



Co-Chairs Beyer and McLain
Joint Committee on Transportation
Submitted via OLIS

SUPPORT HB 4151 – CONSUMER CHOICE AT THE PUMP

Testimony
February 8, 2022

Joint Committee on Transportation Members:

Oregonians for Choice at the Pump is a coalition led by the Oregon Fuels Association and Northwest Grocery Association. Together, we represent thousands of fuel retailers, including hundreds of small, independent businesses, across Oregon.

We urge you to support House Bill 4151 and the -1 amendment which would allow drivers to choose from both self-service and an attendant's service at gas stations statewide. This idea is supported by nearly 2 out of 3 Oregonians and AAAOregon, which has nearly 1-million-member drivers.

HB 4151-1 would provide critical relief to gas stations struggling to stay open, while ensuring a choice for Oregonians who want to pump their own gas and access for people who don't.

Gas stations have not escaped the labor shortage crippling the service industry. Thousands of attendant positions have remained vacant since the pandemic began, along with available positions in adjacent markets, restaurants and convenience stores. This problem grows worse by the day, and there's no end in sight.

We want to serve our customers and keep them moving. Gas is a necessity Oregonians rely on – to get to work, medical appointments and essential businesses, and to reach their next pickup or drop-off if they work as Uber, Lyft or food delivery drivers.

Without enough attendants, gas stations are forced to cut back the hours they operate, to reduce the number of pumps available, or to stay closed entirely if too few employees are available to work. Attendants working short-staffed must work much harder. Customers must wait longer at the pump before someone is available to serve them.

HB 4151-1 offers a clear solution and strikes the right balance between the needs of consumers, businesses and employees.

Attendants would still be required, and so there will be no jobs lost. Because attendants would still be required, there will be no change for people who have disabilities, who don't know how to pump their gas or who prefer to have an attendant do it. The price of gas would be the same regardless of which option drivers choose.

Pumping your own gas is already legal in half of Oregon's counties, although the specifics vary depending on the hour, population size and whether the gas station is attached to another business. This means someone who pumps their own gas in Crook County and then drives west into Deschutes County would break the law if they attempted self-service in Bend. Similarly, a driver in Curry County can pump their own gas at night, but they'd break the law if they did it during the day.

People with motorcycles and diesel vehicles have long been allowed to pump their own fuel regardless of location. The state also temporarily lifted the ban on self-serve gas for everyone over several months in 2020, and again in 2021, due to public health and staffing concerns. It's time for Oregon to join the other 48 states where drivers safely and efficiently do this.

HB 4151 with the -1 amendment negotiated with bi-partisan, bi-cameral legislators and the State Fire Marshal's Office would also address questions about fairness and eliminate confusion for drivers traveling between counties. Prior to 2020, the State Fire Marshal received around three complaints per year related to self-service fueling. This includes those years in which eastern Oregon went almost entirely self-service and three coastal counties went self-service at night. Due to several public health and safety emergencies, the state temporarily authorized self-service to protect customers and employees from COVID-19 and provided critical relief during wildfires and ice events. Even during those times where the full-service mandate was temporarily lifted and there was some customer confusion, the Fire Marshal only received 22 complaints in 2020 and 21 in 2021. That's around one complaint every two weeks.

To avoid that confusion, this bill will require signage to help customers understand which pumps are self-service and which are attended service. In addition, gas station owners have a business interest to make this transition easy and straightforward to ensure their customers return. And lastly, as we have all seen, this change will not only be permanent, but also very well-publicized. Like the earlier and permanent transition to self-service, we expect this to be an easy transition for drivers and regulated businesses.

Specifically, HB 4151-1 would:

- Allow gas stations to offer consumers a choice of both self-service and attended fueling, so long as the number of self-service pumps does not exceed the number of attended fueling pumps. Station owners can decide if they want to provide all attended full-service or up to 50% self-service pumps.
- Require that gas station owners conspicuously post signs alerting consumers to self-service pumps, attended service pumps, how to get attended fueling for people with disabilities, and contact information for the State Fire Marshal's office.
- Increase civil penalties in the case a fuel retailer violates attendant-service requirements from \$500 per violation to \$5,000 per day.
- Require both self- and attendant-service gas to be offered at the same price.
- Grant the state new emergency authority to relax attendant-service requirements when necessary to protect public health and safety, such as in the case of severe wildfires, ice storms and heat waves.

Please pass House Bill 4151 with the -1 amendment and give all Oregonians the same choice.

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