

# B-Engrossed House Bill 3023

Ordered by the House June 7  
Including House Amendments dated April 16 and June 7

Sponsored by Representatives MCLAIN, CLEM, BYNUM; Representatives BARKER, BARRETO, BOSHAART DAVIS, LEIF, NEARMAN, POST, SCHOUTEN, SOLLMAN, WILSON, Senators HANSELL, HEARD, ROBLAN, THOMSEN

## 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.

Requires transportation network company that operates in this state to obtain license from Department of Transportation. Requires department to establish licensing **and regulatory** program by rule and specifies conditions for obtaining license.

Requires transportation network company to keep certain records and to make certain disclosures to participating drivers and riders. Requires transportation network company to conduct criminal background check on individuals who apply to become participating drivers and to deny applications based on specified criteria. **Requires transportation network company to perform criminal background check each year after engaging participating driver.**

Requires transportation network company to adopt, and oblige participating drivers to follow, certain policies.

Specifies automobile insurance coverage requirements for participating drivers. Permits insurers to exclude coverage for activities in which individual engages as participating driver.

Permits department each quarter to inspect random sample of **certain** records that transportation network company maintains solely for purpose of verifying that transportation network company is complying with Act and to investigate and resolve complaint against transportation network company or participating driver. **Permits department to inspect additional records if department determines that transportation network company is not in compliance.** Requires transportation network company to bar participating driver from digital network if transportation network company substantiates certain complaints against participating driver. **Permits transportation network company to share certain information with department or local government for purposes of transportation planning.**

Permits [*local law enforcement*] **department to enter into intergovernmental agreement with state agency or local government** to enforce certain provisions of Act under specified conditions. **Requires department to specify by rule guidelines for enforcement. Permits department to impose by rule fee that is sufficient, when aggregated, to meet expenses that state agencies and local governments incur for enforcement.** Permits department to impose fee of 10 cents per ride for enforcement activities in jurisdictions with which department does not have intergovernmental agreement. Permits department to collect [*fee to disburse to local governments for enforcement and separate fees*] **other fees** for administering provisions of Act and for deploying charging stations and related infrastructure for electric vehicles throughout state. **Sunsetts fee for charging stations and related infrastructure for electric vehicles on January 1, 2026.** Permits local government to charge fee for purpose of establishing and implementing transportation program for people who use wheelchairs.

Permits department to impose civil penalty for violation of provisions of 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 transportation network companies; creating new provisions; amending ORS 825.017; and  
3 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 15 of this 2019 Act:**

6 (1) **“Digital network” means a method for requesting a prearranged ride from a partic-**  
7 **ipating driver using a software application, a website or another Internet-based electronic**

**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 technology that a transportation network company provides.

2 (2) "Participating driver" means an individual who:

3 (a) Receives a request through a digital network from a rider for a prearranged ride; and

4 (b) Offers or provides a prearranged ride to a rider in exchange for a fee that the rider  
5 pays.

6 (3) "Prearranged ride" means transportation that a rider requests from a participating  
7 driver by means of a digital network that:

8 (a) Begins at the time a participating driver accepts a rider's request for transportation;

9 (b) Continues at any time during which the participating driver transports the rider and  
10 any other individual for whom the rider also requests transportation; and

11 (c) Ends at a destination chosen by the rider or any other individual for which the rider  
12 also requests transportation and at the time that the rider, or the last individual for whom  
13 the rider requests transportation, exits the participating driver's transportation network  
14 company vehicle.

15 (4) "Rider" means an individual who uses a digital network to request a prearranged ride  
16 from a participating driver.

17 (5) "Transportation network company" means a corporation, association, partnership,  
18 limited liability company, limited liability partnership or other legal entity that operates a  
19 digital network in this state by means of which a participating driver receives a request from  
20 a rider for a prearranged ride.

21 (6)(a) "Transportation network company vehicle" means a motor vehicle that a partic-  
22 ipating driver:

23 (A) Owns, leases or has authorization to use; and

24 (B) Actually uses to offer or provide prearranged rides to riders.

25 (b) "Transportation network company vehicle" does not include:

26 (A) A taxicab, limousine or other vehicle for hire that is subject to a city's or county's  
27 regulation under ORS 221.495 or other applicable laws of this state, administrative rules, or  
28 city or county ordinances, resolutions or other measures; or

29 (B) A commercial vehicle, as defined in ORS 826.001, that the Department of Transpor-  
30 tation registers, licenses or regulates under provisions of law other than sections 1 to 15 of  
31 this 2019 Act or rules the department adopts under sections 1 to 15 of this 2019 Act.

32 **SECTION 2.** (1) Notwithstanding any other law to the contrary and except as provided in  
33 subsection (2) of this section and section 15 of this 2019 Act, a transportation network com-  
34 pany or participating driver is subject to exclusive regulation under sections 1 to 15 of this  
35 2019 Act and is not subject to regulation or taxation as a taxicab, limousine, commercial  
36 vehicle, carrier, as defined in ORS 825.005, common carrier or contract carrier or to a local  
37 governmental entity's regulation of the rates the transportation network company charges  
38 or to any other requirements the local governmental entity may impose as a condition of  
39 operation within the local governmental entity's jurisdiction.

40 (2) Sections 1 to 15 of this 2019 Act do not:

41 (a) Prevent a local government from enforcing an ordinance, resolution or other law that  
42 applies generally and that regulates traffic or provides for public safety; and

43 (b) Prohibit an airport or other transportation authority from:

44 (A) Charging a transportation network company a fee for using the airport or other  
45 transportation facility if the fee is comparable with fees the airport or other transportation

1 facility charges to other persons that provide ground transportation;

2 (B) Entering into a contract, lease or other agreement with a transportation network  
3 company for operations on the airport's or other transportation facility's property; or

4 (C) Designating locations for picking up passengers or conducting related operations.

5 **SECTION 3.** (1)(a) Except as provided in paragraph (b) of this subsection, a transporta-  
6 tion network company may not engage in business in this state unless the transportation  
7 network company first obtains a license from the Department of Transportation.

8 (b) A transportation network company that operated before the operative date of sections  
9 1 to 15 of this 2019 Act under a local government ordinance, resolution or other regulation  
10 may continue to operate under the ordinance, resolution or regulation without first obtaining  
11 a license from the department until:

12 (A) The department adopts by rule and implements a licensing and regulatory program  
13 under sections 1 to 15 of this 2019 Act; and

14 (B) The date that the department specifies for obtaining a license under the rules de-  
15 scribed in subparagraph (A) of this paragraph.

16 (2) The department by rule shall implement a licensing and regulatory program for  
17 transportation network companies that complies with the provisions of sections 1 to 15 of  
18 this 2019 Act. At a minimum, an applicant for a license must:

19 (a) Submit to the department a certificate of existence or certificate of authorization  
20 from the Secretary of State that affirms that the applicant is a business entity that is reg-  
21 istered in this state or authorized to transact business in this state; and

22 (b) Identify the name and street address of the applicant's registered agent in this state.

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

24 (A) Meets the requirements specified in sections 1 to 15 of this 2019 Act and rules the  
25 department adopts under sections 1 to 15 of this 2019 Act; and

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

27 (b) A license the department issues under this subsection expires at the end of the cal-  
28 endar year in which the department issued or renewed the license.

29 (c) The department may renew a license to operate as a transportation network company  
30 in each subsequent year after the department issues an initial license if a licensee continues  
31 to meet the requirements of sections 1 to 15 of this 2019 Act and if the licensee each year  
32 pays the fee specified in this subsection.

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

34 (a) Maintain a record of each prearranged ride that a participating driver provides after  
35 receiving a request by means of the transportation network company's digital network. The  
36 transportation network company shall maintain the record for a period of not less than  
37 seven years after the date of the prearranged ride.

38 (b) Maintain records of each participating driver who received a request for a prear-  
39 ranged ride by means of the transportation network company's digital network. The trans-  
40 portation network company shall maintain each record for a period of not less than seven  
41 years after the date on which the participating driver last received a request for a prear-  
42 ranged ride.

43 (c) Require a participating driver, while providing a prearranged ride, to:

44 (A) Use a transportation network company vehicle that meets any applicable safety and  
45 emissions standards for motor vehicles in the jurisdiction in which the transportation net-

1 work company vehicle is registered;

2 (B) Provide to the transportation network company on a form the Department of  
3 Transportation specifies by rule, before the participating driver begins providing prearranged  
4 rides, a written report that shows that any transportation network company vehicle the  
5 participating driver intends to use with an odometer that registers more than 10,000 miles,  
6 or that is more than one year old as of the date on which the participating driver will provide  
7 a prearranged ride, has undergone and passed an annual safety inspection that must include  
8 the following components of the transportation network company vehicle:

- 9 (i) Brakes;
- 10 (ii) The steering mechanism;
- 11 (iii) Windows and other glass, including all interior and exterior mirrors;
- 12 (iv) Windshield wipers;
- 13 (v) Headlights, tail lights, brake lights and turn signal lights;
- 14 (vi) The adjustment mechanisms for the front seat or seats;
- 15 (vii) Doors;
- 16 (viii) The horn;
- 17 (ix) The speedometer;
- 18 (x) The bumpers;
- 19 (xi) The muffler and exhaust system;
- 20 (xii) Tires, including the tread depth of the tires; and
- 21 (xiii) Safety belts;

22 (C) Display consistently at all times during which the participating driver is connected  
23 to a digital network and available to provide prearranged rides, or is providing prearranged  
24 rides, a distinctive sign or emblem in a form that the department approves and that:

- 25 (i) Is sufficiently large and has a sufficient contrast in any colors used so as to enable a  
26 person to read the sign or emblem from a distance of at least 50 feet in daylight;
- 27 (ii) Is reflective, illuminated or otherwise visible in darkness;
- 28 (iii) Identifies the transportation network company with which the participating driver  
29 is associated; and
- 30 (iv) Does not display the words “taxi,” “taxi cab” or “cab”; and

31 (D) Refrain from displaying a light or sign on top of the transportation network company  
32 vehicle with any of the words set forth in subparagraph (C)(iv) of this paragraph, from using  
33 a taxi meter or taxi plate or from otherwise attempting to indicate that the transportation  
34 network company vehicle is a taxi.

35 (d) Prohibit a participating driver from providing a prearranged ride in a transportation  
36 network company vehicle that is more than 10 years old as of the date on which the partic-  
37 ipating driver last provided a prearranged ride.

38 (e) Provide in writing to a participating driver, before permitting the participating driver  
39 to obtain a request for a prearranged ride from the transportation network company’s digital  
40 network, a statement that:

41 (A) Specifies the type, amount, limits and exclusions and any other relevant information  
42 for any automobile insurance coverage the transportation network company provides to the  
43 participating driver while the participating driver uses a transportation network company  
44 vehicle to provide prearranged rides or is connected to the transportation network  
45 company’s digital network and available to provide prearranged rides; and

1       **(B) Notifies the participating driver that an automobile insurance policy for a transpor-**  
2 **tation network company vehicle might not provide coverage during times in which the par-**  
3 **ticipating driver uses the transportation network company vehicle to provide prearranged**  
4 **rides or is connected to the transportation network company's digital network and available**  
5 **to provide prearranged rides.**

6       **(f) Display, on the transportation network company's website or in any interface to the**  
7 **transportation network company's digital network, a picture of a participating driver and the**  
8 **license plate number for the transportation network company vehicle the participating driver**  
9 **will use to provide the prearranged ride. The transportation network company shall ensure**  
10 **that the picture and license plate number is available to the rider before the rider enters into**  
11 **the participating driver's transportation network company vehicle.**

12       **(g) Disclose, before a rider accepts a prearranged ride, in a display on the transportation**  
13 **network company's website or in any interface to the transportation network company's**  
14 **digital network:**

15       **(A) The rate or method by which the transportation network company calculates the fee**  
16 **for the prearranged ride; and**

17       **(B) An estimate of the total fee for the prearranged ride, if the rider requests an esti-**  
18 **mate.**

19       **(h) Transmit to a rider, within 24 hours after a prearranged ride ends, an electronic re-**  
20 **ceipt that lists:**

21       **(A) The locations at which the prearranged ride began and ended;**

22       **(B) The total distance that the rider traveled during the prearranged ride and the total**  
23 **time that the prearranged ride took; and**

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

25       **(2) The department by rule shall specify the information that a transportation network**  
26 **company must keep in records the transportation network company maintains under sub-**  
27 **section (1)(a) and (b) of this section.**

28       **SECTION 5. (1) An individual who intends to become a participating driver shall submit**  
29 **an application to a transportation network company that:**

30       **(a) Lists the individual's name, address, age and driver license number; and**

31       **(b) Includes proof of automobile liability insurance that covers the individual's transpor-**  
32 **tation network company vehicle and proof of the individual's motor vehicle registration,**  
33 **along with any other information the transportation network company may require to eval-**  
34 **uate the application.**

35       **(2) Before engaging an individual as a participating driver, and at least once each year**  
36 **after the individual becomes a participating driver, a transportation network company shall,**  
37 **for the individual:**

38       **(a) Conduct, or have another person conduct, a criminal background check that:**

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

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

44       **(b) Obtain and review, or have another person obtain and review, a driving history report**  
45 **for the individual; and**

1 (c) Require the completion of an educational and safety course that the Department of  
2 Transportation approves by rule.

3 (3) A transportation network company may not permit an individual to connect to the  
4 transportation network company's digital network as a participating driver if the individual:

5 (a) Is not 21 years of age or older;

6 (b) Does not have a valid driver license and at least one year of experience as a driver  
7 in a United States jurisdiction as of the date of the individual's application under subsection  
8 (1) of this section;

9 (c) Does not have proof of registration for the transportation network company vehicle  
10 the individual will use to provide prearranged rides;

11 (d) Does not have proof of having automobile liability insurance for the transportation  
12 network company vehicle the individual will use to provide prearranged rides;

13 (e) Has had, in a period that begins three years before the date of the individual's appli-  
14 cation under subsection (1) of this section, a license or other authorization to operate a ve-  
15 hicle for hire revoked by a local government in this state;

16 (f) Has had, in a period that begins three years before the date of the individual's appli-  
17 cation under subsection (1) of this section, two or more violations of the basic speed rule or  
18 other moving violations or has had a Class A or Class B traffic violation that is the equiv-  
19 alent, in the relevant jurisdiction, of one of these traffic violations:

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

21 (B) Careless driving, as defined in ORS 811.135; or

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

23 (g) Was convicted:

24 (A) In the seven-year period before the date of the individual's application under sub-  
25 section (1) of this section, of any felony or the equivalent, in the relevant jurisdiction; or

26 (B) In the seven-year period before the date of the individual's application under sub-  
27 section (1) of this section, of a misdemeanor or, in the relevant jurisdiction, of the equivalent  
28 of a misdemeanor that involved:

29 (i) Criminal driving while suspended or revoked, as defined in ORS 811.182;

30 (ii) Driving under the influence of intoxicants, as defined in ORS 813.010;

31 (iii) Reckless driving, as defined in ORS 811.140;

32 (iv) Fleeing or attempting to elude a police officer, as defined in ORS 811.540 (1)(b)(B);

33 (v) Assault in the fourth degree, as defined in ORS 163.160;

34 (vi) Strangulation, as defined in ORS 163.187;

35 (vii) Menacing, as defined in ORS 163.190; or

36 (viii) A sex offense;

37 (h) Has completed, under the laws of this state, a diversion program for driving under  
38 the influence of intoxicants; or

39 (i) Matches a listing in the United States Department of Justice National Sex Offender  
40 Public Website.

41 **SECTION 6.** (1) A transportation network company shall adopt, shall display on the  
42 transportation network company's website or in any interface to the transportation network  
43 company's digital network and shall notify each individual that the transportation network  
44 company permits to connect to the transportation network company's digital network as a  
45 participating driver of the following policies:

1 (a) A participating driver may not solicit or accept a request for a prearranged ride or  
2 a request to provide transportation to a rider for compensation other than by means of a  
3 transportation network company's digital network.

4 (b) A participating driver may not discriminate against a rider on the basis of the rider's:

5 (A) Intended destination;

6 (B) Race or color;

7 (C) National origin;

8 (D) Religious belief or affiliation;

9 (E) Sex, sexual orientation, gender or gender identity;

10 (F) Marital status;

11 (G) Age; or

12 (H) Disability.

13 (c) A participating driver shall comply with all laws that prohibit discrimination on the  
14 basis of the categories identified in paragraph (b) of this subsection.

15 (d) A participating driver shall comply with all laws that relate to accommodating a rider  
16 with a service animal.

17 (e) A participating driver may not use drugs or alcohol at any time during which the  
18 participating driver is engaged in providing a prearranged ride to a rider or is connected to  
19 the transportation network company's digital network and available to receive a request for  
20 a prearranged ride.

21 (f) A participating driver may not remain connected to the transportation network  
22 company's digital network, and may not provide or be available to provide prearranged rides,  
23 for more than 14 consecutive hours in any 24-hour period.

24 (2) A transportation network company shall adopt and shall display on the transportation  
25 network company's website, or in any interface to the transportation network company's  
26 digital network, a policy and procedure by means of which a rider may complain to the  
27 transportation network company about a participating driver's violation of a policy the  
28 transportation network company adopted under subsection (1) of this section.

29 (3)(a) As soon as possible after receiving a complaint from a rider under subsection (2)  
30 of this section concerning a violation of subsection (1)(e) of this section, a transportation  
31 network company shall suspend a participating driver's ability to connect to the transporta-  
32 tion network company's digital network and begin an investigation of the rider's complaint.  
33 A participating driver's ability to connect to the transportation network company's digital  
34 network must remain suspended until the transportation network company concludes the  
35 investigation.

36 (b) A transportation network company shall maintain records related to a complaint  
37 from a rider under subsection (2) of this section for a period of not less than seven years.

38 (4) A transportation network company may not, because of a rider's physical disability,  
39 impose an additional charge for a participating driver's providing service to the rider.

40 **SECTION 7.** A transportation network company may not create a false impression, if the  
41 impression is material to a provision or requirement of sections 1 to 15 of this 2019 Act, or  
42 otherwise engage in a deceptive practice to mislead a governmental body or evade the  
43 enforcement of any provision or requirement under sections 1 to 15 of this 2019 Act.

44 **SECTION 8.** (1) A transportation network company or a participating driver, or both the  
45 transportation network company and the participating driver in combination, shall obtain

1 and keep in force at all times during which the participating driver remains as a participat-  
2 ing driver with the transportation network company a primary automobile insurance policy  
3 that recognizes that the participating driver is providing prearranged rides for a transpor-  
4 tation network company and provides coverage during times in which the participating driver  
5 is:

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

7 (b) Connected to a digital network and available to receive a request for a prearranged  
8 ride.

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

13 (a) Coverage with the following limits:

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

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

16 (C) \$25,000 for property damage;

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

19 (c) Personal injury protection coverage as provided in ORS 742.518 to 742.542.

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

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

23 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and  
24 742.510; and

25 (c) Personal injury protection coverage as provided in ORS 742.518 to 742.542.

26 (4) If a participating driver's primary automobile insurance policy has lapsed or does not  
27 provide the coverage required under this section, the transportation network company with  
28 which the participating driver is associated shall provide the required coverage beginning  
29 with the first dollar of any claim. The transportation network company has a duty to defend  
30 against the claim.

31 (5) An automobile insurance policy that a transportation network company maintains  
32 under this section may not require an insurer that provides an automobile insurance policy  
33 to a participating driver, or an automobile insurance policy that provides coverage for a  
34 participating driver, to deny a claim as a condition of providing coverage under the trans-  
35 portation network company's automobile insurance policy.

36 (6) A transportation network company or participating driver may obtain automobile in-  
37 surance coverage that meets the requirements of this section from an insurer who has a  
38 certificate of authority to transact insurance in this state that the Director of the Depart-  
39 ment of Consumer and Business Services issued under ORS 731.402 or an eligible surplus  
40 lines insurer, as defined in ORS 735.405.

41 (7) An insurance policy that meets the requirements set forth in this section satisfies the  
42 financial responsibility requirements for motor vehicles that are set forth in ORS chapter  
43 806.

44 (8) A participating driver shall comply with ORS 806.011 at all times during which the  
45 participating driver is engaged in providing a prearranged ride to a rider or is connected to

1 the transportation network company's digital network and available to receive a request for  
2 a prearranged ride.

3 (9)(a) If an accident occurs at a time during which a participating driver is engaged in  
4 providing a prearranged ride to a rider or is connected to the transportation network  
5 company's digital network and available to receive a request for a prearranged ride, the  
6 participating driver shall provide all required information about the automobile insurance  
7 policy to directly interested parties and insurers and to investigating police officers.

8 (b) If an investigating police officer asks, a participating driver shall disclose to the police  
9 officer whether at the time of the accident the participating driver was engaged in providing  
10 a prearranged ride to a rider or was connected to the transportation network company's  
11 digital network and available to receive a request for a prearranged ride but not engaged in  
12 providing a prearranged ride.

13 (10) This section does not prohibit an airport or other transportation authority from re-  
14 quiring the maximum automobile liability insurance coverage allowed or required by law at  
15 all times during which a participating driver is providing a prearranged ride or is connected  
16 to a digital network and available to provide a prearranged ride in or on property that is  
17 subject to the airport's or transportation authority's jurisdiction or control.

18 **SECTION 9.** (1) An insurer may deny or exclude from an automobile insurance policy any  
19 and all coverage for a loss or injury that occurs while the insured is engaged in providing a  
20 prearranged ride to a rider or is connected to a transportation network company's digital  
21 network and available to receive a request for a prearranged ride. Notwithstanding the pro-  
22 visions of ORS chapter 806, coverage that an insurer may exclude under the circumstances  
23 described in this subsection includes, but is not limited to:

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

25 (b) Uninsured motorist coverage as required under ORS 742.500 to 742.506, 742.508 and  
26 742.510;

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

29 (d) Coverage for medical payments;

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

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

32 (2) An insurer that denies or excludes coverage under this section does not have a duty  
33 to indemnify any party or defend against a claim brought against a participating driver or a  
34 transportation network company to the extent that the insurer denied or excluded coverage  
35 for the claim.

36 (3) This section does not limit or invalidate an exclusion of the type described in sub-  
37 section (1) of this section that existed in an automobile insurance policy before the operative  
38 date of sections 1 to 15 of this 2019 Act.

39 (4) An insurer that defends against a claim or indemnifies a party after denying or ex-  
40 cluding coverage for the claim has a right of contribution against any other insurer that  
41 provides coverage to a participating driver under section 8 of this 2019 Act.

42 (5) A transportation network company and an insurer that provides coverage under sec-  
43 tion 8 of this 2019 Act shall cooperate fully with an adjuster's or a claim coverage investi-  
44 gation of an accident that involves a participating driver and shall provide in response to a  
45 request from a party involved in the accident, an insurer or an investigating police officer

1 the precise times during which the participating driver was engaged in providing a prear-  
2 ranged ride to a rider or was connected to a transportation network company's digital net-  
3 work and available to receive a request for a prearranged ride during a period that begins  
4 12 hours before the time of the accident and ends 12 hours after the time of the accident.

5 (6) A transportation network company and an insurer that provides coverage under sec-  
6 tion 8 of this 2019 Act shall provide a clear description of the insurance coverage, exclusions  
7 and limits under the automobile insurance policy to a party involved in an accident, an in-  
8 vestigating police officer or another insurer.

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

11 (8) This section does not preclude an insurer from providing primary or excess automo-  
12 bile insurance coverage for a transportation network company vehicle if the insurer con-  
13 tracts with a participating driver to provide the coverage or if the insurer provides the  
14 coverage by endorsement on the participating driver's automobile insurance policy.

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

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

23 (B) Inspect transportation network company documents that are necessary to investigate  
24 and resolve a specific complaint against the transportation network company or a partic-  
25 ipating driver.

26 (b) The department shall determine by rule the method for collecting samples for in-  
27 spection in accordance with paragraph (a) of this subsection.

28 (2) A record that is subject to the department's inspection under this section:

29 (a) Is confidential and is not subject to disclosure to another person without the written  
30 consent of the transportation network company; and

31 (b) Is not a public record and is not subject to disclosure under ORS 192.311 to 192.478.

32 (3)(a) A transportation network company may not permit a participating driver to con-  
33 nect to the transportation network company's digital network as a participating driver if the  
34 transportation network company substantiates a complaint that the participating driver has  
35 engaged in behavior involving unlawful violence or threats of unlawful violence or has en-  
36 gaged in conduct that, if charged as a criminal offense, would constitute:

37 (A) A felony that involves using a motor vehicle;

38 (B) Driving under the influence of intoxicants, as defined in ORS 813.010;

39 (C) A sex offense;

40 (D) Damage to property; or

41 (E) Theft, as described in ORS 164.015.

42 (b) The transportation network company shall notify the department immediately after  
43 denying a participating driver the ability to connect to the transportation network company's  
44 digital network under paragraph (a) of this subsection. In the notice, the transportation  
45 network company shall disclose the name of the participating driver and the license plate

1 number of the participating driver's transportation network company vehicle.

2 (c) The department shall notify every transportation network company the department  
3 has licensed in this state of the transportation network company's action under paragraph  
4 (a) of this subsection under a process and within a period of time the department specifies  
5 by rule.

6 (4) The department or a local government may enter into an agreement with a trans-  
7 portation network company to share data for the purposes of transportation planning. The  
8 agreement may provide for sharing:

9 (a) The total number of prearranged rides that participating drivers associated with the  
10 transportation network company provided;

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

12 (c) The number of prearranged rides for which a rider required a transportation network  
13 company vehicle that could accommodate an individual with a physical disability.

14 **SECTION 11.** (1) The Department of Transportation may enter into an intergovernmental  
15 agreement with a state agency or a local government to enforce sections 4 (1)(c) and (d) and  
16 8 of this 2019 Act. The agreement must include provisions that facilitate cooperation in, and  
17 prevent duplication and expenses of, enforcement activities.

18 (2) The department by rule shall establish guidelines for state agency and local govern-  
19 ment actions to enforce sections 4 (1)(c) and (d) and 8 of this 2019 Act. The guidelines must  
20 include a requirement that each state agency or local government report to the department  
21 and to the affected transportation network company when the state agency or local govern-  
22 ment takes an enforcement action or issues a citation or fine for a violation.

23 (3)(a) The department may by rule impose on a transportation network company a fee  
24 for each prearranged ride a transportation network company provides to a rider in an  
25 amount that is sufficient, when aggregated, to meet the expenses that state agencies and  
26 local governments incur in connection with the intergovernmental agreement described in  
27 subsection (1) of this section. The department shall deposit the moneys the department re-  
28 ceives under this subsection into the State Treasury to the credit of a subaccount the de-  
29 partment establishes for the purpose of disbursing funds to state agencies and local  
30 governments in accordance with the provisions of subsection (5) of this section. Moneys in  
31 the fund are continuously appropriated to the department for the purposes described in this  
32 subsection.

33 (b) Before disbursing to a state agency or local government the proceeds of the fee de-  
34 scribed in paragraph (a) of this subsection, the department shall require the state agency  
35 or local government to submit a detailed and itemized list of the cost and nature of  
36 enforcement activities the state agency or local government conducted under the intergov-  
37 ernmental agreement described in subsection (1) of this section. The department by rule  
38 shall require a state agency or local government that receives the proceeds of the fee to  
39 submit to the department each quarter a statement that shows that the state agency or local  
40 government used the proceeds solely for enforcement activities in accordance with the  
41 intergovernmental agreement.

42 (c) A state agency or local government that receives during any calendar quarter a dis-  
43 bursement under this subsection that exceeds the amount of expenses that the state agency  
44 or local government actually incurs in connection with the intergovernmental agreement  
45 described in subsection (1) of this section shall:

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

2 (B) Cooperate in providing information the department needs to correctly forecast the  
3 amount of the fee described in this subsection that is necessary to meet the actual expenses  
4 of state agencies and local governments in connection with the intergovernmental agree-  
5 ment.

6 (4) The department may by rule impose on a transportation network company a fee of  
7 not more than 10 cents for each prearranged ride the transportation network company pro-  
8 vides to a rider. The department shall deposit the moneys the department receives under this  
9 subsection into the State Treasury to the credit of a subaccount the department establishes  
10 for the purpose of disbursing funds to cities in accordance with subsection (6) of this section  
11 for the exclusive purpose of conducting enforcement activities under this section. Moneys in  
12 the fund are continuously appropriated to the department for the purposes described in this  
13 subsection.

14 (5) A transportation network company not later than 45 days after the end of each cal-  
15 endar quarter shall:

16 (a) Remit to the department the sum of the fees the transportation network company  
17 collected in accordance with subsections (3) and (4) of this section;

18 (b) Submit to the department a written report that lists the total number of prearranged  
19 rides for which the transportation network company collected a fee required under sub-  
20 sections (3) and (4) of this section during the previous calendar quarter; and

21 (c) Identify in writing for each city and county in this state the total number of prear-  
22 ranged rides that originated within the boundaries of the city or county during the previous  
23 calendar quarter.

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

30 (b) The department, not later than 60 days after the end of each calendar quarter, shall  
31 disburse from the moneys in the fund described in subsection (4) of this section to the local  
32 government of each city or county within which a prearranged ride originated a sum that is  
33 equivalent to the proportion of prearranged rides that originated within the city or county  
34 during the previous calendar quarter.

35 **SECTION 12.** (1) As used in this section, “qualifying governmental body” means the local  
36 governments of two or more cities:

37 (a) That have entered into an intergovernmental agreement to jointly run a transporta-  
38 tion program for people who use wheelchairs; and

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

41 (2)(a) A qualifying governmental body may by ordinance, regulation or other law impose  
42 on a transportation network company a fee of not more than 10 cents for each prearranged  
43 ride. The qualifying governmental body shall deposit the moneys the qualifying governmental  
44 body receives from the transportation network company into a fund and use the moneys in  
45 the fund for the exclusive purpose of establishing, implementing and administering a trans-

1 portation program for people who use wheelchairs within the area that is subject to the ju-  
2 risdiction of the qualifying governmental body.

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

8 (c) A qualifying governmental body that passes an ordinance, regulation or other law  
9 described in paragraph (a) of this subsection shall notify the Department of Transportation  
10 at least 60 days before the ordinance, regulation or other law becomes effective.

11 (d) The department shall notify each transportation network company the department  
12 has licensed of the requirements and effective date of each ordinance, regulation or other  
13 law of which the department receives notice under paragraph (c) of this subsection.

14 (3) A transportation network company not later than 45 days after the end of each cal-  
15 endar quarter shall remit to each qualifying governmental body the fees the transportation  
16 network company collected for the purposes set forth in subsection (2) of this section.

17 **SECTION 13.** (1)(a) The Department of Transportation may by rule impose on a trans-  
18 portation network company:

19 (A) A fee in an amount the department specifies for each prearranged ride for the pur-  
20 pose of administering the provisions of sections 1 to 15 of this 2019 Act; and

21 (B) A fee of five cents for each prearranged ride for the purpose of deploying throughout  
22 this state charging stations and related infrastructure for electric vehicles.

23 (b) The department shall deposit the moneys the department receives under this sub-  
24 section into the State Treasury to the credit of a subaccount the department establishes for  
25 the purposes set forth in this subsection. Moneys in the subaccount are continuously ap-  
26 propriated to the department for the purposes set forth in this subsection.

27 (2) A transportation network company not later than 45 days after the end of each cal-  
28 endar quarter shall remit to the department the fees the transportation network company  
29 collected for the purposes set forth in subsection (1) of this section.

30 (3) Subsection (1)(a)(B) of this section does not apply to a prearranged ride that a  
31 transportation network company provides by means of an electric vehicle.

32 (4) Before disbursing moneys for the purpose of providing charging stations and related  
33 infrastructure, the department shall consult with manufactures of charging stations and  
34 each transportation network company from which the department received the proceeds of  
35 the fee the department imposed under subsection (1)(a)(B) of this section as to the type and  
36 location of all charging stations and related infrastructure that the moneys will fund.

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

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

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

45 [(A)] a fee in an amount the department specifies for each prearranged ride for the purpose of

1 administering the provisions of sections 1 to 15 of this 2019 Act[; and].

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

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

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

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

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

18 [(5)] (3) On January 1 of each even-numbered year [following January 1, 2022,] the department  
19 by rule may adjust the [fees] **fee** described in subsection (1) of this section, taking into consideration  
20 any change that occurred during the previous two years in the Consumer Price Index for All Urban  
21 Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United  
22 States Department of Labor.

23 **SECTION 15. The Department of Transportation may impose a civil penalty for each of**  
24 **a transportation network company's violations of a provision of sections 1 to 15 of this 2019**  
25 **Act including, but not limited to, a failure to timely or accurately remit any fees required**  
26 **under section 11, 12 or 13 of this 2019 Act. The department shall impose the civil penalty in**  
27 **accordance with ORS 183.745.**

28 **SECTION 16.** ORS 825.017 is amended to read:

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

32 (1) Vehicles being used by, or under contract with, any school board, district or person respon-  
33 sible for the administration of elementary or secondary school activities, and engaged exclusively  
34 in transporting students or combinations of students and other persons to or from school, to or from  
35 authorized school activities or other activities sponsored by the governing board of a public uni-  
36 versity listed in ORS 352.002, or for purposes provided under ORS 332.427. This exemption shall not  
37 be affected by the charging of a fee to cover the costs of the transportation.

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

39 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

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

43 (c) Is transporting persons or property, or both, between points in Oregon.

44 (3) Vehicles being used for the transportation of property by private carrier by means of a single  
45 vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.

- 1 (4) Vehicles being used in operating implements of husbandry.
- 2 (5) Vehicles being used as a hearse or ambulance.
- 3 (6) Vehicles being used over any private road or thoroughfare.
- 4 (7) Vehicles being used on any road, thoroughfare or property, other than a state highway,  
5 county road or city street, for the removal of forest products as defined in ORS 321.005, or the  
6 product of forest products converted to a form other than logs at or near the harvesting site, or  
7 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to  
8 a written agreement or permit authorizing the use, construction or maintenance of the road,  
9 thoroughfare or property, with:
  - 10 (a) An agency of the United States;
  - 11 (b) The State Board of Forestry;
  - 12 (c) The State Forester; or
  - 13 (d) A licensee of an agency named in this subsection.
- 14 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS  
15 321.005, or the products of forest products converted to a form other than logs at or near the har-  
16 vesting site, if:
  - 17 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,  
18 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle  
19 to use the road and requiring the owner to pay for or to perform the construction or maintenance  
20 of the county road, including any operator of a motor vehicle retained to transport logs, poles and  
21 piling for the owners who are exempt under this section;
  - 22 (b) The board, officer or agency that entered into the agreement or granted the permit, by con-  
23 tract with the county court or board of county commissioners, has assumed the responsibility for the  
24 construction or maintenance of the county road; and
  - 25 (c) Copies of the agreements or permits required by this subsection are filed with the Director  
26 of Transportation.
- 27 (9) Vehicles being used in transporting persons with disabilities, with or without their supervi-  
28 sors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is  
29 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption  
30 provided by this subsection applies only when the motor vehicle is operated by or under contract  
31 with any person responsible for the administration of rehabilitation facilities as defined in ORS  
32 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030 and  
33 329A.250 to 329A.450.
- 34 (10) Vehicles owned or operated by the United States or by any governmental jurisdiction within  
35 the United States except as provided in ORS 825.022. This chapter does apply to vehicles when  
36 owned or operated:
  - 37 (a) As a carrier of property for hire;
  - 38 (b) By a transportation district organized under ORS 267.510 to 267.650;
  - 39 (c) By a county service district authorized to provide public transportation under ORS 451.010;
  - 40 or
  - 41 (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS  
42 174.109, to provide public transportation.
- 43 (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to  
44 267.390.
- 45 (12) Vehicles owned or operated by, or under contract with, a person responsible for the con-

1 struction or reconstruction of a highway under contract with the Department of Transportation or  
2 with an agency of the United States when operated within the immediate construction project as  
3 described in the governmental agency contract during the construction period.

4 (13) Vehicles owned or operated by, or under contract with, a charitable organization when ex-  
5 clusively engaged in performing transportation, either one way or round trip, necessary to the op-  
6 eration of the charitable organization. As used in this subsection, "charitable organization" means  
7 an organization that has no capital stock and no provision for making dividends or profits, but de-  
8 rives its funds principally from public and private charity and holds them in trust for the promotion  
9 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-  
10 section shall file an affidavit with the department stating that it is organized and operated in ac-  
11 cordance with the requirements of this subsection.

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

14 (15) A vehicle that is used in a limousine service operation in which the destination and route  
15 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-  
16 nation of initial fee, distance traveled and waiting time if the vehicle:

- 17 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 18 (b) Carries passengers for hire between points in Oregon; and
- 19 (c) Operates on an irregular route basis.

20 (16) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Depart-  
21 ment of Transportation under ORS 801.260, while involved in emergency and related operations.

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

- 24 (a) Provide or operate a motor vehicle for the movement of the household goods; and
- 25 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-  
26 ment of the household goods.

27 **(18) A transportation network company vehicle that a participating driver is using to**  
28 **provide a prearranged ride or is using while the participating driver is connected to a digital**  
29 **network and available to accept a request for a prearranged ride but is not providing a pre-**  
30 **arranged ride. As used in this subsection, "transportation network company vehicle," "par-**  
31 **ticipating driver," "prearranged ride" and "digital network" have the meanings given those**  
32 **terms in section 1 of this 2019 Act.**

33 **SECTION 17.** (1) Sections 1 to 13 and 15 of this 2019 Act and the amendments to ORS  
34 825.017 by section 16 of this 2019 Act become operative on January 1, 2020.

35 (2) The amendments to section 13 of this 2019 Act by section 14 of this 2019 Act become  
36 operative on January 1, 2026.

37 (3) The Department of Transportation may adopt rules and take any other action before  
38 the operative date specified in subsection (1) of this section that is necessary to enable the  
39 department, on and after the operative date specified in subsection (1) of this section, to  
40 exercise all of the duties, functions and powers conferred on the department by sections 1  
41 to 13 and 15 of this 2019 Act and the amendments to ORS 825.017 by section 16 of this 2019  
42 Act.

43 **SECTION 18.** This 2019 Act takes effect on the 91st day after the date on which the 2019  
44 regular session of the Eightieth Legislative Assembly adjourns sine die.