

**HB 2426 A STAFF MEASURE SUMMARY****Carrier:** Rep. Boshart Davis, Rep. Fahey**House Committee On Emergency Management, General Government, and Veterans****Action Date:** 03/09/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-1-0-0**Yeas:** 6 - Conrad, Dexter, Grayber, Hieb, Lewis, Tran**Nays:** 1 - Evans**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Patrick Brennan, LPRO Analyst**Meeting Dates:** 2/21, 3/9**WHAT THE MEASURE DOES:**

Permits self-service dispensing of Class 1 flammable liquids at retail dispensaries. Revises provisions allowing self-dispensing by motorcycle operators. Authorizes State Fire Marshal to impose civil penalties for violations of provisions of measure. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Oregon one of only two states not allowing self-service dispensing of gasoline statewide
- Public opinion polls on self-service gasoline
- Burden on business owners of finding workers to serve as station attendants
- Previous legislation allowing limited self-service dispensing opportunities
- Self-dispensing allowed in past emergency declarations

**EFFECT OF AMENDMENT:**

Clarifies that a filling station must designate at least one person to provide attended service. Provides that motorcycle operators may dispense into their own motorcycle at attended or self-service devices. Revises definition of "rural Oregon" by removing Deschutes, Hood River, and Morrow counties. Deletes revisions to, and repeals, ORS 480.349 (self-dispensing by motorcycle operator). Authorizes State Fire Marshal to conduct outreach efforts to educate the public about changes to attended fuel service laws and to educate operators of filling stations regarding provisions of measure. Repeals State Fire Marshal outreach provision on January 2, 2024. Authorizes civil penalties by State Fire Marshal pursuant to provisions of measure only for conduct occurring on or after March 1, 2024.

**BACKGROUND:**

Oregon is one of two states, including New Jersey, that restricts self-service 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-service fuel dispensing 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

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applicability only to small counties in eastern Oregon.

House Bill 2426 A allows retail fueling stations to operate up to half of their pumps as self-service dispensing devices.