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HOUSE BILL 694

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

BEN LUJAN

AN ACT

RELATING TO ALTERNATIVE FUELS; DESIGNATING A WATER-PHASED
HYDROCARBON FUEL EMULSION AS AN ALTERNATIVE FUEL; AMENDING
SECTIONS OF THE NMSA 1978.

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

Section 1. Section 7-16B-3 NMSA 1978 (being Laws 1995,
Chapter 16, Section 3) is amended to read:

"7-16B-3. DEFINITIONS. --As used in the Alternative Fuel
Tax Act:

A. "alternative fuel" means liquefied petroleum gas,
compressed natural gas, [~~and~~] liquefied natural gas or a water-
phased hydrocarbon fuel emulsion consisting of a hydrocarbon
base and water in an amount not less than twenty percent by
volume of the total water-phased fuel emulsion, all of which may
be used for the generation of power to propel a motor vehicle on

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1 the highways;

2 B. "alternative fuel user" means any user who is a
3 registrant, owner or operator of a motor vehicle propelled by
4 alternative fuel;

5 C. "department" means the taxation and revenue
6 department, the secretary of taxation and revenue or any
7 employee of the department exercising authority lawfully
8 delegated to that employee by the secretary;

9 D. "distributor" means any person who delivers or
10 dispenses alternative fuel into the [~~storage~~] supply tank of a
11 motor vehicle;

12 E. "gallon" means the quantity of liquid necessary
13 to fill a standard United States gallon liquid measure, which is
14 approximately 3.785 liters for liquid alternative fuel;
15 provided, however, that in the case of a water-phased
16 hydrocarbon fuel emulsion a gallon shall be measured only with
17 respect to the hydrocarbon base portion of the emulsion and not
18 to the water base portion. or one hundred fourteen cubic feet
19 for nonliquid alternative fuel;

20 F. "gross vehicle weight" means the weight of a
21 motor vehicle or a combination motor vehicle without load, plus
22 the weight of any load on the motor vehicle;

23 G. "highway" means every road, highway,
24 thoroughfare, street or way, including toll roads, generally
25 open to the use of the public as a matter of right for the

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1 purpose of motor vehicle travel and notwithstanding that the
2 same may be temporarily closed for the purpose of construction,
3 reconstruction, maintenance or repair;

4 H. "motor vehicle" means any self-propelled vehicle
5 or device subject to registration under Section 66-3-1 NMSA 1978
6 that is used or may be used on the public highways in whole or
7 in part for the purpose of transporting persons or property and
8 includes any connected trailer or semi trailer;

9 I. "person" means an individual or any other legal
10 entity; "person" also means, to the extent permitted by law, any
11 federal, state or other government or any department, agency or
12 instrumentality of the state, county, municipality or any
13 political subdivision thereof;

14 J. "registrant" means any person who has registered
15 a motor vehicle pursuant to the laws of this state or of another
16 state;

17 K. "sale" means any delivery, exchange, gift or
18 other disposition;

19 L. "secretary" means the secretary of taxation and
20 revenue or the secretary's delegate;

21 M. "supply tank" means any tank or other receptacle
22 in which or by which fuel may be carried and supplied to the
23 fuel-furnishing device or apparatus of the propulsion mechanism
24 of a motor vehicle when the tank or receptacle either contains
25 alternative fuel or alternative fuel is delivered into it;

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1 N. "use" means:

2 (1) the receipt or placing of alternative fuel
3 by an alternative fuel user into the fuel supply tank of any
4 motor vehicle registered, owned or operated by the alternative
5 fuel user;

6 (2) the consumption by an alternative fuel user
7 of alternative fuel in the propulsion of a motor vehicle on the
8 highways of this state and any activity ancillary to that
9 propulsion; or

10 (3) the importation of alternative fuel in the
11 fuel supply tank of any motor vehicle as fuel for the propulsion
12 of the motor vehicle on the highways;

13 O. "user" means any person other than the United
14 States government or any of its agencies or instrumentalities;
15 the state of New Mexico or any of its political subdivisions,
16 agencies or instrumentalities; or an Indian nation, tribe or
17 pueblo or any agency or instrumentality of an Indian nation,
18 tribe or pueblo who uses alternative fuel to propel a motor
19 vehicle on the highways; and

20 P. the definitions of "alternative fuel user" and
21 "distributor" shall be construed so that a person may at the
22 same time be an alternative fuel user and a distributor."

23 Section 2. Section 13-1B-2 NMSA 1978 (being Laws 1992,
24 Chapter 58, Section 2, as amended) is amended to read:

25 "13-1B-2. DEFINITIONS. --As used in the Alternative Fuel

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Conversion Act:

A. "alternative fuel" means natural gas, liquefied petroleum gas, electricity, hydrogen, [or] a fuel mixture containing not less than eighty-five percent ethanol or methanol or a water-phased hydrocarbon fuel emulsion consisting of a hydrocarbon base and water in an amount not less than twenty percent by volume of the total water-phased fuel emulsion;

B. "conventional fuel" means gasoline or diesel fuel;

C. "department" means the general services department;

D. "fund" means the alternative fuel conversion loan fund;

E. "political subdivision" means a county, municipality or school district;

F. "post-secondary institution" means two- and four-year public post-secondary institutions; and

G. "vehicle" means a passenger car or light, medium or heavy duty truck. "

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 14, 1997

Mr. Speaker:

Your ENERGY AND NATURAL RESOURCES COMMITTEE, to
whom has been referred

HOUSE BILL 694

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

James Roger Madalena, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Knowles, Picraux, Ryan, Salazar

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 10, 1997

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

HOUSE BILL 694

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Davis, Kysar, Payne

Absent: None

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