

HB 4151 -1 STAFF MEASURE SUMMARY

Joint Committee On Transportation

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Meeting Dates: 2/8

WHAT THE MEASURE DOES:

Authorizes self-service dispensing of Class 1 flammable liquids at retail dispensaries. Authorizes the State Fire Marshal, during a period of statewide emergency or local emergency, to permit self-service dispensing of Class 1 flammable liquids at retail dispensaries. Creates a civil penalty for violations of laws and rules related to self-service dispensing of gasoline at retail, punishable by a maximum fine of \$1,000. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Specifies that a filling station, service station, garage, or other dispensary may not designate more than half of its fuel dispensing devices for self-service. Requires posting of signage describing which pumps are for self-service and which may be operated only by owner, operator or employee of the dispensary and that includes contact information for the State Fire Marshal. Designates Oregon Department of Emergency Management, rather than State Fire Marshal, as entity that can authorize self-dispensing during a state of emergency. Increases civil penalty that State Fire Marshal may impose from \$1,000 per violation to \$5,000 per day per violation.

BACKGROUND:

Oregon is one of two states (including New Jersey) that restricts self-dispensing of gasoline at retail fueling stations. The prohibition dates back to 1951. Legislative findings regarding the prohibition cite: the need for training for safe dispensing of Class 1 flammable liquids; hazards faced by untrained persons dispensing such liquids; difficulties for some persons, such as senior citizens, in self-dispensing fuel and the lack of ability to ensure full-service fuel dispensing; health and environmental factors; the tendency for significantly higher cost of full-service fuel dispensing in states that allow self-service dispensing; the correlation between self-service dispensing and reduced availability of automotive repair at fueling stations; and employment considerations.

House Bill 3011 (2015) authorized fueling stations in counties with populations less than 40,000 residents to permit non-employees to dispense fuels into motor vehicles or other containers between the hours of 6:00 PM and 6:00 AM. Two years later, House Bill 2482 (2017) eliminated the time-of-day restrictions and limited the applicability only to small counties in eastern Oregon.