

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1316

By: Bastin

AS INTRODUCED

An Act relating to refueling service; stating legislative intent; creating the Oklahoma Mobility-Impaired Driver Refueling Service Act; defining terms; allowing service stations on a voluntary basis to provide refueling service to certain mobility-impaired drivers on request; providing exception for certain service stations; limiting price charged for such service; making provision inapplicable under certain circumstances; requiring certain service stations to post signs in conformance with certain criteria; providing for application of act; requiring Department of Public Safety issue refueling identification card or insignia and providing for application; requiring Department promulgate certain rules; authorizing certain fee for the refueling card or insignia; providing for codification; providing for noncodification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. The Oklahoma Legislature recognizes the need for refueling services for the mobility impaired and addressed that concern through passage of House Concurrent Resolution No. 1121 of the 2nd Session of the 45th Oklahoma Legislature, which requested that representatives of the mobility-impaired community and the petroleum distributors and marketers meet and enter into discussion concerning the problem of refueling services. Based on the results of the discussions, it is the intent of the Oklahoma Legislature that this act shall create and implement a voluntary refueling service program which will be beneficial for both the petroleum distributors and marketers and the mobility-impaired population.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1601 of Title 47, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Mobility-Impaired Driver Refueling Service Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1602 of Title 47, unless there is created a duplication in numbering, reads as follows:

As used in Sections 3 through 5 of this act:

1. "Refueling service" means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle;
2. "Mobility-impaired driver" means a person with a physical mobility limitation who is unable to operate a motor vehicle without the aid of special mechanical assistive devices; and
3. "Motor vehicle service station" means any facility where motor vehicle fuel is stored and dispensed into the fuel tanks of motor vehicles of the public.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1603 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise provided in this section, any motor vehicle service station in this state which offers gasoline or other motor vehicle fuel for sale to the public from the service station facility may on a voluntary basis participate in the refueling service program and upon request offer refueling service to a mobility-impaired driver who displays a refueling identification card.

B. The price charged for the motor vehicle fuel sold to a mobility-impaired driver by a participating motor vehicle service station as provided for under subsection A of this section may not be greater than the price the service station facility otherwise would charge the public generally to purchase motor vehicle fuel without refueling service and shall not include any additional cost, expense or charge for the refueling services.

C. The refueling service provided for under subsection A of this section shall not apply when the mobility-impaired driver is accompanied by another person capable of refueling the motor vehicle.

D. Each participating motor vehicle service station in the state shall post signs notifying the public of the refueling services provided by the facility.

E. Only those motor vehicle service stations which voluntarily participate in the refueling service program established in this act and which offer gasoline or other motor vehicle fuel for sale to the public shall be required to comply with the provisions of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1604 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety shall issue a refueling identification card or insignia which may be used to obtain refueling services to a qualified mobility-impaired driver.

Application for the refueling service card or insignia may be submitted separately or in conjunction with the application form for a physical disability parking insignia. The Department shall begin the process of promulgating emergency rules within ninety (90) days after the effective date of this act and shall promulgate permanent rules in accordance with the Administrative Procedures Act, as may be necessary to implement and administer the provisions of this act, including establishing requirements of proof that the person is mobility impaired.

B. The Department of Public Safety may charge a fee, not to exceed Two Dollars (\$2.00) for the refueling identification card or insignia. The fee shall be used to pay for the cost of issuing the refueling card or insignia.

SECTION 6. NONCODIFICATION Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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