

Requested by Representative CLEM

**PROPOSED AMENDMENTS TO
HOUSE BILL 3246**

1 On page 1 of the printed corrected bill, line 2, after “ORS” insert “184.642
2 and”.

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

4 **“SECTION 1. As used in sections 1 to 12 of this 2017 Act:**

5 **“(1) ‘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 **“(2) ‘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 **“(3)(a) ‘Personal vehicle’ means a vehicle that a participating**
15 **driver:**

16 **“(A) Owns, leases, rents for a period of not more than 30 days or**
17 **otherwise has authorization to use; and**

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

19 **“(b) ‘Personal vehicle’ does not include:**

20 **“(A) A taxicab, limousine or other vehicle for hire that is subject**
21 **to regulation by a city or county under ORS 221.495 and other appli-**

1 cable state statutes or administrative rules or city or county ordi-
2 nances, resolutions or other measures;

3 “(B) A commercial vehicle, as defined in ORS 826.001, that the De-
4 partment of Transportation registers, licenses or regulates under pro-
5 visions of law other than sections 1 to 12 of this 2017 Act or rules the
6 department adopts under sections 1 to 12 of this 2017 Act; or

7 “(C) A vehicle that a person uses as part of a voluntary commuter
8 ridesharing arrangement, as defined in ORS 656.025.

9 “(4) ‘Prearranged ride’ means transportation that a rider requests
10 from a participating driver by means of a digital network that:

11 “(a) Begins at the time a participating driver accepts a rider’s re-
12 quest for transportation;

13 “(b) Continues at any time during which the participating driver
14 transports the rider and any other individual for whom the rider also
15 requests transportation; and

16 “(c) Ends at a destination chosen by the rider or any other indi-
17 vidual for whom the rider also requests transportation and at the time
18 that the rider, or the last individual for whom the rider requests
19 transportation, exits the participating driver’s personal vehicle.

20 “(5) ‘Rider’ means an individual who uses a digital network to re-
21 quest a prearranged ride from a participating driver.

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

27 **“SECTION 2. (1) Except as provided in subsection (2) of this section**
28 **and notwithstanding any other law to the contrary, a transportation**
29 **network company or participating driver is subject to exclusive regu-**
30 **lation under sections 1 to 12 of this 2017 Act and is not subject to**

1 regulation or taxation as a taxicab, limousine, commercial vehicle,
2 carrier, as defined in ORS 825.005, common carrier or contract carrier
3 or to a local governmental entity’s regulation of the rates the trans-
4 portation network company charges or to any other requirements the
5 local governmental entity may impose as a condition of operation
6 within the local governmental entity’s jurisdiction.

7 “(2)(a) A city with a population of 75,000 or more may:

8 “(A) Charge a fee for each prearranged ride to account for costs the
9 city incurs in providing facilities that a transportation network com-
10 pany and participating drivers use; and

11 “(B) Enforce ordinances, resolutions and other laws that apply
12 generally and that regulate traffic or provide for public safety and
13 convenience.

14 “(b) The Port of Portland may adopt rules, require permits, enter
15 into contracts and otherwise regulate and specify duties, responsibil-
16 ities and areas in which a transportation network company or a par-
17 ticipating driver may operate on property the port owns or operates
18 as an airport. The port may not require a transportation network
19 company to obtain a license or otherwise regulate a transportation
20 network company’s operations or the activities of a participating
21 driver in a manner that is more stringent than the requirements set
22 forth in sections 1 to 12 of this 2017 Act, except that the port may
23 specify insurance requirements and rules, and may charge a fee, for
24 operating at an airport.

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

29 “(b) A person that operated as a transportation network company
30 before the operative date of sections 1 to 12 of this 2017 Act under a

1 local government ordinance, resolution or other regulation may con-
2 tinue to operate under the ordinance, resolution or regulation without
3 first obtaining a license from the department until:

4 “(A) The department adopts by rule and implements a licensing
5 program under sections 1 to 12 of this 2017 Act; and

6 “(B) The date that the department specifies for obtaining a license
7 under the rules described in subparagraph (A) of this paragraph.

8 “(2) The department by rule shall implement a licensing program
9 for transportation network companies that complies with the pro-
10 visions of sections 1 to 12 of this 2017 Act. At a minimum, an applicant
11 for a license must:

12 “(a) Submit to the department a certificate of existence or certifi-
13 cate of authorization from the Secretary of State that affirms that
14 the applicant is a business entity that is registered in this state or
15 authorized to transact business in this state; and

16 “(b) Identify the name and street address of the applicant’s regis-
17 tered agent in this state.

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

19 “(A) Meets the requirements specified in sections 1 to 12 of this 2017
20 Act and rules the department adopts under sections 1 to 12 of this 2017
21 Act; and

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

23 “(b) A license the department issues under this subsection expires
24 at the end of the calendar year in which the department issued or re-
25 newed the license.

26 “(c) The department may renew a license to operate as a transpor-
27 tation network company in each subsequent year after the department
28 issues an initial license if a licensee continues to meet the require-
29 ments of sections 1 to 12 of this 2017 Act and if the licensee each year
30 pays the fee specified in this subsection.

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

2 **“(a) Maintain a record of each prearranged ride that a participating**
3 **driver provides after receiving a request by means of the transporta-**
4 **tion network company’s digital network. The transportation network**
5 **company shall maintain the record for a period of not less than three**
6 **years after the date of the prearranged ride.**

7 **“(b) Maintain records of each participating driver who received a**
8 **request for a prearranged ride by means of the transportation network**
9 **company’s digital network. The transportation network company shall**
10 **maintain each record for a period of not less than three years after**
11 **the date on which the participating driver last received a request for**
12 **a prearranged ride.**

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

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

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

28 **“(B) Warns the participating driver that an automobile insurance**
29 **policy for a personal vehicle might not provide coverage during times**
30 **in which the participating driver uses the personal vehicle to provide**

1 prearranged rides or is connected to the transportation network
2 company's digital network and available to provide prearranged rides.

3 “(e) Display, on the transportation network company's website or
4 in any interface to the transportation company's digital network, a
5 picture of a participating driver and the license plate number for the
6 personal vehicle the participating driver will use to provide the prear-
7 ranged ride. The transportation network company shall ensure that
8 the picture and license plate number is available to the rider before
9 the rider enters into the participating driver's personal vehicle.

10 “(f) Disclose, before a rider accepts a prearranged ride, in a display
11 on the transportation network company's website or in any interface
12 to the transportation company's digital network:

13 “(A) The fare that the rider must pay or the rate or method by
14 which the transportation network company calculates the fee for the
15 prearranged ride and any related services; and

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

18 “(g) Transmit to a rider, within a reasonable time after a prear-
19 ranged ride ends, an electronic receipt that lists:

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

21 “(B) The total distance that the rider traveled during the prear-
22 ranged ride and the total time that the prearranged ride took; and

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

25 “(2) The Department of Consumer and Business Services by rule
26 shall specify the information that a transportation network company
27 must keep in records the transportation network company maintains
28 under subsection (1)(a) and (b) of this section.

29 **“SECTION 5. (1) An individual who intends to become a participat-**
30 **ing driver shall submit an application to a transportation network**

1 **company that:**

2 **“(a) Lists the individual’s name, address, age and driver license**
3 **number; and**

4 **“(b) Includes the policy number for automobile liability insurance**
5 **that covers the applicant’s personal vehicle and the number of the**
6 **applicant’s motor vehicle registration, along with any other informa-**
7 **tion the transportation network company may require to evaluate the**
8 **application.**

9 **“(2) For each individual that a transportation network company**
10 **intends to engage as a participating driver, the transportation network**
11 **company shall:**

12 **“(a) Conduct, or have another person conduct, a criminal back-**
13 **ground check that:**

14 **“(A) Uses a criminal records locator or database that is nationwide**
15 **in scope and validates each criminal record that is located; and**

16 **“(B) Searches the United States Department of Justice National Sex**
17 **Offender Public Website for a match between a listing on the website**
18 **and the information the individual submits in an application under**
19 **subsection (1) of this section; and**

20 **“(b) Obtain and review, or have another person obtain and review,**
21 **a driving history report for the individual.**

22 **“(3) A transportation network company may not permit an indi-**
23 **vidual to connect to the transportation network company’s digital**
24 **network as a participating driver if the individual:**

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

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

27 **“(c) Does not have proof of registration for the individual’s personal**
28 **vehicle;**

29 **“(d) Does not have proof of having automobile liability insurance**
30 **for the individual’s personal vehicle;**

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

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

7 “(B) Careless driving, as defined in ORS 811.135;

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

10 “(D) Criminal driving while suspended or revoked, as defined in
11 ORS 811.182;

12 “(f) Was convicted, in the seven-year period before the date of the
13 individual’s application under subsection (1) of this section, of the
14 equivalent, in the relevant jurisdiction, of a crime that involved:

15 “(A) Driving under the influence of intoxicants;

16 “(B) A sex offense; or

17 “(C) Physical harm or an attempt to cause physical harm to a per-
18 son; or

19 “(g) Matches a listing in the United States Department of Justice
20 National Sex Offender Public Website.

21 “SECTION 6. (1) A transportation network company shall adopt,
22 shall display on the transportation network company’s website or in
23 any interface to the transportation company’s digital network and
24 shall require each individual that the transportation network company
25 permits to connect to the transportation network company’s digital
26 network as a participating driver to follow these written policies:

27 “(a) A participating driver may not solicit or accept a request for
28 a prearranged ride or a request to provide transportation to a rider for
29 compensation other than by means of a transportation network
30 company’s digital network.

1 **“(b) A participating driver may not discriminate against a rider on**
2 **the basis of the rider’s:**

3 **“(A) Intended destination;**

4 **“(B) Race or color;**

5 **“(C) National origin;**

6 **“(D) Religious belief or affiliation;**

7 **“(E) Sex, sexual orientation, gender or gender identity; or**

8 **“(F) Disability.**

9 **“(c) A participating driver shall comply with all laws that prohibit**
10 **discrimination on the basis of the categories identified in paragraph**
11 **(b) of this subsection.**

12 **“(d) A participating driver shall comply with all laws that relate to**
13 **accommodating a rider with a service animal.**

14 **“(e) A participating driver may not use drugs or alcohol at any time**
15 **during which the participating driver is engaged in providing a prear-**
16 **ranged ride or related services to a rider or is connected to the trans-**
17 **portation network company’s digital network and available to receive**
18 **a request for a prearranged ride and related services.**

19 **“(2) A transportation network company shall adopt and shall dis-**
20 **play on the transportation network company’s website, or in any**
21 **interface to the transportation company’s digital network, a policy and**
22 **procedure by means of which a rider may complain to the transpor-**
23 **tation network company about a participating driver’s violation of a**
24 **policy the transportation network company adopted under subsection**
25 **(1)(b), (c), (d) and (e) of this section.**

26 **“(3)(a) As soon as possible after receiving a complaint from a rider**
27 **under subsection (2) of this section, a transportation network company**
28 **shall suspend a participating driver’s ability to connect to the trans-**
29 **portation network company’s digital network and begin an investi-**
30 **gation of the rider’s complaint. A participating driver’s ability to**

1 connect to the transportation network company's digital network
2 must remain suspended until the transportation network company
3 concludes the investigation.

4 “(b) A transportation network company shall maintain complete
5 records of a complaint, the investigation the transportation network
6 company conducted and the resolution at which the transportation
7 network company arrived. The transportation network company shall
8 maintain the records for not less than two years.

9 “(4) A transportation network company may not, because of a
10 rider's physical disability, impose an additional charge for a partic-
11 ipating driver's providing service to the rider.

12 “SECTION 7. (1) Until January 1, 2021, the Department of Trans-
13 portation may impose a surcharge on each prearranged ride that oc-
14 curs within this state for the purpose of providing or improving
15 sustainable transportation options for residents of this state including,
16 but not limited to, providing, retrofitting, subsidizing or otherwise
17 supporting vehicles that use electricity as a source of motive power
18 or providing infrastructure to support bicycles, pedestrians or auton-
19 omous motor vehicles.

20 “(2) A transportation network company shall pay all amounts due
21 from the surcharge described in subsection (1) of this section to the
22 department within 30 days after the end of each calendar quarter.

23 “(3) The department shall deposit the proceeds of the surcharge
24 described in subsection (1) of this section to the State Treasury to the
25 credit of a dedicated account within the Department of Transportation
26 Operating Fund. The department shall use the proceeds as provided in
27 subsection (1) of this section.

28 “SECTION 8. (1) A transportation network company or a partic-
29 ipating driver, or both the transportation network company and the
30 participating driver in combination, shall obtain and keep in force at

1 all times during which the participating driver remains as a partic-
2 ipating driver with the transportation network company a primary
3 automobile insurance policy that provides coverage during times in
4 which the participating driver is:

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

6 “(b) Connected to a digital network and available to receive a re-
7 quest for a prearranged ride.

8 “(2) A primary automobile insurance policy described in subsection
9 (1) of this section must provide, during times in which a participating
10 driver is connected to a digital network and available to receive a re-
11 quest for a prearranged ride but is not engaged in providing a prear-
12 ranged ride:

13 “(a) Coverage with the following limits:

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

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

17 “(C) \$25,000 for property damage;

18 “(b) Uninsured motorist coverage as required under ORS 742.500 to
19 742.506, 742.508 and 742.510; and

20 “(c) Personal injury protection coverage at the minimum coverage
21 amounts required for private passenger vehicles under ORS 742.518 to
22 742.542.

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

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

28 “(b) Uninsured motorist coverage as required under ORS 742.500 to
29 742.506, 742.508 and 742.510.

30 “(4) If a participating driver’s primary automobile insurance policy

1 has lapsed or does not provide the coverage required under this sec-
2 tion, the transportation network company with which the participat-
3 ing driver is associated shall provide the required coverage beginning
4 with the first dollar of any claim. The transportation network
5 company's insurer has a duty to defend against the claim.

6 “(5) An automobile insurance policy that a transportation network
7 company maintains under this section may not require as a condition
8 of providing coverage that the insurer deny a claim.

9 “(6) A transportation network company or participating driver may
10 obtain automobile insurance coverage that meets the requirements of
11 this section from an insurer who has a certificate of authority to
12 transact insurance in this state that the Director of the Department
13 of Consumer and Business Services issued under ORS 731.402 or an
14 eligible surplus lines insurer, as defined in ORS 735.405, that has a
15 credit rating that is not less than a rating that the Director of the
16 Department of Consumer and Business Services specifies by rule.

17 “(7) An insurance policy that meets the requirements set forth in
18 this section satisfies the financial responsibility requirements for mo-
19 tor vehicles that are set forth in ORS chapter 806.

20 “(8) A participating driver shall comply with ORS 806.011 at all
21 times during which the participating driver is engaged in providing a
22 prearranged ride to a rider or is connected to the transportation net-
23 work company's digital network and available to receive a request for
24 a prearranged ride.

25 “(9)(a) If an accident occurs at a time during which a participating
26 driver is engaged in providing a prearranged ride to a rider or is con-
27 nected to the transportation network company's digital network and
28 available to receive a request for a prearranged ride, the participating
29 driver shall provide all required information about the automobile in-
30 surance policy to directly interested parties and insurers and to in-

1 investigating police officers.

2 “(b) If an investigating police officer asks, a participating driver
3 shall disclose to the police officer whether at the time of the accident
4 the participating driver was engaged in providing a prearranged ride
5 to a rider or was connected to the transportation network company’s
6 digital network and available to receive a request for a prearranged
7 ride but not engaged in providing a prearranged ride.

8 **“SECTION 9. (1) An insurer may deny or exclude from an automo-
9 bile insurance policy any and all coverage for a loss or injury that
10 occurs while the insured is engaged in providing a prearranged ride to
11 a rider or is connected to a transportation network company’s digital
12 network and available to receive a request for a prearranged ride.
13 Notwithstanding the provisions of ORS chapter 806, coverage that an
14 insurer may exclude under the circumstances described in this sub-
15 section includes, but is not limited to:**

16 **“(a) Liability coverage for death, bodily injury or property damage;**

17 **“(b) Uninsured motorist coverage as required under ORS 742.500 to
18 742.506, 742.508 and 742.510;**

19 **“(c) Personal injury protection coverage at the minimum coverage
20 amounts required for private passenger vehicles under ORS 742.518 to
21 742.542;**

22 **“(d) Coverage for medical payments;**

23 **“(e) Comprehensive coverage for physical damage to a motor vehi-
24 cle; and**

25 **“(f) Coverage for collisions and resulting physical damage.**

26 **“(2) An insurer that denies or excludes coverage under this section
27 does not have a duty to indemnify any party or defend against a claim
28 brought against a participating driver or a transportation network
29 company to the extent that the insurer denied or excluded coverage
30 for the claim.**

1 **“(3) This section does not limit or invalidate an exclusion of the**
2 **type described in subsection (1) of this section that existed in an au-**
3 **tomobile insurance policy before the operative date of sections 1 to 12**
4 **of this 2017 Act.**

5 **“(4) An insurer that defends against a claim or indemnifies a party**
6 **after denying or excluding coverage for the claim has a right of con-**
7 **tribution against any other insurer that provides coverage to a par-**
8 **ticipating driver under section 8 of this 2017 Act.**

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

18 **“(6) An insurer shall disclose in response to a request from another**
19 **insurer that is named in the same claim the coverage, limits and ex-**
20 **clusions for the automobile insurance policy the insurer provided.**

21 **“(7) This section does not require an insurer to refer to this section**
22 **or to use specific language to deny or exclude coverage as provided in**
23 **this section.**

24 **“(8) This section does not preclude an insurer from providing pri-**
25 **mary or excess automobile insurance coverage for a personal vehicle**
26 **if the insurer contracts with a participating driver to provide the**
27 **coverage or if the insurer provides the coverage by endorsement on the**
28 **participating driver’s automobile insurance policy.**

29 **“SECTION 10. (1)(a) The Department of Consumer and Business**
30 **Services not more than twice each year may inspect a random sample**

1 of records that a transportation network company maintains under
2 section 4 (1)(a) and (b) of this 2017 Act solely for the purpose of veri-
3 fying that the transportation network company is complying with
4 sections 1 to 12 of this 2017 Act.

5 “(b) If the department does not inspect records related to prear-
6 ranged rides that occur within the jurisdiction of a city with a popu-
7 lation of 75,000 or more, the city’s transportation agency may inspect
8 the records as provided in paragraph (a) of this subsection.

9 “(c) The department or the city transportation agency, as appro-
10 priate, shall agree with the transportation network company on a
11 method for choosing a sample for inspection under this subsection and
12 on a location at which the inspection occurs. The transportation net-
13 work company may exclude from records subject to inspection under
14 this subsection information that identifies a particular participating
15 driver or rider.

16 “(2) The department or the city transportation agency, as appro-
17 priate, may inspect all records that a transportation network company
18 maintains under section 6 of this 2017 Act that are necessary for the
19 department or agency to investigate a specific complaint that the
20 transportation network company receives and the transportation net-
21 work company’s resolution of the complaint. The department and the
22 transportation network company shall agree on a location at which
23 the department or agency may inspect the records. The transportation
24 network company may exclude from records subject to inspection un-
25 der this subsection information that identifies a particular participat-
26 ing driver or rider unless the identity of a participating driver or rider
27 is relevant to the complaint.

28 “(3) A record that is subject to the department’s or a city trans-
29 portation agency’s inspection under this section is confidential and is
30 not subject to disclosure to another person without the written con-

1 sent of the transportation network company. The record is not a
2 public record and is not subject to disclosure under ORS 192.410 to
3 192.505.

4 **“SECTION 11. A transportation network company may not engage**
5 **in any deceptive practice to evade a provision or requirement of**
6 **sections 1 to 12 of this 2017 Act. A practice is deceptive if the trans-**
7 **portation network company employs the practice with the intent to**
8 **mislead the Department of Consumer and Business Services or a city**
9 **transportation agency with respect to a material element of the pro-**
10 **vision or requirement or with respect to an action to enforce or at-**
11 **tempt to enforce the provision or requirement.**

12 **“SECTION 12. The Department of Consumer and Business Services**
13 **may impose a civil penalty of not more than \$100 for each of a trans-**
14 **portation network company’s violations of a provision of sections 1 to**
15 **12 of this 2017 Act. The department shall impose the civil penalty in**
16 **accordance with ORS 183.745.**

17 **“SECTION 13. ORS 184.642 is amended to read:**

18 “184.642. (1) The Department of Transportation Operating Fund is estab-
19 lished in the State Treasury separate and distinct from the General Fund and
20 separate and distinct from the State Highway Fund. Except as otherwise
21 provided in subsection (3)(e) of this section, moneys in the Department of
22 Transportation Operating Fund are continuously appropriated to the De-
23 partment of Transportation to pay expenses of the department that are in-
24 curred in the performance of functions the department is statutorily required
25 or authorized to perform and that may not constitutionally be paid from
26 revenues described in section 3a, Article IX of the Oregon Constitution.

27 “(2) The operating fund shall consist of the following:

28 “(a) Taxes paid on motor vehicle fuels or on the use of fuel in a motor
29 vehicle for which a person is entitled to a refund under a provision described
30 in this paragraph but for which no refund is claimed, in amounts determined

1 under ORS 184.643. This paragraph applies to refund entitlements described
2 in ORS 319.280 (1)(a) and (e), 319.320 (1)(a) and 319.831 (1)(b).

3 “(b) Fees collected under ORS 822.700 for issuance or renewal of:

4 “(A) Dismantler certificates;

5 “(B) Vehicle dealer certificates;

6 “(C) Show licenses;

7 “(D) Vehicle transporter certificates;

8 “(E) Driver training instructor certificates;

9 “(F) Commercial driver training school certificates; and

10 “(G) Vehicle appraiser certificates.

11 “(c) Late fees collected under ORS 822.700.

12 “(d) Fees collected under ORS 822.705.

13 “(e) Moneys from civil penalties imposed under ORS 822.009.

14 “(f) Fees collected under ORS 807.410 for identification cards.

15 “(g) Fees collected by the department for issuance of permits to engage
16 in activities described in ORS 374.302 to 374.334 that are not directly con-
17 nected to the construction, reconstruction, improvement, repair, mainte-
18 nance, operation and use of a public highway, road, street or roadside rest
19 area.

20 “(h) Fees collected under ORS 835.017 for services provided to the Oregon
21 Department of Aviation.

22 “(i) Interest and other earnings on moneys in the operating fund.

23 “(j) **Proceeds from the surcharge described in section 7 of this 2017**
24 **Act.**

25 “(3) Moneys in the Department of Transportation Operating Fund estab-
26 lished by subsections (1) and (2) of this section may be spent only as follows:

27 “(a) Taxes described in subsection (2)(a) of this section may be used only
28 for payment of expenses of the Department of Transportation that:

29 “(A) May not constitutionally be paid from revenues described in section
30 3a, Article IX of the Oregon Constitution;

1 “(B) Are incurred in the performance of functions the department is
2 statutorily required or authorized to perform; and

3 “(C) Are not payable from moneys described in paragraphs (b) to (e) of
4 this subsection.

5 “(b) Fees collected under subsection (2)(b) of this section may be used
6 only to carry out the regulatory functions of the department relating to the
7 businesses that generate the fees.

8 “(c) Fees collected under ORS 822.705 may be used only for the purposes
9 described in ORS 822.705.

10 “(d) Moneys collected from civil penalties imposed under ORS 822.009 may
11 be used only for regulation of vehicle dealers.

12 “(e) Moneys collected under ORS 807.410 from fees for identification cards
13 shall be used first to pay the expenses of the department for performing the
14 functions of the department relating to identification cards. After paying the
15 expenses related to identification cards, the department shall transfer the
16 remaining moneys collected under ORS 807.410 to the Elderly and Disabled
17 Special Transportation Fund established in ORS 391.800.

18 “(f) Moneys from the permits described in subsection (2)(g) of this section
19 may be used for costs of issuing the permits and monitoring the activities
20 that generate the fees.

21 “(g) Moneys from interest and other earnings on moneys in the operating
22 fund may be used for any purpose for which other moneys in the fund may
23 be used.

24 “(h) **Proceeds from the surcharge described in section 7 of this 2017**
25 **Act may be used only for the purposes identified in section 7 of this**
26 **2017 Act.**

27 “**SECTION 14.** ORS 825.017 is amended to read:

28 “825.017. Except as provided in this section and ORS 825.026 and 825.030,
29 this chapter does not apply to the persons or vehicles described in this sec-
30 tion. The exemption under this section applies to the following persons and

1 vehicles:

2 “(1) Vehicles being used by, or under contract with, any school board,
3 district or person responsible for the administration of elementary or sec-
4 ondary school activities, and engaged exclusively in transporting students
5 or combinations of students and other persons to or from school, to or from
6 authorized school activities or other activities sponsored by the governing
7 board of a public university listed in ORS 352.002, or for purposes provided
8 under ORS 332.427. This exemption shall not be affected by the charging of
9 a fee to cover the costs of the transportation.

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

11 “(a) Is a passenger vehicle with a passenger seating capacity that does
12 not exceed five;

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

16 “(c) Is transporting persons or property, or both, between points in
17 Oregon.

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

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

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

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

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

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

15 “(b) The board, officer or agency that entered into the agreement or
16 granted the permit, by contract with the county court or board of county
17 commissioners, has assumed the responsibility for the construction or main-
18 tenance of the county road; and

19 “(c) Copies of the agreements or permits required by this subsection are
20 filed with the Director of Transportation.

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

29 “(10) Vehicles owned or operated by the United States or by any govern-
30 mental jurisdiction within the United States except as provided in ORS

1 825.022. This chapter does apply to vehicles when owned or operated:

2 “(a) As a carrier of property for hire;

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

4 “(c) By a county service district authorized to provide public transporta-
5 tion under ORS 451.010; or

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

8 “(11) Vehicles owned or operated by a mass transit district organized
9 under ORS 267.010 to 267.390.

10 “(12) Vehicles owned or operated by, or under contract with, a person
11 responsible for the construction or reconstruction of a highway under con-
12 tract with the Department of Transportation or with an agency of the United
13 States when operated within the immediate construction project as described
14 in the governmental agency contract during the construction period.

15 “(13) Vehicles owned or operated by, or under contract with, a charitable
16 organization when exclusively engaged in performing transportation, either
17 one way or round trip, necessary to the operation of the charitable organ-
18 ization. As used in this subsection, ‘charitable organization’ means an or-
19 ganization that has no capital stock and no provision for making dividends
20 or profits, but derives its funds principally from public and private charity
21 and holds them in trust for the promotion of the welfare of others and not
22 for profit. Any organization claiming an exemption under this subsection
23 shall file an affidavit with the department stating that it is organized and
24 operated in accordance with the requirements of this subsection.

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

27 “(15) A vehicle that is used in a limousine service operation in which the
28 destination and route traveled may be controlled by the passenger and the
29 fare is calculated on the basis of any combination of initial fee, distance
30 traveled and waiting time if the vehicle:

1 “(a) Is a passenger vehicle with a passenger seating capacity that does
2 not exceed eight;

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

4 “(c) Operates on an irregular route basis.

5 “(16) Fire trucks and rescue vehicles that are designated as emergency
6 vehicles by the Department of Transportation under ORS 801.260, while in-
7 volved in emergency and related operations.

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

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

12 “(b) Act as an agent for any person who does provide or operate a motor
13 vehicle for the movement of the household goods.

14 **“(18) A personal vehicle that a participating driver is using to pro-
15 vide a prearranged ride or is using while the participating driver is
16 connected to a digital network and available to accept a request for a
17 prearranged ride but is not providing a prearranged ride. As used in
18 this subsection, ‘personal vehicle,’ ‘participating driver,’ ‘prearranged
19 ride’ and ‘digital network’ have the meanings given those terms in
20 section 1 of this 2017 Act.**

21 **“SECTION 15. (1) Sections 1 to 12 of this 2017 Act and the amend-
22 ments to ORS 184.642 and 825.017 by sections 13 and 14 of this 2017 Act
23 become operative January 1, 2018.**

24 **“(2) The Director of the Department of Consumer and Business
25 Services may adopt rules and take any other action before the opera-
26 tive date specified in subsection (1) of this section that is necessary
27 to enable the director, on and after the operative date specified in
28 subsection (1) of this section, to exercise all of the duties, functions
29 and powers conferred on the director by sections 1 to 12 of this 2017
30 Act and the amendments to ORS 184.642 and 825.017 by sections 13 and**

1 14 of this 2017 Act.

2 “SECTION 16. This 2017 Act takes effect on the 91st day after the
3 date on which the 2017 regular session of the Seventy-ninth Legislative
4 Assembly adjourns sine die.”

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