

Senate Bill 295

Sponsored by Senator GEORGE (Presession filed.)

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**.

Subjects passenger vehicles that are operated as taxicab to requirement to obtain carrier liability insurance if passenger vehicle is not subject to franchising, licensing, control or other regulation under local government ordinance or code.

Becomes operative on January 1, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to passenger motor vehicles operated as taxicabs; creating new provisions; amending ORS
3 825.017 and 825.022; and declaring an emergency.

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

5 **SECTION 1.** ORS 825.017 is amended to read:

6 825.017. Except as provided in ORS 825.026 and 825.030 **or elsewhere in this section**, this
7 chapter does not apply to the persons or vehicles described in this section. The exemption under this
8 section applies to the following persons and vehicles:

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

15 (2)(a) **Except as provided in paragraph (b) of this subsection**, vehicles being used in a
16 taxicab operation if the vehicle:

17 [(a)] (A) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

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

21 [(c)] (C) Is transporting persons or property, or both, between points in Oregon[.]; **and**

22 (D) **Is being used in a taxicab operation that is franchised, licensed, controlled or other-**
23 **wise regulated in accordance with ORS 221.495 under a local government ordinance or code.**

24 (b)(A) **A passenger motor vehicle that is operated as a taxicab and that is not subject to**
25 **franchising, licensing, control or other regulation in accordance with ORS 221.495 under a**
26 **local government ordinance or code is subject to ORS 825.160.**

27 (B) **For purposes of this paragraph, a "passenger motor vehicle that is operated as a**
28 **taxicab" means a passenger motor vehicle that:**

29 (i) **Has a passenger seating capacity that does not exceed five;**

30 (ii) **Transports persons or property, or both, between points in Oregon; and**

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 **(iii) Carries passengers for hire when the passenger may control the route and destina-**
 2 **tion and the fare is calculated on the basis of any combination of an initial fee, distance**
 3 **traveled or waiting time, or is in use under a contract to provide specific service to a third**
 4 **party to transport designated passengers or provide errand services to locations that the**
 5 **third party selects.**

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

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

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

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

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

17 (a) An agency of the United States;

18 (b) The State Board of Forestry;

19 (c) The State Forester; or

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

21 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
 22 321.005, or the products of forest products converted to a form other than logs at or near the har-
 23 vesting site, if:

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

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

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

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

35 (a) Is performed by a nonprofit entity;

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

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

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

42 (10) Vehicles being used in transporting persons with disabilities, with or without *[their]* **the**
 43 **persons'** supervisors or assistants, to or from rehabilitation facilities or child care services if the
 44 motor vehicle is a passenger motor vehicle with a seating capacity of not more than 12 passengers.
 45 The exemption provided by this subsection applies only when the motor vehicle is operated by or

1 under contract with any person responsible for the administration of rehabilitation facilities as de-
 2 fined in ORS 344.710 to 344.730 or child care services provided by a facility licensed under ORS
 3 657A.030 and 657A.250 to 657A.450.

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

6 (12) Vehicles owned or operated by a mass transit district created under ORS chapter 267.

7 (13) Vehicles owned or operated by, or under contract with, a person responsible for [*the con-*
 8 *struction or reconstruction of*] **constructing or reconstructing** a highway under contract with the
 9 Department of Transportation or with an agency of the United States when operated within the
 10 immediate construction project as described in the governmental agency contract during the con-
 11 struction period.

12 (14) Vehicles owned or operated by, or under contract with, a charitable organization when ex-
 13 clusively engaged in performing transportation, either one way or round trip, necessary to the op-
 14 eration of the charitable organization. As used in this subsection, "charitable organization" means
 15 an organization that has no capital stock and no provision for making dividends or profits, but de-
 16 rives [*its*] **the organization's** funds principally from public and private charity and holds [*them*] **the**
 17 **funds** in trust [*for the promotion of*] **to promote** the welfare of others and not for profit. Any or-
 18 ganization claiming an exemption under this subsection shall file an affidavit with the department
 19 stating that [*it*] **the organization** is organized and operated in accordance with the requirements
 20 of this subsection.

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

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

27 (17) A vehicle that is used in a limousine service operation in which the destination and route
 28 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-
 29 nation of initial fee, distance traveled and waiting time if the vehicle:

- 30 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 31 (b) Carries passengers for hire between points in Oregon; and
- 32 (c) Operates on an irregular route basis.

33 (18) Fire trucks and rescue vehicles that [*are designated*] **the Department of Transportation**
 34 **designates** as emergency vehicles [*by the Department of Transportation*] under ORS 801.260, while
 35 **the fire trucks and rescue vehicles are** involved in emergency and related operations.

36 (19) A person who provides services related to [*the*] packing or loading [*of*] household goods if
 37 the person does not:

- 38 (a) Provide or operate a motor vehicle for [*the movement of*] **moving** the household goods; and
- 39 (b) Act as an agent for any person who does provide or operate a motor vehicle for [*the move-*
 40 *ment of*] **moving** the household goods.

41 **SECTION 2.** ORS 825.022 is amended to read:

42 825.022. (1) **Except as provided in subsection (2) of this section,** the provisions of ORS
 43 825.160, 825.450, 825.454, 825.470, 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492,
 44 825.494, 825.496 and 825.515 do not apply to any vehicle or combination of vehicles with a combined
 45 weight of 26,000 pounds or less.

1 **(2) ORS 825.160 applies to a vehicle or combination of vehicles with a combined weight**
2 **of 26,000 pounds or less if the vehicle or combination of vehicles is a passenger motor vehicle**
3 **that is operated as a taxicab, as defined in ORS 825.017 (2)(b)(B).**

4 **SECTION 3. (1) The amendments to ORS 825.017 and 825.022 by sections 1 and 2 of this**
5 **2013 Act become operative on January 1, 2014.**

6 **(2) The Director of Transportation may take any action before the operative date speci-**
7 **fied in subsection (1) of this section that is necessary to enable the director to exercise, on**
8 **and after the operative date specified in subsection (1) of this section, all of the duties,**
9 **functions and powers conferred on the director by the amendments to ORS 825.017 and**
10 **825.022 by sections 1 and 2 of this 2013 Act.**

11 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
13 **on its passage.**

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