

House Bill 2273

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of former Representative Judy Stiegler for Bend Chamber of Commerce)

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**.

Removes prohibition against self-service dispensing of Class 1 flammable liquids.

A BILL FOR AN ACT

1
2 Relating to self-service dispensing of gas; creating new provisions; amending ORS 479.180; and re-
3 pealing ORS 480.310, 480.315, 480.320, 480.330, 480.340, 480.345, 480.347, 480.349, 480.350, 480.355,
4 480.360, 480.365, 480.370, 480.375, 480.380, 480.385 and 480.390.

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

6 **SECTION 1. ORS 480.310, 480.315, 480.320, 480.330, 480.340, 480.345, 480.347, 480.349, 480.350,**
7 **480.355, 480.360, 480.365, 480.370, 480.375, 480.380, 480.385 and 480.390 are repealed.**

8 **SECTION 2.** ORS 479.180 is amended to read:

9 479.180. (1) If the owner, lessee, agent or occupant is aggrieved by the order of an officer under
10 the provisions of ORS 476.030, 479.020 to 479.130, 479.170, 479.210 to 479.220, 480.122 to 480.160,
11 [*480.330, 480.340,*] 480.420 to 480.434 or 480.450 and desires a hearing, the person may complain or
12 appeal in writing to the State Fire Marshal within 10 days from the service of the order. The com-
13 plaint or appeal shall set forth the specific grounds of the complaint or appeal and no other ground
14 shall be considered thereafter. The complaint or appeal shall be accompanied by a fee of \$40 payable
15 to the State Fire Marshal, and the State Fire Marshal may refer the complaint or appeal to the re-
16 gional appeal advisory board established for that region by notifying the chairperson of that board
17 and sending a copy of the notice to the complainant or appellant. The board shall fix a time for
18 hearing and notify the complainant or appellant of the time and place thereof, which shall be within
19 10 days after such referral by the State Fire Marshal. If the State Fire Marshal does not refer the
20 matter to a regional appeal advisory board, the State Fire Marshal shall fix a time and place, not
21 less than five and not more than 10 days thereafter, when and where the complaint or appeal will
22 be heard by the State Fire Marshal. Within 10 days after receiving a recommendation from the re-
23 gional appeal advisory board, or if no referral was made to such board, within 10 days after the
24 hearing before the State Fire Marshal, the State Fire Marshal may affirm, modify, revoke or vacate
25 the order complained of or appealed from. Unless the order is modified, revoked or vacated by the
26 State Fire Marshal, it shall remain in force and be complied with by the owner, lessee, agent or
27 occupant, and within the time fixed in the order or fixed by the State Fire Marshal. If the State Fire
28 Marshal vacates or revokes the order complained of or appealed from, or modified it in any partic-
29 ular other than extending time for compliance, the fee paid with the complaint or appeal shall be
30 refunded. Otherwise, it shall be credited to appropriate state funds, and the State Fire Marshal shall
31 so notify the State Treasurer.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) If the complainant or appellant under subsection (1) of this section is aggrieved by the final
 2 order of the State Fire Marshal, and if such order necessitates the expenditure of money or involves
 3 statutory interpretation, the complainant or appellant may, within 10 days thereafter, appeal to the
 4 circuit court of the county in which the property is situated, notifying the State Fire Marshal of the
 5 appeal within 10 days thereafter, which notice shall be in writing and delivered personally or by
 6 registered letter to the marshal, or left at the principal office of the State Fire Marshal at the state
 7 capital. The party so appealing shall, within two days after filing the appeal, file with the circuit
 8 court in which appeal is made a bond in an amount to be fixed by the court or judge, but in no case
 9 less than \$100, with two sufficient sureties possessing the qualification of bail on arrest, the bond
 10 to be approved by the court and conditioned to pay all the costs on the appeal in case the appellant
 11 fails to sustain it or it is dismissed for any cause. In the case of an appeal involving an order under
 12 ORS 479.170, the circuit court shall hear and determine the appeal within 10 days after the date of
 13 filing the same.

14 (3) The State Fire Marshal shall make or have made a certified summary of the proceedings at
 15 the hearing before the regional appeal advisory board or before the State Fire Marshal, and together
 16 with all the evidentiary matter filed in the office of the State Fire Marshal or presented to the re-
 17 gional appeal advisory board, transmit them to the circuit court at least three days prior to the date
 18 fixed by the court for hearing when it shall be tried de novo.

19 **SECTION 3. The amendments to ORS 479.180 by section 2 of this 2011 Act and the repeal**
 20 **of ORS 480.310, 480.315, 480.320, 480.330, 480.340, 480.345, 480.347, 480.349, 480.350, 480.355,**
 21 **480.360, 480.365, 480.370, 480.375, 480.380, 480.385 and 480.390 by section 1 of this 2011 Act be-**
 22 **come operative on July 1, 2012.**

23 **SECTION 4. The owners or operators of filling stations, service stations, garages or other**
 24 **dispensaries where Class 1 flammable liquids are dispensed and the State Fire Marshal may**
 25 **take any actions before the operative date specified in section 3 of this 2011 Act that are**
 26 **necessary to enable self-service dispensing of Class 1 flammable liquids on and after the op-**
 27 **erative date specified in section 3 of this 2011 Act.**