

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3023

By COMMITTEE ON REVENUE

June 7

- 1       On page 2 of the printed A-engrossed bill, line 44, delete “person” and insert “transportation  
2 network company”.
- 3       In line 45, delete “as a transportation network company” and delete “person” and insert  
4 “transportation network company”.
- 5       On page 3, line 2, delete “person” and insert “transportation network company” and delete “as  
6 a transportation network company”.
- 7       In line 6, after “licensing” insert “and regulatory”.
- 8       In line 10, after “licensing” insert “and regulatory”.
- 9       In line 30, delete “three” and insert “seven”.
- 10       In line 34, delete “three” and insert “seven”.
- 11       In line 41, delete “Director” and insert “Department”.
- 12       On page 4, line 1, delete “a” and insert “an annual”.
- 13       On page 5, line 1, after “transportation” insert “network”.
- 14       In line 7, after “transportation” insert “network”.
- 15       In line 19, delete “of Transportation”.
- 16       In line 25, delete “applicant’s” and insert “individual’s”.
- 17       In line 26, delete “applicant’s” and insert “individual’s”.
- 18       Delete lines 29 and 30 and insert:
- 19       “(2) Before engaging an individual as a participating driver, and at least once each year after  
20 the individual becomes a participating driver, a transportation network company shall, for the indi-  
21 vidual:”.
- 22       In line 36, delete “and”.
- 23       In line 38, delete the period and insert “; and
- 24       “(c) Require the completion of an educational and safety course that the Department of Trans-  
25 portation approves by rule.”.
- 26       On page 6, line 15, delete “10-year” and insert “seven-year”.
- 27       In line 27, delete “or”.
- 28       After line 27, insert:
- 29       “(h) Has completed, under the laws of this state, a diversion program for driving under the in-  
30 fluence of intoxicants; or”.
- 31       In line 28, delete “(h)” and insert “(i)”.
- 32       In line 32, before “company’s” insert “network”.
- 33       On page 7, after line 9, insert:
- 34       “(f) A participating driver may not remain connected to the transportation network company’s  
35 digital network, and may not provide or be available to provide prearranged rides, for more than

1 14 consecutive hours in any 24-hour period.”.

2 In line 11, after “transportation” insert “network”.

3 In line 23, delete “two” and insert “seven”.

4 On page 8, line 24, delete “Transporta-” and insert “the Department of Consumer and Business  
5 Services”.

6 In line 25, delete “tion”.

7 After line 42, insert:

8 “(10) This section does not prohibit an airport or other transportation authority from requiring  
9 the maximum automobile liability insurance coverage allowed or required by law at all times during  
10 which a participating driver is providing a prearranged ride or is connected to a digital network  
11 and available to provide a prearranged ride in or on property that is subject to the airport’s or  
12 transportation authority’s jurisdiction or control.”.

13 On page 9, delete lines 40 through 45.

14 On page 10, delete lines 1 through 3 and insert:

15 “**SECTION 10.** (1)(a) The Department of Transportation may:

16 “(A) Inspect each quarter a random sample of records that a transportation network company  
17 maintains under section 4 (1)(a) and (b) of this 2019 Act solely for the purpose of verifying that the  
18 transportation network company is complying with sections 1 to 15 of this 2019 Act. If after the  
19 initial inspection the department reasonably concludes that the transportation network company is  
20 not complying with sections 1 to 15 of this 2019 Act, the department may conduct an additional  
21 random inspection of the transportation network company’s records.

22 “(B) Inspect transportation network company documents that are necessary to investigate and  
23 resolve a specific complaint against the transportation network company or a participating driver.

24 “(b) The department shall determine by rule the method for collecting samples for inspection in  
25 accordance with paragraph (a) of this subsection.”.

26 Delete lines 27 through 34 and insert:

27 “(4) The department or a local government may enter into an agreement with a transportation  
28 network company to share data for the purposes of transportation planning. The agreement may  
29 provide for sharing:

30 “(a) The total number of prearranged rides that participating drivers associated with the trans-  
31 portation network company provided;

32 “(b) The city in which a prearranged ride began or ended; and

33 “(c) The number of prearranged rides for which a rider required a transportation network com-  
34 pany vehicle that could accommodate an individual with a physical disability.

35 “**SECTION 11.** (1) The Department of Transportation may enter into an intergovernmental  
36 agreement with a state agency or a local government to enforce sections 4 (1)(c) and (d) and 8 of  
37 this 2019 Act. The agreement must include provisions that facilitate cooperation in, and prevent  
38 duplication and expenses of, enforcement activities.

39 “(2) The department by rule shall establish guidelines for state agency and local government  
40 actions to enforce sections 4 (1)(c) and (d) and 8 of this 2019 Act. The guidelines must include a  
41 requirement that each state agency or local government report to the department and to the affected  
42 transportation network company when the state agency or local government takes an enforcement  
43 action or issues a citation or fine for a violation.

44 “(3)(a) The department may by rule impose on a transportation network company a fee for each  
45 prearranged ride a transportation network company provides to a rider in an amount that is suffi-

1 cient, when aggregated, to meet the expenses that state agencies and local governments incur in  
2 connection with the intergovernmental agreement described in subsection (1) of this section. The  
3 department shall deposit the moneys the department receives under this subsection into the State  
4 Treasury to the credit of a subaccount the department establishes for the purpose of disbursing  
5 funds to state agencies and local governments in accordance with the provisions of subsection (5)  
6 of this section. Moneys in the fund are continuously appropriated to the department for the pur-  
7 poses described in this subsection.

8 “(b) Before disbursing to a state agency or local government the proceeds of the fee described  
9 in paragraph (a) of this subsection, the department shall require the state agency or local govern-  
10 ment to submit a detailed and itemized list of the cost and nature of enforcement activities the state  
11 agency or local government conducted under the intergovernmental agreement described in sub-  
12 section (1) of this section. The department by rule shall require a state agency or local government  
13 that receives the proceeds of the fee to submit to the department each quarter a statement that  
14 shows that the state agency or local government used the proceeds solely for enforcement activities  
15 in accordance with the intergovernmental agreement.

16 “(c) A state agency or local government that receives during any calendar quarter a disburse-  
17 ment under this subsection that exceeds the amount of expenses that the state agency or local  
18 government actually incurs in connection with the intergovernmental agreement described in sub-  
19 section (1) of this section shall:

20 “(A) Return the excess amount of the disbursement to the department; and

21 “(B) Cooperate in providing information the department needs to correctly forecast the amount  
22 of the fee described in this subsection that is necessary to meet the actual expenses of state agen-  
23 cies and local governments in connection with the intergovernmental agreement.”.

24 In line 35, delete “of Transportation”.

25 On page 11, line 1, delete “subsection” and insert “subsections (3) and”.

26 In line 3, delete “sub-”.

27 In line 4, delete the first “section” and insert “subsections (3) and”.

28 Delete lines 8 through 17 and insert:

29 “(6)(a) The department, not later than 60 days after the end of each calendar quarter, shall  
30 disburse from the moneys in the fund described in subsection (3) of this section to each state agency  
31 and local government with which the department has an intergovernmental agreement described in  
32 subsection (1) of this section a sum that is equivalent to the expenses the state agency or local  
33 government incurred in connection with enforcement activities under the intergovernmental agree-  
34 ment.

35 “(b) The department, not later than 60 days after the end of each calendar quarter, shall dis-  
36 burse from the moneys in the fund described in subsection (4) of this section to the local government  
37 of each city or county within which a prearranged ride originated a sum that is equivalent to the  
38 proportion of prearranged rides that originated within the city or county during the previous cal-  
39 endar quarter.

40 “**SECTION 12.** (1) As used in this section, ‘qualifying governmental body’ means the local gov-  
41 ernments of two or more cities:

42 “(a) That have entered into an intergovernmental agreement to jointly run a transportation  
43 program for people who use wheelchairs; and

44 “(b) The jurisdictions of which extend not more than 15 radial miles outward from the boundary  
45 of the largest city that is a party to the intergovernmental agreement.”.

1 In line 23, delete the period and insert “within the area that is subject to the jurisdiction of the  
2 qualifying governmental body.

3 “(b) A qualifying governmental body may require as part of a transportation program described  
4 in paragraph (a) of this subsection that the fee that a transportation network company charges to  
5 a rider who uses a fixed-frame wheelchair may not vary as a consequence of the overall demand for  
6 prearranged rides at the time the rider requests or obtains a prearranged ride.”.

7 In line 24, delete “(b)” and insert “(c)”.

8 In line 27, delete “(c)” and insert “(d)”.

9 In line 29, delete “(b)” and insert “(c)”.

10 In line 37, delete “two” and insert “five”.

11 On page 12, line 4, after “with” insert “manufacturers of charging stations and”.

12 Delete lines 8 through 28 and insert:

13 “(5) On January 1 of each even-numbered year following January 1, 2022, the department by rule  
14 may adjust the fees described in subsection (1) of this section, taking into consideration any change  
15 that occurred during the previous two years in the Consumer Price Index for All Urban Consumers,  
16 West Region (All Items), as published by the Bureau of Labor Statistics of the United States De-  
17 partment of Labor.

18 “**SECTION 14.** Section 13 of this 2019 Act is amended to read:

19 “**Sec. 13.** (1)(a) The Department of Transportation may by rule impose on a transportation net-  
20 work company[:]

21 “[*(A)*] a fee in an amount the department specifies for each prearranged ride for the purpose of  
22 administering the provisions of sections 1 to 15 of this 2019 Act[; *and*].

23 “[*(B)*] *A fee of five cents for each prearranged ride for the purpose of deploying throughout this*  
24 *state charging stations and related infrastructure for electric vehicles.*]

25 “(b) The department shall deposit the moneys the department receives under this subsection into  
26 the State Treasury to the credit of a subaccount the department establishes for the [*purposes*] **pur-**  
27 **pose** set forth in this subsection. Moneys in the subaccount are continuously appropriated to the  
28 department for the [*purposes*] **purpose** set forth in this subsection.

29 “(2) A transportation network company not later than 45 days after the end of each calendar  
30 quarter shall remit to the department the fees the transportation network company collected for the  
31 [*purposes*] **purpose** set forth in subsection (1) of this section.

32 “[*(3)*] *Subsection (1)(a)(B) of this section does not apply to a prearranged ride that a transportation*  
33 *network company provides by means of an electric vehicle.*]

34 “[*(4)*] *Before disbursing moneys for the purpose of providing charging stations and related*  
35 *infrastructure, the department shall consult with manufacturers of charging stations and each trans-*  
36 *portation network company from which the department received the proceeds of the fee the department*  
37 *imposed under subsection (1)(a)(B) of this section as to the type and location of all charging stations*  
38 *and related infrastructure that the moneys will fund.*]

39 “[*(5)*] **(3)** On January 1 of each even-numbered year [*following January 1, 2022,*] the department  
40 by rule may adjust the [*fees*] **fee** described in subsection (1) of this section, taking into consideration  
41 any change that occurred during the previous two years in the Consumer Price Index for All Urban  
42 Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United  
43 States Department of Labor.”.

44 On page 14, delete lines 39 through 45.

45 On page 15, delete lines 1 and 2 and insert:

1       **“SECTION 17. (1) Sections 1 to 13 and 15 of this 2019 Act and the amendments to ORS**  
2 **825.017 by section 16 of this 2019 Act become operative on January 1, 2020.**

3       **“(2) The amendments to section 13 of this 2019 Act by section 14 of this 2019 Act become**  
4 **operative on January 1, 2026.**

5       **“(3) The Department of Transportation may adopt rules and take any other action before**  
6 **the operative date specified in subsection (1) of this section that is necessary to enable the**  
7 **department, on and after the operative date specified in subsection (1) of this section, to**  
8 **exercise all of the duties, functions and powers conferred on the department by sections 1**  
9 **to 13 and 15 of this 2019 Act and the amendments to ORS 825.017 by section 16 of this 2019**  
10 **Act.”.**

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