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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 73

Session of  
2005

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 25, 2005

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AN ACT

1 Providing for the regulation of fuel dispensing at gasoline  
2 stations; providing for the powers and duties of the  
3 Secretary of Labor and Industry; and prescribing penalties.

4 The General Assembly finds and declares as follows:

5 (1) Because of the fire hazards directly associated with  
6 dispensing fuel at a fuel dispensing facility, it is in the  
7 public interest that gasoline station operators have the  
8 control needed over that activity to ensure compliance with  
9 appropriate safety procedures, including turning off vehicle  
10 engines and refraining from smoking while fuel is dispensed.

11 (2) At self-service gasoline stations in other states,  
12 cashiers are often unable to maintain a clear view of the  
13 activities of customers dispensing gasoline or to give their  
14 undivided attention to observing customers.

15 (3) When customers, rather than attendants, are  
16 permitted to dispense fuel, it is far more difficult to  
17 enforce compliance with safety procedures.

18 (4) The higher general liability insurance premium rates

1 charged to self-service stations reflect the fact that  
2 customers who leave their vehicles to dispense gasoline or  
3 other inflammable liquids face significant inconveniences and  
4 dangers, including the risks of crime and fall-related  
5 personal injury, which are a special burden to drivers with  
6 physical infirmities, such as the handicapped and some senior  
7 citizens.

8 (5) Exposure to toxic gasoline fumes represents a health  
9 hazard when customers dispense their own gasoline,  
10 particularly in the case of pregnant women.

11 (6) The significantly higher prices usually charged for  
12 full-service gasoline in states where self-service is  
13 permitted results in discrimination against low-income  
14 individuals, who are under greater economic pressure to  
15 undergo the inconvenience and hazards of dispensing their own  
16 gasoline.

17 (7) The increasing use of self-service has contributed  
18 to the diminished availability of repair facilities and  
19 maintenance services at gasoline stations.

20 (8) Even at fuel dispensing facilities that offer both  
21 self-service and full-service gasoline, customers are less  
22 likely, because of the much higher price usually charged for  
23 full service, to have attendants make needed maintenance  
24 checks, thus causing significant neglect of maintenance and  
25 danger both to the customers and to other motorists, as well  
26 as the unneeded costly repairs which often result from  
27 deferred maintenance.

28 (9) A prohibition of customer self-service does not  
29 constitute a restraint of trade in derogation of the general  
30 public interest because the General Assembly finds no

conclusive evidence that self-service gasoline provides a sustained reduction in gasoline prices charged to customers.

(10) 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.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Gasoline Station Dispensing Safety Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

"Fuel." A 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." A place of business located in this Commonwealth and used for the retail sale and dispensing of fuel into the tanks of motor vehicles.

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

"Secretary." The Secretary of Labor and Industry of the Commonwealth.

Section 3. Dispensing of fuel.

It shall be unlawful for an attendant to:

(1) dispense fuel into the tank of a motor vehicle while the vehicle's engine is in operation;

(2) dispense fuel into any portable container not in

compliance with regulations adopted pursuant to section 5  
(relating to certification of attendants);

(3) dispense fuel while smoking; or

(4) permit any person who is not an attendant to  
dispense fuel into the tank of a motor vehicle or any  
container.

#### Section 4. Training and 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  
(relating to dispensing of fuel) and any emergency procedures  
established pursuant to section 5 (relating to certification of  
attendants).

#### Section 5. Certification of attendants.

Each station shall make available for inspection by the  
secretary a certificate for each person who dispenses fuel at  
the station certifying that the person meets the requirements of  
section 4 (relating to training and supervision of attendants).  
The certificate shall be signed by the person and the retail  
dealer who operates the station.

#### Section 6. Pump shutoff switch.

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

1 customer or other unauthorized person operating or attempting to  
2 operate the pump.

3 Section 7. Penalties.

4 A violator of any provision of this act shall be liable for a  
5 civil penalty of not less than \$50 nor more than \$250 for a  
6 first offense and not more than \$500 for each subsequent  
7 offense. Each day that a gasoline station operates in violation  
8 of the provisions of section 5 (relating to certification of  
9 attendants) or 6 (relating to pump shutoff switch) is a separate  
10 violation by the retail dealer who operates the station.

11 Section 8. Retail gasoline dispensing safety account.

12 There is hereby established in the State Treasury a  
13 nonlapsing restricted account to be known as the Retail Gasoline  
14 Dispensing Safety Account. Penalties collected pursuant to this  
15 act shall be credited to the account and appropriated to fund  
16 expenses for effectuating the purposes of this act. If, at the  
17 close of a fiscal year, moneys are available beyond the funds  
18 necessary to meet those expenses, the secretary shall determine  
19 an appropriate amount to be transferred to the General Fund.

20 Section 9. Rules and regulations.

21 The secretary shall adopt rules and regulations as are  
22 necessary to effectuate the purposes of this act, including  
23 regulations establishing emergency procedures and standards  
24 concerning pump shutoff switches and other safety equipment to  
25 be used at gasoline stations, and standards for portable  
26 containers for fuel dispensed at gasoline stations, which  
27 standards shall be consistent with other Federal and State  
28 regulations.

29 Section 10. Effective date.

30 This act shall take effect in 60 days.