

B-Engrossed
House Bill 2482

Ordered by the House March 28
Including House Amendments dated March 9 and March 28

Sponsored by Representative BENTZ (Presession 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.

Limits self-service fuel dispensing to low-population counties of eastern Oregon and specified counties. Removes hours of operation restriction on self-service at filling stations, service stations, garages and other dispensaries in low-population counties of eastern Oregon.

Requires filling station, service station, garage or other retail dispensary in low-population county of eastern Oregon **or specified county** offering self-service to have attendant available for dispensing fuel during specified hours if located at site that includes retail space unrelated to certain motor vehicle goods and services.

Allows nonretail facility in low-population county of eastern Oregon to allow self-service dispensing of fuel at retail.

A BILL FOR AN ACT

1
2 Relating to self-service fuel dispensaries in low-population counties; creating new provisions; and
3 amending ORS 480.341.

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

5 **SECTION 1.** ORS 480.341 is amended to read:

6 480.341. (1) As used in this section[.]:

7 (a) **“Eastern Oregon” means that portion of the State of Oregon lying east of a line be-**
8 **ginning at the intersection of the northern boundary of this state and the western boundary**
9 **of Hood River County, and from there proceeding southerly along the western boundaries of**
10 **Hood River, Wasco, Jefferson, Deschutes and Klamath Counties to the southern boundary**
11 **of this state.**

12 (b) **“Low-population county” means a county that, based on a certificate of population prepared**
13 **under ORS 190.510 to 190.610, has a population of not more than 40,000.**

14 (2) Notwithstanding ORS **480.320**, 480.330 and 480.340, **and subject to subsection (3) of this**
15 **section**, if a filling station, service station, garage or other dispensary where Class 1 flammable
16 liquids are dispensed at retail is located in a low-population county **of eastern Oregon**, the owner
17 or operator may[, *after 6 p.m. and before 6 a.m.*]:

18 (a) Permit a person other than [*the*] **an** owner, operator or employee to use or manipulate a
19 device for dispensing liquids into the fuel tank of a motor vehicle or other retail container;

20 (b) Permit the use of an installed coin-operated or self-service dispensing device for the liquids;
21 and

22 (c) Allow the use of an automatic nozzle to dispense the liquids without [*the*] **an** owner, operator
23 or employee being in the immediate vicinity of the tank or container being filled.

24 [*(3) A dispensary described in this section is not subject to any provisions of ORS 480.315 to*

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.

1 480.385 regulating nonretail facilities.]

2 (3) If the site of a dispensary described in subsection (2) of this section includes retail
3 space providing goods or services, other than goods or services for maintaining, repairing
4 or cleaning a motor vehicle, the dispensary shall make an owner, operator or employee
5 available for dispensing Class 1 flammable liquids after 6 a.m. and before 6 p.m.

6 (4) Notwithstanding ORS 480.320, 480.330, 480.340 and 480.345, if a nonretail facility is lo-
7 cated in a low-population county of eastern Oregon, the owner or operator may:

8 (a) Permit the dispensing of Class 1 flammable liquids at retail;

9 (b) Permit a person other than an owner, operator, employee or nonretail customer to
10 use or manipulate a device for dispensing liquids into the fuel tank of a motor vehicle or
11 other retail container;

12 (c) Permit the use of an installed coin-operated or self-service dispensing device for the
13 liquids; and

14 (d) Allow the use of an automatic nozzle to dispense the liquids without an owner, oper-
15 ator or employee being in the immediate vicinity of the tank or container being filled.

16 (5)(a) Sales under subsection (2) of this section do not make a filling station, service
17 station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail
18 subject to any provisions of ORS 480.315 to 480.385 regulating nonretail facilities.

19 (b) Sales under subsection (4) of this section do not require that a nonretail facility pos-
20 sess a license to dispense Class 1 flammable liquids at retail.

21 (c) Sales under subsection (4) of this section do not require that a nonretail facility pos-
22 sess a conditional use license issued under ORS 480.355. However, sales under subsection (4)
23 of this section do not prevent a nonretail facility that qualifies under ORS 480.355 from also
24 possessing a conditional use license.

25 (d) Purchasing Class 1 flammable liquids under subsection (4) of this section does not
26 make a retail customer subject to any gallonage requirement set forth in ORS 480.345.

27 (e) Purchasing Class 1 flammable liquids under subsection (4) of this section does not
28 make a retail customer subject to rules of the State Fire Marshal establishing safety training
29 requirements.

30 (6) This section does not prohibit, limit or condition any dispensing of Class 1 flammable
31 liquids or diesel fuel otherwise authorized under ORS 480.315 to 480.385.

32 (7) No later than 90 days prior to commencing sales under subsection (4) of this section,
33 a nonretail facility shall notify the State Fire Marshal that the facility plans to dispense
34 Class 1 flammable liquids at retail under this section.

35 [(4)] (8) If a county where sales are authorized under this section ceases to be a low-
36 population county [on or after January 1, 2016], dispensaries and nonretail facilities located within
37 the county may operate as described in [subsection (2) of] this section notwithstanding the change
38 in county population.

39 **SECTION 2.** (1) Notwithstanding ORS 480.320, 480.330 and 480.340, if a filling station,
40 service station, garage or other dispensary where Class 1 flammable liquids are dispensed at
41 retail is located in Clatsop, Curry or Tillamook County, the owner or operator may, after 6
42 p.m. and before 6 a.m.:

43 (a) Permit a person other than an owner, operator or employee to use or manipulate a
44 device for dispensing liquids into the fuel tank of a motor vehicle or other retail container;

45 (b) Permit the use of an installed coin-operated or self-service dispensing device for the

1 **liquids; and**

2 **(c) Allow the use of an automatic nozzle to dispense the liquids without an owner, oper-**
3 **ator or employee being in the immediate vicinity of the tank or container being filled.**

4 **(2) A dispensary described in this section is not subject to any provisions of ORS 480.315**
5 **to 480.385 regulating nonretail facilities.**

6 **(3) If the site of a dispensary described in subsection (1) of this section includes retail**
7 **space providing goods or services, other than goods or services for maintaining, repairing**
8 **or cleaning a motor vehicle, the dispensary shall make an owner, operator or employee**
9 **available for dispensing Class 1 flammable liquids during the time after 6 p.m. and before 6**
10 **a.m., if any, that the retail space is open for business.**

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