11.** ORS 433.235 is amended to read:

27 433.235. As used in ORS 433.235 to 433.284:

28 (1) "Administrator" means the principal or other person having general control and supervision
29 of a school or children's facility.

30 (2) "Children's facility" or "facility" means:

31 (a) A certified child care facility as described in ORS [329A.030 and] 329A.250 to 329A.450, ex-
32 cept as exempted by rule of the Oregon Health Authority;

33 (b) A program operated by, or sharing the premises with, a certified child care facility, school
34 or post-secondary institution where care is provided to children, six weeks of age to kindergarten
35 entry, except as exempted by rule of the authority; or

36 (c) A program providing child care or educational services to children, six weeks of age to
37 kindergarten entry, in a residential or nonresidential setting, except as exempted by rule of the au-
38 thority.

39 (3) "Local health department" has the meaning given that term in ORS 431.003.

40 (4) "Parent" means a parent or guardian of a child or any adult responsible for the child.

41 (5) "Physician" means a physician licensed by the Oregon Medical Board or by the Oregon
42 Board of Naturopathic Medicine or a physician similarly licensed by another state or country in
43 which the physician practices or a commissioned medical officer of the Armed Forces or Public
44 Health Service of the United States.

45 (6) "School" means a public, private, parochial, charter or alternative educational program of-

1 fering kindergarten through grade 12 or any part thereof, except as exempted by rule of the au-
2 thority.

3 **SECTION 12.** ORS 609.652 is amended to read:

4 609.652. As used in ORS 609.654:

5 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

6 (b) "Aggravated animal abuse" does not include:

7 (A) Good animal husbandry, as defined in ORS 167.310; or

8 (B) Any exemption listed in ORS 167.335.

9 (2) "Law enforcement agency" means:

10 (a) Any city or municipal police department.

11 (b) A police department established by a university under ORS 352.121 or 353.125.

12 (c) Any county sheriff's office.

13 (d) The Oregon State Police.

14 (e) A law enforcement division of a county or municipal animal control agency that employs
15 sworn officers.

16 (f) A humane investigation agency as defined in ORS 181A.340 that employs humane special
17 agents commissioned under ORS 181A.340.

18 (3) "Public or private official" means:

19 (a) A physician, including any intern or resident.

20 (b) A dentist.

21 (c) A school employee.

22 (d) A licensed practical nurse or registered nurse.

23 (e) An employee of the Department of Human Services, Oregon Health Authority, Early Learn-
24 ing Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local
25 health department, a community mental health program, a community developmental disabilities
26 program, a county juvenile department, a child-caring agency as defined in ORS 418.205 or an alco-
27 hol and drug treatment program.

28 (f) A peace officer.

29 (g) A psychologist.

30 (h) A member of the clergy.

31 (i) A regulated social worker.

32 (j) An optometrist.

33 (k) A chiropractor.

34 (L) A certified provider of foster care, or an employee thereof.

35 (m) An attorney.

36 (n) A naturopathic physician.

37 (o) A licensed professional counselor.

38 (p) A licensed marriage and family therapist.

39 (q) A firefighter or emergency medical services provider.

40 (r) A court appointed special advocate, as defined in ORS 419A.004.

41 (s) A child care provider registered or certified under ORS [329A.030 and] 329A.250 to 329A.450.

42 (t) A member of the Legislative Assembly.

43 **SECTION 13.** ORS 742.260 is amended to read:

44 742.260. (1) An insurer offering homeowner or renter liability or fire insurance may not cancel
45 or refuse to issue or renew a policy on a private home solely on the basis that the policyholder

1 operates a child care facility if the policyholder is registered or certified pursuant to ORS [329A.030
2 and] 329A.250 to 329A.450.

3 (2) A homeowner or renter liability or fire insurance policy may not provide coverage for losses
4 arising out of or in connection with child care provided by a registered or certified child care fa-
5 cility. Coverage for losses arising out of or in connection with child care by a registered or certified
6 child care facility may be provided only by a separate policy or indorsement for which premiums
7 are assessed and paid.

8 (3) As used in this section, "child care facility" has the meaning given in ORS 329A.250.

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

10 825.017. Except as provided in this section and ORS 825.026 and 825.030, this chapter does not
11 apply to the persons or vehicles described in this section. The exemption under this section applies
12 to the following persons and vehicles:

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

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

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

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

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

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

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

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

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

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

36 (a) An agency of the United States;

37 (b) The State Board of Forestry;

38 (c) The State Forester; or

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

40 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
41 321.005, or the products of forest products converted to a form other than logs at or near the har-
42 vesting site, if:

43 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
44 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
45 to use the road and requiring the owner to pay for or to perform the construction or maintenance

1 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
2 piling for the owners who are exempt under this section;

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

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

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

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

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

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

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

21 or

22 (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS
23 174.109, to provide public transportation.

24 (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to
25 267.394.

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

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

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

40 (15) A vehicle that is used in a limousine service operation in which the destination and route
41 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-
42 nation of initial fee, distance traveled and waiting time if the vehicle:

43 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;

44 (b) Carries passengers for hire between points in Oregon; and

45 (c) Operates on an irregular route basis.

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

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

5 (a) Provide or operate a motor vehicle for the movement of the household goods; and

6 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-
7 ment of the household goods.

8 **SECTION 15. No later than July 1, 2022, the Department of Human Services shall trans-
9 fer copies of all files necessary for the Office of Child Care to provide background checks for
10 individuals described in ORS 329A.030 (10).**

11 **SECTION 16. (1) The amendments to ORS 329A.030, 329A.250 and 329A.500 by sections 1
12 to 3 of this 2021 Act apply to subsidized care facilities providing subsidized care under ORS
13 329A.500 on or after the operative date specified in section 17 (1) of this 2021 Act.**

14 **(2) Notwithstanding subsection (1) of this section, a subject individual described in ORS
15 329A.030 (10)(d) who was approved as a provider of care by the Department of Human Ser-
16 vices for the purposes of the subsidy program for employment-related child care before the
17 operative date specified in section 17 (1) of this 2021 Act is not required to enroll in the
18 Central Background Registry under ORS 329A.030 until the earlier of the expiration of their
19 child care background check or June 30, 2024.**

20 **SECTION 17. (1) The amendments to ORS 329A.030, 329A.250 and 329A.500 by sections 1
21 to 3 of this 2021 Act become operative on July 1, 2022.**

22 **(2) The Department of Human Services, the Office of Child Care and the Early Learning
23 Council may adopt rules and take any other action before the operative date specified in
24 subsection (1) of this section that is necessary to enable the department, the office or the
25 council, on and after the operative date specified in subsection (1) of this section, to under-
26 take and exercise all of the duties, functions and powers conferred on the department, the
27 office or the council by the amendments to ORS 329A.030, 329A.250 and 329A.500 by sections
28 1 to 3 of this 2021 Act.**

29