

Requested by Representative BOSHART DAVIS

**PROPOSED AMENDMENTS TO
HOUSE BILL 4151**

1 On page 1 of the printed bill, line 3, after “480.343,” insert “480.344,”.

2 Delete lines 8 through 28.

3 On page 2, delete lines 1 through 10 and insert:

4 **“SECTION 2. (1) A filling station, service station, garage or other**
5 **dispensary where Class 1 flammable liquids are dispensed at retail may**
6 **not designate more than the same number of fuel dispensing devices**
7 **for self-service use by customers as are designated for attended service**
8 **by an owner, operator or employee of the dispensary of Class 1**
9 **flammable liquids.**

10 **“(2) A self-service fuel dispensing device may be equipped with an**
11 **automated payment device and must be equipped with an automatic**
12 **nozzle as described in ORS 480.340.**

13 **“(3)(a) A filling station, service station, garage or other dispensary**
14 **offering fuel dispensing devices for self-service must post one or more**
15 **notification signs that are clearly readable by an operator of a motor**
16 **vehicle stating:**

17 **“(A) Which fueling devices are designated for self-service and which**
18 **fueling devices are designated for attended service by an owner, oper-**
19 **ator or employee of a dispensary of Class 1 flammable liquids; and**

20 **“(B) The phone number for the State Fire Marshal.**

21 **“(b) For devices for which an owner, operator or employee of a**

1 dispensary is available to provide refueling assistance of Class 1
2 flammable liquids, the signs described in paragraph (a) of this sub-
3 section must be consistent with the provisions of ORS 480.344.

4 “(4) Except as provided in ORS 480.341 and 480.343, a filling station,
5 service station, garage or other dispensary may allow self-service dis-
6 pensing of Class 1 flammable liquids at retail only during hours that
7 the dispensary makes an owner, operator or employee of the
8 dispensary available for the dispensing of Class 1 flammable liquids.

9 “(5) The price charged for the Class 1 flammable liquid must be
10 identical at the self-service dispensing device and any dispensing de-
11 vice reserved for use by an owner, operator or employee of the
12 dispensary.

13 “(6) Sales under subsection (4) of this section do not make a filling
14 station, service station, garage or other dispensary where Class 1
15 flammable liquids are dispensed at retail subject to any provisions of
16 ORS 480.315 to 480.385 regulating nonretail facilities.

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

20 On page 8, delete lines 12 through 32 and insert:

21 **“SECTION 11. (1) As used in this section, ‘period of statewide
22 emergency’ means the period of time during which any declaration of
23 a state of emergency under ORS 401.165, public health emergency un-
24 der ORS 433.441 or catastrophic disaster under Article X-A, section 1,
25 of the Oregon Constitution, issued by the Governor, and any extension
26 of the declaration, is in effect, and continuing for 30 days after the
27 declaration and any extension is no longer in effect.**

28 **“(2) Notwithstanding any statute or rule to the contrary, during a
29 period of statewide emergency, the Oregon Department of Emergency
30 Management may permit a filling station, service station, garage or**

1 **other dispensary in the location where the emergency exists and where**
2 **Class 1 flammable liquids are dispensed to designate fuel dispensing**
3 **devices for self-service use by customers, regardless of whether an**
4 **owner, operator or employee of the dispensary is present at the**
5 **dispensary.**

6 **“(3) A self-service fuel dispensing device may be equipped with an**
7 **automated payment device and must be equipped with an automatic**
8 **nozzle as described in ORS 480.340.**

9 **“(4) Sales under subsection (2) of this section do not make a filling**
10 **station, service station, garage or other dispensary where Class 1**
11 **flammable liquids are dispensed at retail subject to any provisions of**
12 **ORS 480.315 to 480.385 regulating nonretail facilities.”.**

13 Delete lines 37 through 39 and insert:

14 **“(2) The State Fire Marshal may impose a civil penalty not to exceed**
15 **\$5,000 per day for any violation of section 2 of this 2022 Act or of any ap-**
16 **plicable rule adopted thereunder by the State Fire Marshal.”.**

17 On page 9, after line 16, insert:

18 **“SECTION 14.** ORS 480.344 is amended to read:

19 **“480.344. A filling station, service station, garage or other dispensary**
20 **subject to ORS 480.341 or 480.343 or section 2 of this 2022 Act, that makes**
21 **an owner, operator or employee available for dispensing Class 1 flammable**
22 **liquids, shall provide equal access to the dispensing services of the**
23 **dispensary to persons with disabilities. Equal access shall be provided by:**

24 **“(1) Posting a sign that is clearly readable by an operator of a motor**
25 **vehicle that notifies persons with disabilities that refueling assistance may**
26 **be requested by:**

27 **“(a) Contacting the dispensary owner, operator or employee at the tele-**
28 **phone number provided in the sign; and**

29 **“(b) Signaling to the dispensary owner, operator or employee in any other**
30 **manner described in the sign;**

