To Ban On-Demand Fueling

1) It shall be unlawful to engage in the retail practice of dispensing motor fuels from an on-demand fueling vehicle into the fuel tanks of motor vehicles of the public while the owner’s vehicle is parked and might be unattended.
   a) This ban shall not apply to:
      i) Refueling from a tank vehicle to a motor vehicle located at agricultural, commercial, industrial, governmental, or manufacturing establishments and intended for fueling vehicles used in connection with their businesses. (Adapted from NFPA 30A – 2018)
      ii) Refueling from a tank vehicle to a motor vehicle for private use at construction sites, earth moving projects, logging operations, gravel pits and similar areas where vehicles are operated for extended periods of time in remote areas and not typically operated on roads.
      iii) Refueling from a tank vehicle to a motor vehicle for private use on farms
      iv) Refueling from a tank vehicle to a marine craft while docked
      v) Fueling from portable containers approved for use with motor fuels in cases of an emergency or for personal use.
      vi) Refueling of highway vehicles in an emergency.

2) Motor Vehicle shall mean a self-propelled vehicle intended for operation on paved or unpaved roads and highways which is capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus (Adapted from 40 CFR 85.1703 - Definition of motor vehicle).

3) Motor Fuels means a flammable or combustible liquid or gas used to power a motor vehicle including Class I, II, or III liquids such as gasoline and diesel fuel, ethanol, biofuels, propane, and natural gas.

4) On-demand Fueling Vehicle shall mean a motor vehicle or tank vehicle used for the transportation and transfer of motor fuels.

To Permit On-Demand Fueling

1) Definitions
   a) On-demand Fueling shall mean the retail practice of dispensing Class I, II, and III liquids from an on-demand fueling vehicle into the fuel tanks of motor vehicles of the general public while the owner’s vehicle is parked and might be unattended. On-demand Fueling does not include:
      i) Refueling from a tank vehicle to a motor vehicle located at agricultural, commercial, industrial, governmental, or manufacturing establishments and intended for fueling vehicles used in connection with their businesses. (Adapted from NFPA 30A – 2018);
      ii) Refueling from a tank vehicle to a motor vehicle for private use at construction sites, earth moving projects, logging operations, gravel pits and similar areas where vehicles are operated for extended periods of time in remote areas and not typically operated on roads.
      iii) Refueling from a tank vehicle to a motor vehicle for private use on farms;
      iv) Refueling from a tank vehicle to a marine craft while docked; or
      v) Fueling from portable containers approved for use with motor fuels in cases of an emergency or for personal use.
b) Motor Vehicle shall mean a self-propelled vehicle intended for operation on paved or unpaved roads and highways which is capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus (Adapted from 40 CFR 85.1703 - Definition of motor vehicle).

c) Motor Fuels means a flammable or combustible liquid or gas used to power a motor vehicle including, but not limited to, Class I, II, or III liquids such as gasoline and diesel fuel, ethanol, biofuels, propane, and natural gas.

d) On-demand Fueling Vehicle shall mean:
   i) A tank vehicle with a chassis mounted tank that does not exceed an aggregate capacity of 1200 gallons complying with NFPA 385 and local, state, and federal requirements and having a specific function that includes supplying fuel to motor vehicle fuel tanks; or
   ii) A vehicle with chassis mounted tanks complying with applicable USDOT cargo tank specifications, UN standards, USDOT specification, or as allowed by USDOT a Special Permit and local, state, and federal requirements and having a specific function that includes supplying fuel to motor vehicle fuel tanks. Each tank shall not exceed 110 gallons and the total capacity of the tanks shall not exceed an aggregate capacity of 1200 gallons.

2) Limitations
   a) On-demand fueling shall NOT take place in buildings, in covered parking structures, on public streets, and on public ways;

3) Requirements
   a) The [a specified State Agency] shall have responsibility for adopting rules necessary and appropriate for the implementation and administration of On-Demand Fueling. The rules shall address requirements for:
      i) approval and registration of the company conducting on demand fueling;
      ii) approval by the owner of the property where the fueling will occur;
      iii) locations where fueling can and cannot be conducted within the limitations established herein;
      iv) inspection, approval and registration of the on-demand fueling location;
      v) safety and emergency response plans including lighting, vehicle protection, signage, fire protection, on-demand fueling vehicle location during motor fuel transfer, and pedestrian protection;
      vi) on-demand fueling vehicles including tank design and certification, maintenance, and operation;
      vii) motor fuel transfer and metering equipment;
      viii) on-demand fueling vehicle operator training and documentation;
      ix) spill prevention and control;
      x) compliance with local, state, and federal regulations; and
      xi) retail sale of motor fuel including metering and documentation of the sale.