

# House Bill 3260

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

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes self-service dispensing of Class 1 flammable liquids at retail dispensary in rural Oregon. Defines "rural Oregon."

## A BILL FOR AN ACT

1  
2 Relating to the dispensing of Class 1 flammable liquids; amending ORS 480.341 and 480.344; and re-  
3 pealing ORS 480.343.

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

5 **SECTION 1.** ORS 480.341 is amended to read:

6 480.341. *[(1) As used in this section:]*

7 *[(a) "Eastern Oregon" means that portion of the State of Oregon lying east of a line beginning at*  
8 *the intersection of the northern boundary of this state and the western boundary of Hood River County,*  
9 *and from there proceeding southerly along the western boundaries of Hood River, Wasco, Jefferson,*  
10 *Deschutes and Klamath Counties to the southern boundary of this state.]*

11 *[(b) "Low-population county" means a county that, based on a certificate of population prepared*  
12 *under ORS 190.510 to 190.610, has a population of not more than 40,000.]*

13 **(1) As used in this section, "rural Oregon" means a geographic area of this state that is**  
14 **20 or more miles from the geographic center of a city that has a population of more than**  
15 **150,000.**

16 **(2) Notwithstanding ORS 480.320, 480.330 and 480.340, and subject to subsection (3) of this sec-**  
17 **tion, if a filling station, service station, garage or other dispensary where Class 1 flammable liquids**  
18 **are dispensed at retail is located in [a low-population county of eastern] rural Oregon, the owner or**  
19 **operator may:**

20 **(a) Permit a [person other than an owner, operator or employee] customer to use or manipulate**  
21 **a device for dispensing liquids into the fuel tank of a motor vehicle or other retail container, re-**  
22 **gardless of whether an owner, operator or employee of the dispensary is present at the**  
23 **dispensary;**

24 **(b) Permit the use of an installed coin-operated or self-service dispensing device for the liquids;**  
25 **and**

26 **(c) Allow the use of an automatic nozzle to dispense the liquids without an owner, operator or**  
27 **employee being in the immediate vicinity of the tank or container being filled.**

28 **(3) If the site of a dispensary described in subsection (2) of this section includes retail space**  
29 **providing goods or services, other than goods or services for maintaining, repairing or cleaning a**  
30 **motor vehicle, the dispensary shall make an owner, operator or employee available for dispensing**  
31 **Class 1 flammable liquids after 6 a.m. and before 6 p.m.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) Notwithstanding ORS 480.320, 480.330, 480.340 and 480.345, if a nonretail facility is located  
 2 in *[a low-population county of eastern]* **rural** Oregon, the owner or operator may:

3 (a) Permit the dispensing of Class 1 flammable liquids at retail;

4 (b) Permit a person other than an owner, operator, employee or nonretail customer to use or  
 5 manipulate a device for dispensing liquids into the fuel tank of a motor vehicle or other retail con-  
 6 tainer;

7 (c) Permit the use of an installed coin-operated or self-service dispensing device for the liquids;  
 8 and

9 (d) Allow the use of an automatic nozzle to dispense the liquids without an owner, operator or  
 10 employee being in the immediate vicinity of the tank or container being filled.

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

14 (b) Sales under subsection (4) of this section do not require that a nonretail facility possess a  
 15 license to dispense Class 1 flammable liquids at retail.

16 (c) Sales under subsection (4) of this section do not require that a nonretail facility possess a  
 17 conditional use license issued under ORS 480.355. However, sales under subsection (4) of this section  
 18 do not prevent a nonretail facility that qualifies under ORS 480.355 from also possessing a condi-  
 19 tional use license.

20 (d) Purchasing Class 1 flammable liquids under subsection (4) of this section does not make a  
 21 retail customer subject to any gallonage requirement set forth in ORS 480.345.

22 (e) Purchasing Class 1 flammable liquids under subsection (4) of this section does not make a  
 23 retail customer subject to rules of the State Fire Marshal establishing safety training requirements.

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

26 (7) No later than 90 days prior to commencing sales under subsection (4) of this section, a  
 27 nonretail facility shall notify the State Fire Marshal that the facility plans to dispense Class 1  
 28 flammable liquids at retail under this section.

29 *[(8) If a county where sales are authorized under this section ceases to be a low-population county,*  
 30 *dispensaries and nonretail facilities located within the county may operate as described in this section*  
 31 *notwithstanding the change in county population.]*

32 **SECTION 2.** ORS 480.344 is amended to read:

33 480.344. A filling station, service station, garage or other dispensary subject to ORS 480.341 *[or*  
 34 *480.343]*, that makes an owner, operator or employee available for dispensing Class 1 flammable  
 35 liquids, shall provide equal access to the dispensing services of the dispensary to persons with dis-  
 36 abilities. Equal access shall be provided by:

37 (1) Posting a sign that is clearly readable by an operator of a motor vehicle that notifies persons  
 38 with disabilities that refueling assistance may be requested by:

39 (a) Contacting the dispensary owner, operator or employee at the telephone number provided in  
 40 the sign; and

41 (b) Signaling to the dispensary owner, operator or employee in any other manner described in  
 42 the sign;

43 (2) Providing refueling assistance upon request of a person with a disability; and

44 (3) Providing refueling assistance without charging an additional service fee.

45 **SECTION 3. ORS 480.343 is repealed.**

