

1 HOUSE BILL 430

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Martin R. Zamora and Harry Garcia

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10 AN ACT

11 RELATING TO LOCAL GOVERNMENTS; RESTRICTING LOCAL GOVERNMENTS'
12 AUTHORITY TO REGULATE FUEL RETAILERS AND RELATED TRANSPORTATION
13 INFRASTRUCTURE.

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

16 SECTION 1. [NEW MATERIAL] EXPRESS PREEMPTION OF FUEL
17 RETAILERS AND RELATED TRANSPORTATION INFRASTRUCTURE.--

18 A. A county, municipality, special district or
19 other political subdivision of the state shall not:

20 (1) adopt a law, ordinance, regulation, policy
21 or resolution that prohibits the siting, development or
22 redevelopment of a fuel retailer or the related transportation
23 infrastructure that is necessary to provide fuel to a fuel
24 retailer within the entirety of the jurisdictional boundary of
25 the county, municipality, special district or political

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1 subdivision;

2 (2) adopt or apply a law, ordinance,
3 regulation, policy or resolution that results in the de facto
4 prohibition of a fuel retailer or the related transportation
5 infrastructure that is necessary to provide fuel to a fuel
6 retailer within the entirety of the jurisdictional boundary of
7 the county, municipality, special district or political
8 subdivision; or

9 (3) require a fuel retailer to install or
10 invest in a particular kind of fueling infrastructure,
11 including electric vehicle charging stations.

12 B. This section does not preempt a county,
13 municipality, special district or other political subdivision
14 of the state from adopting and implementing a law, ordinance,
15 regulation, policy or resolution that is not otherwise
16 inconsistent with general law relating to the siting,
17 development or redevelopment of fuel retailers or related
18 transportation infrastructure necessary for them to provide
19 fuel, if such law, ordinance, regulation, policy or resolution
20 does not result in a de facto prohibition of fuel retailers or
21 related transportation infrastructure necessary to provide fuel
22 to fuel retailers from being sited, developed or redeveloped
23 within zoning or land use classifications where such
24 infrastructure is consistent with other allowable uses.

25 C. As used in this section:

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(1) "fuel retailer" means a fuel station or retail establishment that sells fuel to provide power to vehicles; and

(2) "related transportation infrastructure" means storage tanks, pipelines or any related equipment that is necessary to deliver fuel to a fuel retailer or dispense fuel at a fuel retailer.

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.