

# House Bill 3190

Sponsored by Representative THATCHER

## SUMMARY

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

Requires Oregon Department of Administrative Services to establish Retired Senior Volunteer Program. Permits retired individuals to volunteer their services to certain public bodies and nonprofit organizations in exchange for health care insurance coverage for volunteers and volunteers' spouses.

## A BILL FOR AN ACT

1  
2 Relating to voluntary service by retired individuals; creating new provisions; and amending ORS  
3 656.027.

4 Whereas many of our most experienced residents, including teachers, nurses and police officers,  
5 are retiring at an early age; and

6 Whereas many retired individuals are willing and able to provide services to our schools and  
7 students, to our local governments and nonprofit agencies providing educational or public health  
8 services and to our law enforcement agencies; and

9 Whereas many retired individuals are not yet eligible for Medicare health plans; and

10 Whereas many retired individuals need to acquire or maintain health care insurance coverage  
11 until they are eligible for Medicare health plans; and

12 Whereas the Seventy-fifth Legislative Assembly finds that our state would benefit greatly from  
13 a program that encourages retired individuals to make their services available; now, therefore,

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

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

15  
16 (a) **"Nonprofit organization" means an organization or a group of organizations, as de-**  
17 **scribed in section 501(c)(3) of the Internal Revenue Code, that provides educational or public**  
18 **health services.**

19 (b) **"Public body" means a public body, as defined in ORS 174.109, that provides educa-**  
20 **tional, public health or public safety services.**

21 (c) **"Volunteer" means a retired individual who volunteers services to nonprofit organ-**  
22 **izations and public bodies as described in subsection (4) of this section. "Volunteer" does not**  
23 **include:**

24 (A) **An employee of the Oregon Department of Administrative Services or the partic-**  
25 **ipating public body or nonprofit organization.**

26 (B) **A person who is employed under the provisions of ORS 653.010 to 653.261.**

27 (C) **A subject worker who receives workers' compensation from the participating public**  
28 **body or nonprofit organization.**

29 (D) **A person who receives unemployment insurance.**

30 (2) **The Oregon Department of Administrative Services shall establish the Retired Senior**

**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 **Volunteer Program.**

2 (3) Under the program, the department shall:

3 (a) Assist public bodies and nonprofit organizations in providing opportunities to retired  
4 individuals to volunteer their services to the public bodies and nonprofit organizations.

5 (b) Establish and maintain a registry of volunteers.

6 (c) Establish and administer a volunteer referral service to refer volunteers to public  
7 bodies and nonprofit organizations that request the services of volunteers.

8 (4) Volunteers may:

9 (a) Assist and mentor new teachers, assist in classrooms and provide services that sup-  
10 plement course offerings and reduce class sizes.

11 (b) Assist and mentor new nurses, assist in health clinics and hospitals and provide ser-  
12 vices that supplement health care services.

13 (c) Assist and mentor new law enforcement officers, accompany patrol officers, assist in  
14 the administration of law enforcement programs and provide services that supplement law  
15 enforcement services.

16 (5) A public body or nonprofit organization may not use the services of a volunteer to  
17 replace paid personnel.

18 (6) In exchange for the services provided by a volunteer, the department, if the depart-  
19 ment has sufficient funds, shall provide health care insurance coverage to the volunteer on  
20 the following bases:

21 (a) For eight hours per week of volunteer services, the department shall provide health  
22 care insurance coverage to the volunteer on the same terms that the department uses to  
23 provide coverage to full-time employees of the department.

24 (b) For 12 hours per week of volunteer services, the department shall provide health care  
25 insurance coverage to the volunteer and the volunteer's spouse on the same terms that the  
26 department uses to provide coverage to full-time employees of the department and their  
27 spouses.

28 (c) For more than 12 hours per week, the department shall record any hours that the  
29 volunteer works in excess of 12 hours per week and allow those hours to accrue. A volunteer  
30 may use accrued hours for up to three years to receive health care insurance coverage under  
31 the terms of paragraphs (a) and (b) of this subsection without having to render volunteer  
32 services.

33 (7)(a) A volunteer may not receive health care insurance coverage under this section  
34 when the volunteer is eligible for Medicare coverage.

35 (b) The spouse of a volunteer may not receive health care insurance coverage under this  
36 section when the spouse is eligible for Medicare coverage.

37 (8) The department may require a volunteer to waive any legal cause of action against  
38 the department or the participating public body or nonprofit organization for any injury or  
39 disease that arises out of or during the course of providing volunteer services.

40 (9) The department or the participating public body or nonprofit organization may elect  
41 to provide medical-only workers' compensation coverage to a volunteer under ORS 656.039.

42 (10) If funds are available, the department may provide health care insurance coverage  
43 to volunteers and their spouses under ORS 243.105 to 243.285. If the department provides  
44 coverage to volunteers and their spouses under this subsection, the volunteers are consid-  
45 ered eligible employees as defined in ORS 243.105, and their spouses are considered family

1 **members as defined in ORS 243.105.**

2 **(11) The department may adopt rules to administer the Retired Senior Volunteer Pro-**  
3 **gram.**

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

6 656.027. All workers are subject to this chapter except those nonsubject workers described in  
7 the following subsections:

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

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

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

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

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

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

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

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

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

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

31 (b) Sole proprietors actively licensed under ORS 671.525 or 701.035. When labor or services are  
32 performed under contract for remuneration, notwithstanding ORS 656.005 (30), the sole proprietor  
33 must qualify as an independent contractor. Any sole proprietor licensed under ORS 671.525 or  
34 701.035 and involved in activities subject thereto is conclusively presumed to be an independent  
35 contractor.

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

40 (9) Except as provided in subsection (25) of this section, members, including members who are  
41 managers, of limited liability companies, regardless of the nature of the work performed. However,  
42 members, including members who are managers, of limited liability companies with more than one  
43 member, while engaged in work performed in direct connection with the construction, alteration,  
44 repair, improvement, moving or demolition of an improvement on real property or appurtenances  
45 thereto, are subject workers. When labor or services are performed under contract, the limited li-

1 ability company must qualify as an independent contractor.

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

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

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

14 (A) Two corporate officers; or

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

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

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

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

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

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

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

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

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

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

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

45 (17) A person who receives no wage other than ski passes or other noncash remuneration for

1 performing volunteer:

2 (a) Ski patrol activities; or

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

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

8 (19) A person performing foster parent or adult foster care duties pursuant to ORS 412.001 to  
9 412.161 and 412.991 or ORS chapter 411, 418, 430 or 443.

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

13 (21) A person performing services under a property tax work-off program established under ORS  
14 310.800.

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

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

24 (A) Two partners; or

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

26 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS  
27 656.005 (30), the partnership qualifies as an independent contractor. Any partnership licensed under  
28 ORS 671.525 or 701.035 and involved in activities subject thereto is conclusively presumed to be an  
29 independent contractor.

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

37 (A) Two corporate officers; or

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

39 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS  
40 656.005 (30), the corporation qualifies as an independent contractor. Any corporation licensed under  
41 ORS 671.525 or 701.035 and involved in activities subject thereto is conclusively presumed to be an  
42 independent contractor.

43 (25)(a) Limited liability company members who are members of a company actively licensed un-  
44 der ORS 671.525 or 701.035 and who have a substantial ownership interest in the company, regard-  
45 less of the nature of the work performed. If all members of the company are members of the same

1 family and are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law  
 2 or grandchildren, all such members may elect to be nonsubject workers. For all other companies  
 3 licensed under ORS 671.510 to 671.760 or ORS chapter 701, the maximum number of exempt company  
 4 members shall be whichever is the greater of the following:

5 (A) Two company members; or

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

7 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS  
 8 656.005 (30), the company qualifies as an independent contractor. Any company licensed under ORS  
 9 671.525 or 701.035 and involved in activities subject thereto is conclusively presumed to be an in-  
 10 dependent contractor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **(29) A retired individual who provides volunteer services under section 1 of this 2009 Act**  
 36 **and who receives no compensation except health care insurance coverage.**

37 **SECTION 3.** ORS 656.027, as amended by section 49, chapter 836, Oregon Laws 2007, and sec-  
 38 tion 3, chapter 32, Oregon Laws 2008, is amended to read:

39 656.027. All workers are subject to this chapter except those nonsubject workers described in  
 40 the following subsections:

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

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

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

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

3 or

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

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

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

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

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

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

19 (b) Sole proprietors actively licensed under ORS 671.525 or 701.021. When labor or services are  
20 performed under contract for remuneration, notwithstanding ORS 656.005 (30), the sole proprietor  
21 must qualify as an independent contractor. Any sole proprietor licensed under ORS 671.525 or  
22 701.021 and involved in activities subject thereto is conclusively presumed to be an independent  
23 contractor.

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

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

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

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

42 (b) If the activities of the corporation involve the commercial harvest of timber and all officers  
43 of the corporation are members of the same family and are parents, daughters or sons, daughters-  
44 in-law or sons-in-law or grandchildren, then all such officers may elect to be nonsubject workers.  
45 For all other corporations involving the commercial harvest of timber, the maximum number of ex-

1 empty corporate officers for the corporation shall be whichever is the greater of the following:

2 (A) Two corporate officers; or

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

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

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

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

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

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

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

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

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

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27 required under ORS 825.100 or 825.104 to possess a certificate or permit or to be registered.

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29 activities on the waters of this state pursuant to a federal permit when the person furnishes the  
30 equipment necessary for the activity. As used in this subsection, "recreational down-river boating  
31 activities" means those boating activities for the purpose of recreational fishing, swimming or  
32 sightseeing utilizing a float craft with oars or paddles as the primary source of power.

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

35 (a) Ski patrol activities; or

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

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

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42 412.161 and 412.991 or ORS chapter 411, 418, 430 or 443.

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



1 (21) A person performing services under a property tax work-off program established under ORS  
2 310.800.

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

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

12 (A) Two partners; or

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

14 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS  
15 656.005 (30), the partnership qualifies as an independent contractor. Any partnership licensed under  
16 ORS 671.525 or 701.021 and involved in activities subject thereto is conclusively presumed to be an  
17 independent contractor.

18 (24)(a) Corporate officers who are directors of a corporation actively licensed under ORS 671.525  
19 or 701.021 and who have a substantial ownership interest in the corporation, regardless of the na-  
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31 (25)(a) Limited liability company members who are members of a company actively licensed un-  
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33 less of the nature of the work performed. If all members of the company are members of the same  
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43 dependent contractor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **(29) A retired individual who provides volunteer services under section 1 of this 2009 Act**  
24 **and who receives no compensation except health care insurance coverage.**

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