

1 SENATE BILL 9
2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025
3 INTRODUCED BY
4 William P. Soules
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10 AN ACT

11 RELATING TO OIL AND GAS; ENHANCING CIVIL PENALTIES FOR
12 VIOLATION OF THE PIPELINE SAFETY ACT TO CONFORM TO FEDERAL
13 GUIDELINES.
14

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

16 SECTION 1. Section 70-3-19 NMSA 1978 (being Laws 1969,
17 Chapter 71, Section 9, as amended) is amended to read:

18 "70-3-19. ENFORCEMENT--PENALTIES.--

19 A. If, as a result of investigation, the commission
20 has good cause to believe that any person is violating any
21 provision of Subsection A of Section 70-3-18 NMSA 1978 or any
22 regulation adopted by the commission under the Pipeline Safety
23 Act, the commission shall, when practicable and except in the
24 case of a knowing and willful violation, give the person notice
25 of the violation and an opportunity to comply. If the

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underscored material = new
[bracketed material] = delete

1 commission is unable within a reasonable time to obtain
2 voluntary cooperation to prevent the continuing violation, the
3 commission may apply for an injunction in the district court of
4 the county in which the violation occurs to secure compliance.
5 The failure to give notice and afford an opportunity to comply
6 shall not preclude the granting of injunctive relief.

7 B. The trial before the district court shall be
8 before the court without jury, and the court shall enter
9 judgment and orders enforcing the judgment as the public
10 interest and equities of the case may require.

11 C. Any person owning or operating gas pipeline
12 facilities or engaged in the transportation of gas or owning or
13 operating oil pipeline facilities or engaged in the
14 transportation of oil who has been determined by order of the
15 commission after hearing to have violated any provision of
16 Subsection A of Section 70-3-18 NMSA 1978 or any regulation
17 promulgated under the Pipeline Safety Act applicable to
18 intrastate pipeline facilities shall be subject to a civil
19 penalty in an amount not to exceed ~~[one hundred thousand~~
20 ~~dollars (\$100,000) for each violation for each day that the~~
21 ~~violation persists, except that the maximum civil penalty shall~~
22 ~~not exceed one million dollars (\$1,000,000) for any related~~
23 ~~series of violations]~~ the maximum civil penalty provided
24 pursuant to 49 U.S.C. Section 602122 and 49 C.F.R. 190.223.

25 D. In determining the amount of the penalty, the

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1 commission shall consider the nature, circumstances and gravity
2 of the violation and, with respect to the person found to have
3 committed the violation, the degree of culpability, any history
4 of prior violations, the effect on ability to continue to do
5 business, any good faith in attempting to achieve compliance,
6 ability to pay the penalty and other matters as justice may
7 require.

8 E. Judicial review of any provision of this section
9 may be accomplished in the same manner as is found in Section
10 70-3-15 NMSA 1978.

11 F. Any person who willfully and knowingly injures
12 or destroys or attempts to injure or destroy an intrastate
13 pipeline facility shall upon conviction be subject for each
14 offense to a fine not to exceed twenty-five thousand dollars
15 (\$25,000) or imprisonment for a term not to exceed fifteen
16 years, or both.

17 G. Any person who willfully and knowingly damages,
18 removes or destroys any pipeline sign, right-of-way marker
19 required by the Pipeline Safety Act or any regulation or
20 order issued pursuant to that act shall upon conviction be
21 subject for each offense to a fine of not more than five
22 thousand dollars (\$5,000) or imprisonment for a term not to
23 exceed one year, or both."