

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1452
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
5/23/07

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

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR
STUDENT TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON
DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A
MINIMUM BIODIESEL CONCENTRATION OF B-20.

The General Assembly of North Carolina enacts:

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

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

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

"(a) To the extent that the funds shall be made available to it for such purpose, a local board of education is authorized to purchase from time to time such additional school buses and service vehicles or replacements for school buses and service vehicles, as may be deemed by such board to be necessary for the safe and efficient transportation of pupils enrolled in the schools within such local school administrative unit. Any school bus so purchased shall be constructed and equipped as prescribed by the

1 provisions of this Article and by the regulations of the State Board of Education issued
2 pursuant thereto. Any school bus so purchased that is capable of operating on diesel fuel
3 shall be capable of operating on diesel fuel with a minimum biodiesel concentration of
4 B-20, as defined in G.S. 143-58.4. At least two percent (2%) of the total volume of fuel
5 purchased annually by local school districts statewide for use in school bus diesel
6 engine motor vehicles shall be biodiesel fuel of a minimum blend of B-20, to the extent
7 that biodiesel blend is available and compatible with the technology of the vehicles or
8 equipment used. "

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

10 **"§ 115C-253. Contracts for transportation.**

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

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

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

1 is located operates a school bus system, then that local board may contract with the
2 charter school to provide transportation in accordance with the charter school's
3 transportation plan to students who reside in the local school administrative unit and
4 who reside at least one and one-half miles of the charter school. A local board may
5 charge the charter school a reasonable charge that is sufficient to cover the cost of
6 providing this transportation. Furthermore, a local board may refuse to provide
7 transportation under this subsection if it demonstrates there is no available space on
8 buses it intends to operate during the term of the contract or it would not be practically
9 feasible to provide this transportation."

10 **SECTION 5.** This act becomes effective June 1, 2008, and applies to
11 vehicles transferred or purchased on or after that date.