

# House Bill 3246

## Corrected Sponsor

Sponsored by Representatives CLEM, HACK, LININGER, Senators KNOPP, STEINER HAYWARD; Representatives BARKER, BARRETO, BUEHLER, GOMBERG, GORSEK, HELM, JOHNSON, LIVELY, MCLANE, MEEK, PILUSO, POST, REARDON, VIAL, Senators GELSER, WINTERS

## 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**.

Requires transportation network company that operates in this state to obtain license from Department of Consumer and Business Services. Requires department to establish licensing program by rule and specifies conditions for obtaining license.

Requires transportation network company to keep certain records and to make certain disclosures to participating drivers and riders. Requires transportation network company to conduct criminal background check on individuals who apply to become participating drivers and to deny applications based on specified criteria.

Treats participating drivers as independent contractors under specified circumstances. Requires transportation network company to adopt, and oblige participating drivers to follow, certain policies.

Specifies automobile insurance coverage requirements for participating drivers. Permits insurers to exclude coverage for activities in which individual engages as participating driver.

Permits department to inspect annually random sample of records that transportation network company maintains. Permits department to impose civil penalty for violation of provisions of Act.

Becomes operative on January 1, 2018.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to transportation network companies; creating new provisions; amending ORS 825.017; and  
3 prescribing an effective date.

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

5 **SECTION 1. As used in sections 1 to 11 of this 2017 Act:**

6 (1) **“Digital network” means a method for requesting a prearranged ride from a partic-**  
7 **ipating driver using a software application, a website or another Internet-based electronic**  
8 **technology that a transportation network company provides.**

9 (2) **“Participating driver” means an individual who:**

10 (a) **Receives a request through a digital network from a rider for a prearranged ride; and**

11 (b) **Offers or provides a prearranged ride to a rider in exchange for a fee that the rider**  
12 **pays.**

13 (3)(a) **“Personal vehicle” means a vehicle that a participating driver:**

14 (A) **Owns, leases or otherwise has authorization to use; and**

15 (B) **Actually uses to offer or provide prearranged rides to riders.**

16 (b) **“Personal vehicle” does not include:**

17 (A) **A taxicab, limousine or other vehicle for hire that is subject to regulation by a city**  
18 **or county under ORS 221.495 and other applicable state statutes or administrative rules or**  
19 **city or county ordinances, resolutions or other measures; or**

20 (B) **A commercial vehicle, as defined in ORS 826.001, that the Department of Transpor-**  
21 **tation registers, licenses or regulates under provisions of law other than sections 1 to 11 of**

**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 this 2017 Act or rules the department adopts under sections 1 to 11 of this 2017 Act.

2 (4) "Prearranged ride" means transportation that a rider requests from a participating  
3 driver by means of a digital network that:

4 (a) Begins at the time a participating driver accepts a rider's request for transportation;

5 (b) Continues at any time during which the participating driver transports the rider and  
6 any other individual for whom the rider also requests transportation; and

7 (c) Ends at a destination chosen by the rider or any other individual for which the rider  
8 also requests transportation and at the time that the rider, or the last individual for whom  
9 the rider requests transportation, exits the participating driver's personal vehicle.

10 (5) "Rider" means an individual who uses a digital network to request a prearranged ride  
11 from a participating driver.

12 (6) "Transportation network company" means a corporation, association, partnership,  
13 limited liability company, limited liability partnership or other legal entity that operates a  
14 digital network in this state by means of which a participating driver receives a request from  
15 a rider for a prearranged ride.

16 **SECTION 2.** Notwithstanding any other law to the contrary, a transportation network  
17 company or participating driver is subject to exclusive regulation under sections 1 to 11 of  
18 this 2017 Act and is not subject to regulation or taxation as a taxicab, limousine, commercial  
19 vehicle, carrier, as defined in ORS 825.005, common carrier or contract carrier or to a local  
20 governmental entity's regulation of the rates the transportation network company charges  
21 or to any other requirements the local governmental entity may impose as a condition of  
22 operation within the local governmental entity's jurisdiction.

23 **SECTION 3.** (1)(a) Except as provided in paragraph (b) of this subsection, a person may  
24 not engage in business as a transportation network company in this state unless the person  
25 first obtains a license from the Department of Consumer and Business Services.

26 (b) A person that operated as a transportation network company before the operative  
27 date of sections 1 to 11 of this 2017 Act under a local government ordinance, resolution or  
28 other regulation may continue to operate under the ordinance, resolution or regulation  
29 without first obtaining a license from the department until:

30 (A) The department adopts by rule and implements a licensing program under sections  
31 1 to 11 of this 2017 Act; and

32 (B) The date that the department specifies for obtaining a license under the rules de-  
33 scribed in subparagraph (A) of this paragraph.

34 (2) The department by rule shall implement a licensing program for transportation net-  
35 work companies that complies with the provisions of sections 1 to 11 of this 2017 Act. At a  
36 minimum, an applicant for a license must:

37 (a) Submit to the department a certificate of existence or certificate of authorization  
38 from the Secretary of State that affirms that the applicant is a business entity that is reg-  
39 istered in this state or authorized to transact business in this state; and

40 (b) Identify the name and street address of the applicant's registered agent in this state.

41 (3)(a) The department shall issue a license to an applicant that:

42 (A) Meets the requirements specified in sections 1 to 11 of this 2017 Act and rules the  
43 department adopts under sections 1 to 11 of this 2017 Act; and

44 (B) Pays a fee of \$5,000 to the department.

45 (b) A license the department issues under this subsection expires at the end of the cal-

1 endar year in which the department issued or renewed the license.

2 (c) The department may renew a license to operate as a transportation network company  
3 in each subsequent year after the department issues an initial license if a licensee continues  
4 to meet the requirements of sections 1 to 11 of this 2017 Act and if the licensee each year  
5 pays the fee specified in this subsection.

6 **SECTION 4. (1) A transportation network company shall:**

7 (a) Maintain a record of each prearranged ride that a participating driver provides after  
8 receiving a request by means of the transportation network company's digital network. The  
9 transportation network company shall maintain the record for a period of not less than three  
10 years after the date of the prearranged ride.

11 (b) Maintain records of each participating driver who received a request for a prear-  
12 ranged ride by means of the transportation network company's digital network. The trans-  
13 portation network company shall maintain each record for a period of not less than three  
14 years after the date on which the participating driver last received a request for a prear-  
15 ranged ride.

16 (c) Require a participating driver, while providing a prearranged ride, to use a personal  
17 vehicle that meets all applicable safety and emissions standards for motor vehicles in the  
18 jurisdiction in which the personal vehicle is registered.

19 (d) Provide in writing to a participating driver, before permitting the participating driver  
20 to obtain a request for a prearranged ride from the transportation network company's digital  
21 network, a statement that:

22 (A) Specifies the type, amount, limits and exclusions and any other relevant information  
23 for any automobile insurance coverage the transportation network company provides to the  
24 participating driver while the participating driver uses a personal vehicle to provide prear-  
25 ranged rides or is connected to the transportation network company's digital network and  
26 available to provide prearranged rides; and

27 (B) Warns the participating driver that an automobile insurance policy for a personal  
28 vehicle might not provide coverage during times in which the participating driver uses the  
29 personal vehicle to provide prearranged rides or is connected to the transportation network  
30 company's digital network and available to provide prearranged rides.

31 (e) Display, on the transportation network company's website or in any interface to the  
32 transportation company's digital network, a picture of a participating driver and the license  
33 plate number for the personal vehicle the participating driver will use to provide the prear-  
34 ranged ride. The transportation network company shall ensure that the picture and license  
35 plate number is available to the rider before the rider enters into the participating driver's  
36 personal vehicle.

37 (f) Disclose, before a rider accepts a prearranged ride, in a display on the transportation  
38 network company's website or in any interface to the transportation company's digital net-  
39 work:

40 (A) The rate or method by which the transportation network company calculates the fee  
41 for the prearranged ride and any related services; and

42 (B) An estimate of the total fee for the prearranged ride and any related services, if the  
43 rider requests an estimate.

44 (g) Transmit to a rider, within a reasonable time after a prearranged ride ends, an elec-  
45 tronic receipt that lists:

1 (A) The locations at which the prearranged ride began and ended;

2 (B) The total distance that the rider traveled during the prearranged ride and the total  
3 time that the prearranged ride took; and

4 (C) The total fee, if any, that the transportation network company charged the rider.

5 (2) The Department of Consumer and Business Services by rule shall specify the infor-  
6 mation that a transportation network company must keep in records the transportation  
7 network company maintains under subsection (1)(a) and (b) of this section.

8 **SECTION 5.** (1) An individual who intends to become a participating driver shall submit  
9 an application to a transportation network company that:

10 (a) Lists the individual's name, address, age and driver license number; and

11 (b) Includes the policy number for automobile liability insurance that covers the  
12 applicant's personal vehicle and the number of the applicant's motor vehicle registration,  
13 along with any other information the transportation network company may require to eval-  
14 uate the application.

15 (2) For each individual that a transportation network company intends to engage as a  
16 participating driver, the transportation network company shall:

17 (a) Conduct, or have another person conduct, a criminal background check that:

18 (A) Uses a criminal records locator or database that is nationwide in scope and validates  
19 each criminal record that is located; and

20 (B) Searches the United States Department of Justice National Sex Offender Public  
21 Website for a match between a listing on the website and the information the individual  
22 submits in an application under subsection (1) of this section; and

23 (b) Obtain and review, or have another person obtain and review, a driving history report  
24 for the individual.

25 (3) A transportation network company may not permit an individual to connect to the  
26 transportation network company's digital network as a participating driver if the individual:

27 (a) Is not 19 years of age or older;

28 (b) Does not have a valid driver license;

29 (c) Does not have proof of registration for the individual's personal vehicle;

30 (d) Does not have proof of having automobile liability insurance for the individual's per-  
31 sonal vehicle;

32 (e) Has had, in the three-year period before the date of the individual's application under  
33 subsection (1) of this section, more than three violations of the basic speed rule or other  
34 moving violations or has had a Class A or Class B traffic violation that is the equivalent, in  
35 the relevant jurisdiction, of one of these traffic violations:

36 (A) Failing to obey a police officer, as defined in ORS 811.535;

37 (B) Careless driving, as defined in ORS 811.135; or

38 (C) Violation driving while suspended or revoked, as defined in ORS 811.175;

39 (f) Was convicted, in the seven-year period before the date of the individual's application  
40 under subsection (1) of this section, of the equivalent, in the relevant jurisdiction, of:

41 (A) Any felony; or

42 (B) A misdemeanor that involved:

43 (i) Criminal driving while suspended or revoked, as defined in ORS 811.182;

44 (ii) Driving under the influence of intoxicants, as defined in ORS 813.010;

45 (iii) Reckless driving, as defined in ORS 811.140;

1 (iv) Fleeing or attempting to elude a police officer, as defined in ORS 811.540 (1)(b)(B);

2 (v) Assault in the fourth degree, as defined in ORS 163.160;

3 (vi) Strangulation, as defined in ORS 163.187;

4 (vii) Menacing, as defined in ORS 163.190; or

5 (viii) A sex offense; or

6 (g) Matches a listing in the United States Department of Justice National Sex Offender  
7 Public Website.

8 **SECTION 6.** (1) A transportation network company shall adopt, shall display on the  
9 transportation network company's website or in any interface to the transportation  
10 company's digital network and shall require each individual that the transportation network  
11 company permits to connect to the transportation network company's digital network as a  
12 participating driver to follow these written policies:

13 (a) A participating driver may not solicit or accept a request for a prearranged ride or  
14 a request to provide transportation to a rider for compensation other than by means of a  
15 transportation network company's digital network.

16 (b) A participating driver may not discriminate against a rider on the basis of the rider's:

17 (A) Intended destination;

18 (B) Race or color;

19 (C) National origin;

20 (D) Religious belief or affiliation;

21 (E) Sex, sexual orientation, gender or gender identity; or

22 (F) Disability.

23 (c) A participating driver shall comply with all laws that prohibit discrimination on the  
24 basis of the categories identified in paragraph (b) of this subsection.

25 (d) A participating driver shall comply with all laws that relate to accommodating a rider  
26 with a service animal.

27 (e) A participating driver may not use drugs or alcohol at any time during which the  
28 participating driver is engaged in providing a prearranged ride or related services to a rider  
29 or is connected to the transportation network company's digital network and available to  
30 receive a request for a prearranged ride and related services.

31 (2) A transportation network company shall adopt and shall display on the transportation  
32 network company's website, or in any interface to the transportation company's digital net-  
33 work, a policy and procedure by means of which a rider may complain to the transportation  
34 network company about a participating driver's violation of a policy the transportation net-  
35 work company adopted under subsection (1) of this section.

36 (3)(a) As soon as possible after receiving a complaint from a rider under subsection (2)  
37 of this section, a transportation network company shall suspend a participating driver's  
38 ability to connect to the transportation network company's digital network and begin an in-  
39 vestigation of the rider's complaint. A participating driver's ability to connect to the trans-  
40 portation network company's digital network must remain suspended until the  
41 transportation network company concludes the investigation.

42 (b) A transportation network company shall maintain complete records of a complaint,  
43 the investigation the transportation network company conducted and the resolution at which  
44 the transportation network company arrived. The transportation network company shall  
45 maintain the records for not less than two years.

1 (4) A transportation network company may not, because of a rider's physical disability,  
2 impose an additional charge for a participating driver's providing service to the rider.

3 **SECTION 7.** For the purposes of sections 1 to 11 of this 2017 Act, a participating driver  
4 is an independent contractor and is not an employee of a transportation network company  
5 if the participating driver agrees in a signed contract or other agreement, including a con-  
6 tract or agreement that the participating driver signs electronically, to terms and conditions  
7 that provide that the participating driver:

8 (1) May connect to the transportation network company's digital network on dates and  
9 at times that the participating driver chooses;

10 (2) May connect as a participating driver to a digital network that another transportation  
11 network company operates or provides; and

12 (3) May engage in any other occupation or business.

13 **SECTION 8.** (1) A transportation network company or a participating driver, or both the  
14 transportation network company and the participating driver in combination, shall obtain  
15 and keep in force at all times during which the participating driver remains as a participat-  
16 ing driver with the transportation network company a primary automobile insurance policy  
17 that provides coverage during times in which the participating driver is:

18 (a) Engaged in providing a prearranged ride to a rider; or

19 (b) Connected to a digital network and available to receive a request for a prearranged  
20 ride.

21 (2) A primary automobile policy described in subsection (1) of this section must provide,  
22 during times in which a participating driver is connected to a digital network and available  
23 to receive a request for a prearranged ride but is not engaged in providing a prearranged  
24 ride:

25 (a) Coverage with the following limits:

26 (A) \$50,000 for death or bodily injury for each person covered under the policy;

27 (B) \$100,000 for death or bodily injury per incident; and

28 (C) \$25,000 for property damage;

29 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and  
30 742.510; and

31 (c) Personal injury protection coverage at the minimum coverage amounts required for  
32 private passenger vehicles under ORS 742.518 to 742.542.

33 (3) A primary automobile policy described in subsection (1) of this section must provide,  
34 during times in which a participating driver is engaged in providing a prearranged ride:

35 (a) Coverage with a limit of \$1 million for death, bodily injury and property damage;

36 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and  
37 742.510; and

38 (c) Personal injury protection coverage at the minimum coverage amounts required for  
39 motor vehicles under ORS 742.518 to 742.542.

40 (4) If a participating driver's primary automobile insurance policy has lapsed or does not  
41 provide the coverage required under this section, the transportation network company with  
42 which the participating driver is associated shall provide the required coverage beginning  
43 with the first dollar of any claim. The transportation network company has a duty to defend  
44 against the claim.

45 (5) An automobile policy that a transportation network company maintains under this

1 section may not require as a condition of providing coverage that the insurer deny a claim.

2 (6) A transportation network company or participating driver may obtain automobile in-  
 3 surance coverage that meets the requirements of this section from an insurer who has a  
 4 certificate of authority to transact insurance in this state that the Director of the Depart-  
 5 ment of Consumer and Business Services issued under ORS 731.402 or an eligible surplus  
 6 lines insurer, as defined in ORS 735.405, that has a credit rating that is not less than a rating  
 7 that the Director of the Department of Consumer and Business Services specifies by rule.

8 (7) An insurance policy that meets the requirements set forth in this section satisfies the  
 9 financial responsibility requirements for motor vehicles that are set forth in ORS chapter  
 10 806.

11 (8) A participating driver shall comply with ORS 806.011 at all times during which the  
 12 participating driver is engaged in providing a prearranged ride or related services to a rider  
 13 or is connected to the transportation network company's digital network and available to  
 14 receive a request for a prearranged ride and related services.

15 (9)(a) If an accident occurs at a time during which a participating driver is engaged in  
 16 providing a prearranged ride or related services to a rider or is connected to the transpor-  
 17 tation network company's digital network and available to receive a request for a prear-  
 18 ranged ride and related services, the participating driver shall provide all required  
 19 information about the automobile insurance policy to directly interested parties and insurers  
 20 and to investigating police officers.

21 (b) If an investigating police officer asks, a participating driver shall disclose to the police  
 22 officer whether at the time of the accident the participating driver was engaged in providing  
 23 a prearranged ride or related services to a rider or was connected to the transportation  
 24 network company's digital network and available to receive a request for a prearranged ride  
 25 and related services but not engaged in providing a prearranged ride.

26 **SECTION 9.** (1) An insurer may deny or exclude from an automobile insurance policy any  
 27 and all coverage for a loss or injury that occurs while the insured is engaged in providing a  
 28 prearranged ride or related services to a rider or is connected to a transportation network  
 29 company's digital network and available to receive a request for a prearranged ride and re-  
 30 lated services. Notwithstanding the provisions of ORS chapter 806, coverage that an insurer  
 31 may exclude under the circumstances described in this subsection includes, but is not limited  
 32 to:

33 (a) Liability coverage for death, bodily injury or property damage;

34 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and  
 35 742.510;

36 (c) Personal injury protection coverage at the minimum coverage amounts required for  
 37 private passenger vehicles under ORS 742.518 to 742.542;

38 (d) Coverage for medical payments;

39 (e) Comprehensive coverage for physical damage to a motor vehicle; and

40 (f) Coverage for collisions and resulting physical damage.

41 (2) An insurer that denies or excludes coverage under this section does not have a duty  
 42 to indemnify any party or defend against a claim brought against a participating driver or a  
 43 transportation network company to the extent that the insurer denied or excluded coverage  
 44 for the claim.

45 (3) This section does not limit or invalidate an exclusion of the type described in sub-

1 section (1) of this section that existed in an automobile insurance policy before the operative  
 2 date of sections 1 to 11 of this 2017 Act.

3 (4) An insurer that defends against a claim or indemnifies a party after denying or ex-  
 4 cluding coverage for the claim has a right of contribution against any other insurer that  
 5 provides coverage to a participating driver under section 8 of this 2017 Act.

6 (5) A transportation network company shall cooperate fully with an investigation of an  
 7 accident that involves a participating driver and shall provide in response to a request from  
 8 a party involved in the accident, an insurer or an investigating police officer the precise  
 9 times during which the participating driver was engaged in providing a prearranged ride or  
 10 related services to a rider or was connected to a transportation network company's digital  
 11 network and available to receive a request for a prearranged ride and related services during  
 12 a period that begins 12 hours before the time of the accident and ends 12 hours after the time  
 13 of the accident.

14 (6) An insurer shall disclose in response to a request from another insurer that is named  
 15 in the same claim the coverage, limits and exclusions for the automobile insurance policy the  
 16 insurer provided.

17 (7) This section does not require an insurer to refer to this section or to use specific  
 18 language to deny or exclude coverage as provided in this section.

19 (8) This section does not preclude an insurer from providing primary or excess automo-  
 20 bile insurance coverage for a personal vehicle if the insurer contracts with a participating  
 21 driver to provide the coverage or if the insurer provides the coverage by endorsement on the  
 22 participating driver's automobile insurance policy.

23 **SECTION 10.** (1) The Department of Consumer and Business Services each year may in-  
 24 spect a random sample of records that a transportation network company maintains under  
 25 section 4 (1)(a) and (b) of this 2017 Act solely for the purpose of verifying that the trans-  
 26 portation network company is complying with sections 1 to 11 of this 2017 Act. The depart-  
 27 ment shall agree with the transportation network company on a method for choosing a  
 28 sample for inspection under this subsection and on a location at which the inspection occurs.  
 29 The transportation network company may exclude from records subject to the department's  
 30 inspection under this subsection information that identifies a particular participating driver  
 31 or rider.

32 (2) The department may inspect all records that a transportation network company  
 33 maintains under section 6 of this 2017 Act that are necessary for the department to investi-  
 34 gate a specific complaint that the transportation network company receives and the trans-  
 35 portation network company's resolution of the complaint. The department and the  
 36 transportation network company shall agree on a location at which the department may in-  
 37 spect the records. The transportation network company may exclude from records subject  
 38 to inspection under this subsection information that identifies a particular participating  
 39 driver or rider unless the identity of a participating driver or rider is relevant to the com-  
 40 plaint.

41 (3) A record that is subject to the department's inspection under this section is confi-  
 42 dential and is not subject to disclosure to another person without the written consent of the  
 43 transportation network company. The record is not a public record and is not subject to  
 44 disclosure under ORS 192.410 to 192.505.

45 **SECTION 11.** The Department of Consumer and Business Services may impose a civil



1 **penalty of not more than \$100 for each of a transportation network company's violations of**  
 2 **a provision of sections 1 to 11 of this 2017 Act. The department shall impose the civil penalty**  
 3 **in accordance with ORS 183.745.**

4 **SECTION 12.** ORS 825.017 is amended to read:

5 825.017. Except as provided in this section and ORS 825.026 and 825.030, this chapter does not  
 6 apply to the persons or vehicles described in this section. The exemption under this section applies  
 7 to the following persons and vehicles:

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

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

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

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

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

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

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

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

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

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

31 (a) An agency of the United States;

32 (b) The State Board of Forestry;

33 (c) The State Forester; or

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

35 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS  
 36 321.005, or the products of forest products converted to a form other than logs at or near the har-  
 37 vesting site, if:

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

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

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

3 (9) Vehicles being used in transporting persons with disabilities, with or without their supervi-  
4 sors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is  
5 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption  
6 provided by this subsection applies only when the motor vehicle is operated by or under contract  
7 with any person responsible for the administration of rehabilitation facilities as defined in ORS  
8 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030 and  
9 329A.250 to 329A.450.

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

13 (a) As a carrier of property for hire;

14 (b) By a transportation district organized under ORS 267.510 to 267.650;

15 (c) By a county service district authorized to provide public transportation under ORS 451.010;

16 or

17 (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS  
18 174.109, to provide public transportation.

19 (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to  
20 267.390.

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

25 (13) Vehicles owned or operated by, or under contract with, a charitable organization when ex-  
26 clusively engaged in performing transportation, either one way or round trip, necessary to the op-  
27 eration of the charitable organization. As used in this subsection, "charitable organization" means  
28 an organization that has no capital stock and no provision for making dividends or profits, but de-  
29 rives its funds principally from public and private charity and holds them in trust for the promotion  
30 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-  
31 section shall file an affidavit with the department stating that it is organized and operated in ac-  
32 cordance with the requirements of this subsection.

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

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

38 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;

39 (b) Carries passengers for hire between points in Oregon; and

40 (c) Operates on an irregular route basis.

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

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

45 (a) Provide or operate a motor vehicle for the movement of the household goods; and

1 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-  
2 ment of the household goods.

3 **(18) A personal vehicle that a participating driver is using to provide a prearranged ride**  
4 **or is using while the participating driver is connected to a digital network and available to**  
5 **accept a request for a prearranged ride but is not providing a prearranged ride. As used in**  
6 **this subsection, “personal vehicle,” “participating driver,” “prearranged ride” and “digital**  
7 **network” have the meanings given those terms in section 1 of this 2017 Act.**

8 **SECTION 13. (1) Sections 1 to 11 of this 2017 Act and the amendments to ORS 825.017**  
9 **by section 12 of this 2017 Act become operative January 1, 2018.**

10 **(2) The Director of the Department of Consumer and Business Services may adopt rules**  
11 **and take any other action before the operative date specified in subsection (1) of this section**  
12 **that is necessary to enable the director, on and after the operative date specified in sub-**  
13 **section (1) of this section, to exercise all of the duties, functions and powers conferred on**  
14 **the director by sections 1 to 11 of this 2017 Act and the amendments to ORS 825.017 by sec-**  
15 **tion 12 of this 2017 Act.**

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

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