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SENATE BILL 130

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Leo Jaramillo and Susan K. Herrera

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.--[Any]

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

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

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

6                   C. When the bureau receives customer complaints  
7 about nondelivery of LP gas, the bureau shall contact the LP  
8 gas dispenser to determine the reason for the nondelivery and  
9 shall work with the LP gas dispenser to ensure timely delivery  
10 to customers. In an emergency, the bureau may require the LP  
11 gas dispenser that owns the containers used by customers to  
12 deliver LP gas within twenty-four hours or authorize one or  
13 more other LP gas dispensers to deliver and fill the owner's  
14 containers that are leased to customers; provided that if there  
15 is not enough LP gas to fill all containers, the bureau and the  
16 LP gas dispensers shall determine priorities and proportional  
17 deliveries, as appropriate. The LP gas dispenser shall provide  
18 its customer list to the bureau and the delivering LP gas  
19 dispenser. The customer list is not a public document subject  
20 to the provisions of the Inspection of Public Records Act.

21                   D. If a container holds LP gas for which a customer  
22 has paid either the owner or another dispenser, the owner of  
23 the container shall not remove the fuel or remove the container  
24 from a customer's premises without paying the customer the fair  
25 market price of the LP gas."

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