

HB 4151 A STAFF MEASURE SUMMARY

Joint Committee On Transportation

Action Date: 02/22/22

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

House Vote

Yeas: 7 - Boshart Davis, Evans, Lewis, McLain, Noble, Pham, Power

Nays: 1 - Nathanson

Senate Vote

Yeas: 3 - Beyer, Boquist, Findley

Nays: 2 - Frederick, Gorsek

Fiscal: Fiscal impact issued

Revenue: Has minimal revenue impact

Prepared By: Patrick Brennan, LPRO Analyst

Meeting Dates: 2/8, 2/22

WHAT THE MEASURE DOES:

Authorizes self-service dispensing of Class 1 flammable liquids at retail dispensaries. Limits provision of self-service dispensing to no more than half of available pumps at each facility. Creates signage requirements for self-service and operator-serviced pumps. Creates a civil penalty for violations of laws and rules related to self-service dispensing of gasoline at retail, punishable by maximum fine of \$5,000 per day per infraction. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Public opinion on self-service fuel dispensing
- Measure's complaint-driven reporting system
- Accessibility for drivers to operate fuel pumps
- Labor shortages at fueling stations
- Analogy to self-checkout stations at grocery stores
- Whether self-service slows or speeds fueling process
- Cost of gasoline in Oregon relative to neighboring states

EFFECT OF AMENDMENT:

Specifies that 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 dispensary owner, operator or employee and that includes contact information for the State Fire Marshal. Deletes provisions regarding declared states of emergencies. 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.

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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.

House Bill 4151 A allows fueling stations throughout Oregon to allow for self-service dispensing of gasoline at up to half of a station's available pumps.