

Requested by Representative BENTZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 2482**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; and”.

3 Delete lines 4 through 21 and insert:

4 **“SECTION 1.** ORS 480.341 is amended to read:

5 “480.341. (1) As used in this section[,]:

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

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

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

20 **“(a) Permit a person other than [*the*] an owner, operator or employee to**
21 **use or manipulate a device for dispensing liquids into the fuel tank of a**

1 motor vehicle or other retail container;

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

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

7 “[*(3) A dispensary described in this section is not subject to any provisions*
8 *of ORS 480.315 to 480.385 regulating nonretail facilities.*]

9 “**(3) If the site of a dispensary described in subsection (2) of this**
10 **section includes retail space providing goods or services, other than**
11 **goods or services for maintaining, repairing or cleaning a motor ve-**
12 **hicle, the dispensary shall make an owner, operator or employee**
13 **available for dispensing Class 1 flammable liquids after 6 a.m. and be-**
14 **fore 6 p.m.**

15 “**(4) Notwithstanding ORS 480.320, 480.330, 480.340 and 480.345, if a**
16 **nonretail facility is located in a low-population county of eastern**
17 **Oregon, the owner or operator may:**

18 “**(a) Permit the dispensing of Class 1 flammable liquids at retail;**

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

22 “**(c) Permit the use of an installed coin-operated or self-service**
23 **dispensing device for the liquids; and**

24 “**(d) Allow the use of an automatic nozzle to dispense the liquids**
25 **without an owner, operator or employee being in the immediate vi-**
26 **cinity of the tank or container being filled.**

27 “**(5)(a) Sales under subsection (2) of this section do not make a**
28 **filling station, service station, garage or other dispensary where Class**
29 **1 flammable liquids are dispensed at retail subject to any provisions**
30 **of ORS 480.315 to 480.385 regulating nonretail facilities.**

1 “(b) Sales under subsection (4) of this section do not require that
2 a nonretail facility possess a license to dispense Class 1 flammable
3 liquids at retail.

4 “(c) Sales under subsection (4) of this section do not require that a
5 nonretail facility possess a conditional use license issued under ORS
6 480.355. However, sales under subsection (4) of this section do not
7 prevent a nonretail facility that qualifies under ORS 480.355 from also
8 possessing a conditional use license.

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

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

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

18 “(7) No later than 90 days prior to commencing sales under sub-
19 section (4) of this section, a nonretail facility shall notify the State
20 Fire Marshal that the facility plans to dispense Class 1 flammable liq-
21 uids at retail under this section.

22 “[(4)] (8) If a county where sales are authorized under this section
23 ceases to be a low-population county [*on or after January 1, 2016*],
24 dispensaries **and nonretail facilities** located within the county may operate
25 as described in [*subsection (2) of*] this section notwithstanding the change in
26 county population.

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

1 and before 6 a.m.:

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

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

7 “(c) Allow the use of an automatic nozzle to dispense the liquids
8 without an owner, operator or employee being in the immediate vi-
9 cinity of the tank or container being filled.

10 “(2) A dispensary described in this section is not subject to any
11 provisions of ORS 480.315 to 480.385 regulating nonretail facilities.”.

12
