

House Bill 2055

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Human Services and Women's Wellness)

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**.

Establishes formula for payments of emergency assistance to victims of or individuals at risk of domestic violence. Ties income limit and payment amount for aid granted under temporary assistance for needy families program to federal poverty guidelines. Changes date of initial eligibility for pregnant women under temporary assistance for needy families program from third trimester of pregnancy to first trimester.

A BILL FOR AN ACT

1
2 Relating to public assistance; creating new provisions; and amending ORS 109.311, 163.537, 411.070,
3 411.117, 411.635, 412.001, 412.006, 412.009, 412.054, 412.064, 412.084, 412.089, 418.295, 479.210,
4 479.217 and 656.027.

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

6 **SECTION 1. ORS 411.117 and 411.118 and sections 3 and 7 of this 2009 Act are added to**
7 **and made a part of ORS 412.001 to 412.155 and 418.647.**

8 **SECTION 2.** ORS 411.117 is amended to read:

9 411.117. (1) The Department of Human Services shall:

10 (a) Identify applicants for and recipients of assistance under the temporary assistance [*to*] **for**
11 needy families program who are currently victims of domestic violence, have been victims of do-
12 mestic violence or are at risk of victimization by domestic violence.

13 (b) Ensure that appropriate individuals on the local level who provide assistance to domestic
14 violence victims participate in individualized case management with the department **under ORS**
15 **412.006.**

16 (c) Refer individuals identified under this subsection to appropriate counseling and support ser-
17 vices.

18 (d) Waive or modify any temporary assistance [*to*] **for** needy families program requirements that
19 may make it more difficult for individuals identified under this subsection to escape domestic vi-
20 olence or place those individuals at risk of further or future domestic violence, including but not
21 limited to:

22 (A) Time limits on receipt of benefits;

23 (B) Work requirements;

24 (C) Paternity establishment and child support cooperation requirements;

25 (D) Residency requirements;

26 (E) Family cap provisions; and

27 (F) Penalties for failure to comply with a program requirement.

28 (e) Maintain **an** emergency assistance **program** [*eligibility and payment limits*] for victims of
29 domestic violence or persons at risk of victimization by domestic violence identified under this sec-

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.

tion [at no less than the levels in effect on January 1, 1997.] and prescribe eligibility requirements for the program that support the safety of the recipients.

(f) Allow eligibility for temporary assistance [to] for needy families for persons identified under this section as victims of domestic violence or persons identified as at risk of victimization by domestic violence who would otherwise be eligible except for the fact that they are noncitizens.

(2) Payment amounts under subsection (1)(e) of this section shall be not less than 300 percent of the payment amount for a family of three established pursuant to section 3 of this 2009 Act.

[(2)] **(3)** All information received by the department in identifying the individuals described in subsection (1) of this section shall remain confidential.

[(3)] **(4)** For purposes of this section, “domestic violence” means the occurrence of one or more of the following acts between family members, intimate partners or household members:

(a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or emotional, mental or verbal abuse;

(b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury;

(c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427; or

(d) Using coercive or controlling behavior.

SECTION 3. (1) The Department of Human Services shall determine the need for and amount of aid granted in the temporary assistance for needy families program pursuant to ORS 412.006.

(2) For the purpose of determining the need for aid under this section, the department shall prescribe by rule:

(a) The income, resources and maintenance that is available to the family and countable towards meeting the family’s basic requirements for a standard of living compatible with decency and health;

(b) A deduction from income that is countable under paragraph (a) of this subsection of:

(A) Not less than \$50 of the amount of child support received for each child per month, up to a total of \$200 or the maximum established by federal law; and

(B) Any other amounts of income the department deems appropriate; and

(c) A limit for countable income that is not less than 50 percent of the federal poverty guidelines.

(3) The department shall establish by rule payment amounts for aid granted in the temporary assistance for needy families program that are not less than 36 percent of the federal poverty guidelines.

SECTION 4. ORS 412.009, as amended by section 3a, chapter 861, Oregon Laws 2007, is amended to read:

412.009. [(1) *The need for and amount of aid pursuant to the temporary assistance for needy families to be granted for any dependent child or relative pursuant to ORS 412.006 shall be determined, in accordance with the rules of the Department of Human Services, taking into account:*]

[(a) *The income, resources and maintenance available to such child and relative from whatever source derived, allowable deductions and the statewide income and payment standards.*]

[(b) *The income and financial condition of the stepparent, if any, of the child for whom aid is sought.*]

[(2) *Subsection (1)(b) of this section is not intended to relieve any parent of any legal obligation in*

1 *respect of the support of the natural or adopted children of the parent.]*

2 *[(3) In determining the need for and amount of aid to be granted under subsection (1) of this section*
 3 *and under ORS 411.070, the department shall:]*

4 *[(a) Disregard no less than \$50 of the amount of child support received for each child per month,*
 5 *up to a total of \$200 or the maximum established by federal law, for the family; and]*

6 *[(b) Disregard any other amounts of income and resources of the family as the department may*
 7 *prescribe by rule.]*

8 **[(4)] (1) The Department of Human Services by rule shall adopt proven methods of encouraging**
 9 **participants' full engagement in the job opportunity and basic skills program, including the devel-**
 10 **opment of an individualized case plan in accordance with [ORS 412.006] section 7 of this 2009**
 11 **Act.**

12 **[(5)(a)] (2)(a)** The department may not reduce the family's aid payment as a method of encour-
 13 aging full engagement in the job opportunity and basic skills program pursuant to subsection **[(4)]**
 14 **(1)** of this section until the department determines that the noncompliant needy caretaker relative:

15 (A) Has no barriers or refuses to take appropriate steps to address identified barriers to par-
 16 ticipation in the program;

17 (B) Has the ability to be fully engaged in the program as defined by the department by rule; and

18 (C) Is willfully noncompliant with the requirements of the individualized case plan.

19 (b) The department may not reduce aid payments under this subsection to families:

20 (A) Receiving aid pursuant to ORS 412.014 or 412.124;

21 (B) In which the caretaker relative participates in suitable activities for the number of hours
 22 required each month to satisfy federally required participation rates; or

23 (C) Until the department has screened for and, if appropriate, assessed barriers to participation,
 24 including but not limited to physical or mental health needs, substance abuse, domestic violence or
 25 learning needs.

26 (c) The department may not reduce aid payments under this subsection before assessing the risk
 27 of harm posed to the children in the household by the reduction in aid payments and taking steps
 28 to ameliorate the risk.

29 **[(6)(a)] (3)(a)** The department may reduce the aid payment to a family in accordance with sub-
 30 section **[(5)] (2)** of this section following notice and an opportunity for a hearing under ORS chapter
 31 183, as follows:

32 (A) The department may reduce the aid payment by the portion attributable to the needs of the
 33 noncompliant individual for up to three months.

34 (B) After three months of noncompliance and subject to subsection **[(5)(c)] (2)(c)** of this section,
 35 the department may terminate the aid payment to the family.

36 (b) Any reduction or termination in aid under this section may continue until the noncompliant
 37 individual participates in suitable activities required by the case plan for two consecutive weeks.

38 (c) A caretaker relative may request a hearing to contest the basis for a reduction in or termi-
 39 nation of an aid payment within 90 days of a reduction in or termination of aid.

40 **[(7)] (4)** Every six months, the department shall report to the Family Services Review Commis-
 41 sion established under ORS 411.125 the status of and outcomes for families for whom aid has been
 42 reduced or terminated under subsection **[(6)] (3)** of this section. The department shall work with the
 43 commission to establish the details to be provided in the report.

44 **SECTION 5.** ORS 412.001 is amended to read:

45 412.001. As used in ORS 412.001 to 412.155 and 418.647, unless the context or a specially appli-

1 cable statutory definition requires otherwise:

2 (1) "Aid" means money payments:

3 **(a) To a pregnant woman and her spouse who resides with her; and**

4 **(b) [with respect to, or on behalf of,] For the benefit of** a dependent child or children and in-
5 cludes:

6 [(a)] **(A)** Money payments to meet the needs of the relative with whom the child is living and
7 the spouse of the relative if the spouse lives with the relative, the relative is the child's parent and
8 the child is a dependent child by reason of the physical or mental incapacity, or the unemployment
9 or underemployment, of a parent; or

10 [(b)] **(B)** Payments made to a representative payee or guardian pursuant to ORS 412.026 or
11 412.028.

12 (2) "Caretaker relative" means a dependent child's father, mother, grandfather, grandmother,
13 brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or
14 niece who lives in a residence maintained by one or more of the relatives as the child's or the rel-
15 ative's own home.

16 (3)(a) "Dependent child" means a needy child:

17 (A) Who has been deprived of parental support or care by reason of the death, continued ab-
18 sence from the home or physical or mental incapacity, or unemployment or underemployment, of a
19 parent;

20 (B) Whose caretaker relatives are not able to provide adequate care and support for the child
21 without public assistance, as defined in ORS 411.010;

22 (C) Who lives with a caretaker relative; and

23 (D) Who meets the requirements of paragraph (b) of this subsection.

24 (b)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, a "dependent child"
25 must be under the age of 18 years.

26 (B) A child may qualify as a "dependent child," subject to the availability of funds, if the child
27 is 18 or 19 or 20 years of age and a student regularly attending a school in grade 12 or below or
28 regularly attending a course of professional or technical training designed to fit the child for gainful
29 employment, other than a course provided by or through a college or university.

30 (C) Students under the age of 21 years and regularly attending a school, college or university
31 or regularly attending a course of professional or technical training designed to fit the child for
32 gainful employment may be included in the description in subparagraph (B) of this paragraph at the
33 option of the Department of Human Services.

34 **(4) "Federal poverty guidelines" means the most recent poverty guidelines as published**
35 **annually in the Federal Register by the United States Department of Health and Human**
36 **Services.**

37 [(4)] **(5)** "Federally required participation rates" means the participation rates as required by
38 section 407 of the Social Security Act.

39 [(5)] **(6)** "Representative payee" means an individual designated by the department to receive
40 money payments of aid pursuant to ORS 412.026.

41 **SECTION 6.** ORS 412.006 is amended to read:

42 412.006. [(1)] Aid pursuant to the temporary assistance for needy families program shall be
43 granted under this section, **pursuant to rules adopted by the Department of Human Services**
44 **under section 3 of this 2009 Act, to:**

45 **(1) A pregnant woman and her spouse that resides with her in Oregon; or**

1 **(2)** Any dependent child who is living in a home meeting the standards of care and health fixed
 2 by the rules of the Department of Human Services and who is a resident of the State of Oregon, if
 3 a parent or caretaker relative with whom the child is living is a resident of the State of Oregon.

4 *[(2) Except as provided in subsections (7) and (8) of this section, a needy caretaker relative may
 5 be required to participate in the job opportunity and basic skills program that is described in sub-
 6 sections (3) to (6) of this section.]*

7 *[(3) The department shall use a basic assessment tool to determine if a needy caretaker relative
 8 applying for or receiving aid under this section has or may have a barrier to employment or to family
 9 stability. If the basic assessment tool indicates that there is or may be a barrier, the needy caretaker
 10 relative shall be referred for an in-depth assessment by a person with relevant expertise or specialized
 11 training.]*

12 *[(4) Based upon the assessment described in subsection (3) of this section, the department, in co-
 13 operation with appropriate partner agencies or professionals, shall work with the participant to create
 14 an effective individualized case plan that establishes goals and identifies suitable activities that promote
 15 family stability and financial independence.]*

16 *[(5) Suitable activities may include:]*

17 *[(a) Job readiness activities or employment;]*

18 *[(b) Vocational rehabilitation or training;]*

19 *[(c) Remedial, secondary or post-secondary education;]*

20 *[(d) Community service; or]*

21 *[(e) Other activities that reduce or eliminate barriers to full participation in the program or to
 22 employment.]*

23 *[(6) For individuals with disabilities, the goal of the individualized case plan must be to promote
 24 greater independence and may include physical or mental health evaluation or treatment.]*

25 *[(7) A needy caretaker relative receiving aid under ORS 412.001 to 412.069 and 418.647 may vol-
 26 unteer for but may not be required to participate in the job opportunity and basic skills program:]*

27 *[(a) More than 10 hours per week during the first two months of the third trimester of the parent's
 28 pregnancy;]*

29 *[(b) During the last month of the parent's pregnancy;]*

30 *[(c) If the needy caretaker relative is experiencing medical complications due to pregnancy that
 31 prohibit participation in activities in the program;]*

32 *[(d) For one parent per family, during the first six months after the birth of a child, up to a total
 33 of 12 months per family except that:]*

34 *[(A) The department may require a parent to participate in suitable activities, with a preference for
 35 educational activities, 16 weeks after the birth of a child if the parent is under 20 years of age; and]*

36 *[(B) The department may require a parent of a child under 12 months of age to participate in
 37 evidence-based parenting classes or family stability activities; or]*

38 *[(e) If participation is likely to cause undue hardship or is contrary to the best interests of the child
 39 or needy caretaker relative.]*

40 *[(8) The department shall adopt rules to carry out the provisions of this section.]*

41 **SECTION 7. (1) Except as provided in subsection (6) of this section, the Department of**
 42 **Human Services may require a needy caretaker relative applying for or receiving aid through**
 43 **the temporary assistance for needy families program to participate in the job opportunity**
 44 **and basic skills program that is described in subsections (2) to (5) of this section.**

45 **(2) The department shall use a basic assessment tool to determine if a needy caretaker**

1 relative applying for or receiving aid under this section has or may have a barrier to em-
 2 ployment or to family stability. If the basic assessment tool indicates that there is or may
 3 be a barrier, the needy caretaker relative shall be referred for an in-depth assessment by a
 4 person with relevant expertise or specialized training.

5 (3) Based upon the assessment described in subsection (2) of this section, the depart-
 6 ment, in cooperation with appropriate partner agencies or professionals, shall work with the
 7 participant to create an effective individualized case plan that establishes goals and identifies
 8 suitable activities that promote family stability and financial independence.

9 (4) Suitable activities may include:

10 (a) Job readiness activities or employment;

11 (b) Vocational rehabilitation or training;

12 (c) Remedial, secondary or post-secondary education;

13 (d) Community service; or

14 (e) Other activities that reduce or eliminate barriers to full participation in the program
 15 or to employment.

16 (5) For individuals with disabilities, the goal of the individualized case plan must be to
 17 promote greater independence and may include physical or mental health evaluation or
 18 treatment.

19 (6) A needy caretaker relative receiving aid under ORS 412.001 to 412.069 may volunteer
 20 for but may not be required to participate in the job opportunity and basic skills program:

21 (a) More than 10 hours per week during the first two months of the third trimester of
 22 the parent's pregnancy;

23 (b) During the last month of the parent's pregnancy;

24 (c) If the needy caretaker relative is experiencing medical complications due to preg-
 25 nancy that prohibit participation in activities in the program;

26 (d) For one parent per family, during the first six months after the birth of a child, up
 27 to a total of 12 months per family except that:

28 (A) The department may require a parent to participate in suitable activities, with a
 29 preference for educational activities, 16 weeks after the birth of a child if the parent is under
 30 20 years of age; and

31 (B) The department may require a parent of a child under 12 months of age and a preg-
 32 nant woman with no children to participate in evidence-based parenting classes or family
 33 stability activities; or

34 (e) If participation is likely to cause undue hardship or is contrary to the best interests
 35 of the child or needy caretaker relative.

36 (7) The department shall adopt rules to carry out the provisions of this section.

37 **SECTION 8.** ORS 109.311 is amended to read:

38 109.311. (1) Each adoption petition filed pursuant to ORS 109.309 seeking adoption of a minor
 39 child shall be accompanied by a written disclosure statement containing an itemized accounting of
 40 all moneys paid or estimated to be paid by the petitioner for fees, costs and expenses related to the
 41 adoption, including all legal, medical, living and travel expenses. The form of the disclosure state-
 42 ment shall be prescribed by the Department of Human Services after consultation with approved
 43 Oregon licensed adoption agencies.

44 (2) A court may not grant a judgment for an adoption of a minor child in the absence of a
 45 placement report by the department or an Oregon licensed adoption agency unless the filing of such

1 report has been waived by the department. A court may not grant a judgment for an adoption of a
 2 minor child in the absence of a written disclosure statement as described in subsection (1) of this
 3 section or in the absence of a verified statement by the petitioner that, to the best of the petitioner's
 4 knowledge, no charges, except those reported in the disclosure statement, have been or will be paid
 5 in connection with the adoption.

6 (3) A person may not charge, accept or pay or offer to charge, accept or pay a fee for locating
 7 a minor child for adoption or for locating another person to adopt a minor child, except that Oregon
 8 licensed adoption agencies licensed under [ORS 412.001 to 412.161 and 412.991 and] ORS chapter 418
 9 may charge reasonable fees for services provided by them.

10 (4)(a) It is unlawful for any person to advertise:

11 (A) A child offered or wanted for adoption; or

12 (B) That the person is able to place, locate, dispose of or receive a child for adoption.

13 (b) The provisions of paragraph (a) of this subsection do not apply to:

14 (A) The department or a licensed Oregon adoption agency or an agent, employee or person with
 15 whom the department or adoption agency has a contract authorizing such actions; or

16 (B) A person who has completed a home study as required by ORS 109.309 (6)(a)(C) and has re-
 17 ceived a favorable recommendation regarding the fitness of the person to be an adoptive parent or
 18 the person's attorney or uncompensated agent. A written declaration by the person who prepared
 19 the home study is sufficient verification of compliance with this subparagraph. The person's attorney
 20 must be licensed to practice in Oregon.

21 (c) Nothing in this subsection prohibits an attorney licensed to practice in Oregon from adver-
 22 tising the attorney's availability to provide services related to the adoption of children.

23 (d) As used in this subsection, unless the context requires otherwise, "advertise" means to
 24 communicate by newspaper, radio, television, handbills, placards or other print, broadcast or elec-
 25 tronic medium that originates within this state.

26 **SECTION 9.** ORS 163.537 is amended to read:

27 163.537. (1) A person commits the crime of buying or selling a person under 18 years of age if
 28 the person buys, sells, barter, trades or offers to buy or sell the legal or physical custody of a
 29 person under 18 years of age.

30 (2) Subsection (1) of this section does not:

31 (a) Prohibit a person in the process of adopting a child from paying the fees, costs and expenses
 32 related to the adoption as allowed in ORS 109.311.

33 (b) Prohibit a negotiated satisfaction of child support arrearages or other settlement in favor
 34 of a parent of a child in exchange for consent of the parent to the adoption of the child by the
 35 current spouse of the child's other parent.

36 (c) Apply to fees for services charged by the Department of Human Services or adoption agen-
 37 cies licensed under [ORS 412.001 to 412.161 and 412.991 and] ORS chapter 418.

38 (d) Apply to fees for services in an adoption pursuant to a surrogacy agreement.

39 (e) Prohibit discussion or settlement of disputed issues between parties in a domestic relations
 40 proceeding.

41 (3) Buying or selling a person under 18 years of age is a Class B felony.

42 **SECTION 10.** ORS 411.070 is amended to read:

43 411.070. The Department of Human Services shall by rule fix statewide uniform standards for
 44 all public assistance programs and effect uniform observance thereof throughout the state. In es-
 45 tablishing statewide standards for public assistance, the department, within the limits of available

1 funds, shall:

2 (1) Take into consideration all basic requirements for a standard of living compatible with de-
 3 cency and health, including food, shelter, clothing, fuel, public utilities, telecommunications service,
 4 medical care and other essential items and, upon the basis of investigations of the facts, shall pro-
 5 vide budgetary guides for determining minimum costs of meeting such requirements.

6 (2) Develop standards for making payments and providing support services in the job opportunity
 7 and basic skills program described in [ORS 412.006] **section 7 of this 2009 Act**.

8 **SECTION 11.** ORS 411.635 is amended to read:

9 411.635. Public assistance improperly disbursed as a result of recipient conduct that is not in
 10 violation of ORS 411.630 may be recouped pursuant to ORS 293.250 or from earnings that the state
 11 disregards pursuant to ORS 411.700 and [412.009] **section 3 (2)(b) of this 2009 Act** as follows:

12 (1) The Department of Human Services shall notify the recipient that the recipient may elect to
 13 limit the recoupment monthly to an amount equal to one-half the amount of disregarded earnings
 14 by granting the department a confession of judgment for the amount of the overpayment.

15 (2) If the recipient does not elect to grant the confession of judgment within 30 days the de-
 16 partment may recoup the overpayment from the entire amount of disregarded earnings. The recipient
 17 may at any time thereafter elect to limit the monthly recoupment to one-half the disregarded
 18 earnings by granting the department a confession of judgment.

19 (3) The department shall not execute on a confession of judgment until the recipient is no longer
 20 receiving public assistance and has either refused to agree to or has defaulted on a reasonable plan
 21 to satisfy the judgment.

22 (4) Nothing in this section limits the authority of the department by rule to exempt from
 23 recoupment any portion of disregarded earnings.

24 **SECTION 12.** ORS 412.054 is amended to read:

25 412.054. Application for aid under ORS 412.001 to 412.069 [and 418.647] shall be made to the
 26 Department of Human Services by [the] **a pregnant woman or the** relative with whom [the] **a de-**
 27 **pendent** child lives. The application shall be in the manner and upon the form prescribed by the
 28 department.

29 **SECTION 13.** ORS 412.064 is amended to read:

30 412.064. The Department of Human Services shall decide whether the [child] **family** is eligible
 31 for aid under ORS 412.001 to 412.069 and 418.647 and determine the date on which the aid granted
 32 shall begin.

33 **SECTION 14.** ORS 412.084 is amended to read:

34 412.084. (1) A person who is a minor parent of a child and is receiving or applying for aid shall
 35 reside with the person's parent, parents or legal guardian. The person may substitute an alternative
 36 supervised living arrangement if the Department of Human Services determines that it is unsafe or
 37 impractical for the person to reside with the person's parent, parents or legal guardian. Failure of
 38 a minor parent applying for or receiving temporary assistance for needy families to reside with the
 39 person's parent, parents or legal guardian or in an alternative supervised living arrangement shall
 40 result in the termination of aid.

41 (2) The provisions of subsection (1) of this section shall not apply to an applicant for or recipient
 42 of temporary assistance for needy families when circumstances or conditions exist that the depart-
 43 ment by rule establishes are not in the best interest of the child.

44 (3) If a person who is a minor parent receiving aid and who is not living with the person's
 45 parent, parents or legal guardian subsequently returns to reside with the parent, parents or guard-

1 ian and is determined ineligible to receive aid by reason of the parent's or guardian's income, the
 2 minor parent shall be eligible to receive such services, including medical care, as the department
 3 determines are necessary to allow the minor parent to attain a high school diploma or the equiv-
 4 alent, or to participate in the job opportunity and basic skills program as described in [ORS
 5 412.006] **section 7 of this 2009 Act.**

6 **SECTION 15.** ORS 412.089, as amended by section 5b, chapter 861, Oregon Laws 2007, is
 7 amended to read:

8 412.089. (1) The Department of Human Services shall refer a person applying for or receiving
 9 temporary assistance for needy families to an evaluation by a mental health or drug abuse profes-
 10 sional if the department reasonably believes such referral is necessary. The Department of Human
 11 Services shall develop guidelines to assist in the identification and referral of individuals requiring
 12 mental health or drug abuse treatment.

13 (2) If an evaluation conducted under subsection (1) of this section determines that mental health
 14 or drug abuse treatment is necessary for the person to function successfully in the workplace, the
 15 department shall provide such resources as are necessary and available for the person to participate
 16 in and successfully complete treatment.

17 (3) A person who refuses to participate in an evaluation under subsection (1) of this section or
 18 treatment under subsection (2) of this section shall be subject to the provisions of ORS 412.009 [(5)
 19 and (6)].

20 (4) The department shall provide training to staff who work directly with persons applying for
 21 or receiving temporary assistance for needy families in assessment and evaluation of mental health
 22 disorders, addictions and battered women's syndrome as may be necessary to implement the pro-
 23 visions of subsection (1) of this section.

24 **SECTION 16.** ORS 418.295 is amended to read:

25 418.295. (1) No attorney employed by the State of Oregon shall represent prospective adoptive
 26 parents in their attempt to adopt a child being cared for under the provisions of ORS [412.001 to
 27 412.161,] 418.005 to 418.025, 418.205 to 418.315, 418.625 to 418.685 and 418.647.

28 (2) No employee of the Department of Human Services shall recommend any attorney to serve
 29 as counsel for prospective adoptive parents.

30 **SECTION 17.** ORS 479.210 is amended to read:

31 479.210. As used in ORS 479.215 to 479.220, unless the context requires otherwise, "institution"
 32 means:

33 (1) A child-caring facility that provides residential care and that receives state aid under ORS
 34 [412.001 to 412.161,] 418.005 to 418.025, 418.205 to 418.315, 418.625 to 418.685 and 418.647;

35 (2) An inpatient care facility required to be licensed under ORS 441.015 to 441.087, 441.525 to
 36 441.595, 441.815, 441.820, 441.990, 442.342, 442.344 and 442.400 to 442.463; or

37 (3) A residential facility subject to licensure under ORS 443.400 to 443.455.

38 **SECTION 18.** ORS 479.217 is amended to read:

39 479.217. (1) In lieu of an inspection approval by the State Fire Marshal or the approved au-
 40 thority of a governmental subdivision having jurisdiction in an area exempted by the State Fire
 41 Marshal, under ORS 479.215 for institutions licensed under ORS [412.001 to 412.161,] 418.005 to
 42 418.025, 418.205 to 418.315, 418.625 to 418.685, [418.647,] 441.015 to 441.087, 441.525 to 441.595,
 43 441.815, 441.820, 441.990 and 442.400 to 442.463 or licensed by the Department of Human Services in
 44 accordance with ORS 443.400 to 443.455, the State Fire Marshal or the approved authority may issue
 45 a temporary permit which meets the requirements of ORS 479.215 for licensing of such institutions.

1 The temporary permit may be issued only when it appears that:

2 (a) The facilities for protection from fire in an institution are adequate so that the institution
3 can operate without jeopardizing the health or safety of its residents or patients; and

4 (b) The institution can comply with all applicable laws and rules relating to safety from fire
5 within a period of two years from the date of issuance of the temporary permit.

6 (2) In issuing the temporary permit, the State Fire Marshal or approved authority of the gov-
7 ernmental subdivision having jurisdiction in an exempt area may require that during the two-year
8 period in which the temporary permit is in effect:

9 (a) Plans for compliance with all applicable laws and rules relating to safety from fire be sub-
10 mitted with the application for a temporary permit;

11 (b) Periodic reports be submitted on the progress of the plans for compliance; and

12 (c) Special temporary provisions specified by the State Fire Marshal or the approved authority
13 be maintained for the protection from fire of the residents or patients of the institution.

14 (3) If at any time, the State Fire Marshal or the approved authority determines that the facilities
15 for protection from fire at the institution are no longer adequate to protect the residents or patients
16 or that the requirements imposed under subsection (2) of this section are not being maintained, the
17 State Fire Marshal or the approved authority shall cancel the temporary permit and shall notify the
18 Department of Human Services of such cancellation.

19 (4) Extensions and renewals may be granted on the temporary permit.

20 **SECTION 19.** ORS 656.027, as amended by section 2, chapter 32, Oregon Laws 2008, is amended
21 to read:

22 656.027. All workers are subject to this chapter except those nonsubject workers described in
23 the following subsections:

24 (1) A worker employed as a domestic servant in or about a private home. For the purposes of
25 this subsection "domestic servant" means any worker engaged in household domestic service by
26 private employment contract, including, but not limited to, home health workers.

27 (2) A worker employed to do gardening, maintenance, repair, remodeling or similar work in or
28 about the private home of the person employing the worker.

29 (3)(a) A worker whose employment is casual and either:

30 (A) The employment is not in the course of the trade, business or profession of the employer;
31 or

32 (B) The employment is in the course of the trade, business or profession of a nonsubject em-
33 ployer.

34 (b) For the purpose of this subsection, "casual" refers only to employments where the work in
35 any 30-day period, without regard to the number of workers employed, involves a total labor cost
36 of less than \$500.

37 (4) A person for whom a rule of liability for injury or death arising out of and in the course of
38 employment is provided by the laws of the United States.

39 (5) A worker engaged in the transportation in interstate commerce of goods, persons or property
40 for hire by rail, water, aircraft or motor vehicle, and whose employer has no fixed place of business
41 in this state.

42 (6) Firefighter and police employees of any city having a population of more than 200,000 that
43 provides a disability and retirement system by ordinance or charter.

44 (7)(a) Sole proprietors, except those described in paragraph (b) of this subsection. When labor
45 or services are performed under contract, the sole proprietor must qualify as an independent con-

1 tractor.

2 (b) Sole proprietors actively licensed under ORS 671.525 or 701.035. When labor or services are
3 performed under contract for remuneration, notwithstanding ORS 656.005 (30), the sole proprietor
4 must qualify as an independent contractor. Any sole proprietor licensed under ORS 671.525 or
5 701.035 and involved in activities subject thereto is conclusively presumed to be an independent
6 contractor.

7 (8) Except as provided in subsection (23) of this section, partners who are not engaged in work
8 performed in direct connection with the construction, alteration, repair, improvement, moving or
9 demolition of an improvement on real property or appurtenances thereto. When labor or services
10 are performed under contract, the partnership must qualify as an independent contractor.

11 (9) Except as provided in subsection (25) of this section, members, including members who are
12 managers, of limited liability companies, regardless of the nature of the work performed. However,
13 members, including members who are managers, of limited liability companies with more than one
14 member, while engaged in work performed in direct connection with the construction, alteration,
15 repair, improvement, moving or demolition of an improvement on real property or appurtenances
16 thereto, are subject workers. When labor or services are performed under contract, the limited li-
17 ability company must qualify as an independent contractor.

18 (10) Except as provided in subsection (24) of this section, corporate officers who are directors
19 of the corporation and who have a substantial ownership interest in the corporation, regardless of
20 the nature of the work performed by such officers, subject to the following limitations:

21 (a) If the activities of the corporation are conducted on land that receives farm use tax assess-
22 ment pursuant to ORS chapter 308A, corporate officer includes all individuals identified as directors
23 in the corporate bylaws, regardless of ownership interest, and who are members of the same family,
24 whether related by blood, marriage or adoption.

25 (b) If the activities of the corporation involve the commercial harvest of timber and all officers
26 of the corporation are members of the same family and are parents, daughters or sons, daughters-
27 in-law or sons-in-law or grandchildren, then all such officers may elect to be nonsubject workers.
28 For all other corporations involving the commercial harvest of timber, the maximum number of ex-
29 empt corporate officers for the corporation shall be whichever is the greater of the following:

30 (A) Two corporate officers; or

31 (B) One corporate officer for each 10 corporate employees.

32 (c) When labor or services are performed under contract, the corporation must qualify as an
33 independent contractor.

34 (11) A person performing services primarily for board and lodging received from any religious,
35 charitable or relief organization.

36 (12) A newspaper carrier utilized in compliance with the provisions of ORS 656.070 and 656.075.

37 (13) A person who has been declared an amateur athlete under the rules of the United States
38 Olympic Committee or the Canadian Olympic Committee and who receives no remuneration for
39 performance of services as an athlete other than board, room, rent, housing, lodging or other rea-
40 sonable incidental subsistence allowance, or any amateur sports official who is certified by a re-
41 cognized Oregon or national certifying authority, which requires or provides liability and accident
42 insurance for such officials. A roster of recognized Oregon and national certifying authorities will
43 be maintained by the Department of Consumer and Business Services, from lists of certifying or-
44 ganizations submitted by the Oregon School Activities Association and the Oregon Park and Re-
45 creation Society.

1 (14) Volunteer personnel participating in the ACTION programs, organized under the Domestic
 2 Volunteer Service Act of 1973, P.L. 93-113, known as the Foster Grandparent Program and the
 3 Senior Companion Program, whether or not the volunteers receive a stipend or nominal reimburse-
 4 ment for time and travel expenses.

5 (15) A person who has an ownership or leasehold interest in equipment and who furnishes,
 6 maintains and operates the equipment. As used in this subsection "equipment" means:

7 (a) A motor vehicle used in the transportation of logs, poles or piling.

8 (b) A motor vehicle used in the transportation of rocks, gravel, sand, dirt or asphalt concrete.

9 (c) A motor vehicle used in the transportation of property by a for-hire motor carrier that is
 10 required under ORS 825.100 or 825.104 to possess a certificate or permit or to be registered.

11 (16) A person engaged in the transportation of the public for recreational down-river boating
 12 activities on the waters of this state pursuant to a federal permit when the person furnishes the
 13 equipment necessary for the activity. As used in this subsection, "recreational down-river boating
 14 activities" means those boating activities for the purpose of recreational fishing, swimming or
 15 sightseeing utilizing a float craft with oars or paddles as the primary source of power.

16 (17) A person who receives no wage other than ski passes or other noncash remuneration for
 17 performing volunteer:

18 (a) Ski patrol activities; or

19 (b) Ski area program activities sponsored by a ski area operator, as defined in ORS 30.970, or
 20 by a nonprofit corporation or organization.

21 (18) A person 19 years of age or older who contracts with a newspaper publishing company or
 22 independent newspaper dealer or contractor to distribute newspapers to the general public and
 23 perform or undertake any necessary or attendant functions related thereto.

24 (19) A person performing foster parent or adult foster care duties pursuant to [*ORS 412.001 to*
 25 *412.161 and 412.991 or*] ORS chapter [*411,*] 418, 430 or 443.

26 (20) A person performing services on a volunteer basis for a nonprofit, religious, charitable or
 27 relief organization, whether or not such person receives meals or lodging or nominal reimbursements
 28 or vouchers for meals, lodging or expenses.

29 (21) A person performing services under a property tax work-off program established under ORS
 30 310.800.

31 (22) A person who performs service as a caddy at a golf course in an established program for
 32 the training and supervision of caddies under the direction of a person who is an employee of the
 33 golf course.

34 (23)(a) Partners who are actively licensed under ORS 671.525 or 701.035 and who have a sub-
 35 stantial ownership interest in a partnership. If all partners are members of the same family and are
 36 parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law or grandchil-
 37 dren, all such partners may elect to be nonsubject workers. For all other partnerships licensed un-
 38 der ORS 671.510 to 671.760 or ORS chapter 701, the maximum number of exempt partners shall be
 39 whichever is the greater of the following:

40 (A) Two partners; or

41 (B) One partner for each 10 partnership employees.

42 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
 43 656.005 (30), the partnership qualifies as an independent contractor. Any partnership licensed under
 44 ORS 671.525 or 701.035 and involved in activities subject thereto is conclusively presumed to be an
 45 independent contractor.

1 (24)(a) Corporate officers who are directors of a corporation actively licensed under ORS 671.525
 2 or 701.035 and who have a substantial ownership interest in the corporation, regardless of the na-
 3 ture of the work performed. If all officers of the corporation are members of the same family and
 4 are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law or grand-
 5 children, all such officers may elect to be nonsubject workers. For all other corporations licensed
 6 under ORS 671.510 to 671.760 or ORS chapter 701, the maximum number of exempt corporate officers
 7 shall be whichever is the greater of the following:

8 (A) Two corporate officers; or

9 (B) One corporate officer for each 10 corporate employees.

10 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
 11 656.005 (30), the corporation qualifies as an independent contractor. Any corporation licensed under
 12 ORS 671.525 or 701.035 and involved in activities subject thereto is conclusively presumed to be an
 13 independent contractor.

14 (25)(a) Limited liability company members who are members of a company actively licensed un-
 15 der ORS 671.525 or 701.035 and who have a substantial ownership interest in the company, regard-
 16 less of the nature of the work performed. If all members of the company are members of the same
 17 family and are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law
 18 or grandchildren, all such members may elect to be nonsubject workers. For all other companies
 19 licensed under ORS 671.510 to 671.760 or ORS chapter 701, the maximum number of exempt company
 20 members shall be whichever is the greater of the following:

21 (A) Two company members; or

22 (B) One company member for each 10 company employees.

23 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
 24 656.005 (30), the company qualifies as an independent contractor. Any company licensed under ORS
 25 671.525 or 701.035 and involved in activities subject thereto is conclusively presumed to be an in-
 26 dependent contractor.

27 (26) A person serving as a referee or assistant referee in a youth or adult recreational soccer
 28 match whose services are retained on a match-by-match basis.

29 (27) A person performing language translator or interpreter services that are provided for others
 30 through an agent or broker.

31 (28) A person who operates, and who has an ownership or leasehold interest in, a passenger
 32 motor vehicle that is operated as a taxicab or for nonemergency medical transportation. As used in
 33 this subsection:

34 (a) "Lease" means a contract under which the lessor provides a vehicle to a lessee for consid-
 35 eration.

36 (b) "Leasehold" includes, but is not limited to, a lease for a shift or a longer period.

37 (c) "Passenger motor vehicle that is operated as a taxicab" means a vehicle that:

38 (A) Has a passenger seating capacity that does not exceed seven persons;

39 (B) Is transporting persons, property or both on a route that begins or ends in Oregon; and

40 (C)(i) Carries passengers for hire when the destination and route traveled may be controlled by
 41 a passenger and the fare is calculated on the basis of any combination of an initial fee, distance
 42 traveled or waiting time; or

43 (ii) Is in use under a contract to provide specific service to a third party to transport designated
 44 passengers or to provide errand services to locations selected by the third party.

45 (d) "Passenger motor vehicle that is operated for nonemergency medical transportation" means

1 a vehicle that:

2 (A) Has a passenger seating capacity that does not exceed seven persons;

3 (B) Is transporting persons, property or both on a route that begins or ends in Oregon; and

4 (C) Provides medical transportation services under contract with or on behalf of a mass transit
5 or transportation district.

6 **SECTION 20.** ORS 656.027, as amended by section 49, chapter 836, Oregon Laws 2007, and
7 section 3, chapter 32, Oregon Laws 2008, is amended to read:

8 656.027. All workers are subject to this chapter except those nonsubject workers described in
9 the following subsections:

10 (1) A worker employed as a domestic servant in or about a private home. For the purposes of
11 this subsection “domestic servant” means any worker engaged in household domestic service by
12 private employment contract, including, but not limited to, home health workers.

13 (2) A worker employed to do gardening, maintenance, repair, remodeling or similar work in or
14 about the private home of the person employing the worker.

15 (3)(a) A worker whose employment is casual and either:

16 (A) The employment is not in the course of the trade, business or profession of the employer;

17 or

18 (B) The employment is in the course of the trade, business or profession of a nonsubject em-
19 ployer.

20 (b) For the purpose of this subsection, “casual” refers only to employments where the work in
21 any 30-day period, without regard to the number of workers employed, involves a total labor cost
22 of less than \$500.

23 (4) A person for whom a rule of liability for injury or death arising out of and in the course of
24 employment is provided by the laws of the United States.

25 (5) A worker engaged in the transportation in interstate commerce of goods, persons or property
26 for hire by rail, water, aircraft or motor vehicle, and whose employer has no fixed place of business
27 in this state.

28 (6) Firefighter and police employees of any city having a population of more than 200,000 that
29 provides a disability and retirement system by ordinance or charter.

30 (7)(a) Sole proprietors, except those described in paragraph (b) of this subsection. When labor
31 or services are performed under contract, the sole proprietor must qualify as an independent con-
32 tractor.

33 (b) Sole proprietors actively licensed under ORS 671.525 or 701.021. When labor or services are
34 performed under contract for remuneration, notwithstanding ORS 656.005 (30), the sole proprietor
35 must qualify as an independent contractor. Any sole proprietor licensed under ORS 671.525 or
36 701.021 and involved in activities subject thereto is conclusively presumed to be an independent
37 contractor.

38 (8) Except as provided in subsection (23) of this section, partners who are not engaged in work
39 performed in direct connection with the construction, alteration, repair, improvement, moving or
40 demolition of an improvement on real property or appurtenances thereto. When labor or services
41 are performed under contract, the partnership must qualify as an independent contractor.

42 (9) Except as provided in subsection (25) of this section, members, including members who are
43 managers, of limited liability companies, regardless of the nature of the work performed. However,
44 members, including members who are managers, of limited liability companies with more than one
45 member, while engaged in work performed in direct connection with the construction, alteration,

1 repair, improvement, moving or demolition of an improvement on real property or appurtenances
2 thereto, are subject workers. When labor or services are performed under contract, the limited li-
3 ability company must qualify as an independent contractor.

4 (10) Except as provided in subsection (24) of this section, corporate officers who are directors
5 of the corporation and who have a substantial ownership interest in the corporation, regardless of
6 the nature of the work performed by such officers, subject to the following limitations:

7 (a) If the activities of the corporation are conducted on land that receives farm use tax assess-
8 ment pursuant to ORS chapter 308A, corporate officer includes all individuals identified as directors
9 in the corporate bylaws, regardless of ownership interest, and who are members of the same family,
10 whether related by blood, marriage or adoption.

11 (b) If the activities of the corporation involve the commercial harvest of timber and all officers
12 of the corporation are members of the same family and are parents, daughters or sons, daughters-
13 in-law or sons-in-law or grandchildren, then all such officers may elect to be nonsubject workers.
14 For all other corporations involving the commercial harvest of timber, the maximum number of ex-
15 empt corporate officers for the corporation shall be whichever is the greater of the following:

16 (A) Two corporate officers; or

17 (B) One corporate officer for each 10 corporate employees.

18 (c) When labor or services are performed under contract, the corporation must qualify as an
19 independent contractor.

20 (11) A person performing services primarily for board and lodging received from any religious,
21 charitable or relief organization.

22 (12) A newspaper carrier utilized in compliance with the provisions of ORS 656.070 and 656.075.

23 (13) A person who has been declared an amateur athlete under the rules of the United States
24 Olympic Committee or the Canadian Olympic Committee and who receives no remuneration for
25 performance of services as an athlete other than board, room, rent, housing, lodging or other rea-
26 sonable incidental subsistence allowance, or any amateur sports official who is certified by a re-
27 cognized Oregon or national certifying authority, which requires or provides liability and accident
28 insurance for such officials. A roster of recognized Oregon and national certifying authorities will
29 be maintained by the Department of Consumer and Business Services, from lists of certifying or-
30 ganizations submitted by the Oregon School Activities Association and the Oregon Park and Re-
31 creation Society.

32 (14) Volunteer personnel participating in the ACTION programs, organized under the Domestic
33 Volunteer Service Act of 1973, P.L. 93-113, known as the Foster Grandparent Program and the
34 Senior Companion Program, whether or not the volunteers receive a stipend or nominal reimburse-
35 ment for time and travel expenses.

36 (15) A person who has an ownership or leasehold interest in equipment and who furnishes,
37 maintains and operates the equipment. As used in this subsection "equipment" means:

38 (a) A motor vehicle used in the transportation of logs, poles or piling.

39 (b) A motor vehicle used in the transportation of rocks, gravel, sand, dirt or asphalt concrete.

40 (c) A motor vehicle used in the transportation of property by a for-hire motor carrier that is
41 required under ORS 825.100 or 825.104 to possess a certificate or permit or to be registered.

42 (16) A person engaged in the transportation of the public for recreational down-river boating
43 activities on the waters of this state pursuant to a federal permit when the person furnishes the
44 equipment necessary for the activity. As used in this subsection, "recreational down-river boating
45 activities" means those boating activities for the purpose of recreational fishing, swimming or

1 sightseeing utilizing a float craft with oars or paddles as the primary source of power.

2 (17) A person who receives no wage other than ski passes or other noncash remuneration for
3 performing volunteer:

4 (a) Ski patrol activities; or

5 (b) Ski area program activities sponsored by a ski area operator, as defined in ORS 30.970, or
6 by a nonprofit corporation or organization.

7 (18) A person 19 years of age or older who contracts with a newspaper publishing company or
8 independent newspaper dealer or contractor to distribute newspapers to the general public and
9 perform or undertake any necessary or attendant functions related thereto.

10 (19) A person performing foster parent or adult foster care duties pursuant to [*ORS 412.001 to*
11 *412.161 and 412.991 or*] ORS chapter [*411,*] 418, 430 or 443.

12 (20) A person performing services on a volunteer basis for a nonprofit, religious, charitable or
13 relief organization, whether or not such person receives meals or lodging or nominal reimbursements
14 or vouchers for meals, lodging or expenses.

15 (21) A person performing services under a property tax work-off program established under ORS
16 310.800.

17 (22) A person who performs service as a caddy at a golf course in an established program for
18 the training and supervision of caddies under the direction of a person who is an employee of the
19 golf course.

20 (23)(a) Partners who are actively licensed under ORS 671.525 or 701.021 and who have a sub-
21 stantial ownership interest in a partnership. If all partners are members of the same family and are
22 parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law or grandchil-
23 dren, all such partners may elect to be nonsubject workers. For all other partnerships licensed un-
24 der ORS 671.510 to 671.760 or 701.021, the maximum number of exempt partners shall be whichever
25 is the greater of the following:

26 (A) Two partners; or

27 (B) One partner for each 10 partnership employees.

28 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
29 656.005 (30), the partnership qualifies as an independent contractor. Any partnership licensed under
30 ORS 671.525 or 701.021 and involved in activities subject thereto is conclusively presumed to be an
31 independent contractor.

32 (24)(a) Corporate officers who are directors of a corporation actively licensed under ORS 671.525
33 or 701.021 and who have a substantial ownership interest in the corporation, regardless of the na-
34 ture of the work performed. If all officers of the corporation are members of the same family and
35 are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law or grand-
36 children, all such officers may elect to be nonsubject workers. For all other corporations licensed
37 under ORS 671.510 to 671.760 or 701.021, the maximum number of exempt corporate officers shall
38 be whichever is the greater of the following:

39 (A) Two corporate officers; or

40 (B) One corporate officer for each 10 corporate employees.

41 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
42 656.005 (30), the corporation qualifies as an independent contractor. Any corporation licensed under
43 ORS 671.525 or 701.021 and involved in activities subject thereto is conclusively presumed to be an
44 independent contractor.

45 (25)(a) Limited liability company members who are members of a company actively licensed un-

1 der ORS 671.525 or 701.021 and who have a substantial ownership interest in the company, regard-
2 less of the nature of the work performed. If all members of the company are members of the same
3 family and are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law
4 or grandchildren, all such members may elect to be nonsubject workers. For all other companies
5 licensed under ORS 671.510 to 671.760 or 701.021, the maximum number of exempt company members
6 shall be whichever is the greater of the following:

7 (A) Two company members; or

8 (B) One company member for each 10 company employees.

9 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
10 656.005 (30), the company qualifies as an independent contractor. Any company licensed under ORS
11 671.525 or 701.021 and involved in activities subject thereto is conclusively presumed to be an in-
12 dependent contractor.

13 (26) A person serving as a referee or assistant referee in a youth or adult recreational soccer
14 match whose services are retained on a match-by-match basis.

15 (27) A person performing language translator or interpreter services that are provided for others
16 through an agent or broker.

17 (28) A person who operates, and who has an ownership or leasehold interest in, a passenger
18 motor vehicle that is operated as a taxicab or for nonemergency medical transportation. As used in
19 this subsection:

20 (a) "Lease" means a contract under which the lessor provides a vehicle to a lessee for consid-
21 eration.

22 (b) "Leasehold" includes, but is not limited to, a lease for a shift or a longer period.

23 (c) "Passenger motor vehicle that is operated as a taxicab" means a vehicle that:

24 (A) Has a passenger seating capacity that does not exceed seven persons;

25 (B) Is transporting persons, property or both on a route that begins or ends in Oregon; and

26 (C)(i) Carries passengers for hire when 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; or

29 (ii) Is in use under a contract to provide specific service to a third party to transport designated
30 passengers or to provide errand services to locations selected by the third party.

31 (d) "Passenger motor vehicle that is operated for nonemergency medical transportation" means
32 a vehicle that:

33 (A) Has a passenger seating capacity that does not exceed seven persons;

34 (B) Is transporting persons, property or both on a route that begins or ends in Oregon; and

35 (C) Provides medical transportation services under contract with or on behalf of a mass transit
36 or transportation district.

37
