

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3246**

1 On page 1 of the printed corrected bill, line 2, after “companies;” delete
2 the rest of the line and line 3 and insert “and declaring an emergency.”.

3 Delete lines 5 through 21 and delete pages 2 through 11 and insert:

4 **“SECTION 1. (1) As used in this section:**

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

9 **“(b) ‘Participating driver’ means an individual who:**

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

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

14 **“(c) ‘Participating vehicle’ means a vehicle that a participating**
15 **driver:**

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

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

18 **“(d) ‘Prearranged ride’ means transportation that a rider requests**
19 **from a participating driver by means of a digital network that:**

20 **“(A) Begins at the time a participating driver accepts a rider’s re-**
21 **quest for transportation;**

1 **“(B) Continues at any time during which the participating driver**
2 **transports the rider and any other individual for whom the rider also**
3 **requests transportation; and**

4 **“(C) Ends at a destination chosen by the rider or any other indi-**
5 **vidual for which the rider also requests transportation and at the time**
6 **that the rider, or the last individual for whom the rider requests**
7 **transportation, exits the participating driver’s participating vehicle.**

8 **“(e) ‘Rider’ means an individual who uses a digital network to re-**
9 **quest a prearranged ride from a participating driver.**

10 **“(f) ‘Transportation network company’ means a corporation, asso-**
11 **ciation, partnership, limited liability company, limited liability part-**
12 **nership or other legal entity that operates a digital network in this**
13 **state by means of which a participating driver receives a request from**
14 **a rider for a prearranged ride.**

15 **“(2)(a) The Commissioner of the Bureau of Labor and Industries**
16 **shall appoint a Transportation Network Company Oversight Board**
17 **with the duties set forth in subsection (3) of this section and with the**
18 **following members:**

19 **“(A) Four members who represent the public, of which one member**
20 **must represent residents of this state who are 60 years of age or older**
21 **and one member must represent persons who have a disability;**

22 **“(B) Three members who represent transportation network compa-**
23 **nies;**

24 **“(C) Three members who represent participating drivers; and**

25 **“(D) One member who represents the Bureau of Labor and Indus-**
26 **tries.**

27 **“(b) A member of the board is entitled to compensation and ex-**
28 **penses as provided in ORS 292.495.**

29 **“(c) The bureau shall provide staff support to the board.**

30 **“(3) The Transportation Network Company Oversight Board shall:**

1 “(a) Survey participating drivers and transportation network com-
2 panies that operate in this state each calendar quarter to determine
3 the average rate of wage, percentage of fare for a prearranged ride or
4 other measurement of compensation that transportation network
5 companies pay participating drivers for each prearranged ride or on
6 an hourly or other basis.

7 “(b) Recommend to the commissioner changes to the rate of wage,
8 the percentage of fare of each prearranged ride or other method of
9 compensation, or to the model or method that transportation network
10 companies use to calculate compensation for participating drivers, on
11 the basis of:

12 “(A) The cost of living, and changes to the cost of living, in the
13 region of this state where the transportation network companies op-
14 erate; and

15 “(B) Adherence to the requirements of ORS chapters 652 and 653.

16 “(c) Recommend to the commissioner rules for ensuring that par-
17 ticipating drivers can submit complaints to the bureau concerning
18 discrepancies in compensation and breaches or unilateral changes to
19 agreements concerning the amount or rate of compensation due to
20 participating drivers.

21 “(d) Compile and examine at least once each year transportation
22 network company policies and practices with respect to creating and
23 maintaining personnel files and other documentation concerning par-
24 ticipating drivers and recommend to the commissioner standard poli-
25 cies and practices that enable each participating driver, at a
26 minimum, to:

27 “(A) Inspect and review personnel files and documents that a
28 transportation network company creates and maintains for the par-
29 ticipating driver; and

30 “(B) Dispute or otherwise respond to any item in the personnel files

1 or documents.

2 “(e) Compile and examine at least once each year the terms of any
3 loan or leasing program that a transportation network company es-
4 tablishes and maintains by means of which a participating driver can
5 buy or lease a participating vehicle and recommend to the commis-
6 sioner standard loan or lease terms that:

7 “(A) Do not disadvantage or otherwise discriminate against any
8 participating driver in intent, practice or effect, in a way that is con-
9 trary to law;

10 “(B) Are clearly disclosed to the participating driver in a manner
11 that enables the participating driver to:

12 “(i) Determine the risks and advantages of the loan or lease terms
13 as compared with competing loan or lease terms; and

14 “(ii) Take into account the possibility, and the financial conse-
15 quences, of the transportation network company’s decision to suspend
16 or end the participating driver’s connection to the transportation
17 network company’s digital network on a date that precedes the date
18 on which the participating driver has paid off the loan or terminated
19 the lease;

20 “(C) Enable a participating driver to make required payments on
21 the participating vehicle from a reasonable portion of the compen-
22 sation the participating driver earns from providing prearranged rides;
23 and

24 “(D) Permit a participating driver to terminate a lease for a par-
25 ticipating vehicle at any time that:

26 “(i) The transportation network company no longer permits the
27 participating driver to connect to the transportation network
28 company’s digital network; or

29 “(ii) The participating driver cannot make required lease payments
30 from a reasonable portion of the compensation the participating driver

1 earns from providing prearranged rides.

2 “(f) Compile and examine at least once each year transportation
3 network company policies and practices for conducting background
4 checks on and responding to complaints concerning participating
5 drivers and recommend to the commissioner rules that govern how a
6 transportation network company conducts background checks and re-
7 sponds to complaints concerning participating drivers.

8 “(g) Compile and examine at least once each year transportation
9 network company policies and practices for requiring or providing
10 automobile liability insurance coverage for participating drivers and
11 recommend rules for providing and allocating responsibility for pro-
12 viding automobile liability insurance coverage.

13 “(h) Survey transportation network companies and participating
14 drivers at least once each year concerning demand for and policies and
15 practices for delivering enhanced access to participating vehicles to
16 people with disabilities, along with requirements for providing facili-
17 ties to enable people with disabilities to have access to participating
18 vehicles and provisions for sharing costs for the facilities between
19 transportation network companies and participating drivers.

20 “(i) Recommend to the commissioner rules that enable access for
21 people with disabilities to participating vehicles and equitable cost
22 sharing between transportation network companies and participating
23 drivers for providing suitable access facilities.

24 “(j) Compile and examine at least once each year transportation
25 network company policies for required disclosures to riders concerning
26 pricing, service levels, complaints, dispute resolution and related
27 matters and recommend to the commissioner a required set of stand-
28 ard disclosures to riders that all transportation network companies
29 and participating drivers must make.

30 “(k) Monitor on the commissioner’s behalf transportation network

1 **company compliance with the labor and employment laws of this state.**

2 **“(4)(a) The commissioner may adopt rules to implement a recom-**
3 **mendation of the Transportation Network Company Oversight Board**
4 **under subsection (3) of this section and, in response to a complaint**
5 **or at the commissioner’s own initiative, may enforce the rules the**
6 **commissioner adopts by means of:**

7 **“(A) An order and administrative proceeding under ORS chapter**
8 **183; or**

9 **“(B) An action in a court of this state.**

10 **“(b) An action to enforce a rule of the commissioner may include:**

11 **“(A) Ordering a person to cease and desist from a violation of a rule**
12 **of the commissioner;**

13 **“(B) Imposing a civil penalty for a violation under ORS 183.745 in**
14 **an amount the commissioner determines by rule; or**

15 **“(C) Seeking damages against a transportation network company**
16 **on behalf of an injured participating driver or member of the public**
17 **for a violation of a rule the commissioner adopted to protect partic-**
18 **ipating drivers or members of the public or seeking an injunction or**
19 **other equitable remedy to prevent, mitigate or reverse the effects of**
20 **a violation of a rule of the commissioner.**

21 **“(c) The commissioner shall deposit any moneys the commissioner**
22 **recovers as a civil penalty under this subsection in the Bureau of La-**
23 **bor and Industries Account as provided in ORS 651.160.**

24 **“(d) The commissioner shall deposit any moneys the commissioner**
25 **obtains as a result of an action on behalf of a participating driver in**
26 **the State Treasury to the credit of the Wage Collection Account de-**
27 **scribed in ORS 652.400.**

28 **“(e) The commissioner may, with respect to any moneys the com-**
29 **missioner obtains as damages as a result of an action on behalf of a**
30 **member of the public:**

1 “(A) Remit the amount of the damages to the member of the public
2 on behalf of whom the commissioner brought the action; or

3 “(B) Deposit the amount of the damages in the Bureau of Labor and
4 Industries Account and hold the moneys in trust for a period of not
5 more than one year pending a claim from the member of the public
6 on behalf of whom the commissioner brought the action. If the com-
7 missioner does not receive a claim for the moneys within the one-year
8 period, the moneys become part of the Bureau of Labor and Industries
9 Account as provided in ORS 651.160.

10 “SECTION 2. (1) Section 1 of this 2017 Act becomes operative Jan-
11 uary 1, 2018.

12 “(2) The Commissioner of the Bureau of Labor and Industries may
13 adopt rules and take any other action before the operative date speci-
14 fied in subsection (1) of this section that is necessary to enable the
15 commissioner, on and after the operative date specified in subsection
16 (1) of this section, to exercise all of the duties, functions and powers
17 conferred on the commissioner by section 1 of this 2017 Act.

18 “SECTION 3. This 2017 Act being necessary for the immediate
19 preservation of the public peace, health and safety, an emergency is
20 declared to exist, and this 2017 Act takes effect on its passage.”.

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