



OHIO ASSOCIATION
OF CONVENIENCE STORES

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June 23, 2015

The Honorable Kevin Bacon, Chairman
Senate Civil Justice Committee
Ohio Senate Building
Ground Floor
Capitol Square
Columbus, OH 43215

Re: SB 150 (Motor Fuel Disposal)

Dear Chairman Bacon:

I write on behalf of the Ohio Association of Convenience Stores (“OACS”) regarding SB 150 (Motor Fuel Disposal). OACS supports the goal of SB 150 to provide liability protection for business owners, including our members, who responsibly sell motor fuel in Ohio. Our members invest significant resources to provide motor fuel to consumers in a clean, efficient and responsible manner. We support SB 150’s intent to protect retailers in situations where individuals misuse fuel from pumps in proper working order with proper identification. In order to more clearly specify a retailer’s responsibility regarding fuel pumps, we suggest that SB 150 be amended on line 45 to replace the phrase “properly maintained” with the term “in proper working order” which is a term currently used in the Ohio Administrative Code with respect to motor fuel dispensing equipment. That change would amend proposed Sec. 2305.52(B) to read:

(B) No covered person is liable in damages or shall be subject to any other remedy in a civil action for the use of incompatible motor fuel in an engine or motor, unless the plaintiff can demonstrate by clear and convincing evidence both of the following:

(1) The incompatible motor fuel was dispensed at a retail service station.

(2) The incompatible motor fuel was dispensed from a motor fuel pump that was not ~~properly maintained~~ in proper working order or did not correctly identify the type of fuel dispensed from the pump.

On behalf of the members of the Ohio Association of Convenience Stores, thank you for considering our comments regarding this important legislation.

Sincerely,

Jeff Erb
President
Ohio Association of Convenience Stores

cc: Lora Miller, Ohio Council of Retail Merchants