

51:4-9.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 51:4-9.1, 51:4-9.2

(Kerosene sales require
consumer warnings)

LAWS OF: 1983

CHAPTER: 289

Bill No: S1130

Sponsor(s): Hurley and others

Date Introduced: March 1, 1982

Committee: **Assembly:** Commerce and Industry

Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage denoted
by asterisks

Date of Passage: **Assembly:** June 23, 1983

Senate: February 24, 1983

Date of Approval: August 4, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 1130

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Senators HURLEY, SAXTON, CONNORS and DORSEY

Referred to Committee on Law, Public Safety and Defense

AN ACT requiring warnings in connection with the sale of kerosene for certain uses and supplementing chapter 4 of Title 51 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. a. Every ***[delivery truck,] pump*[, invoice and receipt]***
2 used or connected with the sale or offer for sale at retail of the grade
3 of kerosene commonly known as 2-K, or any other grade having
4 greater than 0.04% sulfur content by weight, **and every place*
5 *where such kerosene is paid for,** shall be posted or imprinted with
6 a warning, in a conspicuous place, as follows: ***[“THE USE OF**
7 **THIS KEROSENE IN A SPACE HEATING DEVICE, EITHER**
8 **PORTABLE OR STATIONARY, WHICH IS NOT VENTED TO**
9 **THE OUTSIDE ATMOSPHERE MAY BE DETRIMENTAL TO**
10 **HEALTH AND UNSAFE.”]*** *“THIS KEROSENE IS DESIG-*
11 *NATED ASTM GRADE 2-K BY THE MANUFACTURER AND*
12 *MAY NOT BE SUITABLE FOR USE IN ALL UNVENTED*
13 *PORTABLE KEROSENE SPACE HEATERS. CONSULT THE*
14 *HEATER MANUFACTURER’S RECOMMENDATIONS FOR*
15 *PROPER FUEL.”**

16 b. Any person who violates the provisions of this section shall
17 be liable to the penalties prescribed in ***[R. S. 51:4-2]*** **R. S.*
18 *15:1-89*.*

19 c. The **State** Superintendent of ***[the Division of]*** Weights
20 and Measures **in the Division of Consumer Affairs, Department*
21 *of Law and Public Safety,** shall establish a program of inspection

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted May 24, 1982.**

22 of retail dealers of kerosene in the State to determine compliance
23 with the provisions of this section.

1 2. The **State** Superintendent of **[the Division of]** Weights
2 and Measures **in the Division of Consumer Affairs, Department*
3 *of Law and Public Safety,** shall adopt, pursuant to the provisions
4 of the “Administrative Procedure Act,” P. L. 1968, c. 410 (C.
5 52:14B-1 et seq.), rules and regulations necessary to implement the
6 provisions of this act.

1 3. This act shall take effect immediately.

STATEMENT

This bill requires the posting or imprinting of a warning on delivery trucks and pumps and invoices or receipts used or connected with the retail sale of kerosene with a sulfur content greater than 0.04%. The warning would state that this grade of kerosene, known as 2-K, may be detrimental to health or unsafe when used in a space heating device which is not vented to the outside atmosphere.

S1130(1982)

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO

SENATE, No. 1130

STATE OF NEW JERSEY

DATED: JUNE 13, 1983

This legislation is designed to insure that purchasers of 2-K grade kerosene are cautioned of its possible unsuitability for use in some unvented portable heaters.

The bill would require retail dealers of 2-K grade kerosene to post a sign at each pump and cash register which specifies that grade, warns of its possible unsuitability for use in some unvented portable heaters and refers the customer to the heater manufacturer's recommendations for proper fuel. The State Superintendent of Weights and Measures would conduct a program of inspections and adopt appropriate rules and regulations. Violators would be subject to fines of \$100.00 or more.

The major concern addressed by the bill is that 2-K kerosene, used in such heaters, is capable of giving off enough noxious fumes to cause fatalities in a well insulated home. At present, no agency is required to insure that the grade of kerosene be identified by the retailer.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1130

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 24, 1982

The purpose of this bill, as amended, is to prevent certain grades of kerosene from being used in certain unvented, portable or stationary space heaters.

To accomplish this purpose, the bill was amended to require that every pump that dispenses kerosene commonly known as 2-K or any other grade of kerosene with a greater than .04% sulphur content, as well as any place where such kerosene is paid for be posted or imprinted with a conspicuous warning. The warning shall state that use of the kerosene may be unsuitable in some unvented space heaters and that the customer should consult the manufacturer's recommendations for proper fuel.

The bill requires the Superintendent of Weights and Measures in the Division of Consumer Affairs to establish a program to inspect retail kerosene dealerships to see that they comply with this requirement.

The committee amended the bill to provide that the penalty for violating the warning requirement would be that prescribed in R. S. 51:1-89 instead of that prescribed in R. S. 51:4-2. R. S. 51:1-89 establishes as a general penalty a fine of not less than \$100.00, which is less harsh than the penalty established by R. S. 51:4-2 for deception in the sale of liquid fuels and oils. Under 51:4-2, for a first offense, the violator is subject to a fine of \$250.00 to \$1,000.00, and for each subsequent offense, to a fine of \$1,000.00 to \$5,000.00 and/or imprisonment for 60 days to 1 year.

The bill was also amended to correct references to the State Superintendent of Weights and Measures.