

39: 3B-13 to 39:3B-17

**LEGISLATIVE HISTORY CHECKLIST**  
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(School buses--liquified petroleum gas)

**NJSA:** 39:3B-13 to 39:3B-17

**LAWS OF:** 1997 **CHAPTER:** 367

**BILL NO:** S302

**SPONSOR(S):** Bennett

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** ---

**SENATE:** Environment

**AMENDED DURING PASSAGE:** Yes Amendments during passage denoted by  
Second reprint enacted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** January 12, 1998

**SENATE:** June 5, 1997

**DATE OF APPROVAL:** January 19, 1998

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes Also attached: statement,  
adopted 6-5-97

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**  
**REPORTS:** No

**HEARINGS:** No

KBP:pp

§§1-5  
C. 39:3B-13  
To  
39:3B-17

P.L. 1997, CHAPTER 367, *approved January 19, 1998*  
Senate, No. 302 (*Second Reprint*)

1 AN ACT concerning school buses fueled by liquefied petroleum gas  
2 and supplementing Title 26 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. As used in this act:

8 "Conventional fuel" means gasoline or diesel fuel;

9 "Governmental entity" means the State, any agency, authority, or  
10 employee thereof, or any political subdivision of the State, including  
11 but not limited to any county, municipality, or school district, or any  
12 agency, authority, or employee thereof;

13 "Liquefied petroleum gas" means LPG, butane, butylene, propane,  
14 or propylene, or other related or similar compounds commonly  
15 regarded to be liquefied petroleum gases as prescribed by rule or  
16 regulation adopted by the Department of Environmental Protection  
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
18 (C.52:14B-1 et seq.); and

19 "School bus" means a school bus<sup>1</sup>[, School Vehicle Type I, or  
20 School Vehicle Type II, all]<sup>1</sup> as defined pursuant to R.S.39:1-1<sup>1</sup>[, that  
21 is regulated or inspected under the authority of section 1 of P.L.1966,  
22 c.16 (C.26:2C-8.1), section 6 of P.L.1965, c.119 (C.39:3B-5), section  
23 3 of P.L.1983, c.206 (C.39:3B-5.3), or R.S.39:8-1]<sup>1</sup>.

24  
25 2. a. Liquefied petroleum gas may be used as an alternative fuel  
26 for a school bus instead of, in addition to, or in combination with a  
27 conventional fuel.

28 b. A school bus may be equipped or converted to operate with  
29 liquefied petroleum gas as the sole fuel or in addition to or in  
30 combination with a conventional fuel.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SEN committee amendments adopted December 16, 1996.

<sup>2</sup> Senate floor amendments adopted June 5, 1997.

1 3. No school bus may be operated using liquefied petroleum gas as  
2 the sole fuel, or in addition to or in combination with a conventional  
3 fuel, unless the school bus has been equipped or converted for such  
4 use and is operated in accordance with (1) all applicable federal and  
5 State laws, rules, regulations, codes, standards, and guidelines  
6 pertaining thereto, including but not limited to any such rules,  
7 regulations, codes, standards, and guidelines that may be adopted by  
8 the National Highway Traffic Safety Administration, and (2) all  
9 applicable codes, standards, and guidelines established by the National  
10 Fire Protection Association for the storage, handling, and use of  
11 liquefied petroleum gas.

12

13 <sup>1</sup>[4. a. Notwithstanding any other law, rule, or regulation to the  
14 contrary, neither the owner or operator of a school bus nor any  
15 governmental entity shall be liable for any injury or damages caused  
16 either directly or indirectly by:

17 (1) the use of liquefied petroleum gas as the sole fuel, or in  
18 addition to or in combination with a conventional fuel, to operate the  
19 school bus; or

20 (2) the equipping or converting of the school bus to operate using  
21 liquefied petroleum gas as the sole fuel or in addition to or in  
22 combination with a conventional fuel.

23 b. The immunity provided by subsection a. of this section shall  
24 attach only if the school bus is equipped or converted, and operated,  
25 as required by section 3 of this act.

26 c. The immunity provided by subsection a. of this section shall be  
27 in addition to any other immunity that may apply under the "New  
28 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule,  
29 or regulation.]<sup>1</sup>

30

31 <sup>2</sup>4. a. In any action brought for any injury or damages caused  
32 either directly or indirectly by the use of liquefied petroleum gas as the  
33 sole fuel, or in addition to or in combination with a conventional fuel,  
34 to operate a school bus, or the equipping or converting of a school bus  
35 to operate using liquefied petroleum gas as the sole fuel or in addition  
36 to or in combination with a conventional fuel, neither the owner or  
37 operator of the school bus nor any governmental entity may be found  
38 negligent in connection therewith if the school bus was equipped or  
39 converted, and operated, as required by section 3 of this act.

40 b. The immunity provided by subsection a. of this section: (1) shall  
41 be in addition to any other immunity that may apply under the "New  
42 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule,  
43 or regulation; and (2) shall not apply if it is established that the act or  
44 omission causing the injury or damages constitutes gross negligence,  
45 recklessness, actual fraud, actual malice, willful misconduct, or  
46 criminal conduct.<sup>2</sup>

1       <sup>1</sup>[5.] <sup>2</sup>[4.] 5.<sup>2</sup> The Department of Environmental Protection, in  
2 consultation with the Department of Transportation, the Division of  
3 Motor Vehicles in the Department of <sup>1</sup>[Law and Public Safety]  
4 Transportation<sup>1</sup>, and the Department of Education, may adopt,  
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
6 (C.52:14B-1 et seq.), any rules or regulations necessary to implement  
7 this act.

8

9       <sup>1</sup>[6.] <sup>2</sup>[5.] 6.<sup>2</sup> This act shall take effect immediately.

10

11

12

13

14 Authorizes use of liquefied petroleum gas to fuel school buses.

1 State laws, rules, regulations, codes, standards, and guidelines  
2 pertaining thereto, including but not limited to any such rules,  
3 regulations, codes, standards, and guidelines that may be adopted by  
4 the National Highway Traffic Safety Administration, and (2) all  
5 applicable codes, standards, and guidelines established by the National  
6 Fire Protection Association for the storage, handling, and use of  
7 liquefied petroleum gas.

8  
9 4. a. Notwithstanding any other law, rule, or regulation to the  
10 contrary, neither the owner or operator of a school bus nor any  
11 governmental entity shall be liable for any injury or damages caused  
12 either directly or indirectly by:

13 (1) the use of liquefied petroleum gas as the sole fuel, or in  
14 addition to or in combination with a conventional fuel, to operate the  
15 school bus; or

16 (2) the equipping or converting of the school bus to operate using  
17 liquefied petroleum gas as the sole fuel or in addition to or in  
18 combination with a conventional fuel.

19 b. The immunity provided by subsection a. of this section shall  
20 attach only if the school bus is equipped or converted, and operated,  
21 as required by section 3 of this act.

22 c. The immunity provided by subsection a. of this section shall be  
23 in addition to any other immunity that may apply under the "New  
24 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule,  
25 or regulation.

26  
27 5. The Department of Environmental Protection, in consultation  
28 with the Department of Transportation, the Division of Motor  
29 Vehicles in the Department of Law and Public Safety, and the  
30 Department of Education, may adopt, pursuant to the "Administrative  
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or  
32 regulations necessary to implement this act.

33  
34 6. This act shall take effect immediately.

35  
36  
37 STATEMENT

38  
39 This bill would authorize the use of liquefied petroleum gas (LPG)  
40 as an alternative fuel for school buses instead of, in addition to, or in  
41 combination with conventional gasoline or diesel fuel. The use of LPG  
42 as an alternative fuel for school buses would be allowed only if certain  
43 accepted standards are employed.

44 The bill would also provide an immunity to school bus owners and  
45 operators, as well as governmental entities, from liability for any

1 injuries or damages that may be either directly or indirectly attributable  
2 to the use of LPG as an alternative fuel for school buses.

3

4

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6

7 Authorizes use of liquefied petroleum gas to fuel school buses.

[Passed Both Houses]

[Second Reprint]  
SENATE, No. 302

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators BENNETT, Ciesla,  
Assemblywoman Farragher and Assemblyman Arnone

1 AN ACT concerning school buses fueled by liquefied petroleum gas  
2 and supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 "Conventional fuel" means gasoline or diesel fuel;

9 "Governmental entity" means the State, any agency, authority, or  
10 employee thereof, or any political subdivision of the State, including  
11 but not limited to any county, municipality, or school district, or any  
12 agency, authority, or employee thereof;

13 "Liquefied petroleum gas" means LPG, butane, butylene, propane,  
14 or propylene, or other related or similar compounds commonly  
15 regarded to be liquefied petroleum gases as prescribed by rule or  
16 regulation adopted by the Department of Environmental Protection  
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
18 (C.52:14B-1 et seq.); and

19 "School bus" means a school bus<sup>1</sup> **[**, School Vehicle Type I, or  
20 School Vehicle Type II, all<sup>1</sup> **]** as defined pursuant to R.S.39:1-1<sup>1</sup> **[**, that  
21 is regulated or inspected under the authority of section 1 of P.L.1966,  
22 c.16 (C.26:2C-8.1), section 6 of P.L.1965, c.119 (C.39:3B-5), section  
23 3 of P.L.1983, c.206 (C.39:3B-5.3), or R.S.39:8-1<sup>1</sup> **]**.

24

25 2. a. Liquefied petroleum gas may be used as an alternative fuel  
26 for a school bus instead of, in addition to, or in combination with a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SEN committee amendments adopted December 16, 1996.

<sup>2</sup> Senate floor amendments adopted June 5, 1997.

1 conventional fuel.

2 b. A school bus may be equipped or converted to operate with  
3 liquefied petroleum gas as the sole fuel or in addition to or in  
4 combination with a conventional fuel.

5  
6 3. No school bus may be operated using liquefied petroleum gas as  
7 the sole fuel, or in addition to or in combination with a conventional  
8 fuel, unless the school bus has been equipped or converted for such  
9 use and is operated in accordance with (1) all applicable federal and  
10 State laws, rules, regulations, codes, standards, and guidelines  
11 pertaining thereto, including but not limited to any such rules,  
12 regulations, codes, standards, and guidelines that may be adopted by  
13 the National Highway Traffic Safety Administration, and (2) all  
14 applicable codes, standards, and guidelines established by the National  
15 Fire Protection Association for the storage, handling, and use of  
16 liquefied petroleum gas.

17  
18 <sup>1</sup>[4. a. Notwithstanding any other law, rule, or regulation to the  
19 contrary, neither the owner or operator of a school bus nor any  
20 governmental entity shall be liable for any injury or damages caused  
21 either directly or indirectly by:

22 (1) the use of liquefied petroleum gas as the sole fuel, or in  
23 addition to or in combination with a conventional fuel, to operate the  
24 school bus; or

25 (2) the equipping or converting of the school bus to operate using  
26 liquefied petroleum gas as the sole fuel or in addition to or in  
27 combination with a conventional fuel.

28 b. The immunity provided by subsection a. of this section shall  
29 attach only if the school bus is equipped or converted, and operated,  
30 as required by section 3 of this act.

31 c. The immunity provided by subsection a. of this section shall be  
32 in addition to any other immunity that may apply under the "New  
33 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule,  
34 or regulation.]<sup>1</sup>

35  
36 <sup>2</sup>4. a. In any action brought for any injury or damages caused  
37 either directly or indirectly by the use of liquefied petroleum gas as the  
38 sole fuel, or in addition to or in combination with a conventional fuel,  
39 to operate a school bus, or the equipping or converting of a school bus  
40 to operate using liquefied petroleum gas as the sole fuel or in addition  
41 to or in combination with a conventional fuel, neither the owner or  
42 operator of the school bus nor any governmental entity may be found  
43 negligent in connection therewith if the school bus was equipped or  
44 converted, and operated, as required by section 3 of this act.

45 b. The immunity provided by subsection a. of this section: (1) shall  
46 be in addition to any other immunity that may apply under the "New



1 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule,  
2 or regulation; and (2) shall not apply if it is established that the act or  
3 omission causing the injury or damages constitutes gross negligence,  
4 recklessness, actual fraud, actual malice, willful misconduct, or  
5 criminal conduct.<sup>2</sup>

6 <sup>1</sup>[5.]<sup>2</sup>[4.1] 5.<sup>2</sup> The Department of Environmental Protection, in  
7 consultation with the Department of Transportation, the Division of  
8 Motor Vehicles in the Department of <sup>1</sup>【Law and Public Safety】  
9 Transportation<sup>1</sup>, and the Department of Education, may adopt,  
10 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
11 (C.52:14B-1 et seq.), any rules or regulations necessary to implement  
12 this act.

13  
14 <sup>1</sup>[6.]<sup>2</sup>[5.1] 6.<sup>2</sup> This act shall take effect immediately.

15  
16  
17 \_\_\_\_\_  
18  
19 Authorizes use of liquefied petroleum gas to fuel school buses.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 302**

with Senate Floor Amendments  
(Proposed By Senator BENNETT)

ADOPTED: JUNE 5, 1997

These amendments would provide a limited immunity to owners and operators (as well as governmental entities) of school buses using liquefied petroleum gas as a fuel in the event of an accident causing injuries or damages attributable to the use of that fuel. Specifically, the amendments would exempt those persons and entities from negligence claims if all applicable federal and State standards, as well as those of the National Fire Protection Association, were followed. The limited immunity provided by the amendments: (1) would be in addition to any other immunity that may apply under the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule, or regulation; and (2) would not apply if it is established that the act or omission causing the injury or damages constitutes gross negligence, recklessness, actual fraud, actual malice, willful misconduct, or criminal conduct.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 302**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 16, 1996

The Senate Environment Committee favorably reports Senate Bill No. 302 with committee amendments.

As amended, this bill would authorize the use of liquefied petroleum gas (LPG) as an alternative fuel for school buses instead of, in addition to, or in combination with conventional gasoline or diesel fuel. The use of LPG as an alternative fuel for school buses would be allowed only if certain State and federal standards are employed.

Committee amendments remove the liability immunity provisions from the bill. Because the use of LPG is considered safe there is no need to include any limitations on liability. The amendments also make technical changes to the definition of a "school bus."

Senate Bill No. 302 was pre-filed for introduction in the 1996-97 legislative session pending technical review. As reported by the committee, the bill contains the changes required by technical review, which has been performed.