

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2008-222
SENATE BILL 1339

AN ACT TO REQUIRE SUPPLIERS THAT IMPORT GASOLINE FOR SALE IN THIS STATE TO OFFER GASOLINE FOR SALE TO A DISTRIBUTOR OR RETAILER THAT IS NOT PREBLENDED WITH FUEL ALCOHOL AND THAT IS SUITABLE FOR SUBSEQUENT BLENDING WITH FUEL ALCOHOL AND TO PROVIDE THAT CONTRACT PROVISIONS THAT RESTRICT OR PREVENT DISTRIBUTORS OR RETAILERS FROM BLENDING GASOLINE AND FUEL ALCOHOL ARE VOID.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 75 of the General Statutes is amended by adding a new section to read:

"§ G.S. 75-90. Availability of gasoline suitable for blending with fuel alcohol; blender of record.

(a) The following definitions apply in this section:

- (1) Blender. – Defined in G.S. 105-449.60.
- (2) Distributor. – Defined in G.S. 105-449.60.
- (3) Fuel Alcohol. – Defined in G.S. 105-449.60.
- (4) Gasoline. – Defined in G.S. 105-449.60(15)a.
- (5) Retailer. – Defined in G.S. 105-449.60.
- (6) Supplier. – Defined in G.S. 105-449.60.

(b) A supplier that imports gasoline into the State shall offer gasoline for sale to a distributor or retailer that is not preblended with fuel alcohol and that is suitable for subsequent blending with fuel alcohol.

(c) The General Assembly finds that use of blended fuels reduces dependence on imported oil and is therefore in the public interest. The General Assembly further finds that gasoline may be blended with fuel alcohol below the terminal rack by distributors and retailers as well as above the terminal rack by suppliers and that there is no reason to restrict or prevent blending by suppliers, distributors, or retailers. Therefore, any provision of any contract that would restrict or prevent a distributor or retailer from blending gasoline with fuel alcohol or from qualifying for any federal or State tax credit due to blenders is contrary to public policy and is void. This subsection does not impair the obligation of existing contracts, but does apply if such contract is modified, amended, or renewed."

SECTION 2. This act becomes effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 6:50 p.m. this 17th day of August, 2008