

House Bill 2458

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development)

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**.

Allows nonretail facility located in low-population county to permit self-service retail sales of Class 1 flammable liquids.

A BILL FOR AN ACT

1
2 Relating to retail sales of Class 1 flammable liquids by nonretail facilities in low-population counties;
3 amending ORS 480.341.

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, "low-population county" means a county that, based on a
7 certificate of population prepared under ORS 190.510 to 190.610, has a population of not more than
8 40,000.

9 (2) Notwithstanding ORS **480.320**, 480.330 and 480.340, if a filling station, service station, garage
10 or other dispensary where Class 1 flammable liquids are dispensed at retail is located in a low-
11 population county, the owner or operator may, after 6 p.m. and before 6 a.m.:

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

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

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

18 *[(3) A dispensary described in this section is not subject to any provisions of ORS 480.315 to*
19 *480.385 regulating nonretail facilities.]*

20 (3) **Notwithstanding ORS 480.320, 480.330, 480.340 and 480.345, if a nonretail facility is lo-**
21 **cated in a low-population county, the owner or operator may, after 6 p.m. and before 6 a.m.:**

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

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

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

28 (d) **Allow the use of an automatic nozzle to dispense the liquids without an owner, oper-**
29 **ator or employee being in the immediate vicinity of the tank or container being filled.**

30 (4)(a) **Sales under subsection (2) of this section do not make a filling station, service**
31 **station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail**

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 subject to any provisions of ORS 480.315 to 480.385 regulating nonretail facilities.

2 (b) Sales under subsection (3) of this section do not require that a nonretail facility pos-
3 sess a license to dispense Class 1 flammable liquids at retail.

4 (c) Sales under subsection (3) of this section do not require that a nonretail facility pos-
5 sess a conditional use license issued under ORS 480.355. However, sales under subsection (3)
6 of this section do not prevent a nonretail facility that qualifies under ORS 480.355 from also
7 possessing a conditional use license.

8 (d) The purchasing of Class 1 flammable liquids under subsection (3) of this section does
9 not make a retail customer subject to any gallonage requirement set forth in ORS 480.345.

10 (e) The purchasing of Class 1 flammable liquids under this section does not make a retail
11 customer subject to rules of the State Fire Marshal establishing safety training require-
12 ments.

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

15 (6) No later than 90 days prior to commencing sales under this section, a nonretail fa-
16 cility shall notify the State Fire Marshal that the facility plans to dispense Class 1 flammable
17 liquids at retail under this section.

18 [(4)] (7) If a county where sales are authorized under this section ceases to be a low-
19 population county [on or after January 1, 2016], dispensaries and nonretail facilities located within
20 the county may operate as described in [subsection (2) of] this section notwithstanding the change
21 in county population.

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