

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-237
SENATE BILL 457**

AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS AND TO MAKE A CONFORMING CHANGE TO THE ALTERNATIVE FUEL REVOLVING FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-58.4(a) reads as rewritten:

"(a) ~~As used in this section:~~ The following definitions apply in this section:

- (1) ~~"AFV" means a~~AFV. – A hybrid electric vehicle that derives its transportation energy from gasoline and electricity. AFV also means an original equipment manufactured vehicle that operates on compressed natural gas, propane, or electricity.
- (2) ~~"Alternative fuel" means biodiesel,~~Alternative fuel. – Biodiesel, biodiesel blend, ethanol, compressed natural gas, propane, and electricity used as a transportation fuel in blends or in a manner as defined by the Energy Policy Act.
- (3) ~~"B-20" means a~~B-20. – A blend of twenty percent (20%) by volume biodiesel fuel and eighty percent (80%) by volume petroleum-based diesel fuel.
- (3a) Biodiesel. – A fuel comprised of mono-alkyl esters of long fatty acids derived from vegetable oils or animal fats, designated B100 and meeting the requirements of the American Society for Testing and Materials (ASTM) D-6751.
- (3b) Biodiesel blend. — A blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX where XX represents the percentage of volume of fuel in the blend meeting the requirements of ASTM D-6751.
- (4) ~~"Department" means the~~Department. – The Department of Administration.
- (5) ~~"Energy Policy Act" means the~~Energy Policy Act. – The federal Energy Policy Act of 1992, Pub. L. No. 102-486, 106 Stat. 2782, 42 U.S.C. § 13201, et seq.
- (6) ~~"EPA credit" means a~~EPA credit. – A credit issued pursuant to the Energy Policy Act.
- (7) ~~"E-85" means a~~E-85. – A blend of eighty-five percent (85%) by volume ethanol and fifteen percent (15%) by volume gasoline.
- (8) ~~"Incremental fuel cost" means the~~Incremental fuel cost. – The difference in cost between an alternative fuel and conventional petroleum fuel at the time the fuel is purchased.
- (9) ~~"Incremental vehicle cost" means the~~Incremental vehicle cost. – The difference in cost between an AFV and conventional vehicle of the same make and model. For vehicles with no comparable conventional model, incremental vehicle cost means the generally accepted difference in cost between an AFV and a similar conventional model."

SECTION 2. G.S. 143-58.5(c) reads as rewritten:

"(c) The Fund shall be used to offset the incremental fuel cost of biodiesel and biodiesel blend fuel with a minimum biodiesel concentration of B-20 for use in State vehicles, for the purchase of ethanol fuel with a minimum ethanol concentration of E-85 for use in State vehicles, the incremental vehicle cost of purchasing AFVs, for the development of related



refueling infrastructure, for the costs of administering the Fund, and for projects approved by the Energy Policy Council."

SECTION 3. This act becomes effective July 1, 2009.

In the General Assembly read three times and ratified this the 22nd day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 6:06 p.m. this 30th day of June, 2009