

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 1452**

Short Title: Diesel School Buses to Use Minimum B-20 Fuel. (Public)

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Sponsors: Senators Snow; and Allran.

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Referred to: Commerce, Small Business and Entrepreneurship.

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March 26, 2007

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR  
2 STUDENT TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON  
3 DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A  
4 MINIMUM BIODIESEL CONCENTRATION OF B-20.  
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 115C-240(c) reads as rewritten:

8 "(c) The State Board of Education shall from time to time adopt such rules and  
9 regulations with reference to the construction, equipment, color, and maintenance of  
10 school buses, the number of pupils who may be permitted to ride at the same time upon  
11 any bus, and the age and qualifications of drivers of school buses as it shall deem to be  
12 desirable for the purpose of promoting safety in the operation of school buses. Every  
13 school bus that is capable of operating on diesel fuel shall be capable of operating on  
14 diesel fuel with a minimum biodiesel concentration of B-20, as defined in  
15 G.S. 143-58.4. No school bus shall be operated for the transportation of pupils unless  
16 such bus is constructed and maintained as prescribed in such regulations and is  
17 equipped with adequate heating facilities, a standard signaling device for giving due  
18 notice that the bus is about to make a turn, an alternating flashing stoplight on the front  
19 of the bus, an alternating flashing stoplight on the rear of the bus, and such other  
20 warning devices, fire protective equipment and first aid supplies as may be prescribed  
21 for installation upon such buses by the regulation of the State Board of Education."

22 **SECTION 2.** G.S. 115C-249(a) reads as rewritten:

23 "(a) To the extent that the funds shall be made available to it for such purpose, a  
24 local board of education is authorized to purchase from time to time such additional  
25 school buses and service vehicles or replacements for school buses and service vehicles,  
26 as may be deemed by such board to be necessary for the safe and efficient transportation  
27 of pupils enrolled in the schools within such local school administrative unit. Any  
28 school bus so purchased shall be constructed and equipped as prescribed by the  
29 provisions of this Article and by the regulations of the State Board of Education issued

1 pursuant thereto. Any school bus so purchased that is capable of operating on diesel fuel  
2 shall be capable of operating on diesel fuel with a minimum biodiesel concentration of  
3 B-20, as defined in G.S. 143-58.4."

4 **SECTION 3.** G.S. 115C-253 reads as rewritten:

5 "**§ 115C-253. Contracts for transportation.**

6 Any local board of education may, in lieu of the operation by it of public school  
7 buses, enter into a contract with any person, firm or corporation for the transportation by  
8 such person, firm or corporation of pupils enrolled in the public schools of such local  
9 school administrative unit for the same purposes for which such local school  
10 administrative unit is authorized by this Article to operate public school buses. Any  
11 vehicle used by such person, firm or corporation for the transportation of such pupils  
12 shall be constructed and equipped as provided in rules and regulations promulgated by  
13 the State Board of Education, and the driver of such vehicle shall possess all of the  
14 qualifications prescribed by rules and regulations promulgated by the State Board of  
15 Education: Further, any vehicle used by such person, firm, or corporation for the  
16 transportation of such pupils that is capable of operating on diesel fuel shall be capable  
17 of operating on diesel fuel with a minimum biodiesel concentration of B-20, as defined  
18 in G.S. 143-58.4. Provided, that where a contract for transportation of pupils is entered  
19 into between a local board of education and any person, firm or corporation which  
20 contemplates the use of an automobile or vehicle other than a bus for the transportation  
21 of 16 pupils or less, the automobile or vehicle shall not be required to be constructed  
22 and equipped as provided for in G.S. 115C-240(c), but shall be constructed and  
23 equipped pursuant to rules and regulations promulgated by the State Board of  
24 Education. In the event that any local board of education shall enter into such a contract,  
25 the board may use for such purposes any funds which it might use for the operation of  
26 school buses owned by the board, and the tax-levying authorities of the county or of the  
27 city may provide in the county or city budget such additional funds as may be necessary  
28 to carry out such contracts."

29 **SECTION 4.** G.S. 115C-238.29F(h) reads as rewritten:

30 "(h) Transportation. – The charter school may provide transportation for students  
31 enrolled at the school. The charter school shall develop a transportation plan so that  
32 transportation is not a barrier to any student who resides in the local school  
33 administrative unit in which the school is located. The charter school is not required to  
34 provide transportation to any student who lives within one and one-half miles of the  
35 school. When the charter school provides transportation for students enrolled at the  
36 school and the vehicle used for transportation is capable of operating on diesel fuel, the  
37 vehicle shall be capable of operating on diesel fuel with a minimum biodiesel  
38 concentration of B-20, as defined in G.S. 143-58.4. At the request of the charter school  
39 and if the local board of the local school administrative unit in which the charter school  
40 is located operates a school bus system, then that local board may contract with the  
41 charter school to provide transportation in accordance with the charter school's  
42 transportation plan to students who reside in the local school administrative unit and  
43 who reside at least one and one-half miles of the charter school. A local board may  
44 charge the charter school a reasonable charge that is sufficient to cover the cost of

1 providing this transportation. Furthermore, a local board may refuse to provide  
2 transportation under this subsection if it demonstrates there is no available space on  
3 buses it intends to operate during the term of the contract or it would not be practically  
4 feasible to provide this transportation."

5           **SECTION 5.** This act becomes effective January 1, 2009, and applies to  
6 vehicles transferred or purchased on or after that date.