

New Jersey Statutes, Title: 34, LABOR AND WORKMEN'S COMPENSATION

Chapter 3A: Findings, declarations

Section: 34:3A-4: Findings, declarations

The Legislature finds and declares that:

- 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 compliance with appropriate safety procedures, including turning off vehicle engines and refraining from smoking while fuel is dispensed;
- b. At self-service gasoline stations in other states, cashiers are often unable to maintain a clear view of the activities of customers dispensing gasoline, or to give their undivided attention to observing customers; therefore, when customers, rather than attendants, are permitted to dispense fuel, it is far more difficult to enforce compliance with safety procedures;
- c. The State needs stronger measures to enforce both compliance by customers with the ban on self-service and compliance by attendants with safety procedures;
- d. The higher general liability insurance premium rates charged to self-service stations reflect the fact that customers 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, which are a special burden to drivers with physical infirmities, such as the handicapped and some senior citizens;
- e. Exposure to toxic gasoline fumes represents a health hazard when customers dispense their own gasoline, particularly in the case of pregnant women;
- f. The significantly higher prices usually charged for full-service gasoline in states where self-service is permitted results in discrimination against low income individuals, who are under greater economic pressure to undergo the inconvenience and hazards of dispensing their own gasoline;
- g. The increasing use of self-service has contributed to the diminished availability of repair facilities and maintenance services at gasoline stations;
- h. Even in filling stations which offer both self-service and full-service gasoline, customers are less likely, because of the much higher price usually charged for full service, to have attendants

make needed maintenance checks, thus causing significant neglect of maintenance and danger both to the customers and to other motorists, as well as the unneeded costly repairs which often result from deferred maintenance;

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

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

Section: 34:3A-5: Definitions

As used in this act:

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

"Commissioner" means the Commissioner of Labor.

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

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

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

Section: 34:3A-6: Dispensing of fuel; regulations

It shall be unlawful for any attendant to:

- a. Dispense fuel into the tank of a motor vehicle while the vehicle's engine is in operation;
- b. Dispense fuel into any portable container not in compliance with regulations adopted pursuant to section 8 of this act;
- c. Dispense fuel while smoking; or
- d. Permit any person who is not an attendant to dispense fuel into the tank of a motor vehicle or any container.

Section: 34:3A-7: Training, supervision of attendants

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

Section: 34:3A-8: Certification of attendants

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

Section: 34:3A-9: Pump shutoff switch; required

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

Section: 34:3A-10: Penalties for violations; Retail Gasoline Dispensing Safety Account; established

A violator of any provision of this act shall be liable for a penalty of not less than \$50.00 and not more than \$250.00 for a first offense and not more than \$500.00 for each subsequent offense. Each day that a gasoline station operates in violation of the provisions of section 5 or 6 of this act is a separate violation by the retail dealer who operates the station. The penalties shall

be sued for and recovered by the commissioner, in summary proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq., in the county or municipality where the offense occurred.

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

Section: 34:3A-11: Rules, regulations

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