

HISTORY SHEET SENATE

SENATE BILL 54

PRINTED PURSUANT TO ORS 171.130 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President

(at the request of Senate Interim Task Force on Energy Conservation)

Relating to ^{governmental liability} ~~ridesharing~~; amending ORS 30.265, 276.598, and 278.205, ^{278.100,} ~~and 278.215~~; and ^{and declaring} ~~an emergency~~.

ORIGINAL

Date _____
 Engrossed March 16
 Printed A March 6
 Re-engrossed July 8
 Printed B July 8
 Eng Re-eng _____
 Printed C _____
 Re-eng Re-eng _____
 Printed D _____
 Eng Re-eng Re-eng _____
 Printed E _____
 ENROLLED July 16

SENATE ACTION		HOUSE ACTION	
READ FIRST TIME, REFERRED TO PRESIDENT'S DESK	REFERRED	READ FIRST TIME, REFERRED TO SPEAKER'S DESK	REFERRED
<u>1/12/81</u>	<u>1/13/81</u>	<u>MAR 12 1981</u>	<u>MAR 12 1981</u>
REFERRED TO		REFERRED TO	
<u>Insurance/Banking/Retirement</u>		<u>ST + Fed AFF</u>	
REPORTED BACK	WITH THE RECOMMENDATION	REPORTED BACK	WITH THE RECOMMENDATION
<u>3/9/81</u>	THAT IT ↓	<u>JUL 8 1981</u>	THAT IT ↓
<input type="checkbox"/> DO PASS	<input checked="" type="checkbox"/> DO PASS WITH AMENDMENT	<input type="checkbox"/> DO PASS	<input checked="" type="checkbox"/> DO PASS WITH AMENDMENT <u>FE</u>
READ SECOND TIME		REFERRED TO	
<u>3/9/81</u>			
REPORTED BACK	WITH THE RECOMMENDATION	REPORTED BACK	WITH THE RECOMMENDATION
	THAT IT ↓		THAT IT ↓
<input type="checkbox"/> DO PASS	<input type="checkbox"/> DO PASS WITH AMENDMENT	<input type="checkbox"/> DO PASS	<input type="checkbox"/> DO PASS WITH AMENDMENT
READ THIRD TIME AND	DATE	READ SECOND TIME	READ THIRD TIME AND
PASSED	<u>March 11, 1981</u>	<u>JUL 10 1981</u>	PASSED <u>JUL 11 1981</u>
SIGNED		SIGNED	
<u>Maribel Cadmus</u>	SECRETARY OF SENATE	<u>[Signature]</u>	CHIEF CLERK
SENATE CONCURRED IN HOUSE	DATE		
<u>7-16-81</u>			
<u>[Signature]</u>	SECRETARY OF SENATE		

22118

Enrolled

Senate Bill 54

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CHAPTER.....

AN ACT

Relating to governmental liability; amending ORS 30.265, 276.598, 278.100, 278.205 and 278.215; and declaring an emergency.

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

Section 1. ORS 278.100 is amended to read:

278.100. (1) There [*hereby*] is established a Liability Fund as a separate account in the Restoration Fund under ORS 278.020, which shall be used:

(a) To provide insurance or self-insurance for the liability of the State of Oregon and its officers, agents or employees, and for the liability of a participating local public body and its officers, agents or employees, for or on account of any loss, damage or injury within the scope of ORS 30.260 to 30.300; and[, *including*]

(b) To provide insurance or self-insurance required for or associated with the operation of motor vehicles within the state's or participating public body's control.

(2) The Department of General Services shall manage the Liability Fund and administer the provisions of ORS 30.260 to 30.290, 278.005, 278.020 to 278.025, 278.035 and 278.100 to 278.135.

SECTION 1a. If Enrolled Senate Bill 131 becomes law, then section 1 of this Act is repealed.

Section 2. ORS 278.205 is amended to read:

278.205. (1) The Department of General Services may issue a certificate of motor vehicle liability insurance and make assessments therefor.

(2) When issued on vehicles owned by local public bodies, such insurance shall also include uninsured motorist coverage and may include personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, at the request of a local public body, the department may provide uninsured motorist coverage or personal injury protection benefits for the motor vehicles owned by the local public body in amounts greater than those required under ORS 743.786 to [743.792] 743.835.

[(1) State-owned vehicles furnished for public use pursuant to state law, other than those furnished to another governmental agency.]

[(2) Motor vehicles owned by local public bodies insured under the liability fund pursuant to ORS 30.282.]

(3) When issued on state-owned vehicles furnished for public use including, but not limited to, use authorized under ORS 276.598, such insurance shall include uninsured motorist coverage and personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. [The following motor vehicles shall be eligible for coverage provided under this section:]

(4) The Department of General Services by rule may provide personal injury protection benefits in excess of those specified in this section.

Section 3. ORS 278.215 is amended to read:

278.215. (1) Any insurance or self-insurance provided by moneys from the Liability Fund *[against liability of the State of Oregon and its officers, agents or employees, or against the liability of a participating local public body and its officers, agents or employees,]* for or on account of the operation of motor vehicles within the state's or public body's control, shall provide the uninsured motorist coverage required under ORS *[743.789 and] 743.786 to 743.792* and, except as specified in ORS 278.205, may provide the personal injury protection benefits required under ORS 743.800 to 743.835.

(2) Any local public body, as defined in ORS 30.260, which establishes a self-insurance fund under ORS 30.282 *[against liability of the local public body and its officers, agents or employees,]* for or on account of the operation of motor vehicles within the local public body's control, shall provide the uninsured motorist coverage required under ORS *[743.789 and] 743.786 to 743.792* and may provide the personal injury protection benefits required under ORS 743.800 to 743.835.

(3) The uninsured motorist coverage provided under this section shall be excess over any other collateral benefits to which an injured person is entitled, including, but not limited to, other uninsured motorist coverage, insurance benefits, governmental benefits or gratuitous benefits.

Section 4. ORS 30.265 is amended to read:

30.265. (1) Subject to the limitations of ORS 30.260 to 30.300, every public body is liable for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function or **while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598**. As used in ORS 30.260 to 30.300, "tort" includes any violation of 42 U.S.C. section 1983.

(2) Every public body is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission of an officer, employee or agent of a public body when such officer, employee or agent is immune from liability.

(3) Every public body and its officers, employees and agents acting within the scope of their employment or duties, or **while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598**, are immune from liability for:

(a) Any claim for injury to or death of any person covered by any *[workmen's] workers'* compensation law.

(b) Any claim in connection with the assessment and collection of taxes.

(c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.

(d) Any claim which is limited or barred by the provisions of any other statute.

(e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection with the prevention of any of the foregoing.

(f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or regulation which is unconstitutional, invalid or inapplicable except to the extent that they would have been liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was done or omitted in bad faith or with malice.

(4) ORS 30.260 to 30.300 do not apply to any claim against any public body or its officers, employees or agents acting within the scope of their employment arising before July 1, 1968. Any such claim may be presented and enforced to the same extent and subject to the same procedure and restrictions as if ORS 30.260 to 30.300 had not been adopted.

(5) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to any claim against the state or its officers, employees or agents acting within the scope of their employment or duties, arising before July 2, 1975. Any such claim may be presented and enforced to the same extent and is subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted, but the procedure set forth in ORS 278.120 shall be applicable thereto.

(6) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to any claim against any local public body or its officers, employees or agents acting within the scope of their employment or duties, arising before December 31, 1975. Any such claim may be presented and enforced to the

same extent and subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted.

Section 5. ORS 276.598 is amended to read:

276.598. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van pool programs in which state-owned vehicles are used by state employees as commute vehicles, provided that a daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such vehicles for such purposes.

(2) The department shall prescribe rules which:

(a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and distinguish such use from misappropriation for private use;

(b) Identify procedures for determining and collecting the appropriate charges from employees for the use of commute vehicles; and

(c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state car pool or van pool programs authorized in subsection (1) of this section.

(3) The department may authorize other state agencies to use state-owned vehicles under the control of such agencies for the purposes set forth in subsection (1) of this section.

SECTION 6. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on July 1, 1981.

Passed by Senate March 11, 1981

Repassed by Senate July 16, 1981

.....
Secretary of Senate

.....
President of Senate

Passed by House July 11, 1981

.....
Speaker of House

Received by Governor:

..... M.,....., 1981

Approved:

..... M.,....., 1981

.....
Governor

Filed in Office of Secretary of State:

..... M.,....., 1981

.....
Secretary of State

ENROLLED
B-Engrossed

Senate Bill 54

Ordered by the House July 8
(Including Amendments by Senate March 9 and by House July 8)

PRINTED PURSUANT TO ORS 171.130 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Task Force on Energy Conservation)

CHAPTER

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 that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

Declares emergency, effective July 1, 1981.

A BILL FOR AN ACT

Relating to governmental liability; amending ORS 30.265, 276.598, 278.100, 278.205 and 278.215; and declaring an emergency.

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

Section 1. ORS 278.100 is amended to read:

278.100. (1) There *[hereby]* is established a Liability Fund as a separate account in the Restoration Fund under ORS 278.020, which shall be used:

(a) To provide insurance or self-insurance for the liability of the State of Oregon and its officers, agents or employees, and for the liability of a participating local public body and its officers, agents or employees, for or on account of any loss, damage or injury within the scope of ORS 30.260 to 30.300; *and* *[, including]*

(b) To provide insurance or self-insurance required for or associated with the operation of motor vehicles within the state's or participating public body's control.

(2) The Department of General Services shall manage the Liability Fund and administer the provisions of ORS 30.260 to 30.290, 278.005, 278.020 to 278.025, 278.035 and 278.100 to 278.135.

SECTION 1a. If Enrolled Senate Bill 131 becomes law, then section 1 of this Act is repealed.

Section 2. ORS 278.205 is amended to read:

278.205. (1) The Department of General Services may issue a certificate of motor vehicle liability insurance and make assessments therefor.

(2) **When issued on vehicles owned by local public bodies**, such insurance shall also include uninsured motorist coverage and may include personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, at the request of a local public body, the department may provide uninsured motorist coverage or **personal injury protection benefits** for the motor vehicles owned by the local public body in amounts greater than those required under ORS 743.786 to *[743.792]* **743.835.**

NOTE: Matter in bold face in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted; complete new sections begin with **SECTION:**

1 [(1) *State-owned vehicles furnished for public use pursuant to state law, other than those furnished to*
2 *another governmental agency.*]

3 [(2) *Motor vehicles owned by local public bodies insured under the liability fund pursuant to ORS 30.282.*]

4 (3) When issued on state-owned vehicles furnished for public use including, but not limited to, use authorized
5 under ORS 276.598, such insurance shall include uninsured motorist coverage and personal injury protection
6 benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. [The
7 following motor vehicles shall be eligible for coverage provided under this section.]

8 (4) The Department of General Services by rule may provide personal injury protection benefits in excess of
9 those specified in this section.

10 Section 3. ORS 278.215 is amended to read:

11 278.215. (1) Any insurance or self-insurance provided by moneys from the Liability Fund [against liability
12 of the State of Oregon and its officers, agents or employees, or against the liability of a participating local public
13 body and its officers, agents or employees,] for or on account of the operation of motor vehicles within the
14 state's or public body's control, shall provide the uninsured motorist coverage required under ORS [743.789
15 and] 743.786 to 743.792 and, except as specified in ORS 278.205, may provide the personal injury protection
16 benefits required under ORS 743.800 to 743.835.

17 (2) Any local public body, as defined in ORS 30.260, which establishes a self-insurance fund under ORS
18 30.282 [against liability of the local public body and its officers, agents or employees,] for or on account of the
19 operation of motor vehicles within the local public body's control, shall provide the uninsured motorist
20 coverage required under ORS [743.789 and] 743.786 to 743.792 and may provide the personal injury protection
21 benefits required under ORS 743.800 to 743.835.

22 (3) The uninsured motorist coverage provided under this section shall be excess over any other collateral
23 benefits to which an injured person is entitled, including, but not limited to, other uninsured motorist coverage,
24 insurance benefits, governmental benefits or gratuitous benefits.

25 Section 4. ORS 30.265 is amended to read:

26 30.265. (1) Subject to the limitations of ORS 30.260 to 30.300, every public body is liable for its torts and
27 those of its officers, employees and agents acting within the scope of their employment or duties, whether
28 arising out of a governmental or proprietary function or while operating a motor vehicle in a ridesharing
29 arrangement authorized under ORS 276.598. As used in ORS 30.260 to 30.300, "Tort" includes any violation of
30 42 U.S.C. section 1983.

31 (2) Every public body is immune from liability for any claim for injury to or death of any person or injury
32 to property resulting from an act or omission of an officer, employee or agent of a public body when such
33 officer, employee or agent is immune from liability.

34 (3) Every public body and its officers, employees and agents acting within the scope of their employment or
35 duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are
36 immune from liability for:

37 (a) Any claim for injury to or death of any person covered by any [workmen's] workers' compensation law.

38 (b) Any claim in connection with the assessment and collection of taxes.

39 (c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function
40 or duty, whether or not the discretion is abused.

1 (d) Any claim which is limited or barred by the provisions of any other statute.

2 (e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection
3 with the prevention of any of the foregoing.

4 (f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or
5 regulation which is unconstitutional, invalid or inapplicable except to the extent that they would have been
6 liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was
7 done or omitted in bad faith or with malice.

8 (4) ORS 30.260 to 30.300 do not apply to any claim against any public body or its officers, employees or
9 agents acting within the scope of their employment arising before July 1, 1968. Any such claim may be
10 presented and enforced to the same extent and subject to the same procedure and restrictions as if ORS 30.260
11 to 30.300 had not been adopted.

12 (5) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
13 any claim against the state or its officers, employees or agents acting within the scope of their employment or
14 duties, arising before July 2, 1975. Any such claim may be presented and enforced to the same extent and is
15 subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted, but the procedure
16 set forth in ORS 278.120 shall be applicable thereto.

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21 Section 5. ORS 276.598 is amended to read:

22 276.598. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van
23 pool programs in which state-owned vehicles are used by state employees as commute vehicles, provided that a
24 daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such
25 vehicles for such purposes.

26 (2) The department shall prescribe rules which:

27 (a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and
28 distinguish such use from misappropriation for private use;

29 (b) Identify procedures for determining and collecting the appropriate charges from employees for the use
30 of commute vehicles; and

31 (c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state
32 car pool or van pool programs authorized in subsection (1) of this section.

33 (3) The department may authorize other state agencies to use state-owned vehicles under the control of
34 such agencies for the purposes set forth in subsection (1) of this section.

35 **SECTION 6.** This Act being necessary for the immediate preservation of the public peace, health and
36 safety, an emergency is declared to exist, and this Act takes effect on July 1, 1981.

Notification of House Amendments to SB 54 B

To: Sen. KUKONGOSKI Date 7/13/81

Chairman, Committee on INSURANCE

cc: /f Sen. _____ Principal Sponsor

Message notifying of House passage with amendments read 7/13/81

Action on amendments governed by Senate Rule 11:01.

To assist in preparation of Agenda, would the Committee Chairman please advise the Secretary of action to be recommended.

Mariel Cadmus
Secretary of the Senate

☒ To concur ☐ Not to concur
Senator Kukongoshi will lead discussion.

TRB
(Initial and return to Secretary of the Senate)

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: SB 54 B-Engrossed
STATUS: Including Amendments by Senate March 9 and by House July 8
SUBJECT: Requires insurance paid from Liability Fund to include personal injury protection coverage.
GOVERNMENT UNIT AFFECTED: Department of General Services
BUDGET AND MANAGEMENT ANALYST:
LEGISLATIVE FISCAL ANALYST: Stephen Forrey 7-10-81

EFFECT ON EXPENDITURES:	1981-83	1983-85
Department of General Services		
Liability Claims Reserves	\$168,520 OF	\$168,520 OF
(paid claims, general overhead, and legal expenses)		
Liability Claims Reserves	14,500 OF	26,900 OF
(ridesharing vehicles)		
	<hr/>	<hr/>
Total	\$183,020 OF	\$195,480 OF

EFFECT ON REVENUES:

Department of General Services		
Liability Fund	\$168,520 OF	\$168,520 OF
(insurance for 8,426 vehicles at \$10 per vehicle per year)		
Insurance premiums for ridesharing vehicles	14,500 OF	26,960 OF
	<hr/>	<hr/>
Total	\$183,020 OF	\$195,480 OF

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The measure would allow the state to provide Personal Injury Protection (PIP) coverage for state-owned vehicles used in conducting official state business. An Attorney General Opinion (OP-5038, 1980) precludes provision of PIP insurance by the Department of General Services.

ORS 486.570 permits the state, in its vehicle liability self-insurance program, to insure for at least the same level of coverage as commercial vehicle liability insurance.

The Department of General Services has adequate expenditure limitation authority in its Governor's Recommended Budget to implement this proposal. Revenues required for PIP coverage are derived from state agencies. The assessments to state agencies were included in agency budget requests during budget preparation.

This analysis assumes an estimated 25 vehicles in 1981-83 and 40 vehicles in 1983-85 may be used for ridesharing. Revenues to the Department of General Services would be collected from persons or groups involved in a ridesharing program.

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10 account of any loss, damage or injury within the scope of ORS 30.260 to 30.300; and[, *including*]

11 (b) To provide insurance or self-insurance required for or associated with the operation of motor vehicles
12 within the state's or participating public body's control.

13 (2) The Department of General Services shall manage the Liability Fund and administer the provisions of
14 ORS 30.260 to 30.290, 278.005, 278.020 to 278.025, 278.035 and 278.100 to 278.135.

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21 coverages and amounts set forth in ORS 743.786 to 743.835. However, at the request of a local public body, the
22 department may provide uninsured motorist coverage or **personal injury protection benefits** for the motor
23 vehicles owned by the local public body in amounts greater than those required under ORS 743.786 to [*743.792*]
24 **743.835.**

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

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5 **under ORS 276.598, such insurance shall include uninsured motorist coverage and personal injury protection**
6 **benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835.** [*The*
7 *following motor vehicles shall be eligible for coverage provided under this section:*]

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9 **those specified in this section.**

10 Section 3. ORS 278.215 is amended to read:

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14 state's or public body's control, shall provide the uninsured motorist coverage required under ORS [743.789
15 *and*] **743.786 to 743.792 and, except as specified in ORS 278.205, may provide the personal injury protection**
16 **benefits required under ORS 743.800 to 743.835.**

17 (2) Any local public body, as defined in ORS 30.260, which establishes a self-insurance fund under ORS
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29 **arrangement authorized under ORS 276.598.** As used in ORS 30.260 to 30.300, "Tort" includes any violation of
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32 to property resulting from an act or omission of an officer, employee or agent of a public body when such
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35 duties, **or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598,** are
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40 or duty, whether or not the discretion is abused.

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15 subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted, but the procedure
16 set forth in ORS 278.120 shall be applicable thereto.

17 (6) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
18 any claim against any local public body or its officers, employees or agents acting within the scope of their
19 employment or duties, arising before December 31, 1975. Any such claim may be presented and enforced to the
20 same extent and subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted.

21 Section 5. ORS 276.598 is amended to read:

22 276.598. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van
23 pool programs in which state-owned vehicles are used **by state employees** as commute vehicles, provided that a
24 daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such
25 vehicles for such purposes.

26 (2) The department shall prescribe rules which:

27 (a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and
28 distinguish such use from misappropriation for private use;

29 (b) Identify procedures for determining and collecting the appropriate charges from employees for the use
30 of commute vehicles; and

31 (c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state
32 car pool or van pool programs authorized in subsection (1) of this section.

33 (3) The department may authorize other state agencies to use state-owned vehicles under the control of
34 such agencies for the purposes set forth in subsection (1) of this section.

35 **SECTION 6.** This Act being necessary for the immediate preservation of the public peace, health and
36 safety, an emergency is declared to exist, and this Act takes effect on July 1, 1981.

A-Engrossed

Senate Bill 54

Ordered by the Senate March 9
(Including Amendments by Senate March 9)

PRINTED PURSUANT TO ORS 171.130 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Task Force on Energy Conservation)

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 that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection[, but not less than \$25,000 per occupant for personal injury protection if vehicle used for ridesharing]. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

1 *governmental liability* A BILL FOR AN ACT

2 Relating to ~~ridesharing~~ *278.100, and 278.215; and declaring an*

3 Be It Enacted by the People of the State of Oregon:

1 Section 1. ORS 278.100 is amended to read:

1 278.100. The Department of General Services shall manage the Liability Fund and administer the provisions of ORS 30.260 to 30.290, 278.005, 278.020 to 278.025, 278.035 and 278.100 to 278.135.

1 SECTION 1a. If Enrolled Senate Bill 131 becomes law, then section 1 of this Act is repealed.

and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835.

15 (4) The Department of General Services, by rule, may provide personal injury protection benefits in excess of

1 Section 3. ORS 278.215 is amended to read:

2 278.215. (1) Any insurance or self-insurance provided by moneys from the Liability Fund [against liability of the State of Oregon required under ORS 743.800 to 743.835.

1 (3) The uninsured motorist coverage provided under this section shall be excess over any other collateral benefits to which an injured person is entitled, including, but not limited to, other uninsured motorist coverage, insurance benefits, governmental benefits or gratuitous benefits.

1 arrangement authorized under ORS 276.598. As used in ORS 30.260 to 30.300, "Tort" includes any violation of
2 42 U.S.C. section 1983.

3 (2) Every public body is immune from liability for any claim for injury to or death of any person or injury
4 to property resulting from an act or omission of an officer, employee or agent of a public body when such
5 officer, employee or agent is immune from liability.

6 (3) Every public body and its officers, employees and agents acting within the scope of their employment or
7 duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are
8 immune from liability for:

9 (a) Any claim for injury to or death of any person covered by any [workmen's] workers' compensation law.

10 (b) Any claim in connection with the assessment and collection of taxes.

11 (c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function
12 or duty, whether or not the discretion is abused.

13 (d) Any claim which is limited or barred by the provisions of any other statute.

14 (e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection
15 with the prevention of any of the foregoing.

16 (f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or
17 regulation which is unconstitutional, invalid or inapplicable except to the extent that they would have been
18 liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was
19 done or omitted in bad faith or with malice.

20 (4) ORS 30.260 to 30.300 do not apply to any claim against any public body or its officers, employees or
21 agents acting within the scope of their employment arising before July 1, 1968. Any such claim may be
22 presented and enforced to the same extent and subject to the same procedure and restrictions as if ORS 30.260
23 to 30.300 had not been adopted.

24 (5) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
25 any claim against the state or its officers, employees or agents acting within the scope of their employment or
26 duties, arising before July 2, 1975. Any such claim may be presented and enforced to the same extent and is
27 subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted, but the procedure
28 set forth in ORS 278.120 shall be applicable thereto.

29 (6) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
30 any claim against any local public body or its officers, employees or agents acting within the scope of their
31 employment or duties, arising before December 31, 1975. Any such claim may be presented and enforced to the
32 same extent and subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted.

33 Section 7. ORS 276.598 is amended to read:

34 276.598. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van
35 pool programs in which state-owned vehicles are used by state employees as commute vehicles, provided that a
36 daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such
37 vehicles for such purposes.

38 (2) The department shall prescribe rules which:

39 (a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and
40 distinguish such use from misappropriation for private use;

1 (b) Identify procedures for determining and collecting the appropriate charges from employees for the use
2 of commute vehicles; and

3 (c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state
4 car pool or van pool programs authorized in subsection (1) of this section.

5 (3) The department may authorize other state agencies to use state-owned vehicles under the control of
6 such agencies for the purposes set forth in subsection (1) of this section.

SECTION 6. This Act being necessary for the immediate
preservation of the public peace, health and safety, an emergency is
declared to exist, and this Act takes effect on July 1, 1981.

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 54

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

July 8

1 On page 1 of the printed A-engrossed bill, line 2, delete "ridesharing" and insert "governmental liability"
2 and delete "and" and insert ", 278.100," and after "278.205" insert "and 278.215; and declaring an
3 emergency."

4 After line 3, insert:

5 "Section 1. ORS 278.100 is amended to read:

6 "278.100. (1) There [*hereby*] is established a Liability Fund as a separate account in the Restoration Fund
7 under ORS 278.020, which shall be used:

8 "(a) To provide insurance or self-insurance for the liability of the State of Oregon and its officers, agents
9 or employees, and for the liability of a participating local public body and its officers, agents or employees, for or
10 on account of any loss, damage or injury within the scope of ORS 30.260 to 30.300; and[, *including*]

11 "(b) To provide insurance or self-insurance required for or associated with the operation of motor vehicles
12 within the state's or participating public body's control.

13 "(2) The Department of General Services shall manage the Liability Fund and administer the provisions of
14 ORS 30.260 to 30.290, 278.005, 278.020 to 278.025, 278.035 and 278.100 to 278.135.

15 "SECTION 1a. If Enrolled Senate Bill 131 becomes law, then section 1 of this Act is repealed."

16 In line 4, delete "1" and insert "2".

17 In line 10, after "coverage" insert "or personal injury protection benefits".

18 In line 11, delete "743.792" and insert "743.835".

19 In line 12, after "including" insert a comma and after "to" insert a comma.

20 In line 15, delete both commas.

21 Delete lines 17 through 21 and insert:

22 "Section 3. ORS 278.215 is amended to read:

23 "278.215. (1) Any **insurance or self-insurance** provided by moneys from the Liability Fund [*against liability*
24 *of the State of Oregon and its officers, agents or employees, or against the liability of a participating local public*
25 *body and its officers, agents or employees,*] for or on account of the operation of motor vehicles within the
26 state's or public body's control, shall provide the uninsured motorist coverage required under ORS [743.789
27 *and*] 743.786 to 743.792 and, except as specified in ORS 278.205, may provide the personal injury protection
28 benefits required under ORS 743.800 to 743.835.

29 "(2) Any local public body, as defined in ORS 30.260, which establishes a self-insurance fund under ORS
30 30.282 [*against liability of the local public body and its officers, agents or employees,*] for or on account of the
31 operation of motor vehicles within the local public body's control, shall provide the uninsured motorist

1 coverage required under ORS [743.789 and] 743.786 to 743.792 and may provide the personal injury protection
2 benefits required under ORS 743.800 to 743.835.

3 "(3) The uninsured motorist coverage provided under this section shall be excess over any other collateral
4 benefits to which an injured person is entitled, including, but not limited to, other uninsured motorist coverage,
5 insurance benefits, governmental benefits or gratuitous benefits."

6 In line 22, delete "2" and insert "4".

7 On page 2, line 33, delete "3" and insert "5".

8 On page 3, after line 6, insert:

9 "SECTION 6. This Act being necessary for the immediate preservation of the public peace, health and
10 safety, an emergency is declared to exist, and this Act takes effect on July 1, 1981."

HOUSE COMMITTEE REPORT

Salem, Oregon July 2, 1981

Mr. Speaker:

Your Committee on State and Federal Affairs to whom was referred SB 54A having had the same under consideration, respectfully reports it back with the recommendation that it:

- ☐ Do pass. ☒ Do pass with _____ House amendments (X) and be printed engrossed.
- ☐ Be adopted. ☐ Be adopted with _____ House amendments () and be printed engrossed.
- ☐ Be referred to: () Ways and Means by prior reference.

() _____.

FOR INFORMATION ONLY-NOT PART OF COMMITTEE REPORT

Voting no: _____

Voting aye: Harper, Kerans, Magruder, Otto, Zajonc, Davis

Excused: Campbell

- 4 copies if no amendments
- 9 copies if amendments
- 9 copies if to be printed engrossed
- 1 copy for committee file

Rep. Zajonc will lead floor discussion on this measure

PROPOSED AMENDMENTS TO A-ENGROSSED SENATE BILL 54

On page 1 of the printed A-engrossed bill, line 2, delete "ridesharing" and insert "governmental liability" and delete "and" and insert ", 278.100," and after "278.205" insert "and 278.215; and declaring an emergency."

After line 3, insert:

"Section 1. ORS 278.100 is amended to read:

"278.100. (1) There [hereby] is established a Liability Fund as a separate account in the Restoration Fund under ORS 278.020, which shall be used:

"(a) To provide insurance or self-insurance for the liability of the State of Oregon and its officers, agents or employees, and for the liability of a participating local public body and its officers, agents or employees, for or on account of any loss, damage or injury within the scope of ORS 30.260 to 30.300; and[, including]

"(b) To provide insurance or self-insurance required for or associated with the operation of motor vehicles within the state's or participating public body's control.

"(2) The Department of General Services shall manage the Liability Fund and administer the provisions of ORS 30.260 to 30.290, 278.005, 278.020 to 278.025, 278.035 and 278.100 to 278.135.

"SECTION 1a. If Enrolled Senate Bill 131 becomes law, then section 1 of this Act is repealed."

In line 4, delete "1" and insert "2".

In line 10, after "coverage" insert "or personal injury protection benefits".

In line 11, delete "743.792" and insert "743.835".

1 In line 12, after "including" insert a comma and after "to"
2 insert a comma.

3 In line 15, delete both commas.

4 Delete lines 17 through 21 and insert:

5 "Section 3. ORS 278.215 is amended to read:

6 "278.215. (1) Any insurance or self-insurance provided by moneys
7 from the Liability Fund [against liability of the State of Oregon
8 and its officers, agents or employes, or against the liability of a
9 participating local public body and its officers, agents or
10 employes,] for or on account of the operation of motor vehicles
11 within the state's or public body's control, shall provide the
12 uninsured motorist coverage required under ORS [743.789 and] 743.786
13 to 743.792 and, except as specified in ORS 278.205, may provide the
14 personal injury protection benefits required under ORS 743.800 to
15 743.835.

16 "(2) Any local public body, as defined in ORS 30.260, which
17 establishes a self-insurance fund under ORS 30.282 [against
18 liability of the local public body and its officers, agents or
19 employes,] for or on account of the operation of motor vehicles
20 within the local public body's control, shall provide the uninsured
21 motorist coverage required under ORS [743.789 and] 743.786 to
22 743.792 and may provide the personal injury protection benefits
23 required under ORS 743.800 to 743.835.

24 "(3) The uninsured motorist coverage provided under this section
25 shall be excess over any other collateral benefits to which an
26 injured person is entitled, including, but not limited to, other
27 uninsured motorist coverage, insurance benefits, governmental
28 benefits or gratuitous benefits."

- 1 In line 22, delete "2" and insert "4".
 - 2 On page 2, line 33, delete "3" and insert "5".
 - 3 On page 3, after line 6, insert:
 - 4 "SECTION 6. This Act being necessary for the immediate
 - 5 preservation of the public peace, health and safety, an emergency is
 - 6 declared to exist, and this Act takes effect on July 1, 1981."
-

HOUSE OF REPRESENTATIVES

61st Legislative Assembly

STAFF MEASURE ANALYSIS

Measure: SB 54A

Committee: State & Federal Affairs

Hearing Dates: 4/30, 7/2

Explanation Prepared by: Christy Park, Administrator

Function of Measure:

SB 54A clarifies medical insurance coverage of state-owned vehicles used for ride-sharing by state employees by requiring that such insurance include uninsured motorist and personal injury protection benefits.

The measure as amended requires the Department of General Services to provide PIP coverage for all state vehicles used for public purposes in at least minimum amounts set by statute. These include \$5,000 medical, dental and hospital, \$1,000 funeral expenses and disability benefits equal to 70 percent of lost income to a maximum of \$750 per month for up to 52 weeks.

The Department of General Services is authorized to adopt, by rule, insurance amounts which are higher than the required minimum. The measure specifies that only those state employees acting within the scope of their employment are authorized to participate in a ridesharing arrangement in a state-owned vehicle and are covered by the state liability fund.

The amended bill was passed out of committee 6 - 0 with Representatives Harper, Kerans, Magruder, Otto, Zajonc and Davis voting aye and Campbell excused. Representative Zajonc will lead the floor discussion on the measure.

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: SB 54 A-Engrossed

STATUS: Including Amendments by Senate March 9

SUBJECT: Requires that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection, but not less than \$25,000 per occupant for personal injury protection if vehicle used for ridesharing. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

GOVERNMENT UNIT AFFECTED: Department of General Services

BUDGET AND MANAGEMENT ANALYST: Kathleen Dewoina 3-10-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey 3-10-81

EFFECT ON EXPENDITURES:	1981-83	1983-85
Department of General Services		
Liability claims reserves	\$12,000 OF	\$22,160 OF
(for personal injury protection)		
Collision claims reserves	2,500 OF	4,800 OF
(paid to the restoration fund)		
	<hr/>	<hr/>
Total	\$14,500 OF	\$26,960 OF

EFFECT ON REVENUES:

Department of General Services		
Insurance premiums		
Vehicle liability	\$11,550 OF	\$21,280 OF
Property damage	2,500 OF	4,800 OF
Personal injury protection and		
uninsured motorist	450 OF	880 OF
	<hr/>	<hr/>
	\$14,500 OF	\$26,960 OF

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The fiscal analysis shows only costs of insuring vehicles which may be used for ridesharing. The analysis assumes an estimated 25 vehicles in 1981-83 and 40 vehicles in 1983-85 may be used for this purpose. Revenues to the Department of General Services would be collected from persons or groups involved in a ridesharing program.

This proposal is not anticipated in the Governor's Recommended Budget.

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: SB 54 A-Engrossed

STATUS: Including Amendments by Senate March 9

SUBJECT: Requires that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection, but not less than \$25,000 per occupant for personal injury protection if vehicle used for ridesharing. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

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BUDGET AND MANAGEMENT ANALYST: Kathleen Dewoina 3-10-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey 3-10-81

EFFECT ON EXPENDITURES:	1981-83	1983-85
Department of General Services		
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	<hr/>	<hr/>
Total	\$14,500 OF	\$26,960 OF

EFFECT ON REVENUES:

Department of General Services		
Insurance premiums		
Vehicle liability	\$11,550 OF	\$21,280 OF
Property damage	2,500 OF	4,800 OF
Personal injury protection and uninsured motorist	450 OF	880 OF
	<hr/>	<hr/>
	\$14,500 OF	\$26,960 OF

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The fiscal analysis shows only costs of insuring vehicles which may be used for ridesharing. The analysis assumes an estimated 25 vehicles in 1981-83 and 40 vehicles in 1983-85 may be used for this purpose. Revenues to the Department of General Services would be collected from persons or groups involved in a ridesharing program.

This proposal is not anticipated in the Governor's Recommended Budget.

**SENATE AMENDMENTS TO
SENATE BILL 54**

By COMMITTEE ON INSURANCE/BANKING/RETIREMENT

March 9

- 1 On page 1 of the printed bill, line 12, after "use" insert "including but not limited to use authorized under
 - 2 ORS 276.598".
 - 3 In line 14, after the period delete the rest of the line and lines 15 and 16.
 - 4 In line 20, delete "(A)".
 - 5 Delete line 22.
-

Senate Bill 54

PRINTED PURSUANT TO ORS 171.130 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Task Force on Energy Conservation)

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.

Requires that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection, but not less than \$25,000 per occupant for personal injury protection if vehicle used for ridesharing. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

A BILL FOR AN ACT

Relating to ridesharing; amending ORS 30.265, 276.598 and 278.205

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

Section 1. ORS 278.205 is amended to read:

278.205. (1) The Department of General Services may issue a certificate of motor vehicle liability insurance and make assessments therefor.

(2) When issued on vehicles owned by local public bodies, such insurance shall also include uninsured motorist coverage and may include personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, at the request of a local public body, the department may provide uninsured motorist coverage for the motor vehicles owned by the local public body in amounts greater than those required under ORS 743.786 to 743.792.

including but not limited to use authorized under ORS 276.598
(3) When issued on state-owned vehicles furnished for public use, such insurance shall include uninsured motorist coverage and personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, when a state-owned vehicle is used in a ridesharing arrangement authorized under ORS 276.598, personal injury protection benefits shall be provided in an amount not less than \$25,000 per occupant.

(4) The Department of General Services, by rule, may provide personal injury protection benefits in excess of those specified in this section.

(5) The following motor vehicles shall be eligible for coverage provided under this section:

[(1)] (a) ~~State-owned vehicles furnished for public use pursuant to state law, other than those furnished to another governmental agency.~~

~~(B) As used in this paragraph, "public use" includes but is not limited to use authorized under ORS 276.598.~~

[(2)] (b) Motor vehicles owned by local public bodies insured under the liability fund pursuant to ORS 30.282.

Section 2. ORS 30.265 is amended to read:

30.265. (1) Subject to the limitations of ORS 30.260 to 30.300, every public body is liable for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted; complete new sections begin with SECTION.

1 arising out of a governmental or proprietary function or while operating a motor vehicle in a ridesharing
2 arrangement authorized under ORS 276.598. As used in ORS 30.260 to 30.300, "Tort" includes any violation of
3 42 U.S.C. section 1983.

4 (2) Every public body is immune from liability for any claim for injury to or death of any person or injury
5 to property resulting from an act or omission of an officer, employee or agent of a public body when such
6 officer, employee or agent is immune from liability.

7 (3) Every public body and its officers, employees and agents acting within the scope of their employment or
8 duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are
9 immune from liability for:

10 (a) Any claim for injury to or death of any person covered by any [workmen's] workers' compensation law.

11 (b) Any claim in connection with the assessment and collection of taxes.

12 (c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function
13 or duty, whether or not the discretion is abused.

14 (d) Any claim which is limited or barred by the provisions of any other statute.

15 (e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection
16 with the prevention of any of the foregoing.

17 (f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or
18 regulation which is unconstitutional, invalid or inapplicable except to the extent that they would have been
19 liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was
20 done or omitted in bad faith or with malice.

21 (4) ORS 30.260 to 30.300 do not apply to any claim against any public body or its officers, employees or
22 agents acting within the scope of their employment arising before July 1, 1968. Any such claim may be
23 presented and enforced to the same extent and subject to the same procedure and restrictions as if ORS 30.260
24 to 30.300 had not been adopted.

25 (5) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
26 any claim against the state or its officers, employees or agents acting within the scope of their employment or
27 duties, arising before July 2, 1975. Any such claim may be presented and enforced to the same extent and is
28 subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted, but the procedure
29 set forth in ORS 278.120 shall be applicable thereto.

30 (6) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
31 any claim against any local public body or its officers, employees or agents acting within the scope of their
32 employment or duties, arising before December 31, 1975. Any such claim may be presented and enforced to the
33 same extent and subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted.

34 Section 3. ORS 276.598 is amended to read:

35 276.598. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van
36 pool programs in which state-owned vehicles are used by state employees as commute vehicles, provided that a
37 daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such
38 vehicles for such purposes.

39 (2) The department shall prescribe rules which:

40 (a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and
41 distinguish such use from misappropriation for private use;

1 (b) Identify procedures for determining and collecting the appropriate charges from employees for the use
2 of commute vehicles; and

3 (c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state
4 car pool or van pool programs authorized in subsection (1) of this section.

5 (3) The department may authorize other state agencies to use state-owned vehicles under the control of
6 such agencies for the purposes set forth in subsection (1) of this section.

SENATE COMMITTEE REPORT

orig

Date 3/5/81

Mr. President:

Your Committee on Insurance, banking retirement to whom was referred SB 54, having had the same under consideration, respectfully report it back recommending:

_____ (adoption)
_____ passage.

_____ (adoption)
xx _____ passage with amendments.

_____ (adoption)
_____ passage with amendments
to the _____ engrossed measure.

_____ that the measure be printed engrossed and
referred to committee for further con-
sideration.

_____ that the measure be referred to another
committee as the President may direct.
(SR 9.01 (2))
(adoption)

_____ passage with amendments to resolve con-
flicts. (SR 9.35)

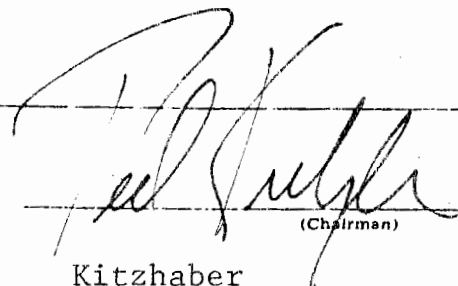
_____ that _____ be substituted
therefor and rereferred to Committee.
(SR 9.45)

_____ Other: _____

NOT CONCURRING (SR 9.15 (2)) Senator(s) _____

Referred to Committee on Ways and Means
by prior reference.

Print:
copies if no amdts.
copies if amdts.


(Chairman)

Sen. Kitzhaber
will lead floor discussion.

PROPOSED AMENDMENTS SB 54

On page 1 of the printed bill, line 12, after "use" insert
"including but not limited to use authorized under ORS 276.598".

In
~~On the same page~~ line 14, after the period delete the rest
of the line *and lines 15 and 16.*

~~On the same page delete lines 15 and 16.~~

In
~~On the same page~~ line 20, delete "(A)".

#
~~On the same page~~ delete line 22.
=

2/27/81

Oregon Department of Transportation

OREGON STATE SENATE
61st Legislative Assembly
STAFF MEASURE ANALYSIS

Measure: SB 54

Title: Relating to ridesharing; amending ORS 30.265, 276.598
and 278.205

Committee: Insurance, Banking & Retirement

Hearing Dates: 1-29-81 & 3-5-81

Explanation Prepared By: Al Nunez, Committee Administrator

Problem addressed. The 1977 Legislature authorized the Department of General Services to establish car pool and van pool programs using State owned vehicles for commuting. However, there is a question if the State is properly insured for this purpose.

Function and purpose of measure as reported out. This bill will provide coverage for personal injury protection on State vehicles used for car and van pooling. Also this limits the use of State owned vehicles for car and van pooling to State employees only.

Major issues discussed. The Committee was concerned that the minimum personal injury protection as originally presented did not conform with established State personal injury protection minimums. Also, there was discussion as to whether or not existing State minimum personal injury protection coverage was adequate.

Effect of committee amendments. The amendments cause the personal injury protection minimums to conform with existing State minimums.

Senate Bill 54

PRINTED PURSUANT TO ORS 171.130 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Task Force on Energy Conservation)

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.

Requires that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection, but not less than \$25,000 per occupant for personal injury protection if vehicle used for ridesharing. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

A BILL FOR AN ACT

Relating to ridesharing; amending ORS 30.265, 276.598 and 278.205

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

Section 1. ORS 278.205 is amended to read:

278.205. (1) The Department of General Services may issue a certificate of motor vehicle liability insurance and make assessments therefor.

(2) When issued on vehicles owned by local public bodies, such insurance shall also include uninsured motorist coverage and may include personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, at the request of a local public body, the department may provide uninsured motorist coverage for the motor vehicles owned by the local public body in amounts greater than those required under ORS 743.786 to 743.792.

(3) When issued on state-owned vehicles furnished for public use, such insurance shall include uninsured motorist coverage and personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. *including but not limited to use authorized under ORS 276.598*
~~However, when a state-owned vehicle is used in a ridesharing arrangement authorized under ORS 276.598, personal injury protection benefits shall be provided in an amount not less than \$25,000 per occupant.~~

(4) The Department of General Services, by rule, may provide personal injury protection benefits in excess of those specified in this section.

(5) The following motor vehicles shall be eligible for coverage provided under this section:

[(1)] (a) ~~(A)~~ State-owned vehicles furnished for public use pursuant to state law, other than those furnished to another governmental agency.

~~(B) As used in this paragraph, "public use" includes but is not limited to use authorized under ORS 276.598.~~

[(2)] (b) Motor vehicles owned by local public bodies insured under the liability fund pursuant to ORS 30.282.

Section 2. ORS 30.265 is amended to read:

30.265. (1) Subject to the limitations of ORS 30.260 to 30.300, every public body is liable for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted; complete new sections begin with SECTION.

arising out of a governmental or proprietary function or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598. As used in ORS 30.260 to 30.300, "Tort" includes any violation of 42 U.S.C. section 1983.

(2) Every public body is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission of an officer, employee or agent of a public body when such officer, employee or agent is immune from liability.

(3) Every public body and its officers, employees and agents acting within the scope of their employment or duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are immune from liability for:

(a) Any claim for injury to or death of any person covered by any [workmen's] workers' compensation law.

(b) Any claim in connection with the assessment and collection of taxes.

(c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.

(d) Any claim which is limited or barred by the provisions of any other statute.

(e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection with the prevention of any of the foregoing.

(f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or regulation which is unconstitutional, invalid or inapplicable except to the extent that they would have been liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was done or omitted in bad faith or with malice.

(4) ORS 30.260 to 30.300 do not apply to any claim against any public body or its officers, employees or agents acting within the scope of their employment arising before July 1, 1968. Any such claim may be presented and enforced to the same extent and subject to the same procedure and restrictions as if ORS 30.260 to 30.300 had not been adopted.

(5) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to any claim against the state or its officers, employees or agents acting within the scope of their employment or duties, arising before July 2, 1975. Any such claim may be presented and enforced to the same extent and is subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted, but the procedure set forth in ORS 278.120 shall be applicable thereto.

(6) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to any claim against any local public body or its officers, employees or agents acting within the scope of their employment or duties, arising before December 31, 1975. Any such claim may be presented and enforced to the same extent and subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted.

Section 3. ORS 276.598 is amended to read:

276.598. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van pool programs in which state-owned vehicles are used by state employees as commute vehicles, provided that a daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such vehicles for such purposes.

(2) The department shall prescribe rules which:

(a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and distinguish such use from misappropriation for private use;

(b) Identify procedures for determining and collecting the appropriate charges from employees for the use of commute vehicles; and

(c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state car pool or van pool programs authorized in subsection (1) of this section.

(3) The department may authorize other state agencies to use state-owned vehicles under the control of such agencies for the purposes set forth in subsection (1) of this section.

1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: SB 54

STATUS: Original

SUBJECT: Requires that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection, but not less than \$25,000 per occupant for personal injury protection if vehicle used for ridesharing. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

GOVERNMENT UNIT AFFECTED: Department of General Services

BUDGET AND MANAGEMENT ANALYST: Kathleen Dewoina 1-28-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey 1-28-81

EFFECT ON EXPENDITURES:	1981-83	1983-85
Department of General Services		
Liability claims reserves	\$12,000 OF	\$22,160 OF
(for personal injury protection)		
Collision claims reserves	2,500 OF	4,800 OF
(paid to the restoration fund)		
Total	\$14,500 OF	\$26,960 OF

EFFECT ON REVENUES:

Department of General Services		
Insurance premiums		
Vehicle liability	\$11,550 OF	\$21,280 OF
Property damage	2,500 OF	4,800 OF
Personal injury protection and		
uninsured motorist	450 OF	880 OF
	\$14,500 OF	\$26,960 OF

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The fiscal analysis shows only costs of insuring vehicles which may be used for ridesharing. The analysis assumes an estimated 25 vehicles in 1981-83 and 40 vehicles in 1983-85 may be used for this purpose. Revenues to the Department of General Services would be collected from persons or groups involved in a ridesharing program.

This proposal is not anticipated in the Governor's Recommended Budget.

Senate Bill 54

PRINTED PURSUANT TO ORS 171.130 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Task Force on Energy Conservation)

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.

Requires that insurance on state-owned vehicles furnished for public use include uninsured motorist coverage and personal injury protection, but not less than \$25,000 per occupant for personal injury protection if vehicle used for ridesharing. Includes ridesharing within scope of government tort liability. Limits use of state-owned vehicles for car pools to use for state employees.

A BILL FOR AN ACT

Relating to ridesharing; amending ORS 30.265, 276.598 and 278.205

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

Section 1. ORS 278.205 is amended to read:

278.205. (1) The Department of General Services may issue a certificate of motor vehicle liability insurance and make assessments therefor.

(2) **When issued on vehicles owned by local public bodies**, such insurance shall also include uninsured motorist coverage and may include personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, at the request of a local public body, the department may provide uninsured motorist coverage for the motor vehicles owned by the local public body in amounts greater than those required under ORS 743.786 to 743.792.

(3) **When issued on state-owned vehicles furnished for public use**, such insurance shall include uninsured motorist coverage and personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, when a state-owned vehicle is used in a ridesharing arrangement authorized under ORS 276.598, personal injury protection benefits shall be provided in an amount not less than \$25,000 per occupant.

(4) The Department of General Services, by rule, may provide personal injury protection benefits in excess of those specified in this section.

(5) The following motor vehicles shall be eligible for coverage provided under this section:

[(1)] (a) (A) State-owned vehicles furnished for public use pursuant to state law, other than those furnished to another governmental agency.

(B) As used in this paragraph, "public use" includes but is not limited to use authorized under ORS 276.598.

[(2)] (b) Motor vehicles owned by local public bodies insured under the liability fund pursuant to ORS 30.282.

Section 2. ORS 30.265 is amended to read:

30.265. (1) Subject to the limitations of ORS 30.260 to 30.300, every public body is liable for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether

NOTE: Matter in bold face in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted; complete new sections begin with **SECTION**.

1 arising out of a governmental or proprietary function or while operating a motor vehicle in a ridesharing
 2 arrangement authorized under ORS 276.598. As used in ORS 30.260 to 30.300, "Tort" includes any violation of
 3 42 U.S.C. section 1983.

4 (2) Every public body is immune from liability for any claim for injury to or death of any person or injury
 5 to property resulting from an act or omission of an officer, employee or agent of a public body when such
 6 officer, employee or agent is immune from liability.

7 (3) Every public body and its officers, employees and agents acting within the scope of their employment or
 8 duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are
 9 immune from liability for:

10 (a) Any claim for injury to or death of any person covered by any [workmen's] workers' compensation law.

11 (b) Any claim in connection with the assessment and collection of taxes.

12 (c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function
 13 or duty, whether or not the discretion is abused.

14 (d) Any claim which is limited or barred by the provisions of any other statute.

15 (e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection
 16 with the prevention of any of the foregoing.

17 (f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or
 18 regulation which is unconstitutional, invalid or inapplicable except to the extent that they would have been
 19 liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was
 20 done or omitted in bad faith or with malice.

21 (4) ORS 30.260 to 30.300 do not apply to any claim against any public body or its officers, employees or
 22 agents acting within the scope of their employment arising before July 1, 1968. Any such claim may be
 23 presented and enforced to the same extent and subject to the same procedure and restrictions as if ORS 30.260
 24 to 30.300 had not been adopted.

25 (5) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
 26 any claim against the state or its officers, employees or agents acting within the scope of their employment or
 27 duties, arising before July 2, 1975. Any such claim may be presented and enforced to the same extent and is
 28 subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted, but the procedure
 29 set forth in ORS 278.120 shall be applicable thereto.

30 (6) The amendments to ORS 30.270 and 30.285 enacted by chapter 609, Oregon Laws 1975, do not apply to
 31 any claim against any local public body or its officers, employees or agents acting within the scope of their
 32 employment or duties, arising before December 31, 1975. Any such claim may be presented and enforced to the
 33 same extent and subject to the same restrictions as if chapter 609, Oregon Laws 1975, had not been adopted.

34 Section 3. ORS 276.598 is amended to read:

35 276.598. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van
 36 pool programs in which state-owned vehicles are used by state employees as commute vehicles, provided that a
 37 daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such
 38 vehicles for such purposes.

39 (2) The department shall prescribe rules which:

40 (a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and
 41 distinguish such use from misappropriation for private use;

1 (b) Identify procedures for determining and collecting the appropriate charges from employees for the use
 2 of commute vehicles; and

3 (c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state
 4 car pool or van pool programs authorized in subsection (1) of this section.

5 (3) The department may authorize other state agencies to use state-owned vehicles under the control of
 6 such agencies for the purposes set forth in subsection (1) of this section.

LC 114-2

SENATE BILL BACK

①

▼ CROSS OUT INAPPLICABLE WORDS ▼

BILL ~~RESOLUTION~~ } NUMBER 54
..... ~~MEMORIAL~~ }

Title:

Relating to ridesharing; amending ORS 30.265,
276.598 and 278.205.

PRE-SESSION
FILED

PRINTED PURSUANT TO ORS 171.130 by order of the
President of the Senate in conformance with
presession filing rules, indicating neither
advocacy nor opposition on the part of the
President.

At the request of:

Senate Interim Task Force on
Energy Conservation

All agencies, organizations and persons that
have formally requested the measure are named
herein in accordance with ORS 171.127.


CHIEF SPONSOR Jack Ripper, Chairman

MEASURE SUMMARY

1
2 Requires that insurance on state-owned vehicles furnished for
3 public use include uninsured motorist coverage and personal injury
4 protection but not less than \$25,000 per occupant for personal
5 injury protection if vehicle used for ridesharing. Includes
6 ridesharing within scope of government tort liability. Limits use of
7 state-owned vehicles for car pools to use for state employees.

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Relating to ridesharing; amending ORS 30.265, 276.598 and 278.205

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(2) When issued on vehicles owned by local public bodies, such insurance shall also include uninsured motorist coverage and may include personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, at the request of a local public body, the department may provide uninsured motorist coverage for the motor vehicles owned by the local public body in amounts greater than those required under ORS 743.786 to 743.792.

(3) When issued on state-owned vehicles furnished for public use, such insurance shall include uninsured motorist coverage and personal injury protection benefits and shall provide at least the minimum coverages and amounts set forth in ORS 743.786 to 743.835. However, when a state-owned vehicle is used in a ridesharing arrangement authorized under ORS 276.598, personal injury protection benefits shall be provided in an amount not less than \$25,000 per occupant.

(4) The Department of General Services, by rule, may provide personal injury protection benefits in excess of those specified in this section.

1 (5) The following motor vehicles shall be eligible for coverage
2 provided under this section:

3 [(1)] (a) (A) State-owned vehicles furnished for public use
4 pursuant to state law, other than those furnished to another
5 governmental agency.

6 (B) As used in this paragraph, "public use" includes but is not
7 limited to use authorized under ORS 276.598.

8 [(2)] (b) Motor vehicles owned by local public bodies insured
9 under the liability fund pursuant to ORS 30.282.

10 Section 2. ORS 30.265 is amended to read:

11 30.265. (1) Subject to the limitations of ORS 30.260 to 30.300,
12 every public body is liable for its torts and those of its officers,
13 employes and agents acting within the scope of their employment or
14 duties, whether arising out of a governmental or proprietary
15 function or while operating a motor vehicle in a ridesharing
16 arrangement authorized under ORS 276.598. As used in ORS 30.260 to
17 30.300, "Tort" includes any violation of 42 U.S.C. section 1983.

18 (2) Every public body is immune from liability for any claim for
19 injury to or death of any person or injury to property resulting
20 from an act or omission of an officer, employe or agent of a public
21 body when such officer, employe or agent is immune from liability.

22 (3) Every public body and its officers, employes and agents
23 acting within the scope of their employment or duties, or while
24 operating a motor vehicle in a ridesharing arrangement authorized
25 under ORS 276.598, are immune from liability for:

26 (a) Any claim for injury to or death of any person covered by
27 any [workmen's] workers' compensation law.

28 (b) Any claim in connection with the assessment and collection
29 of taxes.

1 (c) Any claim based upon the performance of or the failure to
2 exercise or perform a discretionary function or duty, whether or not
3 the discretion is abused.

4 (d) Any claim which is limited or barred by the provisions of
5 any other statute.

6 (e) Any claim arising out of riot, civil commotion or mob action
7 or out of any act or omission in connection with the prevention of
8 any of the foregoing.

9 (f) Any claim arising out of an act done or omitted under
10 apparent authority of a law, resolution, rule or regulation which is
11 unconstitutional, invalid or inapplicable except to the extent that
12 they would have been liable had the law, resolution, rule or
13 regulation been constitutional, valid and applicable, unless such
14 act was done or omitted in bad faith or with malice.

15 (4) ORS 30.260 to 30.300 do not apply to any claim against any
16 public body or its officers, employees or agents acting within the
17 scope of their employment arising before July 1, 1968. Any such
18 claim may be presented and enforced to the same extent and subject
19 to the same procedure and restrictions as if ORS 30.260 to 30.300
20 had not been adopted.

21 (5) The amendments to ORS 30.270 and 30.285 enacted by chapter
22 609, Oregon Laws 1975, do not apply to any claim against the state
23 or its officers, employees or agents acting within the scope of their
24 employment or duties, arising before July 2, 1975. Any such claim
25 may be presented and enforced to the same extent and is subject to
26 the same restrictions as if chapter 609, Oregon Laws 1975, had not
27 been adopted, but the procedure set forth in ORS 278.120 shall be
28 applicable thereto.

1 (6) The amendments to ORS 30.270 and 30.285 enacted by chapter
2 609, Oregon Laws 1975, do not apply to any claim against any local
3 public body or its officers, employees or agents acting within the
4 scope of their employment or duties, arising before December 31,
5 1975. Any such claim may be presented and enforced to the same
6 extent and subject to the same restrictions as if chapter 609,
7 Oregon Laws 1975, had not been adopted.

8 Section 3. ORS 276.598 is amended to read:

9 276.598. (1) Notwithstanding the provisions of ORS 283.395, the
10 department may establish car pool or van pool programs in which
11 state-owned vehicles are used by state employees as commute vehicles,
12 provided that a daily, weekly or monthly fee is charged that is
13 adequate to reimburse the state for the cost of providing such
14 vehicles for such purposes.

15 (2) The department shall prescribe rules which:

16 (a) Define the use of state-owned motor vehicles which
17 constitute use in the conduct of state business and distinguish such
18 use from misappropriation for private use;

19 (b) Identify procedures for determining and collecting the
20 appropriate charges from employees for the use of commute vehicles;
21 and

22 (c) Identify procedures to be used in the operation of state-
23 owned vehicles as commute vehicles in the state car pool or van pool
24 programs authorized in subsection (1) of this section.

25 (3) The department may authorize other state agencies to use
26 state-owned vehicles under the control of such agencies for the
27 purposes set forth in subsection (1) of this section.