

A-Engrossed
House Bill 3191

Ordered by the House April 27
Including House Amendments dated April 27

Sponsored by Representative THATCHER; Representatives BARKER, KRIEGER, OLSON, SPRENGER, WINGARD,
Senator GEORGE (at the request of Oregon State Police Officers' Association)

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.

Establishes **Oregon** Retired Senior Volunteer Program within Department of State Police.
Permits retired state police officers to volunteer in exchange for health care insurance coverage for themselves and, when appropriate, their spouses.

A BILL FOR AN ACT

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

4 Whereas many of our most experienced state police officers are retiring at an early age; and

5 Whereas many retired state police officers are willing and able to provide services to the De-
6 partment of State Police; and

7 Whereas many retired state police officers are not yet eligible for Medicare health plans; and

8 Whereas many retired state police officers need to acquire or maintain health care insurance
9 coverage before they are eligible for Medicare health plans; and

10 Whereas the Seventy-fifth Legislative Assembly finds that our state would benefit greatly from
11 a program that encourages retired state police officers to make their services available to the De-
12 partment of State Police; now, therefore,

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

14 **SECTION 1. (1) As used in this section, "volunteer" means a retired state police officer**
15 **who volunteers services to the Department of State Police as described in this section.**

16 **(2) There is established the Oregon Retired Senior Volunteer Program within the De-**
17 **partment of State Police.**

18 **(3) The purpose of the program is to encourage and assist retired state police officers to**
19 **volunteer their services to the department in exchange for health care insurance coverage**
20 **for the volunteers and, when appropriate, the volunteers' spouses.**

21 **(4) Under the program, the department shall:**

22 **(a) Provide opportunities to retired state police officers to volunteer their services to the**
23 **department; and**

24 **(b) Establish and administer a volunteer referral service through which volunteers may**
25 **be registered and referred to department offices that request the services of volunteers.**

26 **(5) Under the program, the department may use volunteers to assist, mentor and train**
27 **new state police officers, accompany patrol officers, assist in the administration of depart-**

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 **ment programs and provide services that supplement services provided by the department.**
2 **The department may not use the services of a volunteer to replace or displace paid person-**
3 **nel.**

4 **(6)(a) If funds are available for this purpose, the department may provide health care**
5 **insurance coverage to volunteers and their spouses under ORS 243.105 to 243.285, and the**
6 **volunteers and their spouses are considered “eligible employees” and “family members” as**
7 **those terms are defined in ORS 243.105.**

8 **(b) The department shall provide health care insurance coverage to volunteers under**
9 **paragraph (a) of this subsection on the following basis:**

10 **(A) For eight hours per week of volunteer services, coverage to volunteers on the same**
11 **terms as to full-time employees.**

12 **(B) For 12 hours per week of volunteer services, coverage to volunteers and their spouses**
13 **on the same terms as to full-time employees and their spouses.**

14 **(C) A volunteer who provides services for more than 12 hours per week may accrue those**
15 **hours and thereby become eligible for health care insurance coverage for up to three years**
16 **in which the retired state police officer does not provide volunteer services.**

17 **(D) Health care insurance coverage made available under this section is available only**
18 **until the volunteer becomes eligible for Medicare coverage and, for the spouse of the volun-**
19 **teer, until the spouse becomes eligible for Medicare coverage.**

20 **(7)(a) A volunteer who provides services as provided in this section is not an employee**
21 **of the department, is not employed for purposes of ORS 653.010 to 653.261, is not a subject**
22 **worker for purposes of workers’ compensation coverage and is not eligible for unemployment**
23 **insurance. The department may require the volunteer to waive any legal cause of action**
24 **against the department for any injury or disease arising out of and in the course of providing**
25 **the volunteer services.**

26 **(b) Notwithstanding the provisions of paragraph (a) of this subsection, the department**
27 **may make a volunteer a subject worker under ORS 656.039. However, if the department**
28 **makes a volunteer a subject worker under this paragraph, the volunteer is entitled to receive**
29 **only compensable medical services described in ORS 656.245.**

30 **(8) The department may adopt rules to administer the Oregon Retired Senior Volunteer**
31 **Program.**

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

34 **656.027. All workers are subject to this chapter except those nonsubject workers described in**
35 **the following subsections:**

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

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

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

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

43 **or**

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

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

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

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

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

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

14 (b) Sole proprietors actively licensed under ORS 671.525 or 701.035. When labor or services are
15 performed under contract for remuneration, notwithstanding ORS 656.005 (30), the sole proprietor
16 must qualify as an independent contractor. Any sole proprietor licensed under ORS 671.525 or
17 701.035 and involved in activities subject thereto is conclusively presumed to be an independent
18 contractor.

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

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

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

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

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

42 (A) Two corporate officers; or

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

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

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

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

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

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

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

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

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

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

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

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

30 (a) Ski patrol activities; or

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

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

36 (19) A person performing foster parent or adult foster care duties pursuant to [*ORS 412.001 to*
37 *412.161 and 412.991 or*] ORS chapter [*411,*] 418, 430 or 443.

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

41 (21) A person performing services under a property tax work-off program established under ORS
42 310.800.

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

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

7 (A) Two partners; or

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

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

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

20 (A) Two corporate officers; or

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

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

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

33 (A) Two company members; or

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

35 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
36 656.005 (30), the company qualifies as an independent contractor. Any company licensed under ORS
37 671.525 or 701.035 and involved in activities subject thereto is conclusively presumed to be an in-
38 dependent contractor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **(29) A retired state police officer who provides volunteer services under section 1 of this**
19 **2009 Act and who receives no compensation other than health care insurance coverage.**

20 **SECTION 3.** ORS 656.027, as amended by section 49, chapter 836, Oregon Laws 2007, and sec-
21 tion 3, chapter 32, Oregon Laws 2008, is amended 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 701.021. 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
5 701.021 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 701.021 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 701.021, the maximum number of exempt partners shall be whichever
39 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 701.021 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 701.021 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 701.021, the maximum number of exempt corporate officers shall
7 be whichever is the greater of the following:

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

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11 656.005 (30), the corporation qualifies as an independent contractor. Any corporation licensed under
12 ORS 671.525 or 701.021 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 701.021 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 701.021, the maximum number of exempt company members
20 shall be whichever is the greater of the following:

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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 701.021 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 **(29) A retired state police officer who provides volunteer services under section 1 of this**
7 **2009 Act and who receives no compensation other than health care insurance coverage.**

8
