

D R A F T

SUMMARY

For purposes of exclusion of service performed in operation of certain vehicles from definition of “employment” under unemployment compensation law, removes requirement that service be performed for entity operated by board of owner-operators elected by members of entity.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to exclusion from the definition of “employment” for service per-
3 formed in the operation of certain vehicles; creating new provisions;
4 amending section 2, chapter 109, Oregon Laws 2012; and prescribing an
5 effective date.

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

7 **SECTION 1.** Section 2, chapter 109, Oregon Laws 2012, is amended to
8 read:

9 **Sec. 2.** (1) As used in this chapter, “employment” does not include service
10 performed in the operation of a passenger motor vehicle that is operated as
11 a taxicab or a passenger motor vehicle that is operated for nonemergency
12 medical transportation, by a person who has an ownership or leasehold in-
13 terest in the passenger motor vehicle[, *for an entity that is operated by a*
14 *board of owner-operators elected by the members of the entity*].

15 (2) As used in this section:

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

17 (b) “Passenger motor vehicle that is operated as a taxicab” means a ve-
18 hicle that:

19 (A) Has a passenger seating capacity of at least three persons and not

1 more than seven persons;

2 (B) On a route that begins or ends in Oregon, is used primarily to trans-
3 port persons;

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

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

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

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

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

16 (B) On a route that begins or ends in Oregon, is used primarily to trans-
17 port persons;

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

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

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

23 (a) A nonprofit employing unit;

24 (b) This state;

25 (c) A political subdivision of this state; or

26 (d) An Indian tribe.

27 **SECTION 2. The amendments to section 2, chapter 109, Oregon**
28 **Laws 2012, by section 1 of this 2013 Act apply to service performed on**
29 **or after the effective date of this 2013 Act.**

30 **SECTION 3. This 2013 Act takes effect on the 91st day after the date**
31 **on which the 2013 regular session of the Seventy-seventh Legislative**

1 **Assembly adjourns sine die.**

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