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Biofuels Statutory Citations

State of North Carolina

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STATE OF NORTH CAROLINA

This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2013. It is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute, the applicability of the statute (ethanol, biodiesel, or both), and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state. These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

Title	Citation	Applicability	Description
Liability for tax on fuel grade ethanol (2014)	N.C. GEN. STAT. § 105-449.83A	Both	The excise tax assessed to motor fuels (including biofuels) is payable by the refiner or the provider.
Excise tax on motor fuel (2014)	N.C. GEN. STAT. § 105-449.81	Both	Places an excise tax on fuel grade ethanol, biodiesel, and other blended fuels produced in the state and/or imported into the state.
Powers and duties of Department (2013)	N.C. GEN. STAT. § 143-341	Both	Dep't of Administration is to participate in the energy credit banking program and use funds to develop refueling infrastructure and purchase biofuel, alternative fuel vehicles, and develop compatible fueling infrastructure.
State agency goals, plans, duties, and reports (2013)	N.C. GEN. STAT. § 143-215.107C	Both	On or after Jan. 1, 2004, at least 75% of new and replacement state light-duty vehicles will run on alternative fuels, which includes ethanol and biodiesel.

Energy credit banking and selling program (2013)	N.C. GEN. STAT. § 143-58.4	Both	Creates an energy credit banking program for state agencies to provide money to develop alternative energy infrastructure and purchase alternative fuel vehicles for the state's fleet.
Purchase and maintenance of school buses, materials and supplies (2013)	N.C. GEN. STAT. § 115C-249	Biodiesel	School buses should be able to run on a minimum biodiesel concentration of B20. At least 2% of the total fuel purchased annually by a school district should be biodiesel, if available for purchase.
Credit for constructing renewable fuel facilities (2013)	N.C. GEN. STAT. § 105-129.16D	Both	Provides a dispensing tax credit of 15% for cost of constructing a dispensing facility for renewable fuels. Taxpayer can get 25% production tax credit for cost of constructing processing facility, up to a 35% tax credit if 3+ facilities, if they invest at least \$400 million within 5 years. Not effective for facilities put in service on or after Jan. 1, 2014.
Labels for dispensing pumps and devices offering ethanol-blended gasoline for retail sale (2011)	N.C. GEN. STAT. § 119-27.2	Ethanol	Requires the Gasoline and Oil Inspection Board to develop rules that govern the labeling dispensing pumps for ethanol-blended gasoline.
Inspection tax and distribution of the tax proceeds (2011)	N.C. GEN. STAT. § 119-18	Both	Imposes an inspection tax of ¼ of 1 cent per gallon of fuel sold within the state, including alternative fuel.
Credit for investing in renewable energy property (2011)	N.C. GEN. STAT. § 105-129.16A	Both	Provides a tax credit up to 35% for the construction, purchase, or lease of renewable energy property. Expires if the property is taken out of renewable energy service. For nonresidential property, credit is capped at \$2.5 million. Not effective for facilities put in service on or after Jan. 1, 2016.

NC Green Business Fund and grant program (2010)	N.C. GEN. STAT. § 143B-437.4	Both	State will make available grants to help grow small to medium green businesses with less than 100 employees. Part of the purpose of the program is to encourage the development of the biofuels industry within the state.
Definitions (2010)	N.C. GEN. STAT. § 105-129.15	Both	Defines renewable energy to include biodiesel and ethanol blends (at least 70% ethanol).
Alternative Energy Revolving Fund (2009)	N.C. GEN. STAT. § 143-58.5	Both	Creates a revolving fund from money received from the energy banking credits. Funds are to be used to offset costs of biodiesel and ethanol and to purchase fleet vehicles that run on renewable fuel.
Alternative Fuel (2009)	N.C. GEN. STAT. §§ 105-449.130 TO 105-449.139	Both	Requires retailers of alternative fuels to have a state license and proof of a bond or letter-of-credit. Also provides for the payment of excise tax on alternative fuels.
Bond or letter of credit required as a condition of obtaining and keeping certain licenses or of applying for certain funds (2009)	N.C. GEN. STAT. § 105-449.72	Both	No bond is required to be filed with the Secretary of Revenue if the fuel blender or suppliers of ethanol or biodiesel will have expected motor fuel tax liability less than \$2,000.
Definitions (2009)	N.C. GEN. STAT. § 105-449.60	Both	Defines biodiesel, biodiesel provider, blended fuel, and fuel alcohol for motor fuel tax purposes.
Credit for biodiesel producers (2008)	N.C. GEN. STAT. § 105-129.16F (REPEALED, JAN. 1, 2014)	Biodiesel	Producers of at least 100K gallons of biodiesel/year are allowed a credit for the excise tax paid on the biodiesel. Does not include diesel used in blended biodiesel and is limited to \$500K per taxpayer.
Authority and duties of State Board of Education (2008)	N.C. GEN. STAT. § 115C-240	Biodiesel	All diesel school buses must be capable of running on a minimum biodiesel concentration of B20.

Availability of gasoline suitable for blending with fuel alcohol (2008)	N.C. GEN. STAT. § 75-90	Ethanol	State policy not to restrict opportunities to blend gasoline with ethanol.
Distribution of fuels that are a blend of petroleum and ethanol (2007)	N.C. GEN. STAT. § 143-143.6 (EXPIRED)	Ethanol	Sets requirements for testing and labeling of equipment that will dispense ethanol fuel.
Diesel vehicles purchase warranty (2007)	N.C. GEN. STAT. § 136-28.15	Biodiesel	Requires state-owned diesel vehicles to be warrantied to run on B20, unless vehicles used for a specific intended purpose are not available with such warranty.
Exemptions from the excise tax (2007)	N.C. GEN. STAT. § 105-449.88	Biodiesel	Exempts biodiesel produced by individual for use in individual's private vehicle from excise taxes.
Participation in the energy credit banking and selling program (2006)	N.C. GEN. STAT. § 136-28.13	Both	Dep't of Transp. is to participate in the energy credit banking program and use funds to develop refueling infrastructure and purchase alternative fuel vehicles.
Credit against corporate income tax for construction of a fuel ethanol distillery (1998)	N.C. GEN. STAT. § 105-130.27 (EXPIRED)	Ethanol	Credit of 20% of installation and construction costs and additional 10% of costs to power by alternative fuel source. Capped at \$2.5 million for all taxpayers. Credit is for any corporation.
Credit for construction of a fuel ethanol distillery (1998)	N.C. GEN. STAT. § 105-151.6 (EXPIRED)	Ethanol	Credit of 20% of installation and construction costs and additional 10% of costs to power by alternative fuel source. Capped at \$2.5 million for all taxpayers. Credit is for any individual.