

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 575
HOUSE BILL 892

AN ACT TO AMEND G.S. 143B-450.1 TO PROVIDE FOR PROVISIONAL DATA-GATHERING AUTHORITY IN THE ENERGY DIVISION OF THE DEPARTMENT OF COMMERCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-450.1 is hereby rewritten to read as follows:

"(a) The Energy Division shall have the authority to obtain from prime suppliers of petroleum products specific petroleum supply data concerning State-level sales and projected sales by month for North Carolina that is currently reported on the federal form EIA-782C, 'Monthly Report of Petroleum Products Sold in States for Consumption' or its successor, at such time that these data requirements are not being met through any federal reporting procedure. The petroleum products subject to this reporting requirement are: finished gasoline (all grades), #1 distillate, kerosene, #2 fuel oil, #2 diesel fuel, aviation gasoline (finished), kerosene-type jet fuel, naphtha-type jet fuel, #4 fuel, residual fuel oil (less than or equal to one percent sulfur), residual fuel oil (greater than one percent sulfur), propane (consumer grade). The authority to collect energy data from suppliers of petroleum products into North Carolina, that is granted to the North Carolina Energy Division in this section, shall be limited to the petroleum volume data that is reported on the Form EIA-782C or its successor.

(b) 'Prime suppliers' shall be defined as those suppliers which make the first sale of the named product into North Carolina, excluding jobbers, distributors and retail dealers.

(c) The Energy Division shall adopt rules and regulations for the administration of this data collection program and the Attorney General and the law enforcement authorities of the State and its political subdivisions shall enforce the provisions of this section and all orders, rules and regulations promulgated thereunder. Any such enforcement action may be brought upon the relation of the Energy Division, Department of Commerce, or in his discretion, upon the direction of the Attorney General.

(d) Any person or corporation who willfully refuses to provide the petroleum supply data in accordance with the conditions described herein, or who knowingly or willfully submits false information in any reports required herein or refuses to file any such reports shall be guilty of a misdemeanor punishable as provided in G.S. 14-3.

(e) Any civil action brought to enforce the provisions of this section shall be brought in the Superior Court of Wake County or in the superior court of the county in which the acts or practices constituting a violation occurred or are occurring.

(f) The Energy Division shall keep confidential any individually identifiable energy information to the extent necessary to comply with the confidentiality requirements of the reporting agency, and any such information shall not be subject to the public disclosure requirements of G.S. 132-6. 'Individually identifiable energy information' shall be defined as any individual record or portion of a record or aggregated data containing energy information about a person or persons obtained from any source, the disclosure of which could reasonably be expected to reveal information about a specific person."

Sec. 2. This act shall become effective October 1, 1983.

In the General Assembly read three times and ratified, this the 21st day of June, 1983.