

House Bill 3147

Sponsored by COMMITTEE ON BUSINESS AND LABOR

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**.

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 performed in the operation of
3 certain vehicles; creating new provisions; amending section 2, chapter 109, Oregon Laws 2012;
4 and prescribing an effective date.

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

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

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

12 (2) As used in this section:

13 (a) "Leasehold" has the meaning given that term in ORS 656.027 (28).

14 (b) "Passenger motor vehicle that is operated as a taxicab" means a vehicle that:

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

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

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

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

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

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

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

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

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

30 (D) Is not used more than secondarily or incidentally for errand services or to transport prop-

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 erty, instead of or in addition to transporting passengers.

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

3 (a) A nonprofit employing unit;

4 (b) This state;

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

6 (d) An Indian tribe.

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

9 **SECTION 3. This 2013 Act takes effect on the 91st day after the date on which the 2013**
10 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

11