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AN ACT
RELATING TO PIPELINE SAFETY; ENHANCING CIVIL PENALTIES FOR
VIOLATION OF THE PIPELINE SAFETY ACT.

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

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

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

A. If as a result of investigation the commission
has good cause to believe that any person is violating any
provision of Subsection A of Section 70-3-18 NMSA 1978 or any
regulation adopted by the commission under the Pipeline
Safety Act, the commission shall, when practicable and except
in the case of a knowing and willful violation, give the
person notice of the violation and an opportunity to comply.
If the commission is unable within a reasonable time to
obtain voluntary cooperation to prevent the continuing
violation, the commission may apply for an injunction in the
district court of the county in which the violation occurs to
secure compliance. The failure to give notice and afford an
opportunity to comply shall not preclude the granting of
injunctive relief.

B. The trial before the district court shall be
before the court without jury, and the court shall enter
judgment and orders enforcing the judgment as the public

1 interest and equities of the case may require.

2 C. Any person owning or operating gas pipeline
3 facilities or engaged in the transportation of gas or owning
4 or operating oil pipeline facilities or engaged in the
5 transportation of oil who has been determined by order of the
6 commission after hearing to have violated any provision of
7 Subsection A of Section 70-3-18 NMSA 1978 or any regulation
8 promulgated under the Pipeline Safety Act applicable to
9 intrastate pipeline facilities shall be subject to a civil
10 penalty in an amount not to exceed one hundred thousand
11 dollars (\$100,000) for each violation for each day that the
12 violation persists, except that the maximum civil penalty
13 shall not exceed one million dollars (\$1,000,000) for any
14 related series of violations.

15 D. In determining the amount of the penalty, the
16 commission shall consider the nature, circumstances and
17 gravity of the violation and, with respect to the person
18 found to have committed the violation, the degree of
19 culpability, any history of prior violations, the effect on
20 ability to continue to do business, any good faith in
21 attempting to achieve compliance, ability to pay the penalty
22 and other matters as justice may require.

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

1 F. Any person who willfully and knowingly injures
2 or destroys or attempts to injure or destroy an intrastate
3 pipeline facility shall upon conviction be subject for each
4 offense to a fine not to exceed twenty-five thousand dollars
5 (\$25,000) or imprisonment for a term not to exceed fifteen
6 years, or both.

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

14 SECTION 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2017. _____

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