

1 SENATE BILL 71

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Stuart Ingle

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9  
10 AN ACT

11 RELATING TO MOTOR VEHICLE FUEL; REMOVING THE REQUIREMENT THAT  
12 MOTOR VEHICLE 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:

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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

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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

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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 ~~G. 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.]"~~