

2C:40-6 to 2C:40-15

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:40-6 to 2C:40-15 (Kerosene heaters — residential use - requires warning labels)

LAWS OF: 1983

CHAPTER: 438

Bill No: S892

Sponsor(s): Bassano and others

Date Introduced: February 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: December 8, 1983  
Senate: February 24, 1983

Date of Approval: January 9, 1984

Following statements are attached if available:

Sponsor statement: Yes Also attached: Senate amendments, adopted 12-6-82 & 5-24-82 (with statements)

Committee statement: Assembly No  
Senate Yes 9-23-82 & 3-8-82

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: Yes

974.90 New Jersey. Fire Safety Study Commission.  
S128 Final report. November 22, 1982.  
1982b Trenton, 1982.  
(See pp.38-41c.)

974.90 New Jersey. Commission to Study Governmental Laws and Regulations  
S128 Relating to Fire Safety Standards.  
1981 Public hearings, held 9-18, 9-22, 10-20, and 11-24-81,  
South Orange, Camden, Asbury Park, New Brunswick, NJ, 1981.  
(see particularly v 4--pp.9-10.)

1-9-84

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## SENATE, No. 892

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Senators BASSANO, GRAVES, BUBBA, STOCKMAN,  
RODGERS, GAGLIANO, EWING, GREGORIO, LIPMAN,  
ORECHIO and CODEY

Referred to Committee on Law, Public Safety and Defense

**\*\***[AN ACT requiring that warning labels be affixed to portable kerosene-burning heating devices **\***[suitable for use]**\*** *\*capable of being used\** in residential dwellings when sold or offered for sale.]**\*\*** *\*\*An Act concerning portable, oil-burning heating devices.\*\**

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

1 **\*\***[1. No portable, kerosene-burning heating device **\***[suitable for  
2 use]**\*** *\*capable of being used\** in residential dwellings shall be sold  
3 or offered for sale in this State unless a warning label containing  
4 information about the hazards of, safety requirements of, and  
5 prohibitions against the use of such devices is affixed to the device.  
6 Pursuant to the "Administrative Procedure Act," P. L. 1968,  
7 c. 410 (C. 52:14B-1 et seq.) and P. L. 1978, c. 67 (C. 52:14F-1  
8 et seq.), the Commissioner of the Department of Community  
9 Affairs shall issue **\***[regulations stating which models of portable,  
10 kerosene-burning heating devices will be required to bear warning  
11 labels because of their suitability for use in residential dwellings  
12 and]**\*** regulations prescribing the information that shall be con-  
13 tained on the warning label. Information on the label shall include  
14 but shall not be limited to the following:

15 a. Warning of the hazard from fire and carbon monoxide pro-  
16 duced by the device;

17 b. Warning that in order to be used safely the device must be  
18 provided with an adequate source of ventilation when in operation;

**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 amendments adopted May 24, 1982.

\*\*—Senate amendments adopted December 6, 1982.

19 c. Warning against the use of any fuel in the device other than  
20 white kerosene;

21 d. Warning that portable, kerosene-burning heating devices are  
22 prohibited for use in all multiple dwellings in the State by regula-  
23 tions issued pursuant to the "Hotel and Multiple Dwelling Law,"  
24 P. L. 1967, c. 76 (C. 55:13A-1 et seq.);

25 e. Warning that certain municipalities in the State have adopted  
26 housing codes prohibiting the use of portable, kerosene-burning  
27 heating devices in all residential dwellings within the municipal-  
28 ity]\*\*

1 *\*\*1. As used in this act:*

2 a. "Portable, oil-burning heating device" means any self-con-  
3 tained, self-supporting, oil-fueled heater not connected to a flue,  
4 equipped with an integral reservoir, and designed to be carried  
5 from one location to another.

6 b. "Oil" means any liquid fuel with a flash point of greater than  
7 100 degrees Fahrenheit, including but not limited to kerosene.

1 2. A portable, oil-burning heating device shall not be sold, offered  
2 for sale, or used in this State unless a nationally recognized testing  
3 or inspection agency, such as but not limited to Underwriters'  
4 Laboratory, Inc.:

5 a. Has evaluated the portable, oil-burning heating device with  
6 respect to reasonably foreseeable hazards to life and property that  
7 it might cause;

8 b. Has found the portable, oil-burning heating device to be rea-  
9 sonably safe for its specific purpose;

10 c. Has shown the particular model of the portable, oil-burning  
11 heating device on a list of devices that have been evaluated accord-  
12 ing to the requirements of subsection a. of this section and found  
13 to be safe according to the requirements of subsection b. of this  
14 section;

15 d. Has accompanied the portable, oil-burning heating device  
16 with a certificate or with the mark, name, or symbol of the agency  
17 as an indication that it has been evaluated according to the require-  
18 ments of subsection a. of this section, found safe according to the  
19 requirements of subsection b. of this section, and listed according  
20 to the requirements of subsection c. of this section. The certificate  
21 or the mark, name, or symbol of the agency must accompany the  
22 portable, oil-burning heating device at all times when it is sold,  
23 offered for sale, or used in this State.

1 3. A portable, oil-burning heating device shall not be sold, offered  
2 for sale, or used in this State unless a label is affixed to the device  
3 cautioning and informing the user concerning:

4 a. *The amount and source of ventilation that is adequate when*  
5 *the device is in operation;*

6 b. *The type of fuel that should be used in the device;*

7 c. *The steps that should be followed in order to refuel the device*  
8 *safely;*

9 d. *The proper placement and handling of the device when it is*  
10 *in operation to prevent fire, burns, and other safety hazards;*

11 e. *The proper procedures for lighting the device and regulating*  
12 *and extinguishing the flame.*

1 4. *No portable, oil-burning heating device shall be sold or offered*  
2 *for sale in this State unless it is accompanied by instructions con-*  
3 *cerning its proper and safe maintenance and operation.*

1 5. *No portable, oil-burning heating device shall be sold, offered*  
2 *for sale, or used in this State unless it is constructed with a low*  
3 *center of gravity and a minimum tipping angle of 33 degrees from*  
4 *the vertical with an empty reservoir.*

1 6. *No portable, oil-burning heating device shall be sold, offered*  
2 *for sale, or used in this State unless equipped with an automatic*  
3 *safety shut-off device or inherent design feature that eliminates*  
4 *fire hazards in the event of tipover.*

1 7. *No portable, oil-burning heating device which, when operated*  
2 *according to the instructions that must accompany the heater as*  
3 *required by section 4 of this act, produces carbon monoxide at a*  
4 *rate that creates a hazard shall be sold, offered for sale, or used*  
5 *in this State.*

1 8. *No portable, oil-burning heating device shall be sold or offered*  
2 *for sale in this State unless a conspicuous sign is posted at the point*  
3 *of sale and the point of display notifying a purchaser or potential*  
4 *purchaser that portable, oil-burning heating devices are prohibited*  
5 *for use in multiple dwellings in the State by regulations adopted*  
6 *pursuant to the "Hotel and Multiple Dwelling Law," P. L. 1967,*  
7 *c. 76 (C. 55:13A-1 et seq.) and that certain municipalities in the*  
8 *State have adopted housing codes prohibiting the use of portable,*  
9 *oil-burning heating devices in residences within the municipality.*

1 9. *Pursuant to the "Administrative Procedure Act," P. L. 1968,*  
2 *c. 410 (C. 52:14B-1 et seq.), the Commissioner of the Department*  
3 *of Community Affairs shall adopt regulations for the implementa-*  
4 *tion and enforcement of this act.\*\**

1 **\*\*[2.]\*\* \*\*10.\*\*** Any person who sells **\*\*[or]\*\* \*\*,\*\*** offers for  
2 sale **\*\*or uses\*\*** any portable kerosene-burning heating device in  
3 violation of the provisions of this act is guilty of a petty disorderly

4 persons offense. Each *sale of a* heater **\*[sold]\*** in violation of  
5 this act constitutes a separate offense.

1 **\*\*[3.]\*\*** **\*\*11.\*\*** This act shall take effect 180 days following  
2 enactment.

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25 e. Warning that certain municipalities in the State have adopted  
 26 housing codes prohibiting the use of portable, kerosene-burning  
 27 heating devices in all residential dwellings within the municipality.

1 2. Any person who sells or offers for sale any portable kerosene-  
 2 burning heating device in violation of the provisions of this act  
 3 is guilty of a petty disorderly persons offense. Each heater sold  
 4 in violation of this act constitutes a separate offense.

1 3. This act shall take effect 180 days following enactment.

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#### STATEMENT

The purpose of this bill is to require that, when sold or offered for sale, portable kerosene heaters suitable for use in residential houses or apartments bear a warning label.

Because of the ever increasing cost of home heating oil and natural gas, many New Jersey residents in search of low-cost, supplementary means of heating their homes consider purchasing a portable kerosene heater. But despite the presence of an Underwriter's Laboratory (UL) label on many kerosene heaters, these devices are extremely unsafe. Operating the heaters and storing fuel for them exposes the user to danger from fire. Equally hazardous, the heaters produce carbon monoxide—odorless, invisible, and potentially lethal without proper ventilation.

Kerosene heaters are not only dangerous: they are also unlawful in certain residential dwellings. Regulations promulgated pursuant to New Jersey's "Hotel and Multiple Dwelling Law" prohibit the use of unvented portable kerosene heaters in all multiple dwellings in the State (i.e. buildings containing at least three separate dwelling units). Moreover, many municipalities have enacted local housing codes prohibiting the use of kerosene heaters in any residence in the municipality, including one- and two-family houses.

Misled as to the safety of kerosene heaters by the presence of the UL seal and uninformed about State and local laws and regulations prohibiting their use, many residents of New Jersey are endangering themselves, their families, and other residents of their apartment buildings as well as breaking the law.

This bill would require that persons considering the purchase of a portable kerosene heater be provided with the information they so badly need. All portable kerosene heaters suitable for residential use that are sold or offered for sale would be required to bear a label warning the purchaser of the hazards, safety requirements, and legal prohibitions against the use of these devices. The Commissioner of the Department of Community Affairs would be

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authorized to issue regulations prescribing the information to be included on the label and regulations stating which models of portable kerosene heaters would be required to bear the labels because of their suitability for residential use.

The bill further provides that any person who offers for sale or sells a portable kerosene heater without a warning label is guilty of a petty disorderly persons offense, punishable by imprisonment for up to 30 days and/or a fine of up to \$500.00. Every heater sold without a required label shall constitute a separate violation.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 892**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 23, 1982

This bill would require that persons considering the purchase of a portable kerosene heater be provided with information on the dangers of the devices. All portable kerosene heaters suitable for residential use that are sold or offered for sale would be required to bear a label warning the purchaser of the hazards, safety requirements, and legal prohibitions against the use of these devices. The Commissioner of the Department of Community Affairs would be authorized to issue regulations prescribing the information to be included on the label and regulations stating which models of portable kerosene heaters would be required to bear the labels because of their suitability for residential use.

The bill further provides that any person who offers for sale or sells a portable kerosene heater without a warning label is guilty of a petty disorderly persons offense, punishable by imprisonment for up to 30 days and/or a fine of up to \$500.00. Every heater sold without a required label would constitute a separate violation.

Senate Bill No. 892 was previously released by the Senate Law, Public Safety and Defense Committee.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
**SENATE, No. 892**

**STATE OF NEW JERSEY**

DATED: MARCH 8, 1982

This bill would require that persons considering the purchase of a portable kerosene heater be provided with information on the dangers of the devices. All portable kerosene heaters suitable for residential use that are sold or offered for sale would be required to bear a label warning the purchaser of the hazards, safety requirements, and legal prohibitions against the use of these devices. The Commissioner of the Department of Community Affairs would be authorized to issue regulations prescribing the information to be included on the label and regulations stating which models of portable kerosene heaters would be required to bear the labels because of their suitability for residential use.

The bill further provides that any person who offers for sale or sells a portable kerosene heater without a warning label is guilty of a petty disorderly persons offense, punishable by imprisonment for up to 30 days and/or a fine of up to \$500.00. Every heater sold without a required label would constitute a separate violation.

ADOPTED

MAY 24 1982

5/21/82 SR

Senate Amendments

by Senator Bassano

to

OK  
TKM

Senate Bill No. 892

id:

Sec.	Line	
TITLE 2	2	
1	1	Omit "suitable for use" Insert "capable of being used"
1	9-12	Omit "regulations stating which models of portable, kerosene-burning heating devices will be required to bear warning labels because of their suitability for use in residential dwellings and"
2	3	After "each" Insert "sale of a" Omit "sold"

STATEMENT

The phrase "suitable for use" is changed to "capable of being used" because the word "suitable" implies that such use would be proper and <sup>advisable</sup> ~~advisable~~ rather than merely physically possible which is the intent.

The provision concerning regulations listing suitable models is deleted because it may be that no model is truly "suitable" and because it would be impractical for the Commissioner of Community Affairs to test all models and to amend the regulations every time a new model is marketed.

"Each heater sold" is changed to "each sale of a heater" because it is the sale, and not the heater, which would constitute the specific violation.

to

12-6-82

Sec. Line

8. No portable, oil-burning heating device shall be sold or offered for sale in this State unless a conspicuous sign is posted at the point of sale and the point of display notifying a purchaser or potential purchaser that portable, oil-burning heating devices are prohibited for use in multiple dwellings in the State by regulations adopted pursuant to the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1 et seq.) and that certain municipalities in the State have adopted housing codes prohibiting the use of portable, oil-burning heating devices in residences within the municipality.

9. Pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of the Department of Community Affairs shall adopt regulations for the implementation and enforcement of this act.

2 1  
 2 1  
 2 1  
 3 1

Omit "2." insert "10."  
 After ~~"who sells"~~ Omit "or" insert " ;"  
 After "for sale" insert "or uses"  
 Omit "3." insert "11."

STATEMENT

These amendments would increase the bill's restrictions on the sale and use of portable kerosene heaters for the purpose of ensuring that the heaters sold and used in the State are safe

Senate Amendments

to

Senate Bill No. 892 OCR

Sec. | Line

and ensuring that the purchasers and users of the heaters are informed about the proper operation, maintenance, and potential safety hazards of the heaters.

Specifically, the amendments would require that any portable, kerosene heater sold or used in the State: 1) be tested, approved, and listed by a nationally recognized testing or inspection agency, such as Underwriters' Laboratories;

2) bear a label informing the user about requirements for adequate ventilation when the heater is operated, the proper fuel to be used in the heater, proper refueling procedures, proper placement and handling of the heater to prevent fires and burns, and proper procedures for lighting, regulating and extinguishing the heater's flame;

3) be accompanied by operating and maintenance instructions;

4) be constructed to prevent tipover;

5) be equipped with an automatic shut-off device; and

6) be capable of being operated without producing carbon monoxide at a hazardous rate.

The amendments also would require that purchasers be informed that portable, kerosene heaters are prohibited for use in multiple dwellings by the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1 et seq.) and that certain municipalities have adopted housing codes

Senate Amendments

to

Senate Bill No. 892 OCR

amend:

page

Sec.

Line

prohibiting the use of the heaters in residences.

The amendments would require the Department of Community Affairs to adopt regulations to implement and enforce the act.

Finally, the amendments would include the use of kerosene heaters in violation of the provisions of the bill among the acts punishable as a disorderly persons offense.