



January 24, 2019

TO: Senator Sara Gelser, Chair
Senate Committee on Human Services
FR: Bob Joondeph, Executive Director, Disability Rights Oregon
RE: SB 176: DRO supports

Senator Gelser and Members of the Committee:

Disability Rights Oregon (DRO) is the Protection and Advocacy System for Oregon. It has provided legal-based advocacy services to Oregonians with disabilities since 1977.

DRO strongly supports SB 176 as a simple way to clarify that motorists whose disabilities limit their ability to pump their own gas have equal access to fuel.

Background: HB 3011 from the 2015 legislative session (ORS 480.341) and HB 2482 from the 2017 legislative session (ORS 480.343) allow self-service gas stations in rural Oregon counties. Both bills specify that stations in those counties that include retail space providing goods or services, “shall make an owner, operator or employee available” for dispensing gas during certain hours.

SB 176 would assure that gas stations governed by ORS 480.341 and ORS 480.343 operate in within the requirements of the Americans with Disabilities Act and ORS 659A.142(4). It uses the wording of a 1999 U.S. Department of Justice directive regarding ADA requirements for service stations. (Attached)

The reasons that seniors and others with disabilities may need assistance with fueling is fully captured in ORS 480.315, the declared policy of the legislature regarding the dispensing of fuel:

480.315 Policy. The Legislative Assembly declares that, except as provided in ORS 480.345 to 480.385, it is in the public interest to maintain a prohibition on the self-service dispensing of Class 1 flammable liquids at retail. The Legislative Assembly finds and declares that:

(5) The dangers described in subsection (3) of this section [increased risk of slipping on slick surfaces] are **heightened when the customer is a senior citizen or has a disability**, especially if the customer uses a mobility aid, such as a wheelchair, walker, cane or crutches;

(6) Attempts by other states to require the providing of aid to senior citizens and persons with disabilities in the self-service dispensing of Class 1 flammable liquids



at retail have failed, and therefore, **senior citizens and persons with disabilities must pay the higher costs of full service;**

(10) The typical practice of charging significantly higher prices for full-service fuel dispensing in states where self-service is permitted at retail:

(b) **Discriminates against customers who are elderly or have disabilities who are unable to serve themselves and so must pay the significantly higher prices;** and

(15) Self-service dispensing at retail presents a **health hazard and unreasonable discomfort to persons with disabilities, elderly persons, small children and those susceptible to respiratory diseases;**

(16) **The federal Americans with Disabilities Act, Public Law 101-336, requires that equal access be provided to persons with disabilities at retail gasoline stations;**

DRO believes that SB 176 will not only bring Oregon law into conformance with disability discrimination laws and their underlying purpose of allowing everyone to have equal access to society, it will also fulfill state policy. Thank you for this opportunity to submit testimony in support of SB 176.