

House Bill 3192

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 Department of Education to establish Retired Senior Volunteer Program. Permits retired teachers to volunteer their services to public school districts in exchange for health care insurance coverage for retired teachers and teachers' spouses.

A BILL FOR AN ACT

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

4 Whereas many of our most experienced teachers are retiring at an early age; and

5 Whereas many retired teachers are willing and able to provide services to our school districts
6 and students; and

7 Whereas many retired teachers are not yet eligible for Medicare health plans; and

8 Whereas many retired teachers need to acquire or maintain health care insurance coverage
9 until 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 teachers to make their services available to our school districts
12 and students; 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 teacher who volun-**
15 **teers services to a public school district as described in subsection (4) of this section. A**
16 **"volunteer" does not include:**

17 (a) **An employee of the Department of Education or the participating school district;**

18 (b) **A person who is employed under the provisions of ORS 653.010 to 653.261;**

19 (c) **A subject worker who receives workers' compensation from the school district; or**

20 (d) **A person who receives unemployment insurance.**

21 (2) **The Department of Education shall establish the Retired Senior Volunteer Program.**

22 (3) **Under the program, the department shall:**

23 (a) **Assist public school districts, including common school districts and union high**
24 **school districts, in providing opportunities to retired teachers to volunteer their services to**
25 **the school districts.**

26 (b) **Establish and maintain a registry of volunteers.**

27 (c) **Establish and administer a referral service to refer volunteers to school districts that**
28 **request the services of volunteers.**

29 (4) **Retired teachers who volunteer through the program may assist and mentor new**
30 **teachers, assist in classrooms and provide services that supplement course offerings and**
31 **reduce class sizes. A school district may not use the services of a volunteer to replace paid**

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 **personnel.**

2 (5) **In exchange for the services provided by a volunteer, a school district or the depart-**
3 **ment, if the school district or the department has sufficient funds, shall provide health care**
4 **insurance coverage to the volunteer on the following bases:**

5 (a) **For eight hours per week of volunteer services, the school district or the department**
6 **shall provide health care insurance coverage to the volunteer on the same terms that the**
7 **district uses to provide coverage to full-time teachers.**

8 (b) **For 12 hours per week of volunteer services, the school district or the department**
9 **shall provide health care insurance coverage to the volunteer and the volunteer's spouse on**
10 **the same terms that the district uses to provide coverage to full-time teachers and their**
11 **spouses.**

12 (c) **For more than 12 hours per week, the school district or the department shall record**
13 **any hours that the volunteer works in excess of 12 hours per week and allow those hours to**
14 **accrue. A volunteer may use accrued hours for up to three years to receive health care in-**
15 **surance coverage under the terms of paragraphs (a) and (b) of this subsection without having**
16 **to render volunteer services.**

17 (6)(a) **A volunteer may not receive health care insurance coverage under this section**
18 **when the volunteer is eligible for Medicare coverage.**

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

21 (7) **A school district or the department may require a volunteer to waive any legal cause**
22 **of action against the district or the department for any injury or disease that arises out of**
23 **or during the course of providing volunteer services.**

24 (8) **A school district may elect to provide medical-only workers' compensation coverage**
25 **to a volunteer under ORS 656.039.**

26 (9) **If funds are available, the department may provide health care insurance coverage to**
27 **volunteers and their spouses under ORS 243.105 to 243.285. If the department provides cov-**
28 **erage to volunteers and their spouses under this subsection, the volunteers are considered**
29 **eligible employees as defined in ORS 243.105, and their spouses are considered family mem-**
30 **bers as defined in ORS 243.105.**

31 (10) **The department may adopt rules to administer the Retired Senior Volunteer Pro-**
32 **gram.**

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

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

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

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

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

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

44 or

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

1 ployer.

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

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

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

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

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

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

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

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

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

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

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

43 (A) Two corporate officers; or

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

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

1 independent contractor.

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

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

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

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

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

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

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

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

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

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

31 (a) Ski patrol activities; or

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

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

37 (19) A person performing foster parent or adult foster care duties pursuant to ORS 412.001 to
38 412.161 and 412.991 or ORS chapter 411, 418, 430 or 443.

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

42 (21) A person performing services under a property tax work-off program established under ORS
43 310.800.

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

1 golf course.

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

8 (A) Two partners; or

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

10 (b) When labor or services are performed under contract for remuneration, notwithstanding ORS
11 656.005 (30), the partnership qualifies as an independent contractor. Any partnership 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 (24)(a) Corporate officers who are directors of a corporation actively licensed under ORS 671.525
15 or 701.035 and who have a substantial ownership interest in the corporation, regardless of the na-
16 ture of the work performed. If all officers of the corporation are members of the same family and
17 are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law or grand-
18 children, all such officers may elect to be nonsubject workers. For all other corporations licensed
19 under ORS 671.510 to 671.760 or ORS chapter 701, the maximum number of exempt corporate officers
20 shall be whichever is the greater of the following:

21 (A) Two corporate officers; or

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

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

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

34 (A) Two company members; or

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

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

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

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

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

1 this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 or

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

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

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

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

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

45 (7)(a) Sole proprietors, except those described in paragraph (b) of this subsection. When labor

1 or services are performed under contract, the sole proprietor must qualify as an independent con-
 2 tractor.

3 (b) Sole proprietors actively licensed under ORS 671.525 or 701.021. When labor or services are
 4 performed under contract for remuneration, notwithstanding ORS 656.005 (30), the sole proprietor
 5 must qualify as an independent contractor. Any sole proprietor licensed under ORS 671.525 or
 6 701.021 and involved in activities subject thereto is conclusively presumed to be an independent
 7 contractor.

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

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

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

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

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

31 (A) Two corporate officers; or

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

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

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

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

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

1 creation Society.

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

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

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

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

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

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

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

19 (a) Ski patrol activities; or

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

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

25 (19) A person performing foster parent or adult foster care duties pursuant to ORS 412.001 to
 26 412.161 and 412.991 or ORS chapter 411, 418, 430 or 443.

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

30 (21) A person performing services under a property tax work-off program established under ORS
 31 310.800.

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

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

41 (A) Two partners; or

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

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

1 independent contractor.

2 (24)(a) Corporate officers who are directors of a corporation actively licensed under ORS 671.525
 3 or 701.021 and who have a substantial ownership interest in the corporation, regardless of the na-
 4 ture of the work performed. If all officers of the corporation are members of the same family and
 5 are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law or grand-
 6 children, all such officers may elect to be nonsubject workers. For all other corporations licensed
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 14 independent contractor.

15 (25)(a) Limited liability company members who are members of a company actively licensed un-
 16 der ORS 671.525 or 701.021 and who have a substantial ownership interest in the company, regard-
 17 less of the nature of the work performed. If all members of the company are members of the same
 18 family and are parents, spouses, sisters, brothers, daughters or sons, daughters-in-law or sons-in-law
 19 or grandchildren, all such members may elect to be nonsubject workers. For all other companies
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 25 656.005 (30), the company qualifies as an independent contractor. Any company licensed under ORS
 26 671.525 or 701.021 and involved in activities subject thereto is conclusively presumed to be an in-
 27 dependent contractor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9
