

Enrolled
House Bill 3260

Sponsored by Representatives DIEHL, PHAM H (at the request of Raquel Moore-Green, Danielle Bethell)

CHAPTER

AN ACT

Relating to the dispensing of Class 1 flammable liquids; and declaring an emergency.

Whereas the 2020 wildfires ravaged the Santiam Canyon and in particular the remote town of Detroit; and

Whereas the public gas stations in Detroit, along with the worker housing, were destroyed by the wildfires; and

Whereas a local fuel station owner has rebuilt the public fuel station with new, state of the art, self-service capable pumps in order to provide fuel for both local residents and travelers; and

Whereas the community has a severe worker shortage due to limited housing and other resources; and

Whereas Detroit offers the only public fueling station within 20 miles to the west and over 50 miles to the east; and

Whereas this fueling station is essential for economic recovery and wildfire resilience, and serves a public safety need providing fuel for generators and public safety equipment; and

Whereas this change is temporary and will sunset after allowing time for the area to recover and rebuild; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, “2020 wildfires” includes all wildfires within Marion County that were identified in an executive order issued by the Governor in accordance with the Emergency Conflagration Act under ORS 476.510 to 476.610 between August 1 and September 31, 2020.

(2) Notwithstanding ORS 480.320, 480.330, 480.340 and 480.349, and subject to ORS 480.344, a filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail may permit a customer to use or manipulate a device for dispensing liquids into the fuel tank of a motor vehicle or other retail container, regardless of whether an owner, operator or employee of the dispensary is present at the dispensary if:

(a) The dispensary is located within a city of Marion County that was directly impacted as a result of the 2020 wildfires; and

(b) The city described in paragraph (a) of this subsection is located at least 15 driving miles from another city with a retail dispensary, measured by the shortest distance by public roads between the two dispensaries.

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

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

SECTION 2. Section 1 of this 2023 Act is repealed on January 2, 2029.

SECTION 3. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House April 14, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State