

Enrolled
Senate Bill 1588

Sponsored by Senator GEORGE (Pre-session filed.)

CHAPTER

AN ACT

Relating to exclusion from the definition of employment for certain service performed for certain owner-operator managed entities; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 657.043 to 657.094.

SECTION 2. (1) As used in this chapter, “employment” does not include service performed in the operation of a passenger motor vehicle that is operated as a taxicab or a passenger motor vehicle that is operated for nonemergency medical transportation, by a person who has an ownership or leasehold interest in the passenger motor vehicle, for an entity that is operated by a board of owner-operators elected by the members of the entity.

(2) As used in this section:

(a) “Leasehold” has the meaning given that term in ORS 656.027 (28).

(b) “Passenger motor vehicle that is operated as a taxicab” means a vehicle that:

(A) Has a passenger seating capacity of at least three persons and not more than seven persons;

(B) On a route that begins or ends in Oregon, is used primarily to transport persons;

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

(ii) Is in use under a contract to provide specific service to a third party to transport designated passengers to locations selected by the third party; and

(D) Is not used more than secondarily or incidentally for errand services or to transport property, instead of or in addition to transporting passengers.

(c) “Passenger motor vehicle that is operated for nonemergency medical transportation” means a vehicle that:

(A) Has a passenger seating capacity of at least three persons and not more than seven persons;

(B) On a route that begins or ends in Oregon, is used primarily to transport persons;

(C) Provides medical transportation services under contract with or on behalf of a mass transit or transportation district; and

(D) Is not used more than secondarily or incidentally for errand services or to transport property, instead of or in addition to transporting passengers.

(3) The provisions of this section do not apply to service performed for:

(a) A nonprofit employing unit;

- (b) This state;
- (c) A political subdivision of this state; or
- (d) An Indian tribe.

SECTION 3. Section 2 of this 2012 Act applies to service performed on or after the effective date of this 2012 Act.

SECTION 4. This 2012 Act takes effect on the 91st day after the date on which the 2012 regular session of the Seventy-sixth Legislative Assembly adjourns sine die.

Passed by Senate February 17, 2012

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 Robert Taylor, Secretary of Senate

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 Peter Courtney, President of Senate

Passed by House February 29, 2012

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 Bruce Hanna, Speaker of House

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 Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2012

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 John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2012

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 Kate Brown, Secretary of State