

# House Bill 2614

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 **as introduced**.

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 sanitary district organized under ORS 450.005 to 450.245;**

28 **(G) A sanitary authority, water authority or joint water and sanitary authority organized**  
29 **under ORS 450.600 to 450.989;**

30 **(H) A rural fire protection district organized under ORS chapter 478;**

31 **(I) A water improvement district organized under ORS chapter 552;**

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

2 (K) A 9-1-1 communications district organized under ORS 403.300 to 403.380.

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

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

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

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

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

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

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

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

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

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

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

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

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