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AN ACT

RELATING TO GAS; PROVIDING AN EMERGENCY EXCEPTION TO WHO MAY
FILL AN OWNER'S LP GAS CONTAINER; DECLARING AN EMERGENCY.

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

SECTION 1. Section 70-5-23 NMSA 1978 (being Laws 1993,
Chapter 186, Section 20) is amended to read:

"70-5-23. CONTAINERS TO BE FILLED ONLY BY OWNER OR UPON
THE OWNER'S AUTHORIZATION--EMERGENCY EXCEPTION--LIST OF
CUSTOMERS.--

A. As used in this section:

(1) "emergency" means a situation in which
the state, a county or municipality or a tribal government
issues a declaration finding in whole or in part that a lack
of LP gas for heating, cooling or refrigeration is
endangering customers' health or safety; and

(2) "LP gas dispenser" means a person that
delivers LP gas to an ultimate consumer for consumption only.

B. Except as provided in Subsection C of this
section, an LP gas container shall be filled only by the
owner or upon the owner's authorization.

C. When the bureau receives customer complaints
about nondelivery of LP gas, the bureau shall contact the
LP gas dispenser to determine the reason for the nondelivery
and shall work with the LP gas dispenser to ensure timely

1 delivery to customers. In an emergency, the bureau may
2 require the LP gas dispenser that owns the containers used by
3 customers to deliver LP gas within twenty-four hours or
4 authorize one or more other LP gas dispensers to deliver and
5 fill the owner's containers that are leased to customers;
6 provided that if there is not enough LP gas to fill all
7 containers, the bureau and the LP gas dispensers shall
8 determine priorities and proportional deliveries, as
9 appropriate. The LP gas dispenser shall provide its customer
10 list to the bureau and the delivering LP gas dispenser. The
11 customer list is not a public document subject to the
12 provisions of the Inspection of Public Records Act.

13 D. If a container holds LP gas for which a
14 customer has paid either the owner or another dispenser, the
15 owner of the container shall not remove the fuel or remove
16 the container from a customer's premises without paying the
17 customer the fair market price of the LP gas."

18 SECTION 2. EMERGENCY.--It is necessary for the public
19 peace, health and safety that this act take effect
20 immediately.

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