

Requested by Representative STARK

**PROPOSED AMENDMENTS TO
HOUSE BILL 3043**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete pages
2 2 and 3 and insert:

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

4 **“(a) ‘Arranged ride’ means transportation that a rider requests**
5 **from a participating driver directly, including by signaling a partic-**
6 **ipating driver by hand or otherwise from the point at which the**
7 **transportation will originate, or by means of a digital network that:**

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

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

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

17 **“(b) ‘Digital network’ means a method for requesting an arranged**
18 **ride from a participating driver that uses a software application, a**
19 **website or another Internet-based electronic technology that a trans-**
20 **portation network company provides.**

21 **“(c)(A) ‘Participating driver’ means:**

1 “(i) An individual who:

2 “(I) Receives a request through a digital network from a rider for
3 an arranged ride; and

4 “(II) Offers or provides an arranged ride to a rider in exchange for
5 a fee that the rider pays;

6 “(ii) An employee of a private business who drives a vehicle for hire
7 and who accepts requests for arranged rides at the direction of an
8 employer or directly from riders, including by means of a rider’s hand
9 signal or other signal from the point at which an arranged ride origi-
10 nates; or

11 “(iii) A sole proprietor who drives a vehicle for hire and accepts
12 requests for arranged rides directly from riders, including by means
13 of a rider’s hand signal or other signal from the point at which an
14 arranged ride originates.

15 “(B) ‘Participating driver’ does not include an individual whose ac-
16 tivities as a driver of a vehicle for hire are subject to regulation under
17 another law of this state or under a local government ordinance or
18 resolution.

19 “(d) ‘Rider’ means an individual who requests an arranged ride di-
20 rectly from a participating driver, including by means of a hand signal
21 or other signal from the point at which an arranged ride originates,
22 or who uses a digital network to request an arranged ride from a
23 participating driver.

24 “(e) ‘Transportation network company’ means a corporation, asso-
25 ciation, partnership, limited liability company, limited liability part-
26 nership or other legal entity that operates a digital network in this
27 state by means of which a participating driver receives a request from
28 a rider for an arranged ride.

29 “(2) An individual who intends to become a participating driver
30 shall submit an application to a transportation network company or

1 other employer and a copy of the application, or the original applica-
2 tion if the person intends to become a participating driver who is a
3 sole proprietor, to the Department of Transportation. The application
4 must:

5 “(a) List the individual’s name, address, age and driver license
6 number;

7 “(b) Include the number of the individual’s motor vehicle registra-
8 tion, along with any other information that the transportation net-
9 work company, the employer and the department may require; and

10 “(c) Includes a full set of the individual’s fingerprints.

11 “(3)(a) For each individual whom a transportation network com-
12 pany or other employer intends to engage as a participating driver, the
13 transportation network company or employer shall:

14 “(A) Conduct, or have another person conduct, a criminal records
15 check that:

16 “(i) Searches for a criminal record for the individual in each state
17 or jurisdiction in the United States and validates, using a fingerprint
18 comparison if available, each criminal record that the search finds;
19 and

20 “(ii) Searches the United States Department of Justice National Sex
21 Offender Public Website for a match between a listing on the website
22 and the information, including fingerprints, that the individual sub-
23 mits in an application under subsection (2) of this section;

24 “(B) Obtain and review, or have another person obtain and review,
25 a driving history report for the individual from each state or jurisdic-
26 tion in the United States; and

27 “(C) Provide copies of the results the transportation network com-
28 pany or employer obtains under this paragraph to the Department of
29 Transportation.

30 “(b) If the individual who intends to become a participating driver

1 is a sole proprietor who drives a vehicle for hire, the Department of
2 Transportation shall conduct or have another person conduct the
3 criminal records check and obtain and review the driving history re-
4 port described in paragraph (a) of this subsection. The department
5 may charge the cost of the checks and reviews to the individual who
6 applies to become a participating driver as a condition of accepting the
7 application.

8 “(4)(a) The Department of Transportation shall keep an electronic
9 record of each application and the results of the records checks and
10 driving history reviews the department receives under this section.
11 The record must identify and permit a search for each applicant by
12 name, address, driver license number and motor vehicle registration
13 number.

14 “(b) The department shall issue a certificate with a unique identi-
15 fying number to each applicant who:

16 “(A) Meets the requirements set forth in subsection (5) of this sec-
17 tion and any other requirements that a transportation network com-
18 pany or other employer imposes as a condition of permitting an
19 applicant to become a participating driver; or

20 “(B) Meets the requirements set forth in subsection (5) of this sec-
21 tion if the applicant is a sole proprietor who drives a vehicle for hire.

22 “(5) A transportation network company may not permit an indi-
23 vidual to connect to a digital network as a participating driver, an
24 employer that permits or directs participating drivers to accept re-
25 quests for arranged rides may not employ an individual or otherwise
26 permit or direct the individual to accept an arranged ride, and the
27 department may not issue a certificate under subsection (4) of this
28 section to the individual if the individual:

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

30 “(b) Does not have a valid driver license;

1 **“(c) Does not have proof of registration for the individual’s vehicle;**
2 **“(d) Has had, in the three-year period before the date of the**
3 **individual’s application under subsection (2) of this section, more than**
4 **three violations of the basic speed rule or other moving violations or**
5 **has had a Class A or Class B traffic violation that is the equivalent,**
6 **in the relevant jurisdiction, of one of these traffic violations:**
7 **“(A) Failing to obey a police officer, as defined in ORS 811.535;**
8 **“(B) Careless driving, as defined in ORS 811.135;**
9 **“(C) Violation driving while suspended or revoked, as defined in**
10 **ORS 811.175; or**
11 **“(D) A traffic violation that put the individual’s, a passenger’s or**
12 **another person’s life or safety in jeopardy;**
13 **“(e) Was convicted, in the seven-year period before the date of the**
14 **individual’s application under subsection (2) of this section, of the**
15 **equivalent, in the relevant jurisdiction, of:**
16 **“(A) Any felony; or**
17 **“(B) A misdemeanor that involved:**
18 **“(i) Criminal driving while suspended or revoked, as defined in ORS**
19 **811.182;**
20 **“(ii) Driving under the influence of intoxicants, as defined in ORS**
21 **813.010;**
22 **“(iii) Reckless driving, as defined in ORS 811.140;**
23 **“(iv) Fleeing or attempting to elude a police officer, as defined in**
24 **ORS 811.540;**
25 **“(v) A hit-and-run accident;**
26 **“(vi) Violence;**
27 **“(vii) A sex offense; or**
28 **“(viii) Any other crime related to driving; or**
29 **“(f) Is listed on the United States Department of Justice National**
30 **Sex Offender Public Website.**

1 **“(6) A participating driver shall keep the certificate the Department**
2 **of Transportation issues under subsection (4) of this section on the**
3 **participating driver’s person or displayed in the vehicle the partic-**
4 **ipating driver uses to provide arranged rides at all times during which**
5 **the participating driver is providing or is available to provide an ar-**
6 **ranged ride. The participating driver shall provide the certificate for**
7 **inspection at the request of any law enforcement officer.**

8 **“(7) The Department of Transportation may:**

9 **“(a) Use information the department obtains from an application**
10 **under subsection (2) of this section and from the results the depart-**
11 **ment obtains under subsection (3) of this section to determine whether**
12 **a transportation network company or other employer has employed**
13 **an individual or permitted an individual to connect to a digital net-**
14 **work in violation of subsection (5) of this section.**

15 **“(b) Adopt rules to implement this section.**

16 **“(8) The Director of Transportation may impose a civil penalty un-**
17 **der ORS 183.745 in an amount the Department of Transportation**
18 **specifies by rule, not to exceed \$5,000, on a transportation network**
19 **company or other employer for each instance in which the transpor-**
20 **tation network company or the other employer violates a provision of**
21 **this section.**

22 **“(9)(a) A participating driver’s failure to have a certificate the de-**
23 **partment issued under subsection (4) of this section on the partic-**
24 **ipating driver’s person or displayed in the vehicle the participating**
25 **driver uses to provide arranged rides, or a failure to provide the cer-**
26 **tificate to a law enforcement officer for inspection, is punishable as a**
27 **Class C misdemeanor.**

28 **“(b) Notwithstanding the classification set forth in paragraph (a)**
29 **of this subsection, a failure described in paragraph (a) of this sub-**
30 **section is a Class A violation if the failure is the participating driver’s**

1 **first offense.**

2 **“(c) A court may elect to dismiss a complaint or information filed**
3 **with the court for a failure described in paragraph (a) of this sub-**
4 **section if the participating driver provides the court with a copy of a**
5 **certificate the department issued under subsection (4) of this section**
6 **within 90 days after the date of the complaint or information.”.**

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