

# House Bill 3157

Sponsored by Representatives DOHERTY, MCLAIN (at the request of Radio Cab Company)

## 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**.

Directs Department of Transportation to regulate privately owned vehicles for hire, including taxicabs and limousines.

Becomes operative January 1, 2018.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to vehicles for hire; creating new provisions; amending ORS 221.495, 801.200, 825.017 and  
3 825.484; repealing ORS 221.485; and prescribing an effective date.

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

5 **SECTION 1. ORS 221.485 is repealed.**

6 **SECTION 2. ORS 221.495 is added to and made a part of the Oregon Vehicle Code.**

7 **SECTION 3. ORS 221.495 is amended to read:**

8 221.495. [*Cities and counties in this state are authorized to grant franchises, to license, control*  
9 *and*] **The Department of Transportation shall regulate privately owned taxicabs, limousines and**  
10 **other vehicles for hire that operate within [*their respective jurisdictions*] **this state.** The power to**  
11 **regulate granted under this section includes, but is not limited to:**

12 (1) Regulating entry into the business of providing taxicab, limousine or other similar services.

13 (2) Requiring a [*license or*] permit as a condition for operation of taxicabs, limousines and other  
14 vehicles for hire and revoking, canceling or refusing to reissue a [*license or*] permit for failure to  
15 comply with regulatory requirements.

16 (3) Controlling the maximum rates charged and the manner in which rates are calculated and  
17 collected.

18 (4) Regulating routes for such vehicles, including restricting access to airports.

19 (5) Establishing safety, equipment and insurance requirements.

20 (6) Establishing any other requirements necessary to assure safe and reliable service by such  
21 vehicles.

22 **(7) Establishing fees for issuance and renewal of permits issued under this section.**

23 **(8) The department may adopt rules to carry out the provisions of this section.**

24 **SECTION 4. A city, county or other local government may not enact or enforce any**  
25 **charter provision, ordinance, resolution or other provision regulating privately owned**  
26 **taxicabs, limousines and other vehicles for hire that operate within their respective juris-**  
27 **dictions.**

28 **SECTION 5. ORS 801.200 is amended to read:**

29 801.200. "Commercial bus" means every motor vehicle designed or used for carrying passengers  
30 and their personal baggage and express for compensation, except:

**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 (1) Taxicabs that:

2 (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;

3 (b) Carry passengers for hire where destination and route traveled may be controlled by a pas-  
4 senger and the fare is calculated on the basis of any combination of an initial fee, distance traveled  
5 or waiting time;

6 (c) Are operated under a [*current license or*] permit issued [*by a city, county or other unit of local*  
7 *government where a permit or license is required for the operation of a taxicab*] **under ORS 221.495;**  
8 and

9 (d) Transport persons or property, or both, between points in Oregon.

10 (2) Vehicles commonly known and used as private passenger vehicles and not operated for  
11 compensation except in the transportation of students to or from school.

12 **(3) Passenger vehicles that have a gross vehicle weight rating of less than 8,000 pounds**  
13 **that are not taxicabs and that:**

14 (a) **Carry passengers for hire after a passenger requests a ride using a software applica-**  
15 **tion and the destination is chosen by a passenger or any other individual for whom a pas-**  
16 **senger also requests transportation;**

17 (b) **Are operated under a permit issued under ORS 221.495; and**

18 (c) **Transport persons or property, or both, between points in Oregon.**

19 **SECTION 6.** ORS 825.017 is amended to read:

20 825.017. Except as provided in this section and ORS 825.026 and 825.030, this chapter does not  
21 apply to the persons or vehicles described in this section. The exemption under this section applies  
22 to the following persons and vehicles:

23 (1) Vehicles being used by, or under contract with, any school board, district or person respon-  
24 sible for the administration of elementary or secondary school activities, and engaged exclusively  
25 in transporting students or combinations of students and other persons to or from school, to or from  
26 authorized school activities or other activities sponsored by the governing board of a public uni-  
27 versity listed in ORS 352.002, or for purposes provided under ORS 332.427. This exemption shall not  
28 be affected by the charging of a fee to cover the costs of the transportation.

29 (2) Vehicles being used in a taxicab operation if the vehicle:

30 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

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

34 (c) Is transporting persons or property, or both, between points in Oregon.

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

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

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

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

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

- 1 (a) An agency of the United States;
- 2 (b) The State Board of Forestry;
- 3 (c) The State Forester; or
- 4 (d) A licensee of an agency named in this subsection.

5 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS  
6 321.005, or the products of forest products converted to a form other than logs at or near the har-  
7 vesting site, if:

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

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

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

18 (9) Vehicles being used in transporting persons with disabilities, with or without their supervi-  
19 sors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is  
20 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption  
21 provided by this subsection applies only when the motor vehicle is operated by or under contract  
22 with any person responsible for the administration of rehabilitation facilities as defined in ORS  
23 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030 and  
24 329A.250 to 329A.450.

25 (10) Vehicles owned or operated by the United States or by any governmental jurisdiction within  
26 the United States except as provided in ORS 825.022. This chapter does apply to vehicles when  
27 owned or operated:

- 28 (a) As a carrier of property for hire;
- 29 (b) By a transportation district organized under ORS 267.510 to 267.650;
- 30 (c) By a county service district authorized to provide public transportation under ORS 451.010;

31 or

32 (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS  
33 174.109, to provide public transportation.

34 (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to  
35 267.390.

36 (12) Vehicles owned or operated by, or under contract with, a person responsible for the con-  
37 struction or reconstruction of a highway under contract with the Department of Transportation or  
38 with an agency of the United States when operated within the immediate construction project as  
39 described in the governmental agency contract during the construction period.

40 (13) Vehicles owned or operated by, or under contract with, a charitable organization when ex-  
41 clusively engaged in performing transportation, either one way or round trip, necessary to the op-  
42 eration of the charitable organization. As used in this subsection, "charitable organization" means  
43 an organization that has no capital stock and no provision for making dividends or profits, but de-  
44 rives its funds principally from public and private charity and holds them in trust for the promotion  
45 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-

1 section shall file an affidavit with the department stating that it is organized and operated in ac-  
 2 cordance with the requirements of this subsection.

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

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

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

11 (16) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Depart-  
 12 ment of Transportation under ORS 801.260, while involved in emergency and related operations.

13 (17) A person who provides services related to the packing or loading of household goods if the  
 14 person does not:

- 15 (a) Provide or operate a motor vehicle for the movement of the household goods; and
- 16 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-  
 17 ment of the household goods.

18 **(18) Passenger vehicles that have a gross vehicle weight rating of less than 8,000 pounds**  
 19 **that are not taxicabs and that:**

- 20 **(a) Carry passengers for hire after a passenger requests a ride using a software applica-**  
 21 **tion and the destination is chosen by a passenger or any other individual for whom a pas-**  
 22 **enger also requests transportation;**
- 23 **(b) Are operated under a permit issued under ORS 221.495; and**
- 24 **(c) Transport persons or property, or both, between points in Oregon.**

25 **SECTION 7.** ORS 825.484 is amended to read:

26 825.484. (1) The fees or taxes listed in ORS 825.474, 825.476 and 825.480 shall be in addition to,  
 27 and not in lieu of, other fees and taxes of the state, county or municipality which may be imposed,  
 28 levied, assessed or collected against the business or property of such carrier. This section does not  
 29 authorize the imposition of license fees by municipalities upon intercity carriers[, *or deprive any city*  
 30 *within which a passenger motor vehicle, having a seating capacity of not more than seven passengers,*  
 31 *is principally operated for hire, from imposing and collecting license fees upon and from such motor*  
 32 *vehicle, or the owner or operator thereof, as to such portion of its operations as are wholly within the*  
 33 *corporate limits of such city].*

34 (2) ORS 319.510 to 319.880 do not apply to vehicles or fuels used therein when the vehicles are  
 35 subject to, and report and pay:

- 36 (a) The tax for the use of Oregon highways based upon the combined weight of the vehicle and  
 37 in accordance with the weight group rates prescribed in ORS 825.474, 825.476 and 825.480; or
- 38 (b) The road use assessment fee required under ORS 818.225.

39 (3) When an audit of the operations of a carrier shows that the use fuel taxes reported and paid  
 40 under ORS chapter 319 should have been reported and paid under this chapter, or that fees or taxes  
 41 reported and paid under this chapter should have been reported and paid under ORS chapter 319,  
 42 the fees or taxes erroneously reported and paid under one chapter need not be refunded but may  
 43 be considered an offset of fees or taxes due under the other chapter.

44 **SECTION 8. (1) Section 4 of this 2017 Act, the repeal of ORS 221.485 by section 1 of this**  
 45 **2017 Act and the amendments to ORS 221.495, 801.200, 825.017 and 825.484 by sections 3 and**

1 5 to 7 of this 2017 Act become operative on January 1, 2018.

2 (2) The Department of Transportation may take any action before the operative date  
3 specified in subsection (1) of this section that is necessary to enable the department to ex-  
4 ercise, on and after the operative date specified in subsection (1) of this section, all the du-  
5 ties, functions and powers conferred upon the department by the amendments to ORS 221.495  
6 by section 3 of this 2017 Act.

7 SECTION 9. Licenses or permits issued pursuant to ORS 221.495 that are effective on  
8 December 31, 2017, expire on March 1, 2018. An individual who holds a license or permit  
9 under ORS 221.495 as of December 31, 2017, who is subject to ORS 221.495 on and after Jan-  
10 uary 1, 2018, must obtain a permit under ORS 221.495, as amended by section 3 of this 2017  
11 Act, before operating a privately owned taxicab, limousine or other vehicle for hire in this  
12 state on and after March 1, 2018.

13 SECTION 10. This 2017 Act takes effect on the 91st day after the date on which the 2017  
14 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

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