

House Bill 3379

Sponsored by Representative HOLVEY, Senator PROZANSKI; Representatives DOHERTY, LIVELY, 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 **as introduced**.

Permits local government to license and regulate vehicle-for-hire services and hired drivers. 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 ordinance, regulation or other law that applies in jurisdiction in which vehicle-for-hire service operates. Authorizes 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 local government if 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.

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
3 646.607; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 8 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**
14 **public in exchange for compensation.**

15 (4) **“Public passenger” means a member of the public who obtains a ride for hire in ex-**
16 **change for compensation.**

17 (5) **“Ride for hire” means transportation that a hired driver provides to a public passen-**
18 **ger.**

19 (6)(a) **“Street hail” means a method for requesting a ride for hire in which a member of**
20 **the public signals directly to a hired driver using a visible, audible or otherwise physically**
21 **perceptible signal.**

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

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

4 (A) A hired driver:

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

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

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

10 (C) A local government regulates as a taxi under a local ordinance, regulation or other
11 local law.

12 (b) "Taxi" does not include:

13 (A) A transportation network vehicle;

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

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

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

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

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

24 (A) A hired driver:

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

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

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

30 (C) A local government regulates as a transportation network vehicle under a local or-
31 dinance, regulation or other local law.

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

33 (A) A taxi;

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

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

36 (11) "Vehicle for hire" means a taxi, a transportation network vehicle or another vehicle
37 of any description by means of which members of the public may request transportation in
38 exchange for compensation.

39 (12) "Vehicle-for-hire service" means a taxi company, a transportation network company
40 or a person that otherwise engages in the business of providing vehicles for hire.

41 SECTION 2. (1)(a) Subject to the requirements set forth in sections 1 to 8 of this 2019
42 Act, a local government may:

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

45 (B) Regulate the operations of the vehicle-for-hire service, and a hired driver's provision

1 of rides for hire, within the local government's jurisdiction; and

2 (C) Establish and collect fees or surcharges from the vehicle-for-hire service for purposes
3 the local government specifies in an ordinance, regulation or other local law.

4 (b) A local government that does not under paragraph (a) of this subsection issue a li-
5 cense or other authorization or regulate a vehicle-for-hire service or a hired driver's pro-
6 vision of rides for hire may enter into an intergovernmental agreement with another local
7 government in accordance with ORS chapter 190, under which the local government accepts
8 the other local government's license or other authorization and regulations as the local
9 government's own authorization for a vehicle-for-hire service to operate, and for a hired
10 driver to provide rides for hire, within the local government's jurisdiction.

11 (2) A person may not engage in business as a vehicle-for-hire service, and a hired driver
12 may not provide a ride for hire, except in accordance with sections 1 to 8 of this 2019 Act
13 and any ordinance, regulation or other law under which a local government issues a license
14 or other authorization to, or otherwise regulates, the vehicle-for-hire service or the hired
15 driver.

16 (3) A transportation network company may not accept a request from a member of the
17 public to begin a ride for hire, and a hired driver associated with a transportation network
18 company may not begin to provide a ride for hire to a member of the public, unless the
19 transportation network company has a license or other authorization from a local govern-
20 ment to operate within the local government's jurisdiction.

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

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

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

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

30 **SECTION 3.** (1) An applicant for a license or other authorization that a local government
31 requires under section 2 (2) of this 2019 Act, at a minimum, shall:

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

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

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

40 (d) Pay any fee, charge, surcharge, tax, penalty, fine or other amount the local govern-
41 ment requires or, if applicable, that a state agency requires, from the applicant under any
42 ordinance, regulation, rule or other law before the local government issues a license or other
43 authorization to operate as a vehicle-for-hire service.

44 (2) A local government may specify conditions for issuing any license or other authori-
45 zation the local government requires under section 2 (2) of this 2019 Act that are in addition

1 to the conditions set forth in sections 1 to 8 of this 2019 Act. The local government may also
 2 specify regulations for the operation of a vehicle-for-hire service that are in addition to the
 3 regulations specified in sections 1 to 8 of this 2019 Act.

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

5 (a) Maintain, for a period of not less than three years after the date on which a hired
 6 driver provides a ride for hire, a record of the ride for hire with the contents and in the form
 7 or format specified in all applicable local ordinances, regulations or laws. The record, at a
 8 minimum, must:

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

11 (B) Include any other information that any applicable local ordinance, regulation or other
 12 law requires, such as:

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

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

16 (iii) The distance the hired driver traveled from the point at which the hired driver be-
 17 came available to accept a request for a ride for hire to the point at which the ride for hire
 18 ended;

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

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

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

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

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

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

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

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

36 (D) Any charge or conviction of the hired driver for a criminal offense that involved
 37 theft, robbery, burglary, assault, a sex crime, drugs or prostitution and any restriction,
 38 suspension or revocation of the hired driver's driver license; and

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

42 (c) Maintain for a period of two years after the date of a complaint against a hired driver
 43 a complete record of the complaint, of any investigation the vehicle-for-hire service con-
 44 ducted and of the resolution at which the vehicle-for-hire service arrived. The record must
 45 conform to any requirements a local government imposes with respect to form, format and

1 contents and, at a minimum, must:

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

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

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

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

9 (d) Comply with any requirements in a local government ordinance, regulation or other
10 law to provide equal services to individuals with physical disabilities, including any prohibi-
11 tion on a vehicle-for-hire service's:

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

14 (B) Charging a rate or price to a public passenger with a physical disability that varies
15 from the rate or price the vehicle-for-hire service charges a public passenger without a
16 physical disability; or

17 (C) Varying the rate or price for a ride for hire that the vehicle-for-hire service provides
18 to a public passenger with a physical disability based on the time at which the ride for hire
19 occurs, the location from which the ride for hire begins or at which the ride for hire ends
20 or on any other basis that would not apply equally to a ride for hire that the vehicle-for-hire
21 service provides to a public passenger without a physical disability.

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

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

27 (B) A state agency, if the state agency by rule specifies the data the vehicle-for-hire
28 service must share and the state agency's rule takes into account the capability that the
29 vehicle-for-hire service has to collect and supply the data.

30 (2) This section does not prevent a local government from requiring by ordinance, regu-
31 lation or other law that a vehicle-for-hire service maintain records other than the records
32 described in this section.

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

35 (A) Lists the individual's:

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

37 (ii) Current physical address;

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

40 (iv) Date and place of birth;

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

42 (vi) Driver license number;

43 (vii) Social Security number; and

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

45 (B) Includes the policy number for any automobile liability insurance policy that covers

1 any motor vehicle that the individual intends to use to provide rides for hire.

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

6 (c) A vehicle-for-hire service shall forward to a law enforcement agency, or other regu-
 7 latory agency that a local government specifies in an ordinance, regulation or other law, the
 8 completed application of any individual whom the vehicle-for-hire service intends to engage
 9 as a hired driver.

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

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

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

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

16 (ii) Searches the United States Department of Justice National Sex Offender Public
 17 Website for a match between a listing on the website and the information the applicant
 18 submits under subsection (1) of this section.

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

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

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

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

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

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

35 (D) Does not have evidence of coverage under an automobile liability insurance policy or
 36 other liability insurance policy that is required under sections 1 to 8 of this 2019 Act or any
 37 applicable ordinance, regulation or other law and that is appropriate for the vehicle for hire
 38 that the individual intends to use to provide rides for hire;

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

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

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

45 (iii) Violation driving while suspended or revoked, as described in ORS 811.175, within the

1 three years before the date of the individual's application under subsection (1) of this section;

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

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

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

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

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

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

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

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

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

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

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

19 (b) Immediately after receiving a report from a vehicle-for-hire service, a law enforce-
20 ment agency or another regulatory agency that an individual to whom a local government
21 issued a temporary or provisional license or other authorization under subsection (3) of this
22 section does not qualify as a hired driver under paragraph (a) of this subsection, the local
23 government shall terminate or revoke the individual's license and the vehicle-for-hire service
24 shall prohibit the individual from providing rides for hire.

25 (5)(a) A hired driver, or the vehicle-for-hire service with which the hired driver is asso-
26 ciated, shall report in writing to the local government of each jurisdiction in which the hired
27 driver provides rides for hire any formal charges against the hired driver for a crime, in-
28 fraction or other offense. The hired driver or vehicle-for-hire service shall make the report
29 within two business days after learning of the formal charge.

30 (b) A local government may immediately suspend any license or other authorization for
31 a hired driver to provide rides for hire within the local government's jurisdiction pending the
32 outcome of any formal charges reported under paragraph (a) of this subsection if the local
33 government determines that the seriousness of the charge means that the hired driver's
34 continuing to provide rides for hire presents a significant risk to public safety.

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

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

45 (2) The primary automobile insurance policy required under subsection (1)(a) of this

1 section must provide at all times:

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

6 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
 7 742.510; and

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

11 (3) The primary automobile insurance policy required under subsection (1)(b) of this
 12 section must provide:

13 (a) Liability coverage with the following limits:

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

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

23 (C) Coverage with a combined single limit of \$300,000 for claims arising out of, but not
 24 limited to, death, bodily injury and property damage that occurs at any time:

25 (i) After a ride for hire has ended and the hired driver remains connected to a digital
 26 network and available to accept another electronic hail; and

27 (ii) During a period that ends one hour after the hired driver has disconnected from the
 28 digital network, if during the period the hired driver does not reconnect to the digital net-
 29 work and is not otherwise available to accept an electronic hail;

30 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and
 31 742.510; and

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

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

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

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

1 (a) An insurer that has a certificate of authority to transact insurance in this state that
 2 the Director of the Department of Consumer and Business Services issued under ORS
 3 731.402; or

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

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

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

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

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

18 (10) A vehicle-for-hire service or a hired driver shall have the vehicle for hire that the
 19 hired driver uses to provide rides for hire inspected at least every 12 months in accordance
 20 with any requirements imposed by the local government of the jurisdiction in which the hired
 21 driver provides rides for hire.

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

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

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

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

32 (d) Coverage for medical payments;

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

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

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

38 (3) This section does not limit or invalidate an exclusion of the type described in sub-
 39 section (1) of this section that existed in an automobile insurance policy before the operative
 40 date of sections 1 to 8 of this 2019 Act.

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

44 (5) A vehicle-for-hire service shall cooperate fully with an investigation of an accident
 45 that involves a hired driver and shall provide in response to a request from a party involved

1 in the accident, an insurer or an investigating police officer the precise times during which
 2 the hired driver was providing a ride for hire or was available to provide a ride for hire
 3 during a period that begins 12 hours before the time of the accident and ends 12 hours after
 4 the time of the accident.

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

8 (7) This section does not require an insurer to refer to this section or to use specific
 9 language to deny or exclude coverage as provided in this section.

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

14 **SECTION 8.** (1) A vehicle-for-hire service or a hired driver shall comply with and may
 15 not engage in any deceptive practice to evade a provision or requirement of sections 1 to 8
 16 of this 2019 Act. A practice is deceptive if the vehicle-for-hire service or the hired driver
 17 employs the practice with the intent to mislead a local government with respect to a mate-
 18 rial element of the provision or requirement or with respect to an action to enforce or at-
 19 tempt to enforce the provision or requirement.

20 (2) A local government may impose a fine or other penalty in accordance with any ordi-
 21 nance, regulation or other law the local government enacts or adopts for the purpose of en-
 22 forcing sections 1 to 8 of this 2019 Act or any ordinance, regulation or other law the local
 23 government enacts or adopts with respect to individuals, entities or matters that are subject
 24 to sections 1 to 8 of this 2019 Act.

25 (3) A violation of a provision of sections 1 to 8 of this 2019 Act is an unlawful trade
 26 practice under ORS 646.607 that the Attorney General or a prosecuting attorney, in addition
 27 to and not in lieu of any fine or penalty a local government imposes under subsection (2) of
 28 this section, may enforce under ORS 646.632.

29 **SECTION 9.** ORS 646.607 is amended to read:

30 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
 31 vocation or occupation the person:

32 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real
 33 estate, goods or services, or collecting or enforcing an obligation;

34 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a
 35 customer's request, fails to refund money that the customer gave to the person to purchase the
 36 undelivered real estate, goods or services and that the person does not retain pursuant to any right,
 37 claim or defense the person may assert in good faith. This subsection does not create a warranty
 38 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered
 39 to a customer;

40 (3) Violates ORS 401.965 (2);

41 (4) Violates a provision of ORS 646A.725 to 646A.750;

42 (5) Violates ORS 646A.530;

43 (6) Employs a collection practice that is unlawful under ORS 646.639;

44 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2);

45 (8) Violates ORS 646A.093;

1 (9) Violates a provision of ORS 646A.600 to 646A.628;

2 (10) Violates ORS 646A.808 (2);

3 (11) Violates ORS 336.184; [or]

4 (12) Publishes on a website related to the person's business, or in a consumer agreement related
5 to a consumer transaction, a statement or representation of fact in which the person asserts that
6 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
7 delete or dispose of information that the person requests, requires or receives from a consumer and
8 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
9 that is materially inconsistent with the person's statement or representation[.]; or

10 (13) Violates a provision of sections 1 to 8 of this 2019 Act.

11 **SECTION 10.** (1) Sections 1 to 8 of this 2019 Act and the amendments to ORS 646.607 by
12 section 9 of this 2019 Act become operative on January 1, 2020.

13 (2) The Director of the Department of Consumer and Business Services and a local gov-
14 ernment may adopt, as appropriate, rules, regulations, ordinances or other laws and take any
15 other action before the operative date specified in subsection (1) of this section that is nec-
16 essary to enable the director or the local government, on or after the operative date specified
17 in subsection (1) of this section, to exercise all of the duties, functions and powers conferred
18 on the director or the local government by sections 1 to 8 of this 2019 Act and the amend-
19 ments to ORS 646.607 by section 9 of this 2019 Act.

20 **SECTION 11.** This 2019 Act takes effect on the 91st day after the date on which the 2019
21 regular session of the Eightieth Legislative Assembly adjourns sine die.

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