\section*{§ 309.2 What this part does.}

This part establishes labeling requirements for non-liquid alternative vehicle fuels, and for certain vehicles powered in whole or in part by alternative fuels.

\section*{§ 309.3 Stayed or invalid portions.}

If any portion of this part is stayed or held invalid, the rest of it will stay in force.

\section*{§ 309.4 Preemption.}

Inconsistent state and local regulations are preempted to the extent they would frustrate the purposes of this part.

\section*{Subpart B—Requirements for Alternative Fuels}

\subsection*{DUTIES OF IMPORTERS, PRODUCERS, AND REFINERS OF NON-LIQUID ALTERNATIVE VEHICLE FUELS (OTHER THAN ELECTRICITY) AND OF MANUFACTURERS OF ELECTRIC VEHICLE FUEL DISPENSING SYSTEMS}

\section*{§ 309.10 Alternative vehicle fuel rating.}

(a) If you are an importer, producer, or refiner of non-liquid alternative vehicle fuel (other than electricity), you must determine the fuel rating of all non-liquid alternative vehicle fuel (other than electricity) before you transfer it. You can do that yourself or through a testing lab. To determine fuel ratings, you must possess a reasonable basis, consisting of competent and reliable evidence, for the minimum percentage of the principal component of the non-liquid alternative vehicle fuel (other than electricity) that you must disclose, and for the minimum

\(\text{gg) Vehicle fuel tank capacity means the tank's usable capacity (i.e., the volume of fuel that can be pumped into the tank through the filler pipe with the vehicle on a level surface and with the unusable capacity already in the tank). The term does not include unusable capacity (i.e., the volume of fuel left at the bottom of the tank when the vehicle's fuel pump can no longer draw fuel from the tank), the vapor volume of the tank (i.e., the space above the fuel tank filler neck), or the volume of the fuel tank filler neck.}\)
§ 309.11 Certification.

(a) For non-liquid alternative vehicle fuel (other than electricity), in each transfer you make to anyone who is not a consumer, you must certify the fuel rating of the non-liquid alternative vehicle fuel (other than electricity) consistent with your determination. You can do this in either of two ways:

1. Include a delivery ticket or other paper with each transfer of non-liquid alternative vehicle fuel (other than electricity). It may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written proof of transfer. It must contain at least these four items:
   a. Your name;
   b. The name of the person to whom the non-liquid alternative vehicle fuel (other than electricity) is transferred;
   c. The date of the transfer; and
   d. The fuel rating.

2. Give the person a letter or written statement. This letter must include the date, your name, the other person’s name, and the fuel rating of any non-liquid alternative vehicle fuel (other than electricity) you will transfer to that person from the date of the letter onwards. This letter of certification will be good until you transfer non-liquid alternative vehicle fuel (other than electricity) with a lower percentage of the principal component, or of any other component disclosed in the certification. When this happens, you must certify the fuel rating of the new non-liquid alternative vehicle fuel (other than electricity) either with a delivery ticket or by sending a new letter of certification.

(b) For electric vehicle fuel dispensing systems, in each transfer you make to anyone who is not a consumer, you must certify the fuel rating of the electric vehicle fuel dispensing system consistent with your determination. You can do this in either of two ways:

1. Include a delivery ticket or other paper with each transfer of an electric vehicle fuel dispensing system. It may be an invoice, bill of lading, bill of sale, delivery ticket, or any other written proof of transfer. It must contain at least these five items:
   a. Your name;
   b. The name of the person to whom the electric vehicle fuel dispensing system (other than electricity) is transferred;
   c. The date of the transfer; and
   d. The fuel rating.

   (ii) Give the person a letter or written statement. This letter must include the date, your name, the other person’s name, and the fuel rating of any electric vehicle fuel dispensing system (other than electricity) you will transfer to that person from the date of the letter onwards. This letter of certification will be good until you transfer electric vehicle fuel dispensing systems (other than electricity) with a lower percentage of the principal component, or of any other component disclosed in the certification. When this happens, you must certify the fuel rating of the new electric vehicle fuel dispensing system (other than electricity) either with a delivery ticket or by sending a new letter of certification.