

1 HOUSE BILL 245

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PETROLEUM PRODUCTS; ALLOWING BIODIESEL STANDARDS TO
12 BE SUSPENDED FOR UP TO SIXTY DAYS AND TO BE MET ON A YEARLY,
13 AGGREGATE BASIS.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 57-19-28 NMSA 1978 (being Laws 1993,
17 Chapter 98, Section 4, as amended) is amended to read:

18 "57-19-28. DUTIES OF THE BOARD--AUTHORITY OF THE
19 DIRECTOR.--

20 A. The board is responsible for the administration
21 and enforcement of the provisions of the Petroleum Products
22 Standards Act. The board shall adopt rules and regulations
23 necessary to administer and enforce the provisions of that act.
24 The board shall provide public notice and allow public comment
25 on all proposed rules and regulations.

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1 B. The director [~~shall have the authority to~~] may:

2 (1) inspect, investigate, analyze and take
3 appropriate actions to administer and enforce the provisions of
4 the Petroleum Products Standards Act;

5 (2) enter any commercial premises from which
6 petroleum products are offered for sale during normal business
7 hours. If the premises are not open to the public, the
8 director shall present the director's credentials and enter
9 only with consent from the commercial entity. If no consent is
10 given, the director shall obtain a search warrant;

11 (3) collect or cause to be collected samples
12 of petroleum products offered for sale and cause such samples
13 to be tested or analyzed to determine if they are in compliance
14 with the provisions of the Petroleum Products Standards Act and
15 regulations adopted pursuant to that act;

16 (4) issue and enforce stop-sale, hold and
17 removal orders with respect to a petroleum product kept,
18 offered or exposed for sale in violation of the provisions of
19 the Petroleum Products Standards Act and regulations adopted
20 pursuant to that act;

21 (5) require distributors and retailers to
22 retain records pertaining to petroleum product purchases and
23 sales for a period of not more than one year;

24 (6) maintain and operate a petroleum product
25 testing laboratory to ensure that all petroleum products

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1 offered for sale in New Mexico meet standards prescribed in the
2 Petroleum Products Standards Act and regulations adopted
3 pursuant to that act;

4 (7) issue and enforce stop-use orders for
5 measuring equipment or vehicle tanks that are used commercially
6 and that do not conform to the provisions of the Petroleum
7 Products Standards Act and regulations adopted pursuant to that
8 act; and

9 (8) delegate to authorized representatives any
10 of the responsibilities for the proper administration of the
11 Petroleum Products Standards Act.

12 C. If in consultation with the secretary of energy,
13 minerals and natural resources and pursuant to regular,
14 periodic monitoring, the director determines that sufficient
15 amounts of biodiesel are not available to meet the requirements
16 of Section 57-19-29 NMSA 1978 or that the price of the
17 biodiesel blend significantly exceeds the price of diesel fuel
18 for at least two months, the director shall suspend those
19 requirements for a period of up to [~~six months~~] sixty days upon
20 publication of written findings of fact to support the
21 director's determination."

22 SECTION 2. Section 57-19-29 NMSA 1978 (being Laws 1993,
23 Chapter 98, Section 5, as amended) is amended to read:

24 "57-19-29. QUALITY STANDARDS.--

25 A. Unless modified by regulation of the board, the

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1 quality standards, tests and methods of conducting analyses on
2 petroleum products manufactured, kept, stored, sold or offered
3 for sale in New Mexico shall be those last adopted and
4 published by the American society for testing and materials or
5 the society of automotive engineers and shall be used to
6 determine compliance with the Petroleum Products Standards Act
7 and regulations adopted pursuant to that act. In the absence
8 of a petroleum product quality standard, test or method from
9 the American society for testing and materials or the society
10 of automotive engineers, the board may adopt a regulation that
11 establishes a quality standard, test or method to conduct
12 analyses on petroleum products.

13 B. ~~[After July 1, 2010 and before July 1, 2012]~~

14 All diesel fuel sold to state agencies, political subdivisions
15 of the state and public schools for use in motor vehicles on
16 the streets and highways of this state shall contain yearly, on
17 an aggregate basis, five percent biodiesel, except that this
18 standard may be temporarily suspended by the director in
19 accordance with Section 57-19-28 NMSA 1978.

20 C. ~~[On or after July 1, 2012]~~ All diesel fuel sold

21 to consumers for use in motor vehicles on the streets and
22 highways of this state shall contain yearly, on an aggregate
23 basis, five percent biodiesel, except that this standard may be
24 temporarily suspended by the director in accordance with
25 Section 57-19-28 NMSA 1978."

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