

A-Engrossed
House Bill 2614

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representative KENNEMER (at the request of Boring Water District #24) (Pre-session filed.)

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.

Allows certain special districts to dispense fuel at nonretail dispensing facility notwithstanding purchase of less than 900 gallons annually.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to minimum fuel purchases by nonretail customers; amending ORS 480.345; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 480.345 is amended to read:

6 480.345. Notwithstanding ORS 480.330 and 480.340, the owner, operator or employee of a dis-
7 pensing facility may permit nonretail customers other than the owner, operator or employee to use
8 or manipulate at the dispensing facility a card activated or key activated device for dispensing Class
9 1 flammable liquids into the fuel tank of a motor vehicle or other container under the following
10 conditions:

11 (1) The owner or operator shall hold a current nonretail facility license issued by the State Fire
12 Marshal under ORS 480.350;

13 (2) *[After April 1, 1992,]* **Except as provided in ORS 480.360**, a nonretail customer shall pur-
14 chase at least 900 gallons of Class 1 flammable liquids or diesel fuel from any source during a
15 12-month period or, if the amount of such liquids or fuel purchased is less than 900 gallons annually,
16 file documentation that:

17 (a) The fuel qualifies as a deductible farming expense on the customer's federal income tax re-
18 turn; *[or]*

19 (b) The fuel was purchased by a governmental agency providing fire, ambulance or police ser-
20 vices; **or**

21 **(c) The fuel was purchased by:**

22 **(A) A people's utility district organized under ORS chapter 261;**

23 **(B) A domestic water supply district organized under ORS chapter 264;**

24 **(C) A mass transit district organized under ORS 267.010 to 267.390;**

25 **(D) A metropolitan service district organized under ORS chapter 268;**

26 **(E) A special road district organized under ORS 371.305 to 371.360;**

27 **(F) A 9-1-1 communications district organized under ORS 403.300 to 403.380;**

28 **(G) A sanitary district organized under ORS 450.005 to 450.245;**

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 **(H) A sanitary authority, water authority or joint water and sanitary authority organized**
2 **under ORS 450.600 to 450.989;**

3 **(I) A rural fire protection district organized under ORS chapter 478;**

4 **(J) A water improvement district organized under ORS chapter 552;**

5 **(K) A water control district organized under ORS chapter 553; or**

6 **(L) A port organized under ORS chapter 777.**

7 (3) The nonretail customer shall provide a federal employer identification number or equivalent
8 documentation to indicate participation in a business or employment with a government agency or
9 nonprofit or charitable organization;

10 (4) The nonretail customer, other than the owner or operator, dispensing Class 1 flammable
11 liquids shall be employed by a business, government agency or nonprofit or charitable organization
12 and shall dispense Class 1 flammable liquids only into the fuel tank of a motor vehicle or other
13 container owned or used by the business, government agency or nonprofit or charitable organization;

14 (5) The nonretail customer, other than the owner, operator or employee, dispensing Class 1
15 flammable liquids shall have satisfied safety training requirements in compliance with rules of the
16 State Fire Marshal; and

17 (6) The owner or operator shall enter into a written agreement with nonretail customers per-
18 mitted under this section to dispense fuel at the nonretail facility. Except as otherwise provided in
19 ORS 480.355, the agreement shall at a minimum:

20 (a) Certify that the nonretail customer will purchase at least 900 gallons of Class 1 flammable
21 liquids or diesel fuel from any source during a 12-month period or, if the amount of such liquids or
22 fuel purchased is less than 900 gallons annually, file documentation that:

23 (A) The fuel qualifies as a deductible farming expense on the customer's federal income tax re-
24 turn; or

25 (B) The fuel was purchased by a governmental agency providing fire, ambulance or police ser-
26 vices;

27 (b) Provide a federal employer identification number or equivalent documentation to indicate
28 participation in a business or employment with a government agency or nonprofit or charitable or-
29 ganization;

30 (c) Certify that the nonretail customer is employed by a business, government agency or
31 nonprofit or charitable organization and that the nonretail customer shall dispense Class 1
32 flammable liquids only into the fuel tank of a motor vehicle or other container owned or used by
33 the business, government agency or nonprofit or charitable organization;

34 (d) Certify that the nonretail customer has satisfied safety training requirements in compliance
35 with rules of the State Fire Marshal; and

36 (e) Require the nonretail customer to submit a sworn statement, as defined in ORS 162.055, that
37 the information supplied in the agreement is true and correct.

38 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
40 **on its passage.**