

## HOUSE AMENDMENTS TO HOUSE BILL 2482

By COMMITTEE ON TRANSPORTATION POLICY

March 9

1 In line 2 of the printed bill, after the semicolon insert “creating new provisions; and”.

2 Delete lines 4 through 21 and insert:

3 “**SECTION 1.** ORS 480.341 is amended to read:

4 “480.341. (1) As used in this section[,]:

5 “(a) ‘**Eastern Oregon**’ means that portion of the State of Oregon lying east of a line be-  
6 ginning at the intersection of the northern boundary of this state and the western boundary  
7 of Hood River County, and from there proceeding southerly along the western boundaries of  
8 Hood River, Wasco, Jefferson, Deschutes and Klamath Counties to the southern boundary  
9 of this state.

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

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

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

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

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

22 “[*(3) A dispensary described in this section is not subject to any provisions of ORS 480.315 to*  
23 *480.385 regulating nonretail facilities.*]

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

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

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

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

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

1       “(d) Allow the use of an automatic nozzle to dispense the liquids without an owner, op-  
2 erator or employee being in the immediate vicinity of the tank or container being filled.

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

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

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

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

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

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

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

22       “[(4)] (8) If a county where sales are authorized under this section ceases to be a low-  
23 population county [on or after January 1, 2016], dispensaries and nonretail facilities located within  
24 the county may operate as described in [subsection (2) of] this section notwithstanding the change  
25 in county population.

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

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

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

34       “(c) Allow the use of an automatic nozzle to dispense the liquids without an owner, op-  
35 erator or employee being in the immediate vicinity of the tank or container being filled.

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