

§§1-5
C. 39:3B-13
To
39:3B-17

P.L. 1997, CHAPTER 367, *approved January 19, 1998*
Senate, No. 302 (*Second Reprint*)

1 **AN ACT** concerning school buses fueled by liquefied petroleum gas
2 and supplementing Title 26 of the Revised Statutes.

3

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

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7 1. As used in this act:

8 "Conventional fuel" means gasoline or diesel fuel;

9 "Governmental entity" means the State, any agency, authority, or
10 employee thereof, or any political subdivision of the State, including
11 but not limited to any county, municipality, or school district, or any
12 agency, authority, or employee thereof;

13 "Liquefied petroleum gas" means LPG, butane, butylene, propane,
14 or propylene, or other related or similar compounds commonly
15 regarded to be liquefied petroleum gases as prescribed by rule or
16 regulation adopted by the Department of Environmental Protection
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.); and

19 "School bus" means a school bus¹[, School Vehicle Type I, or
20 School Vehicle Type II, all]¹ as defined pursuant to R.S.39:1-1¹[, that
21 is regulated or inspected under the authority of section 1 of P.L.1966,
22 c.16 (C.26:2C-8.1), section 6 of P.L.1965, c.119 (C.39:3B-5), section
23 3 of P.L.1983, c.206 (C.39:3B-5.3), or R.S.39:8-1]¹.

24

25 2. a. Liquefied petroleum gas may be used as an alternative fuel
26 for a school bus instead of, in addition to, or in combination with a
27 conventional fuel.

28 b. A school bus may be equipped or converted to operate with
29 liquefied petroleum gas as the sole fuel or in addition to or in
30 combination with a conventional fuel.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted December 16, 1996.

² Senate floor amendments adopted June 5, 1997.

1 3. No school bus may be operated using liquefied petroleum gas as
2 the sole fuel, or in addition to or in combination with a conventional
3 fuel, unless the school bus has been equipped or converted for such
4 use and is operated in accordance with (1) all applicable federal and
5 State laws, rules, regulations, codes, standards, and guidelines
6 pertaining thereto, including but not limited to any such rules,
7 regulations, codes, standards, and guidelines that may be adopted by
8 the National Highway Traffic Safety Administration, and (2) all
9 applicable codes, standards, and guidelines established by the National
10 Fire Protection Association for the storage, handling, and use of
11 liquefied petroleum gas.

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13 ¹[4. a. Notwithstanding any other law, rule, or regulation to the
14 contrary, neither the owner or operator of a school bus nor any
15 governmental entity shall be liable for any injury or damages caused
16 either directly or indirectly by:

17 (1) the use of liquefied petroleum gas as the sole fuel, or in
18 addition to or in combination with a conventional fuel, to operate the
19 school bus; or

20 (2) the equipping or converting of the school bus to operate using
21 liquefied petroleum gas as the sole fuel or in addition to or in
22 combination with a conventional fuel.

23 b. The immunity provided by subsection a. of this section shall
24 attach only if the school bus is equipped or converted, and operated,
25 as required by section 3 of this act.

26 c. The immunity provided by subsection a. of this section shall be
27 in addition to any other immunity that may apply under the "New
28 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule,
29 or regulation.]¹

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31 ²4. a. In any action brought for any injury or damages caused
32 either directly or indirectly by the use of liquefied petroleum gas as the
33 sole fuel, or in addition to or in combination with a conventional fuel,
34 to operate a school bus, or the equipping or converting of a school bus
35 to operate using liquefied petroleum gas as the sole fuel or in addition
36 to or in combination with a conventional fuel, neither the owner or
37 operator of the school bus nor any governmental entity may be found
38 negligent in connection therewith if the school bus was equipped or
39 converted, and operated, as required by section 3 of this act.

40 b. The immunity provided by subsection a. of this section: (1) shall
41 be in addition to any other immunity that may apply under the "New
42 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or any other law, rule,
43 or regulation; and (2) shall not apply if it is established that the act or
44 omission causing the injury or damages constitutes gross negligence,
45 recklessness, actual fraud, actual malice, willful misconduct, or
46 criminal conduct.²

1 ¹[5.] ²[4.¹] 5.² The Department of Environmental Protection, in
2 consultation with the Department of Transportation, the Division of
3 Motor Vehicles in the Department of ¹[Law and Public Safety]
4 Transportation¹, and the Department of Education, may adopt,
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.), any rules or regulations necessary to implement
7 this act.

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9 ¹[6.] ²[5.¹] 6.² This act shall take effect immediately.

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14 Authorizes use of liquefied petroleum gas to fuel school buses.