

APPLICABLE STATUTES, RULES, & FIRE AND LIFE SAFETY CODES

- Oregon Revised Statutes 480.310 through 480.385
- Oregon Administrative Rules 837-020-0025 through 837-020-0125
- Oregon Fire Code 2010 Edition

CUSTOMER ELIGIBILITY

Each nonretail customer must comply with the following:

- Enter into a *written agreement* with the owner/operator.
- Provide a verifiable federal employer identification number or equivalent *documentation* to evidence the customer is a business, a government agency, a nonprofit organization, or a charitable organization.
- Purchase at least **900 gallons** of Class 1 flammable liquids or diesel fuel from any source during each 12-month period, unless exempt.*
- Complete *fire safety training* in accordance with the requirements of the State Fire Marshal.
- Only dispense Class 1 Flammable liquids (gasoline) into vehicles or containers *owned or used* by the business, government agency, nonprofit organization, or charitable organization.

*Customers are exempt from the minimum fuel purchase requirement if fuel qualifies as a deductible farming expense on the customer's federal income tax return; fuel is used by governmental agencies providing fire, ambulance, or police services; customers have continuously been users of a licensed nonretail facility on and since June 30, 1991. Schedule F must have line 21 completed to qualify.

PENALTIES

The State Fire Marshal may impose a civil penalty not to exceed \$500 for each violation of any provision of **ORS 480.320 through 480.380**, or of any applicable rule adopted by the State Fire Marshal. The penalties are assessed using an established matrix.

OSFM may also revoke, suspend, or refuse to issue or renew a nonretail facility license if the State Fire Marshal finds that an application was falsified or the applicant failed to comply with all nonretail (cardlock) requirements.

ASSISTANCE PROVIDED

To achieve compliance with regulations, the Cardlock staff provides assistance to owners/operators during the annual records inspections and the fire and life safety inspections.

If owners/operators or other interested parties require further assistance to understand and/or comply with nonretail (cardlock) regulations, Cardlock staff is available to render support.

For assistance, information, or additional copies of this brochure, contact Cardlock at the address or phone number on the front of this brochure. You may also access our web site at www.oregon.gov/osp/sfm

NONRETAIL (CARDLOCK) FACILITY LICENSE & REGULATION INFORMATION

OFFICE OF STATE FIRE MARSHAL

OREGON STATE POLICE



**Regulatory Services Unit
Cardlock Program**
3565 Trelstad Ave SE
Salem Oregon 97317
(503) 934-8286 or (503) 934-0937
Fax: (503) 373-1825
www.oregon.gov/osp/sfm

ORS 480.330 prohibits self-service gasoline dispensing in the State of Oregon, with the exemption of aviation fuel and motorcycle assisted fueling. However, commercial fueling is allowed at nonretail facilities.

The Cardlock Program staff license and inspect nonretail fueling facilities located throughout the state of Oregon. Fire and life safety inspections are conducted to ensure facilities are in compliance with Oregon Fire Code (OFC) requirements. Additionally, records are inspected to ensure all customers meet the requirements to dispense Class 1 Flammable liquids (gasoline) in Oregon.

Under the provisions of **ORS 480.345**, nonretail (cardlock) facility operators may allow eligible *nonretail* (commercial) customers to dispense Class 1 Flammable liquids when the owner/operator holds a valid nonretail facility license and complies with all applicable regulations.

To operate in compliance with Oregon Administrative Rules 837-020-0025 through 837-020-0125, an owner/operator must obtain a license from the Office of State Fire Marshal (OSFM).

LICENSE APPLICATIONS

To apply for a nonretail (cardlock) facility license, the owner/operator must complete and sign a license application, as well as submit a copy of the written agreement the operator will use with their nonretail customers. All nonretail and conditional nonretail facility licenses are valid for one year from the date of issue. Applications can be obtained from the OSFM.

LICENSE FEES

- \$300 per year.
- \$10 for each nonretail customer.

TYPES OF LICENSES

- *NONRETAIL FACILITY LICENSE:*
Only nonretail operations occur at the facility.
- *DUAL OPERATION BY DISTANCE SEPARATION LICENSE:*
Retail and nonretail pump islands are separated by a distance of at least 50 feet. A distance not less than 20 feet is acceptable upon meeting certain provisions and approval from OSFM.
- *DUAL OPERATION BY TIME SEPARATION LICENSE:*
Both nonretail and retail operations occur, but not at the same time.
- *CONDITIONAL USE LICENSE:*
Hardship conditions must be established and no retail facility can be located within *seven* miles of the conditional use site.

INSPECTIONS

Oregon Revised Statutes and Oregon Administrative Rules, which regulate nonretail (cardlock) facility operations in the State of Oregon, are enforced by the OSFM through annual records inspections and fire and life safety inspections. Enforcement authority is granted to the State Fire Marshal by **ORS 480.375**.

PROGRAM REQUIREMENTS AND RESPONSIBILITIES

- *RECORDS INSPECTIONS:*
Each year, Cardlock staff conduct records inspections of the nonretail (cardlock) customer records of each owner/operator at least once. The purpose of the inspection is to ensure that only qualified commercial customers are being allowed to access the nonretail (cardlock) facilities, and that those customers have received the required fire safety training.
- *FIRE AND LIFE SAFETY INSPECTIONS:*
Each year, Cardlock staff performs at least one fire and life safety inspection of each nonretail (cardlock) facility. The purpose of the inspection is to ensure that the requirements of Oregon Revised Statutes, Oregon Administrative Rules, and provisions of the OFC are met.
- *COMPLAINTS:*
Cardlock staff investigates complaints concerning allegations of self-service at retail facilities or non-qualified customers accessing nonretail (cardlock) facilities.