

1 SENATE BILL 374

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Phil A. Griego

5
6
7
8
9
10 AN ACT

11 RELATING TO ENERGY; REMOVING THE REQUIREMENT THAT MOTOR VEHICLE
12 DIESEL FUEL CONTAIN FIVE PERCENT BIODIESEL.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

17 "57-19-28. DUTIES OF THE BOARD--AUTHORITY OF THE
18 DIRECTOR.--

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

25 B. The director shall have the authority to:

.191272.1

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

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

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

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

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

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

23 (6) maintain and operate a petroleum product
24 testing laboratory to ensure that all petroleum products
25 offered for sale in New Mexico meet standards prescribed in the

.191272.1

underscored material = new
[bracketed material] = delete

1 Petroleum Products Standards Act and regulations adopted
2 pursuant to that act;

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

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

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

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

21 "57-19-29. QUALITY STANDARDS.--~~[A.]~~ Unless modified by
22 regulation of the board, the quality standards, tests and
23 methods of conducting analyses on petroleum products
24 manufactured, kept, stored, sold or offered for sale in New
25 Mexico shall be those last adopted and published by the

.191272.1

underscored material = new
[bracketed material] = delete

1 American society for testing and materials or the society of
2 automotive engineers and shall be used to determine compliance
3 with the Petroleum Products Standards Act and regulations
4 adopted pursuant to that act. In the absence of a petroleum
5 product quality standard, test or method from the American
6 society for testing and materials or the society of automotive
7 engineers, the board may adopt a regulation that establishes a
8 quality standard, test or method to conduct analyses on
9 petroleum products.

10 ~~[B. After July 1, 2010 and before July 1, 2012, all~~
11 ~~diesel fuel sold to state agencies, political subdivisions of~~
12 ~~the state and public schools for use in motor vehicles on the~~
13 ~~streets and highways of this state shall contain five percent~~
14 ~~biodiesel, except that this standard may be temporarily~~
15 ~~suspended by the director in accordance with Section 57-19-28~~
16 ~~NMSA 1978.~~

17 ~~C. On or after July 1, 2012, all diesel fuel sold~~
18 ~~to consumers for use in motor vehicles on the streets and~~
19 ~~highways of this state shall contain five percent biodiesel,~~
20 ~~except that this standard may be temporarily suspended by the~~
21 ~~director in accordance with Section 57-19-28 NMSA 1978.]"~~

22 SECTION 3. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2013.