Senate Bill 161

Sponsored by Senator BURDICK (at the request of James Comstock) (Presession filed.)

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 unattended dispensing of motor vehicle fuels at service station if station also provides attended dispensing of motor vehicle fuels upon request.

Allows State Fire Marshal to prohibit unattended dispensing at service station when risk posed to health or safety.

Becomes operative July 1, 2012.

A BILL FOR AN ACT

Relating to unattended dispensing of gasoline; creating new provisions; amending ORS 480.310, 480.330 and 480.340; and repealing ORS 480.315, 480.320 and 480.349.

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

SECTION 1. ORS 480.315, 480.320 and 480.349 are repealed.

SECTION 2. ORS 480.310 is amended to read:

480.310. As used in ORS 480.315 to 480.385:

(1) "Attended service station" means a place of business that sells Class 1 flammable liquids at retail and has, as part of its normal operation, an owner, operator or employee available to handle and operate equipment that dispenses Class 1 flammable liquids at retail.

[*(1)*] **(2)** "Class 1 flammable liquids" means liquids with a flash point below 25 degrees Fahrenheit, closed cup tester.

[*(2)*] **(3)** "Nonretail facility" means an unattended facility where Class 1 flammable liquids are dispensed through a card or key activated fuel dispensing device to nonretail customers.

SECTION 3. Sections 4 and 5 of this 2011 Act are added to and made a part of ORS 480.315 to 480.385.

SECTION 4. An attended service station may offer unattended dispensing of Class 1 flammable liquids if:

(1) A service island is available and clearly marked for attended service; and

(2) The station provides attended service to dispense Class 1 flammable liquids at the price of unattended service to any person, upon request, at any time the premises are open to dispense Class 1 flammable liquids.

SECTION 5. The State Fire Marshal may prohibit the owner, operator or employee of an attended service station from offering unattended dispensing of Class 1 flammable liquids, and may require attended dispensing of Class 1 flammable liquids only at the station, if the State Fire Marshal determines that unattended dispensing on the premises would present a health or safety hazard.

SECTION 6. ORS 480.330 is amended to read:

480.330. **Except as provided in section 4 of this 2011 Act,** an owner, operator or employee of a filling station, service station, garage or other dispensary where Class 1 flammable liquids, except

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.

aviation fuels, are dispensed at retail may not permit any person other than the owner, operator or employee to use or manipulate any pump, hose, pipe or other device for dispensing the liquids into the fuel tank of a motor vehicle or other retail container.

SECTION 7. ORS 480.340 is amended to read:

480.340. **Except as provided in section 4 of this 2011 Act,** an owner, operator or employee of a filling station, service station, garage or other dispensary where Class 1 flammable liquids, except aviation fuels, are dispensed at retail may not install or use or permit the use of:

(1) A coin-operated or self-service dispensing device for the liquids.

(2) A device that permits the dispensing of the liquids when the hand of the operator of the discharge nozzle is removed from the control lever, except one equipped with an automatic nozzle of a type that has been approved by the State Fire Marshal and that has a latch-open device as an integral part of the assembly, capable of shutting off the flow of the liquids reliably when the tank is filled or when the nozzle falls or slips from the filling neck of the tank. [*A person may not use an automatic nozzle*] **The automatic nozzle may not be used** to dispense the liquids unless:

(a) The owner, operator or employee is in the immediate vicinity of the tank being filled**; or**

(b) The station is an attended service station operated in accordance with section 4 of this 2011 Act.

SECTION 8. Sections 3 to 5 of this 2011 Act, the amendments to ORS 480.310, 480.330 and 480.340 by sections 2, 6 and 7 of this 2011 Act and the repeal of ORS 480.315, 480.320 and 480.349 by section 1 of this 2011 Act become operative on July 1, 2012.

SECTION 9. The owners or operators of filling stations, service stations, garages or other dispensaries where Class 1 flammable liquids are dispensed and the State Fire Marshal may take any action before the operative date specified in section 8 of this 2011 Act that is necessary to implement the provisions of sections 4 and 5 of this 2011 Act on and after the operative date specified in section 8 of this 2011 Act.