

Senate Bill 535

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

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**.

Prohibits city or county from granting exclusive franchise to for-hire carrier of persons. Prohibits city or county from limiting number of transportation providers or regulating fares. Allows certain government units to license taxicabs and other vehicles for hire. Prohibits certain government units from regulating entry into business, fares or routes of taxicabs and other vehicles for hire. Exempts for-hire carrier of persons providing transportation services under contract with city or county from motor carrier regulations.

A BILL FOR AN ACT

1
2 Relating to regulation of for-hire carriers; creating new provisions; and amending ORS 221.485,
3 221.495 and 825.017.

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

5 **SECTION 1. (1) As used in this section, "for-hire carrier" has the meaning given that**
6 **term in ORS 825.005.**

7 **(2) A city or county may not enforce any charter provision or ordinance that allows the**
8 **city or county to grant a franchise to any person for an exclusive right to use the streets,**
9 **roads and other facilities of the city or county as a for-hire carrier of persons.**

10 **SECTION 2. ORS 221.485 is amended to read:**

11 221.485. The Legislative Assembly finds and declares that privately owned taxicabs, limousines
12 and other vehicles for hire are a vital part of the transportation system within this state and provide
13 necessary services in response to the needs of state residents, tourists and business representatives
14 from outside this state. Consequently, the safety and reliability of such vehicles and the economic
15 well-being and stability of their owners and operators are matters of public concern. The regulation
16 of such vehicles is an essential government function and, therefore, it is the intent of the Legislative
17 Assembly to reaffirm the authority of political subdivisions in this state to regulate the operation
18 of privately owned taxicabs, limousines and other vehicles for hire [*and to exempt such regulation*
19 *from liability under federal antitrust laws*] **while not limiting the number of service providers or**
20 **interfering with the fares charged for services.**

21 **SECTION 3. ORS 221.495 is amended to read:**

22 221.495. Cities, [*and*] counties, **metropolitan service districts and the Department of**
23 **Transportation** [*in this state*] are authorized [*to grant franchises,*] to license[, *control*] and regulate
24 privately owned taxicabs, limousines and other vehicles for hire that operate within their respective
25 jurisdictions. The power to regulate granted under this section includes, but is not limited to:

26 [*(1) Regulating entry into the business of providing taxicab, limousine or other similar services.*]

27 [(2)] (1) Requiring a license or permit as a condition for operation of taxicabs, limousines and
28 other vehicles for hire and revoking, canceling or refusing to reissue a license or permit for failure
29 to comply with regulatory requirements.

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 *[(3) Controlling the maximum rates charged and the manner in which rates are calculated and*
 2 *collected.]*

3 *[(4) Regulating routes for such vehicles, including restricting access to airports.]*

4 *[(5)] (2) Establishing safety, equipment and insurance requirements.*

5 *[(6)] (3) Establishing any other requirements necessary to assure safe and reliable service by*
 6 *such vehicles.*

7 **SECTION 4.** ORS 825.017 is amended to read:

8 825.017. Except as provided in ORS 825.026 and 825.030, this chapter does not apply to the per-
 9 sons or vehicles described in this section. The exemption under this section applies to the following
 10 persons and vehicles:

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

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

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

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

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

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

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

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

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

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

34 (a) An agency of the United States;

35 (b) The State Board of Forestry;

36 (c) The State Forester; or

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

38 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
 39 321.005, or the products of forest products converted to a form other than logs at or near the har-
 40 vesting site, if:

41 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
 42 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
 43 to use the road and requiring the owner to pay for or to perform the construction or maintenance
 44 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
 45 piling for the owners who are exempt under this section;

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

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

6 (9) Vehicles being used in the transportation of persons for hire if the operation:

7 (a) Is performed by a nonprofit entity;

8 (b) Is not in competition with a regular route full-service scheduled carrier of persons that is
9 subject to the provisions of this chapter or a service provided by a mass transit district formed un-
10 der ORS chapter 267;

11 (c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and

12 (d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c) of
13 this subsection.

14 (10) Vehicles being used in transporting persons with disabilities, with or without their super-
15 visors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is
16 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption
17 provided by this subsection applies only when the motor vehicle is operated by or under contract
18 with any person responsible for the administration of rehabilitation facilities as defined in ORS
19 344.710 to 344.730 or child care services provided by a facility licensed under ORS 657A.030 and
20 657A.250 to 657A.450.

21 (11) Vehicles owned or operated by the United States or by any governmental jurisdiction within
22 the United States except when owned or operated as a carrier of property for hire.

23 (12) Vehicles owned or operated by a mass transit district **or transportation district** created
24 under ORS chapter 267 **or any other person providing similar transportation services under a**
25 **contract or permit with a city or county as a for-hire carrier of persons.**

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

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

38 (15) Vehicles with a maximum speed that does not exceed 35 miles per hour that are designed
39 for off-road use and that are operated on the public highways in any one calendar year a number
40 of miles that does not exceed 15 percent of the total number of miles the vehicle is operated for that
41 calendar year.

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

44 (17) A vehicle that is used in a limousine service operation in which the destination and route
45 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-

1 nation of initial fee, distance traveled and waiting time if the vehicle:

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

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

4 (c) Operates on an irregular route basis.

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

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