

A-Engrossed
House Bill 3379

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by Representative HOLVEY, Senator PROZANSKI; Representatives DOHERTY, LIVELY, PILUSO, REARDON, WILDE, Senator DEMBROW

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.

Permits local government or **Department of Transportation** to license and regulate vehicle-for-hire services and hired drivers. **Provides that local government that does not license or regulate vehicle-for-hire service may enter into intergovernmental agreement with department or other local government to accept department's or other local government's license and regulation as local government's own authorization for vehicle-for-hire service.** Provides that person may not engage in business as vehicle-for-hire service or provide rides for hire except in accordance with provisions of Act and any **rule**, ordinance, regulation or other law that applies in jurisdiction in which vehicle-for-hire service operates. Authorizes **department and** local government to issue license or other authorization to engage in business as vehicle-for-hire service or provide rides for hire and to charge fees for purposes set forth in ordinance, regulation or other law.

Requires vehicle-for-hire service to keep certain records and to enter into data-sharing agreement with **department, other state agency or** local government if **department's or other state agency's rule or** local government ordinance, regulation or other law requires agreement.

Requires individual who applies to become hired driver to submit application with specified information to vehicle-for-hire service. Requires vehicle-for-hire service to forward application to law enforcement agency or other regulatory agency for purpose of conducting criminal background checks. Provides that vehicle-for-hire service may not permit applicant to become hired driver if applicant is not qualified under specified criteria.

Specifies automobile insurance coverage requirements for hired drivers and vehicles for hire. Permits insurers to exclude coverage for activities in which individual engages as hired driver.

Permits department, for purpose of administering provisions of Act, to impose fee for each ride for hire. Establishes Vehicle for Hire Service Fund. Directs department to deposit fees in fund to be used for administering provisions of Act.

[Punishes violation of Act as unlawful trade practice under Unlawful Trade Practices Act.]

Becomes operative on January 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to requirements for operating vehicles for hire; creating new provisions; amending ORS
3 221.485; and 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 9 of this 2019 Act:**

6 (1) **"Digital network"** means a method by which a hired driver may use a software ap-
7 plication, a website or another Internet-based electronic technology to receive and accept
8 an electronic hail.

9 (2)(a) **"Electronic hail"** means a method for requesting a ride for hire by means of a
10 digital network.

11 (b) **"Electronic hail"** does not include a request for a ride for hire by means of a voice
12 telephone call.

13 (3) **"Hired driver"** means an individual who provides a ride for hire to a member of the

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 public in exchange for compensation.

2 (4) "Public passenger" means a member of the public who obtains a ride for hire in ex-
3 change for compensation.

4 (5) "Ride for hire" means transportation that a hired driver provides to a public passen-
5 ger.

6 (6)(a) "Street hail" means a method for requesting a ride for hire in which a member of
7 the public signals directly to a hired driver using a visible, audible or otherwise physically
8 perceptible signal.

9 (b) "Street hail" does not include a request for a ride for hire by means of an electronic
10 hail.

11 (7)(a) "Taxi" means a motor vehicle that:

12 (A) A hired driver:

13 (i) Owns, leases, rents or has authorization to use; and

14 (ii) Actually uses to provide rides for hire to a public passenger who requests the ride for
15 hire by means of an electronic hail, street hail, telephone call or other means;

16 (B) A taxi company or hired driver insures at all times under a motor vehicle liability
17 insurance policy described in section 6 (2) of this 2019 Act; and

18 (C) The Department of Transportation regulates as a taxi in accordance with sections 1
19 to 9 of this 2019 Act or a local government regulates as a taxi under a local ordinance, reg-
20 ulation or other local law.

21 (b) "Taxi" does not include:

22 (A) A transportation network vehicle;

23 (B) A commercial bus, as defined in ORS 801.200; or

24 (C) A commercial motor vehicle, as defined in ORS 801.208.

25 (8) "Taxi company" means a corporation, association, partnership, limited liability com-
26 pany, limited liability partnership or other business entity that owns, leases, rents, provides
27 or operates taxis in this state other than as a hired driver.

28 (9) "Transportation network company" means a corporation, association, partnership,
29 limited liability company, limited liability partnership or other business entity that operates
30 a device, service or facility that enables a member of the public to request a ride for hire
31 by means of an electronic hail.

32 (10)(a) "Transportation network vehicle" means a motor vehicle that:

33 (A) A hired driver:

34 (i) Owns, leases, rents or has authorization to use; and

35 (ii) Actually uses to provide rides for hire to a public passenger who requests the ride for
36 hire solely by means of an electronic hail;

37 (B) A transportation network company or hired driver insures under a motor vehicle li-
38 ability insurance policy described in section 6 (3) of this 2019 Act; and

39 (C) The department regulates as a transportation network vehicle in accordance with
40 sections 1 to 9 of this 2019 Act or a local government regulates as a transportation network
41 vehicle under a local ordinance, regulation or other local law.

42 (b) "Transportation network vehicle" does not include:

43 (A) A taxi;

44 (B) A commercial bus, as defined in ORS 801.200; or

45 (C) A commercial motor vehicle, as defined in ORS 801.208.

1 (11) “Vehicle for hire” means a taxi, a transportation network vehicle or another vehicle
2 of any description by means of which members of the public may request transportation in
3 exchange for compensation.

4 (12) “Vehicle-for-hire service” means a taxi company, a transportation network company
5 or a person that otherwise engages in the business of providing vehicles for hire.

6 **SECTION 2.** (1) Subject to the requirements set forth in sections 1 to 9 of this 2019 Act:

7 (a) A local government may:

8 (A) License or otherwise authorize a vehicle-for-hire service to operate, and a hired
9 driver to provide rides for hire, within the local government’s jurisdiction;

10 (B) Regulate the operations of the vehicle-for-hire service, and a hired driver’s provision
11 of rides for hire, within the local government’s jurisdiction; and

12 (C) Establish and collect fees and surcharges from the vehicle-for-hire service for pur-
13 poses the local government specifies in an ordinance, regulation or other local law.

14 (b) The Department of Transportation may:

15 (A) License or otherwise authorize a vehicle-for-hire service to operate, and a hired
16 driver to provide rides for hire, within any jurisdiction in which a local government has:

17 (i) Entered into an intergovernmental agreement with the department to license or oth-
18 erwise authorize a vehicle-for-hire service to operate and a hired driver to provide rides for
19 hire; or

20 (ii) Declined to license or otherwise authorize a vehicle-for-hire service to operate and a
21 hired driver to provide rides for hire within the local government’s jurisdiction, except that
22 if the local government affirmatively requests the department not to license or otherwise
23 authorize the vehicle-for-hire service to operate or a hired driver to provide rides for hire
24 within the local government’s jurisdiction, the department may not do so;

25 (B) Regulate the operations of the vehicle-for-hire service, and a hired driver’s provision
26 of rides for hire, within any local government jurisdiction for which the department may is-
27 sue a license or authorization under subparagraph (A) of this paragraph; and

28 (C) Impose and collect a fee or surcharge in accordance with section 9 of this 2019 Act.

29 (2) A local government that does not under subsection (1)(a) of this section issue a li-
30 cense or other authorization or regulate a vehicle-for-hire service or a hired driver’s pro-
31 vision of rides for hire may enter into an intergovernmental agreement with the department
32 or another local government in accordance with ORS chapter 190, under which the local
33 government accepts the department’s or the other local government’s license or other au-
34 thorization and regulations as the local government’s own authorization for a vehicle-for-
35 hire service to operate, and for a hired driver to provide rides for hire, within the local
36 government’s jurisdiction.

37 (3) A person may not engage in business as a vehicle-for-hire service, and a hired driver
38 may not provide a ride for hire, except in accordance with sections 1 to 9 of this 2019 Act
39 and any rule the department adopts under section 9 of this 2019 Act or ordinance, regulation
40 or other law under which the department or a local government issues a license or other
41 authorization to, or otherwise regulates, the vehicle-for-hire service or the hired driver.

42 (4) A transportation network company may not accept a request from a member of the
43 public to begin a ride for hire, and a hired driver associated with a transportation network
44 company may not begin to provide a ride for hire to a member of the public, unless the
45 transportation network company has a license or other authorization from the department

1 or a local government to operate within the local government's jurisdiction.

2 (5) This section and sections 5, 6 and 7 of this 2019 Act do not prohibit an airport or other
3 transportation district, transportation agency or transportation authority from:

4 (a) Charging a fee for using property that is subject to the airport's, district's, agency's
5 or authority's jurisdiction or control;

6 (b) Designating a location at which a hired driver may begin a ride for hire; or

7 (c) Requiring the maximum automobile liability insurance coverage allowed by law at all
8 times during which a hired driver is awaiting a request to provide a ride for hire, is providing
9 a ride for hire or is otherwise operating as a hired driver in or on property that is subject
10 to the airport's, district's, agency's or authority's jurisdiction or control.

11 **SECTION 3.** (1) An applicant for a license or other authorization that the Department
12 of Transportation or a local government requires under section 2 (3) of this 2019 Act, at a
13 minimum, shall:

14 (a) Submit to the department or the local government with the application a certificate
15 or other evidence that the applicant is a business entity that has registered with or received
16 authorization from the Secretary of State to transact business in this state;

17 (b) List in the application the applicant's name and street address and the name and
18 street address of the applicant's registered agent;

19 (c) Submit with the application a copy of any other business license or authorization,
20 other than a license to operate as a vehicle-for-hire service, that the local government re-
21 quires to engage in business within the local government's jurisdiction; and

22 (d) Pay any fee, charge, surcharge, tax, penalty, fine or other amount the department
23 or the local government requires or, if applicable, that another state agency requires, from
24 the applicant under any ordinance, regulation, rule or other law before the department or
25 the local government issues a license or other authorization to operate as a vehicle-for-hire
26 service.

27 (2) The department or a local government may specify conditions for issuing any license
28 or other authorization the department or the local government requires under section 2 (3)
29 of this 2019 Act that are in addition to the conditions set forth in sections 1 to 9 of this 2019
30 Act. The department or the local government may also specify regulations for the operation
31 of a vehicle-for-hire service that are in addition to the regulations specified in sections 1 to
32 9 of this 2019 Act.

33 **SECTION 4.** (1) A vehicle-for-hire service shall:

34 (a) Maintain, for a period of not less than three years after the date on which a hired
35 driver provides a ride for hire, a record of the ride for hire with the contents and in the form
36 or format specified in all applicable rules of the Department of Transportation or local ordi-
37 nances, regulations or laws. The record, at a minimum, must:

38 (A) Specify the date and times at which the ride for hire began and ended and the total
39 duration of the ride for hire; and

40 (B) Include any other information that any applicable rule, local ordinance, regulation
41 or other law requires, such as:

42 (i) The length of the route that the hired driver followed;

43 (ii) The zip codes, global positioning system coordinates or other coordinates that identify
44 the point at which the ride for hire began and the point at which the ride for hire ended;

45 (iii) The distance the hired driver traveled from the point at which the hired driver be-

1 came available to accept a request for a ride for hire to the point at which the ride for hire
2 ended;

3 (iv) The length of time that a public passenger waited for a ride for hire to begin after
4 requesting the ride for hire;

5 (v) The number of rides for hire that members of the public canceled;

6 (vi) The number of requests for rides for hire that a vehicle-for-hire service or hired
7 driver refused, along with the dates and times at which the refusals occurred; and

8 (vii) Whether a member of the public who uses a wheelchair requested the ride for hire.

9 (b) Maintain a record of each hired driver associated with the vehicle-for-hire service for
10 a period of not less than seven years after the date on which the hired driver last provided
11 a ride for hire as an employee of, or under contract with, the vehicle-for-hire service. The
12 record, at a minimum, must show for each hired driver:

13 (A) The hired driver's complete legal name and all other names the hired driver has used;

14 (B) The hired driver's date of birth, height, weight, hair and eye color, place of birth,
15 driver license number and Social Security number;

16 (C) A physical address for the hired driver that is current as of the date of the applica-
17 tion under section 5 of this 2019 Act and previous physical addresses within the five years
18 before the date on which the vehicle-for-hire service first employed or contracted with the
19 hired driver;

20 (D) Any conviction of the hired driver for a criminal offense that involved theft, robbery,
21 burglary, assault, a sex crime, drugs or prostitution and any restriction, suspension or re-
22 vocation of the hired driver's driver license; and

23 (E) All taxes the vehicle-for-hire service withheld from a hired driver's compensation or
24 paid on behalf of the hired driver and any other tax records and documents related to the
25 hired driver that are required by law.

26 (c) Maintain for a period of two years after the date of a complaint against a hired driver
27 a complete record of the complaint, of any investigation the vehicle-for-hire service con-
28 ducted and of the resolution at which the vehicle-for-hire service arrived. The record must
29 conform to any requirements the department or a local government imposes with respect to
30 form, format and contents and, at a minimum, must:

31 (A) List the name, address and telephone number of the person who submitted the com-
32 plaint;

33 (B) List the date on which the incident that was the basis of the complaint occurred;

34 (C) List the name of the hired driver identified in the complaint; and

35 (D) Summarize the allegation in the complaint, the results of any investigation the
36 vehicle-for-hire service conducted and any actions the vehicle-for-hire service took to resolve
37 the complaint.

38 (d) Comply with any requirements in a rule, local government ordinance, regulation or
39 other law to provide equal services to individuals with physical disabilities, including any
40 prohibition on a vehicle-for-hire service's:

41 (A) Imposing any additional charge for providing a ride for hire or any related service
42 to a public passenger because of the public passenger's physical disability;

43 (B) Charging a rate or price to a public passenger with a physical disability that exceeds
44 the rate or price the vehicle-for-hire service charges a public passenger without a physical
45 disability; or

1 (C) Increasing the rate or price for a ride for hire that the vehicle-for-hire service pro-
2 vides to a public passenger who uses a wheelchair based on the time at which the ride for
3 hire occurs or the location from which the ride for hire begins or at which the ride for hire
4 ends.

5 (e) Enter into an agreement to share, at a minimum, the data described in paragraph (a)
6 of this subsection with:

7 (A) The local government of the jurisdiction in which the vehicle-for-hire service oper-
8 ates if under an ordinance, regulation or other law the local government requires the
9 vehicle-for-hire service to share the data; and

10 (B) The department or another state agency, if the department or the state agency by
11 rule specifies the data the vehicle-for-hire service must share and the department's or the
12 state agency's rule takes into account the capability that the vehicle-for-hire service has to
13 collect and supply the data.

14 (2) This section does not prevent the department or a local government from requiring
15 by rule, ordinance, regulation or other law that a vehicle-for-hire service maintain records
16 other than the records described in this section.

17 **SECTION 5.** (1)(a) An individual who intends to become a hired driver shall submit to a
18 vehicle-for-hire service an application that:

19 (A) Lists the individual's:

20 (i) Complete legal name and all other names the individual has used previously;

21 (ii) Current physical address;

22 (iii) Residential and mailing addresses during the five years preceding the date of the
23 application;

24 (iv) Date and place of birth;

25 (v) Height, weight and hair and eye color;

26 (vi) Driver license number;

27 (vii) Social Security number; and

28 (viii) Business license number, if the individual holds a business license.

29 (B) Includes the policy number for any automobile liability insurance policy that covers
30 any motor vehicle that the individual intends to use to provide rides for hire.

31 (b) A vehicle-for-hire service that receives an application from an individual under para-
32 graph (a) of this subsection shall retain the application and all materials the individual sub-
33 mits or includes with the application for a period of five years after the date of the
34 application.

35 (c) A vehicle-for-hire service shall forward to a law enforcement agency, or other regu-
36 latory agency that the Department of Transportation or a local government specifies in a
37 rule, ordinance, regulation or other law, the completed application of any individual whom
38 the vehicle-for-hire service intends to engage as a hired driver.

39 (2)(a) A law enforcement agency or regulatory agency that receives an application under
40 subsection (1)(c) of this section, at a minimum, shall:

41 (A) Review the applicant's driving record; and

42 (B) Conduct or review a criminal background check that:

43 (i) Uses a criminal records locator or database with a nationwide scope that validates
44 each criminal record that is located; and

45 (ii) Searches the United States Department of Justice National Sex Offender Public

1 Website for a match between a listing on the website and the information the applicant
2 submits under subsection (1) of this section.

3 (b) Within 10 business days after conducting or reviewing a criminal background check
4 under paragraph (a) of this subsection, the law enforcement agency or regulatory agency
5 shall report to the vehicle-for-hire service, the department or the local government for the
6 jurisdiction within which the applicant intends to provide rides for hire any criminal offense
7 specified in subsection (4) of this section for which the applicant was previously convicted.

8 (3) The department or a local government may elect to issue to an individual who submits
9 an application under subsection (1) of this section a temporary or provisional license or other
10 authorization to provide rides for hire as an employee of, or under contract with, a vehicle-
11 for-hire service.

12 (4)(a) A vehicle-for-hire service may not employ or contract to engage as a hired driver
13 an individual who:

14 (A) Is under the age specified in a rule, ordinance, regulation or other law for allowing
15 a hired driver to provide rides for hire;

16 (B) Does not have a valid driver license or has had a driver license revoked or suspended
17 for a period of one year or longer;

18 (C) Does not have proof of registration for the vehicle for hire that the individual uses
19 or intends to use to provide rides for hire;

20 (D) Does not have evidence of coverage under an automobile liability insurance policy or
21 other liability insurance policy that is required under sections 1 to 9 of this 2019 Act or any
22 applicable rule, ordinance, regulation or other law and that is appropriate for the vehicle for
23 hire that the individual intends to use to provide rides for hire;

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

28 (i) Failing to obey a police officer, as described in ORS 811.535;

29 (ii) Careless driving, as described in ORS 811.135; or

30 (iii) Violation driving while suspended or revoked, as described in ORS 811.175, within the
31 three years before the date of the individual's application under subsection (1) of this section;

32 (F) Was convicted of any felony within the 10 years before the date of the individual's
33 application under subsection (1) of this section;

34 (G) Was convicted at any time of a felony that involved inflicting bodily harm or an at-
35 tempt to inflict bodily harm on another person;

36 (H) Matches a listing in the United States Department of Justice National Sex Offender
37 Public Website;

38 (I) Was convicted of menacing, as described in ORS 163.190;

39 (J) Was convicted, in the five years before the date of the individual's application under
40 subsection (1) of this section, of:

41 (i) Any misdemeanor that involved theft, robbery, burglary, assault, a sex crime,
42 prostitution or possession or distribution of a prohibited drug or weapon;

43 (ii) Driving under the influence of intoxicants, as described in ORS 813.010;

44 (iii) Reckless driving, as described in ORS 811.140;

45 (iv) Fleeing or attempting to elude a police officer, as described in ORS 811.540;

1 (v) Criminal driving while suspended or revoked, as described in ORS 811.182; or

2 (vi) Failure to perform the duties of a driver when property is damaged, as described in
3 ORS 811.700.

4 (b) Immediately after receiving a report from a vehicle-for-hire service, a law enforce-
5 ment agency or another regulatory agency that an individual to whom the department or a
6 local government issued a temporary or provisional license or other authorization under
7 subsection (3) of this section does not qualify as a hired driver under paragraph (a) of this
8 subsection, the department or the local government shall terminate or revoke the
9 individual's license and the vehicle-for-hire service shall prohibit the individual from provid-
10 ing rides for hire.

11 (5)(a) A hired driver, or the vehicle-for-hire service with which the hired driver is asso-
12 ciated, shall report in writing to the department or the local government of each jurisdiction
13 in which the hired driver provides rides for hire any formal charges against the hired driver
14 for a crime, infraction or other offense. The hired driver or vehicle-for-hire service shall
15 make the report within two business days after learning of the formal charge.

16 (b) The department or a local government may immediately suspend any license or other
17 authorization for a hired driver to provide rides for hire within the jurisdiction for which the
18 license or other authorization was issued pending the outcome of any formal charges re-
19 ported under paragraph (a) of this subsection if the department or the local government de-
20 termines that the seriousness of the charge means that the hired driver's continuing to
21 provide rides for hire presents a significant risk to public safety.

22 **SECTION 6.** (1)(a) A taxi company shall obtain and keep in force at all times during
23 which a hired driver remains an employee of or under contract with the taxi company a
24 primary automobile insurance policy that provides the coverage described in subsection (2)
25 of this section for the hired driver and the taxi the hired driver uses to provide rides for hire.

26 (b) A transportation network company or a hired driver, or the transportation network
27 company and the hired driver in combination, shall obtain and keep in force at all times
28 during which the hired driver remains an employee of or under contract with the transpor-
29 tation network company a primary automobile insurance policy that provides the coverage
30 described in subsection (3) of this section for the hired driver and the transportation network
31 vehicle that the hired driver uses to provide rides for hire.

32 (2) The primary automobile insurance policy required under subsection (1)(a) of this
33 section must provide at all times:

34 (a) Liability coverage with a combined single limit of not less than \$500,000 for claims
35 arising out of, but not limited to, death, bodily injury and property damage that occurs dur-
36 ing any period in which the hired driver provided a ride for hire or was available to provide
37 a ride for hire, including by means of a street hail;

38 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
39 742.510, except that, notwithstanding any coverage limit specified in ORS 742.500 to 742.506,
40 742.508 or 742.510, the automobile insurance policy must have a coverage limit of not less
41 than \$500,000; and

42 (c) Personal injury protection benefits that, notwithstanding the definition of "personal
43 injury protection benefits" in ORS 742.518, provide coverage in amounts not less than the
44 amounts required for private passenger vehicles under ORS 742.518 to 742.542.

45 (3) The primary automobile insurance policy required under subsection (1)(b) of this

1 section must provide:

2 (a) Liability coverage with the following limits:

3 (A) Coverage with a combined single limit of not less than \$50,000 for each injury or
4 death of a person, \$100,000 for each incident of an injury or death and \$25,000 for property
5 damage at all times during which the hired driver has connected to a digital network and is
6 available to accept an electronic hail but before the hired driver has actually accepted an
7 electronic hail; and

8 (B) Coverage with a combined single limit of \$1 million for claims arising out of, but not
9 limited to, death, bodily injury and property damage that occurs during any period in which
10 the hired driver provides a ride for hire or has accepted an electronic hail and is traveling
11 to the location where the ride for hire will begin;

12 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
13 742.510, except that, notwithstanding any coverage limit specified in ORS 742.500 to 742.506,
14 742.508 or 742.510, the automobile insurance policy must have coverage with the following
15 limits:

16 (A) Coverage with a combined single limit of not less than \$50,000 for each injury or
17 death of a person and \$100,000 for each incident of an injury or death at all times during
18 which the hired driver has connected to a digital network and is available to accept an elec-
19 tronic hail but before the hired driver has actually accepted an electronic hail; and

20 (B) Coverage with a combined single limit of \$1 million for claims arising out of, but not
21 limited to, death or bodily injury that occurs during any period in which the hired driver
22 provides a ride for hire or has accepted an electronic hail and is traveling to the location
23 where the ride for hire will begin; and

24 (c) Personal injury protection benefits that, notwithstanding the definition of “personal
25 injury protection benefits” in ORS 742.518, provide coverage in amounts not less than the
26 amounts required for private passenger vehicles under ORS 742.518 to 742.542.

27 (4) If the primary automobile insurance policy that a hired driver must obtain and keep
28 in force under subsection (1)(b) of this section has lapsed or does not provide the coverage
29 required under subsection (3) of this section, the transportation network company that em-
30 ploys the hired driver or contracts with the hired driver to provide rides for hire shall pro-
31 vide the required coverage beginning with the first dollar of any claim. The transportation
32 network company’s insurer has a duty to defend against the claim.

33 (5) An automobile insurance policy that a vehicle-for-hire service or a hired driver
34 maintains under this section may not require as a condition of providing coverage that the
35 insurer deny a claim.

36 (6) A vehicle-for-hire service or hired driver may obtain automobile insurance coverage
37 that meets the requirements of this section only from:

38 (a) An insurer that has a certificate of authority to transact insurance in this state that
39 the Director of the Department of Consumer and Business Services issued under ORS
40 731.402; or

41 (b) An eligible surplus lines insurer, as defined in ORS 735.405, that has a credit rating
42 that is not less than a rating that the director specifies by rule.

43 (7) An automobile insurance policy that meets the requirements set forth in this section
44 satisfies the financial or future responsibility requirements for motor vehicles that are set
45 forth in ORS chapter 806.

1 (8) A hired driver shall comply with ORS 806.011 at all times during which the hired
2 driver provides a ride for hire or is available to provide a ride for hire.

3 (9)(a) If an accident occurs at a time during which a hired driver is providing a ride for
4 hire or is available to provide a ride for hire, the hired driver shall give all required infor-
5 mation about the automobile insurance policy to directly interested parties and insurers and
6 to investigating police officers.

7 (b) If an investigating police officer asks, a hired driver shall disclose to the police officer
8 whether at the time of the accident the hired driver was providing a ride for hire or was
9 available to provide a ride for hire but not engaged in providing a ride for hire.

10 (10) A vehicle-for-hire service or a hired driver shall have the vehicle for hire that the
11 hired driver uses to provide rides for hire inspected at least every 12 months in accordance
12 with any requirements imposed by the Department of Transportation or the local govern-
13 ment that licensed or otherwise authorized the vehicle-for-hire service.

14 **SECTION 7.** (1) An insurer may deny or exclude from an automobile insurance policy any
15 and all coverage for a loss or injury that occurs while the insured is providing a ride for hire
16 or is available to provide a ride for hire. Notwithstanding the provisions of ORS chapter 806,
17 coverage that an insurer may exclude under the circumstances described in this subsection
18 includes, but is not limited to:

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

20 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
21 742.510;

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

24 (d) Coverage for medical payments;

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

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

27 (2) An insurer that denies or excludes coverage under this section does not have a duty
28 to indemnify any party or defend against a claim brought against a vehicle-for-hire service
29 or hired driver to the extent that the insurer denied or excluded coverage for the claim.

30 (3) This section does not limit or invalidate an exclusion of the type described in sub-
31 section (1) of this section that existed in an automobile insurance policy before the operative
32 date of sections 1 to 9 of this 2019 Act.

33 (4) An insurer that defends against a claim or indemnifies a party after denying or ex-
34 cluding coverage for the claim has a right of contribution against any other insurer that
35 provides coverage to a hired driver under section 6 of this 2019 Act.

36 (5) A vehicle-for-hire service shall cooperate fully with an investigation of an accident
37 that involves a hired driver and shall provide in response to a request from a party involved
38 in the accident, an insurer or an investigating police officer the precise times during which
39 the hired driver was providing a ride for hire or was available to provide a ride for hire
40 during a period that begins 12 hours before the time of the accident and ends 12 hours after
41 the time of the accident.

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

45 (7) This section does not require an insurer to refer to this section or to use specific

1 language to deny or exclude coverage as provided in this section.

2 (8) This section does not preclude an insurer from providing primary or excess automo-
3 bile insurance coverage for a vehicle for hire if the insurer contracts with a hired driver to
4 provide the coverage or if the insurer provides the coverage by endorsement on the hired
5 driver's automobile insurance policy.

6 **SECTION 8.** (1) A vehicle-for-hire service or a hired driver shall comply with and may
7 not engage in any deceptive practice to evade a provision or requirement of sections 1 to 9
8 of this 2019 Act. A practice is deceptive if the vehicle-for-hire service or the hired driver
9 employs the practice with the intent to mislead the Department of Transportation or a local
10 government with respect to a material element of the provision or requirement or with re-
11 spect to an action to enforce or attempt to enforce the provision or requirement.

12 (2) The department or a local government may impose a fine or other penalty in ac-
13 cordance with any rule, ordinance, regulation or other law the department or the local gov-
14 ernment enacts or adopts for the purpose of enforcing sections 1 to 9 of this 2019 Act or any
15 rule, ordinance, regulation or other law the department or the local government enacts or
16 adopts with respect to individuals, entities or matters that are subject to sections 1 to 9 of
17 this 2019 Act.

18 **SECTION 9.** (1) The Department of Transportation, for the purpose of administering the
19 provisions of sections 1 to 9 of this 2019 Act, may by rule impose on a vehicle-for-hire service
20 a fee for each ride for hire that a hired driver provides in jurisdictions for which the de-
21 partment issued a license or other authorization under section 2 of this 2019 Act.

22 (2) The Vehicle for Hire Service Fund is established in the State Treasury, separate and
23 distinct from the General Fund. Interest earned by the Vehicle for Hire Service Fund shall
24 be credited to the fund. The fund consists of moneys deposited in the fund under this section.
25 Moneys in the fund are continuously appropriated to the department for the purposes de-
26 scribed in subsection (1) of this section.

27 (3) A vehicle-for-hire service, not later than 45 days after the end of each calendar
28 quarter, shall remit to the department the fees the vehicle-for-hire service collected under
29 subsection (1) of this section. The department shall deposit the fees into the Vehicle for Hire
30 Service Fund.

31 (4) The department may adopt rules to carry out the provisions of sections 1 to 9 of this
32 2019 Act.

33 **SECTION 10.** ORS 221.485 is amended to read:

34 221.485. The Legislative Assembly finds and declares that privately owned taxicabs, limousines,
35 **transportation network vehicles as defined in section 1 of this 2019 Act** and other vehicles for
36 hire are a vital part of the transportation system within this state and provide necessary services
37 in response to the needs of state residents, tourists and business representatives from outside this
38 state. Consequently, the safety and reliability of such vehicles and the economic well-being and
39 stability of their owners and operators are matters of public concern. The regulation of such vehi-
40 cles is an essential government function and, therefore, it is the intent of the Legislative Assembly
41 to reaffirm the authority of political subdivisions in this state to regulate the operation of privately
42 owned taxicabs, limousines, **transportation network vehicles** and other vehicles for hire and to
43 exempt such regulation from liability under federal antitrust laws.

44 **SECTION 11.** (1) Sections 1 to 9 of this 2019 Act and the amendments to ORS 221.485 by
45 section 10 of this 2019 Act become operative on January 1, 2020.

1 **(2) The Director of the Department of Consumer and Business Services, the Department**
2 **of Transportation and a local government may adopt, as appropriate, rules, regulations, or-**
3 **dinances or other laws and take any other action before the operative date specified in sub-**
4 **section (1) of this section that is necessary to enable the director, the department or the**
5 **local government, on or after the operative date specified in subsection (1) of this section,**
6 **to exercise all of the duties, functions and powers conferred on the director, the department**
7 **or the local government by sections 1 to 9 of this 2019 Act and the amendments to ORS**
8 **221.485 by section 10 of this 2019 Act.**

9 **SECTION 12. This 2019 Act takes effect on the 91st day after the date on which the 2019**
10 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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