

Enrolled
House Bill 2482

Sponsored by Representative BENTZ (Pre-session filed.)

CHAPTER

AN ACT

Relating to self-service fuel dispensaries in low-population counties; creating new provisions; and amending ORS 480.341.

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

SECTION 1. ORS 480.341 is amended to read:

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

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

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

(2) Notwithstanding ORS **480.320**, 480.330 and 480.340, **and subject to subsection (3) of this section**, if a filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail is located in a low-population county **of eastern Oregon**, the owner or operator may[, *after 6 p.m. and before 6 a.m.*]:

(a) Permit a person other than [*the*] **an** owner, operator or employee to use or manipulate a device for dispensing liquids into the fuel tank of a motor vehicle or other retail container;

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

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

[*(3) A dispensary described in this section is not subject to any provisions of ORS 480.315 to 480.385 regulating nonretail facilities.*]

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

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

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

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

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

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

(5)(a) 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.

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

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

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

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

(6) 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.

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

[(4)] (8) If a county where sales are authorized under this section ceases to be a low-population county [on or after January 1, 2016], dispensaries and nonretail facilities located within the county may operate as described in [subsection (2) of] this section notwithstanding the change in county population.

SECTION 2. (1) Notwithstanding ORS 480.320, 480.330 and 480.340, if a filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail is located in Clatsop, Curry or Tillamook County, the owner or operator may, after 6 p.m. and before 6 a.m.:

(a) Permit a person other than an owner, operator or employee to use or manipulate a device for dispensing liquids into the fuel tank of a motor vehicle or other retail container;

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

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

(2) A dispensary described in this section is not subject to any provisions of ORS 480.315 to 480.385 regulating nonretail facilities.

(3) If the site of a dispensary described in subsection (1) of this section includes retail space providing goods or services, other than goods or services for maintaining, repairing or cleaning a motor vehicle, the dispensary shall make an owner, operator or employee available for dispensing Class 1 flammable liquids during the time after 6 p.m. and before 6 a.m., if any, that the retail space is open for business.

Passed by House March 30, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 23, 2017

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State