

## Oregon Statutes Relating to Officiating

### 1. **Soccer Independent Contractors – Minimum Wage Exclusion:**

**670.610 Referees in recreational soccer matches considered independent contractors.** Notwithstanding ORS 670.600, for purposes of ORS chapter 653, a person serving as a referee or assistant referee in a youth or adult recreational soccer match shall be considered to be an independent contractor. [2001 c.765 §3; 2005 c.94 §116]

**Note** – ORS Chapter 653 is the Minimum Wage chapter, therefore this statute does not establish soccer officials as independent contractors for any other purpose.

ORS 670.600 is the general independent contractor statute.

**314.015** Notwithstanding ORS 670.600 (Independent Contractor defined, for purposes of ORS Chapter 316, a person serving as a referee or assistant referee in a youth or adult recreational soccer match shall be considered an independent contractor. (2005)

**Note** – ORS Chapter 316 is Oregon’s personal income tax statute.

### 2. **Unemployment Insurance Exclusion:**

**657.088 Employment; certain sports officiating services excluded.** (1) As used in this chapter, “employment” does not include officiating services performed by individuals in recreational, interscholastic or intercollegiate sporting events or contests.

(2) As used in this section:

(a) “Officiating services” means overseeing the play of a sporting event or contest, judging whether the rules are being followed and penalizing participants for infringing the rules.

(b) “Sporting event or contest” means any sporting competition in which the participants are not professional athletes or contestants or are not remunerated for their participation.

(3) Subsection (1) of this section does not apply to officiating services performed for:

(a) A **nonprofit employing unit**

(b) This state;

(c) A political subdivision of this state; or

(d) An Indian tribe. [2011 c.106 §2]

**657.010 Definitions.** As used in this chapter, unless the context requires otherwise:

(11) “**Nonprofit employing unit**” means an organization, or group of organizations, described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

### **3. Exemption from worker's compensation laws:**

**656.027 Who are subject workers.** All workers are subject to this chapter except those non- subject workers described in the following subsections:

(13) A person who has been declared an amateur athlete under the rules of the United States Olympic Committee or the Canadian Olympic Committee and who receives no remuneration for performance of services as an athlete other than board, room, rent, housing, lodging or other reasonable incidental subsistence allowance, or any amateur sports official who is certified by a recognized Oregon or national certifying authority, which requires or provides liability and accident insurance for such officials. A roster of recognized Oregon and national certifying authorities will be maintained by the Department of Consumer and Business Services, from lists of certifying organizations submitted by the Oregon School Activities Association and the Oregon Park and Recreation Society.

(26) A person serving as a referee or assistant referee in a youth or adult recreational soccer match whose services are retained on a match-by-match basis.

### **4. Physical Contact with an Official – Civil Damages:**

**30.882 Award of liquidated damages to sports official subjected to offensive physical contact; attorney fees.** (1) In addition to, and not in lieu of any other damages that may be claimed, a plaintiff who is a sports official shall receive liquidated damages in an amount not less than \$500 but not more than \$1,000 in any action in which the plaintiff establishes that:

(a) The defendant intentionally subjected the plaintiff to offensive physical contact;

(b) The defendant knew that the plaintiff was a sports official at the time the offensive physical contact was made;

(c) The offensive physical contact is made while the plaintiff is within, or in the immediate vicinity of, a facility at which the plaintiff serves as a sports official for a sports event; and

(d) The offensive physical contact is made while the plaintiff is serving as a sports official or within a brief period of time thereafter.

(2) The court shall award reasonable attorney fees to a prevailing plaintiff in an action in which liquidated damages are awarded under this section.

(3) An award of liquidated damages under this section is not subject to ORS 31.725, 31.730 or 31.735.

(4) As used in this section, "sports official" means a person who:

(a) Serves as a referee, umpire, linesman or judge or performs similar functions under a different title; and

(b) Is a member of, or registered by, a local, state, regional or national organization that engages in providing education and training in sports officiating.

[1999 c.786 §1]

## **5. Criminal statutes – Authority to Expel Persons**

**164.274 Definitions for ORS 164.276 and 164.278.** As used in ORS 164.276 and 164.278:

(1) "Coach" means a person who instructs or trains members of a team or directs the strategy of a team participating in a sports event.

(2) "Inappropriate behavior" means:

(a) Engaging in fighting or in violent, tumultuous or threatening behavior;

(b) Violating the rules of conduct governing coaches, team players and spectators at a sports event;

(c) Publicly insulting another person by abusive words or gestures in a manner intended to provoke a violent response; or

(d) Intentionally subjecting another person to offensive physical contact.

(3) "Premises" has the meaning given that term in ORS 164.205.

(4) "Spectator" means any person, other than a team player or coach, who attends a sports event.

(5) "Sports official" has the meaning given that term in ORS 30.882. [2003 c.629 §1]

**164.276 Authority of sports official to expel persons from sports event.** A sports official may order a coach, team player or spectator to leave the premises at which a sports event is taking place and at which the sports official is officiating if the coach, team player or spectator is engaging in inappropriate behavior. [2003 c.629 §2]

**164.278 Criminal trespass at sports event.** (1) A person commits the crime of criminal trespass at a sports event if the person:

(a) Is a coach, team player or spectator at a sports event;

(b) Engages in inappropriate behavior;

(c) Has been ordered by a sports official to leave the premises at which the sports event is taking place; and

(d) Fails to leave the premises or returns to the premises during the period of time when reentry has been prohibited.

(2) Criminal trespass at a sports event is a Class C misdemeanor. [2003 c.629 §3]

## **ORS 417.875 Referee training requirement (non school) – Jenna’s Law**

**(1)**As used in this section:

**(a)**“Coach” means a person who volunteers for, or is paid to instruct or train members of, a nonschool athletic team.

**(b)**“Health care professional” means a physician licensed under ORS **677.100 (Qualifications of applicant for license)** to **677.228 (Automatic lapse of license for failure to pay registration fee or report change of location)**, psychologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.

**(c)**“League governing body” means a governing body that:

**(A)**Oversees an association of nonschool athletic teams that provide instruction or training for team members and that may compete with each other; **and**

**(B)**Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation established as provided by ORS chapter 65.

**(d)**“Nonschool athletic team” means an athletic team that includes members who are under 18 years of age and that is not affiliated with a public school in this state.

**(e)**“Referee” means a person who volunteers or is paid to act as a referee, as an umpire or in a similar supervisory position for events involving nonschool athletic teams.

**(f)**“Referee governing body” means a governing body that:

**(A)**Trains and certifies individuals to serve as referees for nonschool athletic team events; **and**

**(B)**Is affiliated with, or otherwise sponsored or organized by, a nonprofit corporation established as provided by ORS chapter 65.

**(2)**(a) Each league governing body and each referee governing body shall ensure that the coaches and the referees, respectively, receive annual training to learn how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

**(b)**Each league governing body and each referee governing body shall adopt a policy that establishes:

**(A)**The requirements of the training described in paragraph (a) of this subsection; **and**

**(B)**Procedures that ensure that every coach and referee receives the training described in paragraph (a) of this subsection.

**(3)**Except as provided in subsection (4) of this section:

**(a)**A coach may not allow a member of a nonschool athletic team to participate in any athletic event or training on the same day that the member:

**(A)**Exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; **or**

**(B)**Has been diagnosed with a concussion.

**(b)**A coach may allow a member of a nonschool athletic team who is prohibited from participating in an athletic event or training, as described in paragraph (a) of this subsection, to participate in an athletic event or training no sooner than

the day after the member experienced a blow to the head or body and only after the member:

**(A)**No longer exhibits signs, symptoms or behaviors consistent with a concussion; **and**

**(B)**Receives a medical release form from a health care professional.

**(4)**A coach may allow a member of a nonschool athletic team to participate in any athletic event or training at any time after an athletic trainer registered by the Board of Athletic Trainers determines that the member has not suffered a concussion. The athletic trainer may, but is not required to, consult with a health care professional in making the determination that the member has not suffered a concussion.

**(5)**The league governing body shall develop or use existing guidelines and other relevant materials, and shall make available those guidelines and materials, to inform and educate persons under 18 years of age desiring to be a member on a nonschool athletic team, the parents and legal guardians of the persons and the coaches about the symptoms and warning signs of a concussion.

**(6)**For each year of participation, and prior to a person under 18 years of age participating as a member on a nonschool athletic team, at least one parent or legal guardian of the person must acknowledge the receipt of the guidelines and materials described in subsection (5) of this section and the review of those guidelines and materials by:

**(a)**The parent or legal guardian of the person; **and**

**(b)**If the person is 12 years of age or older, the person.

**(7)**A league governing body may hold an informational meeting prior to the start of any season for each nonschool athletic team regarding the symptoms and warning signs of a concussion.

**(8)**(a) Any person who regularly serves as a coach or as a referee and who complies with the provisions of this section is immune from civil or criminal liability related to a head injury unless the person acted or failed to act because of gross negligence or willful or wanton misconduct.

**(b)**Nothing in this section shall be construed to affect the civil or criminal liability related to a head injury of a person who does not regularly serve as a coach or a referee. [2013 c.489 §1; 2015 c.392 §2; 2017 c.409 §11]

**Note: ORS 336.485** "Max's Law" relates to schools and coaches only