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Lawmakers Revive Proposal To Repeal New Jersey's Self Serve Gas Ban. Can It Finally Pass?

Under the bill, New Jerseyans would be allowed to pump their own gas, but stations with more than four pumps would be required to have a full-service option, presumably at a higher price.

By: Matt Friedman, March 1, 2022

The gas station industry is once again trying to repeal a decades-old law that makes New Jersey unique and, to some, notorious: the ban on drivers pumping their own gas.

The proposal, announced via press release Monday by a gas station industry-backed group called Fuel Your Way NJ and sponsored by a bipartisan trio of assemblymembers, was immediately picked up by several news outlets. Could the hallowed 73-year-old New Jersey tradition that spawned the popular saying “Jersey girls don’t pump their own gas” be a thing of the past?

Perhaps. But it’s been tried before and it didn’t go well.

Under the bill, NJ A3105 (22R) , introduced by Assemblymembers Carol Murphy (D-Burlington), Ned Thomson (R-Monmouth) and Annette Chaparro (D-Hudson), New Jerseyans would be allowed to pump their own gas, but stations with more than four pumps would be required to have a full-service option, presumably at a higher price.

“The climate has changed, and now is the time to get this done,” Sal Risalvato, executive director of the New Jersey Gasoline, C-Store, and Automotive Association, said in an interview. “We’ve got a lot of legislators who are in favor of doing this. They’re not running from it the way they used to.”

Murphy said in a statement that her bill would give drivers “more options.”

“While some drivers may enjoy the convenience of staying in their car as an attendant fills their tank, waiting for that assistance becomes inconvenient when a driver is in a rush or the station is particularly busy,” she said. “This legislation will simply give drivers more options when it comes to filling up their gas tanks themselves, while ensuring drivers who need it can still receive assistance at the pump.”

Background: The ban on self-serve gas dates back to the 1949 Retail Gasoline Dispensing Safety Act, which cited, among other things, fire hazards and exposure to toxic fumes, “particularly in the case of pregnant women.”

In 2015, then-Assemblymember Declan O’Scanlon, the most outspoken lawmaker on the issue, announced he would introduce a bill to allow self-serve, though unlike the current proposal, it would have allowed most gas stations to go entirely self-serve after three years. It gained bipartisan sponsorship in the Senate, but died almost immediately when then-Senate President Steve Sweeney said that as long as he was in charge, he wouldn’t post the bill.

“There’s nothing wrong right now with our system,” Sweeney said at the time. “There’s not a problem.”

Former Gov. Chris Christie, while not opposed in principle, also threw cold water on the idea in 2016, saying that based on his own polling, New Jersey voters — and especially women — just didn’t want to pump their own gas. .

“We polled this over and over. The last poll we did on this question, 78 percent of New Jersey women said they were opposed to self-serve gas. 78 percent! You can’t find 78 percent of people in New Jersey who agree on anything!” Christie said at the time, adding that 52 percent of men also opposed self-serve. “The reason it’s not happening is, no one will vote for it.”

Christie’s numbers squared with a public Fairleigh Dickinson University poll released four years earlier, which found 63 percent of New Jersey voters wanted to keep the law in place — including 72 percent of women and 55 percent of men.

What’s changed: Sweeney’s no longer in charge after his stunning loss in November to truck driver Ed Durr. Christie left office in 2018, but his successor, Phil Murphy, has been noncommittal on the issue. “We have no plans to turn our gas stations into self-service at this time,” he said in 2020 at the beginning of the coronavirus pandemic, in response to another industry push to allow self-serve.

The office of new Senate President Nicholas Scutari did not immediately respond to a request for comment and Cecilia Williams, a spokesperson for Assembly Speaker Craig Coughlin, shed no light on his feelings about self-serve gas.

“The Speaker is familiar with the bill that’s just been introduced and aware of the discussion surrounding this issue, and will be taking a look,” Williams said.

O'Scanlon (R-Monmouth) — who's now a state senator and plans to sponsor a companion bill in the upper house — sees several other factors that could give the bill a real shot this time around.

When O'Scanlon first proposed the measure in May 2015, the average price for a gallon of gas was about \$2.80. Today, it's about \$3.62 — \$3.66 in New Jersey, according to AAA. In its press release, the gas station industry said self-serve gas could reduce the price by “at least” 15 cents per gallon. The pandemic labor shortage has reportedly hit gas stations as well, which O'Scanlon said he's noticed with longer lines at the pump.

“I've waited in line for 20 minutes on the Turnpike to get fuel when there are cones in front of half the pumps,” he said.

Risalvato, of the gas merchants organization, said the ongoing worker shortage, already bad before Covid, has brought some of his member stations to a crisis point.

“The rest of the world is having a shortage of employees, but they can shuffle you over to a self-checkout lane. In a gas station, if we say ‘check yourself out’ we break the law,” Risalvato said. “I'm not kidding. I've had members call me in tears [saying], ‘How do I stay open? I'm begging employees to keep their shift, stay longer, wait until the next employee shows up.’ They're working double and triple [shifts]. They have to pay crazy overtime. Then you burn [station attendants] out. They leave and the problem is worse.”

Oregon, New Jersey's only companion state in banning self-serve, has been gradually backing off, loosening its law in 2015 to allow stations in rural areas to allow self-service at night and temporarily allowing it elsewhere during the pandemic. The Oregon Legislature is considering a bill similar to the one just proposed in New Jersey.

What's next: To have any chance at passage, the bill would need a commitment from legislative leadership and eventually Murphy. It's not clear it will achieve that.

Bruno Tedeschi, a spokesperson for Fuel Your Way NJ, said in an email that Sens. Paul Sarlo (D-Bergen), Vin Gopal (D-Monmouth) and Senate Minority Leader Steve Oroho (R-Sussex) plan to introduce a companion bill in the upper house.