

CHAPTER 196**SAFE DISPENSING OF RETAIL GASOLINE****Authority**

N.J.S.A. 34:1-20, 34:1A-3(e) and 34:3A-4 et seq.,
specifically 34:3A-11.

Source and Effective Date

R.2006 d.20, effective December 8, 2005.
See: 37 N.J.R. 2297(a), 38 N.J.R. 334(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 196, Safe Dispensing of Retail Gasoline, expires on June 6, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 196, Safe Dispensing of Retail Gasoline, was adopted as R.1990 d.397, effective August 6, 1990. See: 22 N.J.R. 1433(a), 22 N.J.R. 2329(a).

Pursuant to Executive Order No. 66(1978), Chapter 196, Safe Dispensing of Retail Gasoline, was readopted as R.1995 d.390, effective June 23, 1995. See: 27 N.J.R. 1949(a), 27 N.J.R. 2694(a).

Pursuant to Executive Order No. 66(1978), Chapter 196, Safe Dispensing of Retail Gasoline, was readopted as R.2000 d.282, effective June 12, 2000. See: 32 N.J.R. 1489(a), 32 N.J.R. 2443(a).

Chapter 196, Safe Dispensing of Retail Gasoline, was readopted as R.2006 d.20, effective December 8, 2005. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 196, Safe Dispensing of Retail Gasoline, was scheduled to expire on June 6, 2011. See: 43 N.J.R. 148(a).

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SUBCHAPTER 1. REQUIREMENTS**12:196-1.1 Purpose; scope**

(a) The purpose of this chapter is to provide reasonable standards for:

1. The prohibition of the self service of gasoline and other inflammable liquids at retail gasoline stations;
2. The training and certification of attendants; and
3. The installation of safety signs and equipment and the establishment of procedures to enhance safety at retail gasoline stations.

(b) The provisions of this chapter shall be applicable to:

1. The operation of retail gasoline stations; and
2. The training and certification of attendants at retail gasoline stations.

(c) The provisions of this chapter will not be applicable to:

1. The operation of marine service stations;
2. The operation of service stations for the fueling of aircraft;
3. The dispensing of diesel fuel; or
4. The operation of employer gasoline stations that are solely for the use of a company's employees and are not open to the public.

12:196-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Approved” means acceptable to the Commissioner.

“Attendant” means a retail dealer or employee of a retail dealer.

“Closed container” means a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

“Commissioner” means the Commissioner, New Jersey Department of Labor and Workforce Development, or his or her designee.

“Container” means any vessel of 60 U.S. gallons (227 liters) or less capacity used for transporting or storing liquids.

“Flammable liquid” means a liquid having a flash point below 100 degrees Fahrenheit (37.8 degrees Centigrade) and having a vapor pressure not exceeding 40 pounds per square inch (psi) absolute (2.068 millimeters/mercury (mm/Hg) at 100 degrees Fahrenheit (37.8 degrees Centigrade) and shall be known as a Class I liquid.

“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” 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.

“Inflammable liquid” means flammable liquid.

“Nationally recognized testing laboratory” means:

1. Underwriters Laboratories Incorporated, 333 Pfingsten Road, Northbrook, Illinois 60002;
2. Factory Mutual System, 1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062;
3. Applied Research Laboratories of Florida, Incorporated, 5371 NW 161 Street, Miami, Florida 33014;
4. Any testing laboratory that may be accepted by the Commissioner as a nationally recognized testing laboratory upon submission of testing procedures and logo types supporting a request by a laboratory for such recognition.

“Safety can” means an approved container of not more than five gallons (18.9 liters) capacity, having a spring-closing lid and spout cover and designed so that it will safely relieve internal pressure when subjected to fire exposure.

“Station” means gasoline station.

Amended by R.2006 d.20, effective January 3, 2006.
See: 37 N.J.R. 2297(a), 38 N.J.R. 334(a).

In definition “Commissioner” deleted “,” following “Department”, and added “and Workforce Development.”

12:196-1.3 Attendant duties

(a) Service stations accessible to the public shall have an attendant on duty whenever the station is open for business.

(b) Only an attendant shall dispense fuel into fuel tanks or into containers.

(c) An attendant shall:

1. Dispense fuel into the tank of a motor vehicle only when the vehicle’s engine is not in operation;
2. Only dispense fuel into portable containers that meet the requirements of N.J.A.C. 12:196-1.6;
3. Prohibit any person who is not an attendant to dispense fuel into the tank of a motor vehicle or into any container; and
4. Be prohibited from smoking while dispensing fuel.

(d) Attendants shall require a motorcyclist to dismount his or her motorcycle while gasoline is being dispensed into their vehicle.

12:196-1.4 Training of attendants

(a) An attendant shall dispense fuel at a gasoline station only if the attendant has:

1. Received instructions from an experienced operator regarding the dispensing of fuel;
2. 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

3. Demonstrated his or her understanding of those instructions upon examination by the operator at the end of that period.

(b) The instructions required pursuant to (a)1 above shall include:

1. A full explanation of the dispensing standards set forth at N.J.A.C. 12:196-1.3(c);
2. The location and operation of the remote switch or circuit breaker installed in accordance with N.J.A.C. 12:196-1.7; and
3. Training in the recognition of approved portable containers pursuant to N.J.A.C. 12:196-1.6.

12:196-1.5 Certification

(a) Upon satisfactory completion of the attendant’s training and examination, the retail dealer who operates the station shall prepare a certificate for each person who dispenses fuel at his or her station, certifying that the person has met the training requirements of N.J.A.C. 12:196-1.4 above.

1. The certificate shall be signed by the person who received the training and the retail dealer and shall indicate who gave the training;

2. The certificate shall be available at each station for inspection by the Commissioner; and

3. Should the attendant perform work for more than one station after training, the certificate shall be transferable to any station that employs the attendant.

12:196-1.6 Portable containers

(a) An attendant shall only dispense fuel into a portable container which:

1. Is of sound metal construction or is of approved non-metal construction;
2. Has a tight closure with screwed or spring cover; and
3. Is fitted with a spout or so designed that the contents may be poured without spilling.

(b) Portable containers constructed of non-metallic materials shall conspicuously display an embossment by the manufacturer of the logogram of a nationally recognized testing laboratory.

(c) Gasoline shall not be dispensed into glass containers.

(d) Portable containers intended to hold 10 gallons (0.038 cubic meters) or less and to be used for gasoline or other