

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

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."