

34:3A-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:3A-4

(Gasoline stations--prohibit self service; establish safety standards)

LAWS OF: 1989

CHAPTER: 263

Bill No: S2881

Sponsor(s): Bassano

Date Introduced: September 26, 1988

Committee: Assembly: Law, Public Safety and Corrections

Senate: Transportation & Communications

Amended during passage: No Senate Committee Substitute enacted

Date of Passage: Assembly: December 11, 1989

Senate: May 1, 1989

Date of Approval: January 4, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: Yes

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(over)

974.90 New Jersey. Legislature. Senate. Law, Public Safety & Defense
Committee.
F953 Joint public hearing to consider bills and receive testimony and to
1988 discuss whether self-service gas stations should be permitted..., held
4-29-88.

974.90 New Jersey. Legislature. Senate Transportation & Communications
F953 Committee.
1989a Public hearing meeting on S2881 held 2-23-89.

For background see:

974.90 New Jersey. Legislature. Senate. Committee on Law, Public Safety
F953 & Defense.
1982d Public hearing on self-service gas stations, held 7-22-82.
Trenton, 1982.

SLJ

§§1-8 -
C.34:3A-4 to
34:3A-11
§9-Repealer
§10-Approp.-LIV
§11-Note to
§§2-7,9,10

P.L.1989, CHAPTER 263, *approved January 4, 1990*
Senate Committee Substitute for
1988 Senate Nos. 2881 and 2906

1 **AN ACT** establishing safety standards for retail gasoline stations,
2 including a prohibition of the self-service of gasoline and other
3 inflammable liquids by customers, repealing P.L.1949, c.274
4 (C.43:3A-1 et seq.) and making an appropriation.

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

8 1. The Legislature finds and declares that:

9 a. Because of the fire hazards directly associated with
10 dispensing fuel, it is in the public interest that gasoline station
11 operators have the control needed over that activity to ensure
12 compliance with appropriate safety procedures, including turning
13 off vehicle engines and refraining from smoking while fuel is
14 dispensed;

15 b. At self-service gasoline stations in other states, cashiers
16 are often unable to maintain a clear view of the activities of
17 customers dispensing gasoline, or to give their undivided
18 attention to observing customers; therefore, when customers,
19 rather than attendants, are permitted to dispense fuel, it is far
20 more difficult to enforce compliance with safety procedures;

21 c. The State needs stronger measures to enforce both
22 compliance by customers with the ban on self-service and
23 compliance by attendants with safety procedures;

24 d. The higher general liability insurance premium rates
25 charged to self-service stations reflect the fact that customers
26 who leave their vehicles to dispense gasoline or other
27 inflammable liquids face significant inconveniences and dangers,
28 including the risks of crime and fall-related personal injury,
29 which are a special burden to drivers with physical infirmities,
30 such as the handicapped and some senior citizens;

31 e. Exposure to toxic gasoline fumes represents a health hazard
32 when customers dispense their own gasoline, particularly in the
33 case of pregnant women;

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 underlined thus is new matter.
Governor's line-item veto changes.

1 f. The significantly higher prices usually charged for
2 full-service gasoline in states where self-service is permitted
3 results in discrimination against low income individuals, who are
4 under greater economic pressure to undergo the inconvenience
5 and hazards of dispensing their own gasoline;

6 g. The increasing use of self-service has contributed to the
7 diminished availability of repair facilities and maintenance
8 services at gasoline stations;

9 h. Even in filling stations which offer both self-service and
10 full-service gasoline, customers are less likely, because of the
11 much higher price usually charged for full service, to have
12 attendants make needed maintenance checks, thus causing
13 significant neglect of maintenance and danger both to the
14 customers and to other motorists, as well as the unneeded costly
15 repairs which often result from deferred maintenance;

16 i. The prohibition of customer self-service does not constitute
17 a restraint of trade in derogation of the general public interest
18 because the Legislature finds no conclusive evidence that
19 self-service gasoline provides a sustained reduction in gasoline
20 prices charged to customers; and

21 j. A prohibition of self-service gasoline will therefore promote
22 the common welfare by providing increased safety and
23 convenience without causing economic harm to the public in
24 general.

25 2. As used in this act:

26 "Attendant" means a retail dealer or employee of a retail
27 dealer.

28 "Commissioner" means the Commissioner of Labor.

29 "Fuel" means any liquid commonly or commercially known or
30 sold as gasoline, or other inflammable liquid, which is sold for use
31 as fuel in the internal combustion engines of motor vehicles.

32 "Gasoline station" or "station" means a place of business
33 located in the State and used for the retail sale and dispensing of
34 fuel into the tanks of motor vehicles.

35 "Retail dealer" means a person operating a gasoline station.

36 3. It shall be unlawful for any attendant to:

37 a. Dispense fuel into the tank of a motor vehicle while the
38 vehicle's engine is in operation;

39 b. Dispense fuel into any portable container not in
40 compliance with regulations adopted pursuant to section 8 of this
41 act;

1 c. Dispense fuel while smoking; or
2 d. Permit any person who is not an attendant to dispense fuel
3 into the tank of a motor vehicle or any container.

4 4. No person shall dispense fuel at a gasoline station, unless
5 the person is an attendant who has received instructions
6 regarding the dispensing of fuel, had practical experience
7 dispensing fuel under the direct supervision of an experienced
8 operator for a period of not less than one full working day, and,
9 upon examination at the end of that period, demonstrated his
10 understanding of those instructions. The instructions shall
11 include a full explanation of the prohibitions of section 3 of this
12 act and any emergency procedures established pursuant to section
13 8 of this act.

14 5. There shall be available at each station for inspection by
15 the commissioner a certificate for each person who dispenses fuel
16 at the station certifying that the person meets the requirements
17 of section 4 of this act. The certificate shall be signed by the
18 person and the retail dealer who operates the station.

19 6. Each gasoline station shall be equipped, at a location
20 remote from the dispensing pumps, with a clearly identified and
21 easily accessible switch or circuit breaker to shut off the power
22 to all dispensing pumps in the event of an emergency or of a
23 customer or other unauthorized person operating or attempting to
24 operate the pump.

25 7. A violator of any provision of this act shall be liable for a
26 penalty of not less than \$50.00 and not more than \$250.00 for a
27 first offense and not more than \$500.00 for each subsequent
28 offense. Each day that a gasoline station operates in violation of
29 the provisions of section 5 or 6 of this act is a separate violation
30 by the retail dealer who operates the station. The penalties shall
31 be sued for and recovered by the commissioner, in summary
32 proceedings pursuant to "the penalty enforcement law,"
33 N.J.S.2A:58-1 et seq., in the county or municipality where the
34 offense occurred.

35 There is established a nonlapsing dedicated account to be
36 known as the Retail Gasoline Dispensing Safety Account.
37 Penalties collected pursuant to this section shall be credited to
38 the account and appropriated to fund expenses of effectuating
39 the purposes of this act. If, at the close of a fiscal year, moneys
40 are available beyond the funds necessary to meet those expenses,
41 the commissioner shall determine an appropriate amount to be

1 returned to the General Fund for general State purposes.

2 8. The commissioner shall, in accordance with the provisions
3 of the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.), adopt rules and regulations as are necessary
5 to effectuate the purposes of this act, including regulations
6 establishing emergency procedures and standards concerning
7 pump shutoff switches and other safety equipment to be used at
8 gasoline stations, and standards for portable containers for fuel
9 dispensed at gasoline stations, which standards shall be consistent
10 with other State and federal regulations.

11 9. P.L.1949, c.274 (C.34:3A-1 et seq.) is repealed.

12 ¹[10. There is appropriated the sum of \$95,000 from the
13 General Fund to the Department of Labor to effectuate the
14 purposes of this act.]¹

15 ¹[11.]¹ This act shall take effect immediately, except that
16 sections 2 through 7 and sections 9 and 10 of this act shall remain
17 inoperative until the 180th day following enactment.

18
19
20 **TRANSPORTATION**

21 **Motor Vehicles**

22
23 **Establishes safety standards for gasoline stations, prohibits**
24 **self-service; appropriates \$95,000.**

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, Nos. 2881 and 2906

STATE OF NEW JERSEY

ADOPTED FEBRUARY 23, 1989

1 **AN ACT** establishing safety standards for retail gasoline stations,
including a prohibition of the self-service of gasoline and other
3 inflammable liquids by customers, repealing P.L.1949, c.274
(C.43:3A-1 et seq.) and making an appropriation.

5

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

1. The Legislature finds and declares that:

9

a. Because of the fire hazards directly associated with
dispensing fuel, it is in the public interest that gasoline station
11 operators have the control needed over that activity to ensure
compliance with appropriate safety procedures, including turning
13 off vehicle engines and refraining from smoking while fuel is
dispensed:

15

b. At self-service gasoline stations in other states, cashiers
are often unable to maintain a clear view of the activities of
17 customers dispensing gasoline, or to give their undivided
attention to observing customers; therefore, when customers,
19 rather than attendants, are permitted to dispense fuel, it is far
more difficult to enforce compliance with safety procedures:

21

c. The State needs stronger measures to enforce both
compliance by customers with the ban on self-service and
23 compliance by attendants with safety procedures:

25

d. The higher general liability insurance premium rates
charged to self-service stations reflect the fact that customers
27 who leave their vehicles to dispense gasoline or other
inflammable liquids face significant inconveniences and dangers,
including the risks of crime and fall-related personal injury,
29 which are a special burden to drivers with physical infirmities,
such as the handicapped and some senior citizens:

31

e. Exposure to toxic gasoline fumes represents a health hazard
when customers dispense their own gasoline, particularly in the
33 case of pregnant women:

35

f. The significantly higher prices usually charged for
full-service gasoline in states where self-service is permitted

1 results in discrimination against low income individuals, who are
2 under greater economic pressure to undergo the inconvenience
3 and hazards of dispensing their own gasoline;

4 g. The increasing use of self-service has contributed to the
5 diminished availability of repair facilities and maintenance
6 services at gasoline stations;

7 h. Even in filling stations which offer both self-service and
8 full-service gasoline, customers are less likely, because of the
9 much higher price usually charged for full service, to have
10 attendants make needed maintenance checks, thus causing
11 significant neglect of maintenance and danger both to the
12 customers and to other motorists, as well as the unneeded costly
13 repairs which often result from deferred maintenance;

14 i. The prohibition of customer self-service does not constitute
15 a restraint of trade in derogation of the general public interest
16 because the Legislature finds no conclusive evidence that
17 self-service gasoline provides a sustained reduction in gasoline
18 prices charged to customers; and

19 j. A prohibition of self-service gasoline will therefore promote
20 the common welfare by providing increased safety and
21 convenience without causing economic harm to the public in
22 general.

23 2. As used in this act:

24 "Attendant" means a retail dealer or employee of a retail
25 dealer.

"Commissioner" means the Commissioner of Labor.

27 "Fuel" means any liquid commonly or commercially known or
28 sold as gasoline, or other inflammable liquid, which is sold for use
29 as fuel in the internal combustion engines of motor vehicles.

30 "Gasoline station" or "station" means a place of business
31 located in the State and used for the retail sale and dispensing of
32 fuel into the tanks of motor vehicles.

33 "Retail dealer" means a person operating a gasoline station.

34 3. It shall be unlawful for any attendant to:

35 a. Dispense fuel into the tank of a motor vehicle while the
36 vehicle's engine is in operation;

37 b. Dispense fuel into any portable container not in
38 compliance with regulations adopted pursuant to section 8 of this
39 act;

- 1 c. Dispense fuel while smoking; or
2 d. Permit any person who is not an attendant to dispense fuel
3 into the tank of a motor vehicle or any container.

4 4. No person shall dispense fuel at a gasoline station, unless
5 the person is an attendant who has received instructions
6 regarding the dispensing of fuel, had practical experience
7 dispensing fuel under the direct supervision of an experienced
8 operator for a period of not less than one full working day, and,
9 upon examination at the end of that period, demonstrated his
10 understanding of those instructions. The instructions shall
11 include a full explanation of the prohibitions of section 3 of this
12 act and any emergency procedures established pursuant to section
13 8 of this act.

14 5. There shall be available at each station for inspection by
15 the commissioner a certificate for each person who dispenses fuel
16 at the station certifying that the person meets the requirements
17 of section 4 of this act. The certificate shall be signed by the
18 person and the retail dealer who operates the station.

19 6. Each gasoline station shall be equipped, at a location
20 remote from the dispensing pumps, with a clearly identified and
21 easily accessible switch or circuit breaker to shut off the power
22 to all dispensing pumps in the event of an emergency or of a
23 customer or other unauthorized person operating or attempting to
24 operate the pump.

25 7. A violator of any provision of this act shall be liable for a
26 penalty of not less than \$50.00 and not more than \$250.00 for a
27 first offense and not more than \$500.00 for each subsequent
28 offense. Each day that a gasoline station operates in violation of
29 the provisions of section 5 or 6 of this act is a separate violation
30 by the retail dealer who operates the station. The penalties shall
31 be sued for and recovered by the commissioner, in summary
32 proceedings pursuant to "the penalty enforcement law,"
33 N.J.S.2A:58-1 et seq., in the county or municipality where the
34 offense occurred.

35 There is established a nonlapsing dedicated account to be
36 known as the Retail Gasoline Dispensing Safety Account.
37 Penalties collected pursuant to this section shall be credited to
38 the account and appropriated to fund expenses of effectuating
39 the purposes of this act. If, at the close of a fiscal year, moneys

1 are available beyond the funds necessary to meet those expenses,
the commissioner shall determine an appropriate amount to be
3 returned to the General Fund for general State purposes.

8. The commissioner shall, in accordance with the provisions
5 of the "Administrative Procedure Act," P.L.1968, c.410
(C.52:14B-1 et seq.), adopt rules and regulations as are necessary
7 to effectuate the purposes of this act, including regulations
establishing emergency procedures and standards concerning
9 pump shutoff switches and other safety equipment to be used at
gasoline stations, and standards for portable containers for fuel
11 dispensed at gasoline stations, which standards shall be consistent
with other State and federal regulations.

13 9. P.L.1949, c.274 (C.34:3A-1 et seq.) is repealed.

10. There is appropriated the sum of \$95,000 from the General
15 Fund to the Department of Labor to effectuate the purposes of
this act.

17 11. This act shall take effect immediately, except that
sections 2 through 7 and sections 9 and 10 of this act shall remain
19 inoperative until the 180th day following enactment.

21

TRANSPORTATION

23

Motor Vehicles

25 Establishes safety standards for gasoline stations, prohibits
self-service; appropriates \$95,000.

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 26, 1988

By Senators RAND. DALTON and WEISS

1 **AN ACT** establishing safety standards for retail gasoline stations,
including a prohibition of the self-service of gasoline by
3 customers, and repealing P.L.1949, c.274 (C.34:3A-1 et seq.).

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

7 1. The Legislature finds and declares that:

9 a. Because of the fire hazards directly associated with
dispensing fuel, it is in the public interest that gasoline station
operators have the control needed over that activity to ensure
11 compliance with appropriate safety procedures, including turning
off vehicle engines and refraining from smoking while fuel is
13 dispensed:

b. At self-service gasoline stations in other states, cashiers
15 are often unable to maintain a clear view of the activities of
customers dispensing gasoline, or to give their undivided
17 attention to observing customers; therefore, when customers,
rather than attendants, are permitted to dispense fuel, it is far
19 more difficult to enforce compliance with safety procedures:

c. The State needs stronger measures to enforce both
21 compliance by customers with the ban on self-service and
compliance by attendants with safety procedures:

23 d. The higher general liability insurance premium rates
charged to self service stations reflect the fact that customers
25 who pump their own fuel face significant inconveniences and
dangers, including the risks of crime and fall-related personal
27 injury, which are a special burden to drivers with physical
infirmities, such as the handicapped and some senior citizens:

29 e. Exposure to toxic gasoline fumes represent a health hazard
when customers dispense their own gasoline, particularly in the
31 case of pregnant women.

f. The significantly higher prices usually charged for
33 full-service gasoline in states where self-service is permitted
results in discrimination against low income individuals.

1 who are under greater economic pressure to undergo the
inconvenience and hazards of dispensing their own gasoline:

3 g. The increasing use of self-service has contributed to the
diminished availability of repair facilities and maintenance
5 services at gasoline stations:

7 h. When gasoline stations offer both self-service and
full-service, the higher gasoline prices usually charged for
full-service make customers less likely to request needed
9 maintenance checks, thus lowering the level of maintenance to
the detriment of public safety;

11 i. The prohibition of customer self-service does not constitute
a restraint of trade in derogation of the general public interest
13 because the Legislature finds no conclusive evidence that
self-service gasoline provides a sustained reduction in gasoline
15 prices charged to customers; and

j. A prohibition of self-service gasoline will therefore promote
17 the common welfare by providing increased safety and
convenience without causing economic harm to the public in
19 general.

2. As used in this act:

21 "Attendant" means a retail dealer or employee of a retail
dealer.

23 "Commissioner" means the Commissioner of Labor.

25 "Fuel" means any liquid commonly or commercially known or
sold as gasoline and sold for use as fuel in the internal combustion
engines of motor vehicles.

27 "Gasoline station" or "station" means a place of business
located in the State and used for the retail sale and dispensing of
29 fuel into the tanks of motor vehicles.

"Retail dealer" means a person operating a gasoline station.

31 3. It shall be unlawful for any attendant to:

33 a. Dispense fuel into the tank of a motor vehicle while the
vehicle's engine is in operation:

35 b. Dispense fuel into any portable container not in
compliance with regulations adopted pursuant to section 8 of this
act:

37 c. Dispense fuel while smoking; or

39 d. Permit any person who is not an attendant to dispense fuel
into the tank of a motor vehicle or any container.

1 4. No person shall dispense fuel at a gasoline station, unless
2 the person is an attendant who has received instructions
3 regarding the dispensing of fuel, had practical experience
4 dispensing fuel under the direct supervision of an experienced
5 operator for a period of not less than one full working day, and,
6 upon examination at the end of that period, demonstrated his
7 understanding of those instructions. The instructions shall
8 include a full explanation of the prohibitions of section 3 of this
9 act and any emergency procedures established pursuant to section
10 8 of this act.

11 5. There shall be available at each station for inspection by
12 the commissioner a certificate for each person who dispenses fuel
13 at the station certifying that the person meets the requirements
14 of section 4 of this act. The certificate shall be signed by the
15 person and the retail dealer who operates the station.

16 6. Each gasoline station shall be equipped, at a location
17 remote from the dispensing pumps, with a clearly identified and
18 easily accessible switch or circuit breaker to shut off the power
19 to all dispensing pumps in the event of an emergency or of a
20 customer or other unauthorized person operating or attempting to
21 operate the pump.

22 7. A violator of any provision of this act shall be liable for a
23 penalty of not less than \$50.00 and not more than \$250.00 for a
24 first offense and not more than \$500.00 for each subsequent
25 offense. Each day that a gasoline station operates in violation of
26 the provisions of section 5 or 6 of this act is a separate violation
27 by the retail dealer who operates the station. The penalties shall
28 be sued for and recovered by the commissioner, in summary
29 proceedings pursuant to "the penalty enforcement law,"
30 N.J.S.2A:58-1 et seq., in the county or municipality where the
31 offense occurred.

32 There is established a nonlapsing dedicated account to be
33 known as the Retail Gasoline Dispensing Safety Account.
34 Penalties collected pursuant to this section shall be credited to
35 the account and appropriated to fund expenses of effectuating
36 the purposes of this act. If, at the close of a fiscal year, moneys
37 are available beyond the funds necessary to meet those expenses,
38 the commissioner shall determine an appropriate amount to be
39 returned to the General Fund for general State purposes.

1 8. The commissioner shall, in accordance with the provisions
2 of the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), adopt rules and regulations as are necessary
4 to effectuate the purposes of this act, including regulations
5 establishing emergency procedures and standards concerning
6 pump shutoff switches and other safety equipment to be used at
7 gasoline stations and standards for portable containers for fuel
8 dispensed at gasoline stations, which standards shall be consistent
9 with other State and federal regulations.

10 9. P.L.1949, c.274 (C.34:3A-1 et seq.) is repealed.

11 10. This act shall take effect immediately, except that
12 sections 2 through 7 and section 9 of this act shall remain
13 inoperative until the 180th day following enactment.

15

STATEMENT

17 This bill strengthens the safety standards imposed on gasoline
18 stations. The bill prohibits the dispensing of gasoline by anyone
19 other than station attendants who have had instruction and at
20 least one full working day of supervised experience with the
21 dispensing equipment. It prohibits attendants from dispensing
22 gasoline while smoking or dispensing it into unauthorized
23 containers or vehicles with running engines. The bill requires that
24 stations be equipped with cutoff switches remote from their
25 pumps and requires station operators to maintain certificates
26 that each attendant has demonstrated knowledge of the required
27 safety procedures. It sets penalties for violations and dedicates
28 the money collected in penalties to enforcement costs.

29 The bill also repeals P.L.1949, c.274 (C.34:3A-1 et seq.) which,
30 like the bill, prohibits the dispensing of gasoline by anyone other
31 than a trained station attendant, but does not currently include
32 any of the bill's other safety requirements.

33

TRANSPORTATION

35

Motor Vehicles

37 Establishes safety standards for gasoline stations, prohibits
self-service.

**ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS
COMMITTEE**

STATEMENT TO

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2881 and 2906**

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1989

The Assembly Law, Public Safety and Corrections Committee favorably reports the Senate Committee Substitute for Senate Bill Nos. 2881 and 2906.

The Senate committee substitute imposes new and stronger safety standards for retail gasoline stations.

Under the provisions of the substitute, gasoline and inflammable liquids may be dispensed only by station attendants who have been appropriately trained and have had at least one full working day of supervised experience with the station's dispensing equipment. The substitute requires that the operator of each retail gasoline station maintain a certificate, confirming that those training requirements have been fulfilled, for each person who dispenses fuel. The certificates are subject to inspection by the Commissioner of Labor. In addition, the substitute prohibits attendants from dispensing fuel while smoking, into any type of unauthorized or approved container and into any vehicle whose engine is not shut off. The substitute also requires that gasoline stations be equipped with special circuit breakers or cut off switches so that power to the dispensing pumps may be shut off in an emergency or in the event a customer or any other unauthorized person attempts to operate the pump.

Violators are subject to penalties of not less than \$50 or more than \$250 for a first offense. The penalty for any subsequent violation may not exceed \$500. All moneys collected as penalties are to be deposited in a special account, known as the Retail Gasoline Dispensing Safety Account, to defray the costs of enforcing the provisions of the substitute. If, in any fiscal year, the moneys deposited in the account exceed the amount required for enforcement, the Commissioner of Labor is directed to return "an appropriate amount" to the General Fund to be used for general State purposes.

The current law prohibiting the dispensing of gasoline by anyone other than a trained station attendant is repealed (P.L.1949, c.274; C.34:3A-1 et seq.).

Finally, \$95,000 is appropriated from the General Fund to the Department of Labor in order to effectuate the purposes of the substitute.

As released from this committee, this Senate committee substitute is identical to the Assembly committee substitute for Assembly Bill 3749 also released by the committee on this day.

**SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE**

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, Nos. 2881 and 2906

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1989

The Senate Transportation and Communications Committee favorably reports Senate Committee Substitute for Senate Bill Nos. 2881 and 2906.

This committee substitute strengthens the safety standards imposed on gasoline stations. The bill prohibits the dispensing of gasoline or inflammable liquid by anyone other than station attendants who have had instruction and at least one full working day of supervised experience with the dispensing equipment. It prohibits attendants from dispensing gasoline while smoking or dispensing it into unauthorized containers or vehicles with running engines. The bill requires that stations be equipped with cutoff switches remote from their pumps and requires station operators to maintain certificates that each attendant has demonstrated knowledge of the required safety procedures. It sets penalties for violations and dedicates the money collected in penalties to enforcement costs.

This substitute also repeals P.L.1949, c.274 (C.34:3A-1 et seq.) which, like the bill, prohibits the dispensing of gasoline by anyone other than a trained station attendant, but does not currently include any of the bill's other safety requirements.

The bill also appropriates \$95,000 from the General Fund to the Department of Labor to effectuate the purposes of the bill.

S2881

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NOS. 2881 and 2906

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Committee Substitute for Senate Bill Nos. 2881 and 2906 at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

The purpose of this bill is to continue the current 40-year old ban on self-service pumping of gasoline and to strengthen safety standards imposed on retail gasoline stations. The bill prohibits the dispensing of gasoline by anyone other than station attendants who have received specific instructions regarding the procedures for safely dispensing fuel and have had practical experience dispensing fuel under the direct supervision of an experienced operator for one full working day. To ensure that all attendants receive the requisite instruction and practical experience in fuel dispensing, the bill requires that a certificate be signed by both the retail dealer and the employee attesting to compliance with these requirements and that these certificates be made available for inspection by the Department of Labor.

The bill also specifically prohibits the dispensing of fuel while the vehicle's engine is running, while the attendant is smoking or into unauthorized containers. The bill further requires that each gasoline station be equipped with a clearly marked remote cutoff switch for the power to the dispensing pumps. In the event of an emergency or an unauthorized person operating the pumps, the power source can rapidly be terminated. The penalties for violating any provision of this bill are established at not less than \$50 and not more than \$250 for a first offense and not more than \$500 for each subsequent offense. The bill also appropriates \$95,000 to the Department of Labor to administer and enforce this legislation.

The Legislature has declared in this bill that the self-service pumping of fuel is contrary to the health and safety interests of the public. I agree with the Legislature that full service at retail gasoline stations should be available at all times and to every motorist in the State. However, I see

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

no need to appropriate \$95,000 from the General Fund to the Department of Labor to effectuate the purposes of this act. The Department is currently enforcing the existing self-service prohibition, and I find no compelling reason to commit additional enforcement resources.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

Page 4, Section 10, Lines 14-16: Delete in its entirety

Page 4, Section 10, Line 17: Delete "11" and insert "10"

Respectfully,

GOVERNOR

Attest:

Chief Counsel