

HB 3478 -2 STAFF MEASURE SUMMARY

Joint Committee On Transportation

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Meeting Dates: 4/8, 4/28

WHAT THE MEASURE DOES:

The measure eliminates the minimum gallonage requirement for eligibility for non-retail cardlock dispensing of motor vehicle fuels. It increases, from one to three years, the licensing period for cardlock fueling facilities. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Some cardlock customers no longer meet gallonage requirement due to reduced miles traveled or improved fuel efficiency
- Effect of proposed amendment
- Change in public attitudes regarding self-service gasoline
- Maintains safety requirements

EFFECT OF AMENDMENT:

-2 Eliminates requirement that nonretail customer be employed by a business, government agency or nonprofit or charitable organization and may only dispense fuel into tank of a vehicle owned or used by such entity. Changes requirement that nonretail customers satisfy training requirements to specifying that nonretail customers must have received safety training materials. Deletes requirement for sworn statement from nonretail customer that information supplied is true and correct. Removes exception provided by OR 480.355 for operating without a license. Modifies fee, from \$20 every three years to \$30 every three years, for every non-retail customer that enters into written agreement with non-retail cardlock facility. Increases renewal fee from \$500 to \$900. Reduces annual audit by State Fire Marshal to audit every three years.

FISCAL: Fiscal statement issued on measure w/the -2 amendment

REVENUE: Indeterminate impact issued on measure w/the -2 amendment

BACKGROUND:

While Oregon prohibited customer self-fueling at retail fueling stations from 1951 until 2015, when some residents in certain rural counties were allowed to pump their own gasoline at certain hours of the day, the passage of House Bill 2426 (2023) was the first time in over 70 years that retail customers could pump their own gas at stations across Oregon at all times of day. This change leaves New Jersey as the only state that prohibits self-serve gasoline at retail.

However, Oregon has allowed for non-retail fueling stations to allow businesses to self-serve their own fuel at over 300 unattended commercial stations throughout the state. There are currently over 50 operators participating in the program through stations under a number of different labels (Pacific Pride, CFN, Fuel Commander) and a few independent sites. These facilities are overseen by the State Fire Marshal, which also regulates retail fueling in Oregon. To qualify for access to non-retail fueling, also known as "cardlock" fueling facilities, customers must meet the following requirements:

- A signed agreement with the cardlock owner/operator certifying that the customer meets all requirements;
- Business eligibility documentation demonstrating that the customer has active business status;
- Documentation that fire safety training was provided by the operator to the customer prior to dispensing fuel, with the customer then providing training to account users;

- Documentation showing the minimum annual fuel purchase requirement of 900 gallons of fuel has been met by the customers, or proof that exemption criteria are met.

PRELIMINARY