

Requested by Representative HOYLE

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1591**

1 On page 1 of the printed A-engrossed bill, line 2, after “731.264” insert “,
2 742.585 and 742.595”.

3 On page 2, after line 23, insert:

4 **“SECTION 3.** ORS 742.585 is amended to read:

5 “742.585. As used in ORS 742.585 to 742.600:

6 **“(1) ‘Active driver’ means an individual who makes the individual’s**
7 **vehicle available for a period of time to await a request to transport**
8 **a customer of a transportation network company, who is en route to**
9 **transport a customer of the transportation network company or who**
10 **is transporting a customer of the transportation network company to**
11 **the customer’s requested destination.**

12 **“(2) ‘Company insurance policy’ means a motor vehicle liability in-**
13 **surance policy that a transportation network company obtains and**
14 **that:**

15 **“(a) Includes all coverage necessary to comply with the financial**
16 **or future responsibility requirements of ORS chapter 806;**

17 **“(b) Includes the personal injury protection coverage required under**
18 **ORS 742.518 to 742.542;**

19 **“(c) Includes the uninsured motorist coverage required under ORS**
20 **742.500 to 742.506;**

21 **“(d) Includes comprehensive property damage coverage for the ve-**

1 **hicle;**

2 **“(e) Includes collision property damage coverage for the vehicle;**
3 **and**

4 **“(f) Does not include any other optional coverage that the owner**
5 **of the vehicle selects and includes in the owner’s insurance policy.**

6 **“[(1)] (3) ‘Owner’s insurance policy’ means a private passenger motor ve-**
7 **hicle liability insurance policy that includes:**

8 **“(a) All coverage necessary to comply with the financial or future re-**
9 **sponsibility requirements of ORS chapter 806;**

10 **“(b) The personal injury protection coverage required under ORS 742.518**
11 **to 742.542;**

12 **“(c) The uninsured motorist coverage required under ORS 742.500 to**
13 **742.506; and**

14 **“(d) Any optional coverage selected by the owner.**

15 **“[(2)] (4) ‘Personal vehicle sharing’ means the use of a private passenger**
16 **motor vehicle by persons other than the vehicle’s registered owner in con-**
17 **nection with a personal vehicle sharing program.**

18 **“[(3)] (5) ‘Personal vehicle sharing program’ means a legal entity **that is****
19 **qualified to do business in this state **and that is** engaged in the business**
20 **of facilitating the sharing of private passenger motor vehicles for noncom-**
21 **mercial use by individuals within this state.**

22 **“[(4)] (6) ‘Private passenger motor vehicle’ means a four-wheel passenger**
23 **or station wagon type motor vehicle insured under a motor vehicle liability**
24 **insurance policy [covering] **that covers** a single individual or individuals**
25 **[residing] **who reside** in the same household as the named insured.**

26 **“[(5)] (7) ‘Program insurance policy’ means a motor vehicle liability in-**
27 **surance policy that [is obtained by] the personal vehicle sharing program**
28 **obtains and that:**

29 **“(a) Includes all coverage needed to comply with the financial or future**
30 **responsibility requirements of ORS chapter 806;**

1 “(b) Includes the personal injury protection coverage required under ORS
2 742.518 to 742.542;

3 “(c) Includes the uninsured motorist coverage required under ORS 742.500
4 to 742.506;

5 “(d) Includes comprehensive property damage coverage for the vehicle;

6 “(e) Includes collision property damage coverage for the vehicle; and

7 “(f) Does not include any other optional coverage [*selected by*] **that** the
8 owner of the vehicle **selects** and [*included*] **includes** in the owner’s insur-
9 ance policy.

10 “(8)(a) **‘Transportation network company’ means a legal entity that**
11 **is qualified to do business in this state and that is engaged in the**
12 **business of providing for-hire transportation by means of mobile ap-**
13 **plication software through which passengers may request transporta-**
14 **tion from drivers who control or operate private passenger motor**
15 **vehicles to provide the transportation that passengers request.**

16 “(b) **‘Transportation network company’ does not include a legal**
17 **entity that is qualified to do business in this state and:**

18 “(A) **That is engaged in the business of providing transportation**
19 **along fixed routes or at regular intervals; or**

20 “(B) **That is engaged in the business of providing for-hire trans-**
21 **portation using motor vehicles that the entity owns, operates or oth-**
22 **erwise controls.**

23 “SECTION 4. **Section 5 of this 2016 Act is added to and made a part**
24 **of ORS 742.585 to 742.600.**

25 “SECTION 5. (1) **A transportation network company shall purchase**
26 **a company insurance policy that covers each private passenger motor**
27 **vehicle that the vehicle’s registered owner or designated operator uses**
28 **while participating as an active driver with the transportation network**
29 **company in a coverage amount that is not less than \$1 million. The**
30 **limits for any coverage included in the company insurance policy that**

1 is also included in the owner's insurance policy must be equal to or
2 greater than the coverage limits provided in the owner's insurance
3 policy. The transportation network company shall require the vehicle
4 owner to report the vehicle owner's motor vehicle liability insurance
5 coverage to the transportation network company before engaging the
6 vehicle owner as an active driver with the transportation network
7 company. The transportation network company may not provide mo-
8 tor vehicle liability coverage that is less than three times the limits
9 specified in ORS 806.070.

10 “(2)(a) Before engaging an individual as an active driver, a trans-
11 portation network company shall require the individual to submit an
12 affidavit to the transportation network company and to the
13 individual's insurer that states that the individual is using the
14 individual's motor vehicle as an active driver with a transportation
15 network company. The transportation network company shall require
16 and maintain as part of the transportation network company's records
17 for the individual a copy of the affidavit and proof that the individual
18 submitted the affidavit to the individual's insurer.

19 “(b) If a local jurisdiction requires an individual to obtain a permit
20 to serve as an active driver with a network transportation company,
21 the local jurisdiction shall require as part of the process of obtaining
22 the permit that the individual submit an affidavit to the local juris-
23 diction and to the individual's insurer that states that the individual
24 is using the individual's motor vehicle as an active driver with a
25 transportation network company. The local jurisdiction shall require
26 and maintain as part of the local jurisdiction's records for the indi-
27 vidual a copy of the affidavit and proof that the individual submitted
28 the affidavit to the individual's insurer.

29 **“SECTION 6.** ORS 742.595 is amended to read:

30 “742.595. (1) Notwithstanding any provision in the owner's insurance pol-

1 icy and notwithstanding ORS chapters 742, 806, 822 and 825 and ORS 30.010
2 to 30.100, 30.135, 30.480 and 30.485, in the event of any loss or injury that
3 occurs at any time when [*the vehicle is under the operation and control of*] a
4 person[,] other than the vehicle’s registered owner[, *pursuant to*] **operates**
5 **or controls the vehicle while participating in** a personal vehicle sharing
6 program, [*or*] **when the vehicle** is otherwise under the control of a personal
7 vehicle sharing program[,] **or when the vehicle owner or a designated**
8 **operator controls or operates the vehicle while participating as an ac-**
9 **tive driver with a transportation network company,** the program **or**
10 **company** shall assume all liability of the vehicle owner and [*shall be con-*
11 *sidered*] **is** the vehicle owner for all purposes.

12 “(2) [*Nothing in*] Subsection (1) of this section **does not limit:**

13 “(a) [*Limits*] The liability of a personal vehicle sharing program **or**
14 **transportation network company** for any acts or omissions by the program
15 **or company** that result in injury to any persons as a result of the use or
16 operation of the program **or company;** or

17 “(b) [*Limits*] The ability of the personal vehicle sharing program **or**
18 **transportation network company** to, by contract, seek indemnification
19 from the vehicle’s registered owner for any claims [*paid by*] the personal
20 vehicle sharing program **or transportation network company** **pays** for any
21 loss or injury resulting from **the vehicle owner’s** fraud or material misrep-
22 resentation in [*the maintenance of*] **maintaining** the vehicle [*by the vehicle’s*
23 *registered owner*].

24 “(3) A personal vehicle sharing program [*continues to be*] **is** liable under
25 subsection (1) of this section until:

26 “(a) The vehicle is returned to a location [*designated by*] **that** the pro-
27 gram **designates;** and

28 “(b)(A) The expiration of the time period established for the vehicle oc-
29 curs;

30 “(B) The intent to terminate the vehicle’s personal vehicle sharing use is

1 verifiably communicated to the program; or

2 “(C) The vehicle’s registered owner takes possession and control of the
3 vehicle.

4 “(4) **A transportation network company is liable under subsection**
5 **(1) of this section for as long as the vehicle owner or designated op-**
6 **erator participates as an active driver with the transportation network**
7 **company.**

8 “[4(a)] **(5)(a)** A personal vehicle sharing program **or transportation**
9 **network company** shall assume liability for a claim in which a dispute ex-
10 ists as to who [*was in control of*] **controlled** a private passenger motor ve-
11 hicle when the loss [*giving*] **that gave** rise to the claim occurred.

12 “(b) The insurer of the vehicle shall indemnify the **personal vehicle**
13 **sharing program or transportation network company** to the extent of the
14 insurer’s obligation under the owner’s insurance policy, if [*it is determined*
15 *that*] the vehicle’s registered owner [*was in control of*] **controlled** the vehicle
16 at the time of the loss.

17 “[5] **(6)** If a private passenger motor vehicle’s registered owner is named
18 as a defendant in a civil action for any loss or injury that occurs at any time
19 when [*the vehicle is under the operation and control of*] a person[,] other than
20 the vehicle’s registered owner[, *pursuant to*] **controls or operates the ve-**
21 **hicle while participating in** a personal vehicle sharing program, [*or*] **at a**
22 **time when the vehicle** is otherwise under the control of a personal vehicle
23 sharing program[,] **or at a time when the vehicle’s registered owner or**
24 **a designated operator controls or operates the vehicle while partic-**
25 **ipating as an active driver with a transportation network company,** the
26 program [*shall have*] **or company has** the duty to defend and indemnify the
27 vehicle’s registered owner.

28 “[6] **(7)** Notwithstanding any provision in the owner’s insurance policy,
29 while [*the vehicle is under the operation and control of*] a person[,] other than
30 the vehicle’s registered owner[, *pursuant to*] **controls or operates the ve-**

1 **hicle while participating in** a personal vehicle sharing program, [*or*] **the**
2 **vehicle** is otherwise under the control of a personal vehicle sharing program
3 **or the vehicle’s registered owner or a designated operator controls or**
4 **operates the vehicle while participating as an active driver with a**
5 **transportation network company:**

6 “(a) The insurer of the vehicle on file with the Department of Transpor-
7 tation may exclude any and all coverage afforded under the insurer’s policy;
8 and

9 “(b) A primary or excess insurer of the owners, operators or maintainers
10 of the vehicle may notify an insured that the insurer [*has no*] **does not have**
11 **a duty to defend or indemnify any person or organization for liability for any**
12 **loss that occurs [*during use of the vehicle pursuant to*] when a person other**
13 **than the vehicle’s registered owner controls or operates the vehicle**
14 **while participating in** a personal vehicle sharing program, **the vehicle is**
15 **otherwise under the control of a personal vehicle sharing program or**
16 **the vehicle’s registered owner or a designated operator controls or**
17 **operates the vehicle while participating as an active driver with a**
18 **transportation network company.**

19 “[~~(7)~~] **(8)** An owner’s insurance policy for a private passenger motor ve-
20 hicle may not be canceled, voided, terminated, rescinded or nonrenewed
21 solely on the basis that the vehicle has been made available for personal
22 vehicle sharing pursuant to a personal vehicle sharing program **or that the**
23 **vehicle’s registered owner has made the vehicle available for the ve-**
24 **hicle owner or a designated operator to use to participate as an active**
25 **driver with a transportation network company** that is in compliance
26 with the provisions of ORS 742.585 to 742.600.

27 **“SECTION 7. The amendments to ORS 742.585 and 742.595 by**
28 **sections 3 and 6 of this 2016 Act apply to policies entered into, renewed**
29 **or modified on or after the effective date of this 2016 Act.”.**

30 In line 24, delete “3” and insert “8”.

1 In line 33, delete “4” and insert “9”.

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