

**FIFTY-FIFTH LEGISLATURE  
FIRST SESSION, 2021**

February 4, 2021

Mr. Speaker:

Your **CONSUMER AND PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**HOUSE BILL 144**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 12, after "MATERIAL", insert "; PROHIBITING A SECONDHAND METAL DEALER FROM PURCHASING OR RECEIVING REGULATED MATERIAL NOT LAWFULLY OWNED".

2. On page 1, line 23, after "in", insert "any".

3. On page 1, strike line 24 in its entirety and strike line 25 up to the period.

4. On page 2, strike line 2 in its entirety and insert in lieu thereof "resulting in a cost to repair the property or replace the regulated material in an amount of:

(1) less than one thousand dollars (\$1,000) is guilty of a petty misdemeanor;

(2) one thousand dollars (\$1,000) or more but less than two thousand five hundred dollars (\$2,500) is guilty of a misdemeanor; or

(3) two thousand five hundred dollars (\$2,500) or more is guilty of a fourth degree felony."

5. On page 3, between lines 22 and 23, insert the following new section:

**"SECTION 2.** Section 57-30-2.4 NMSA 1978 (being Laws 2012, Chapter 29, Section 16 and Laws 2012, Chapter 33, Section 16) is amended to read:

"57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL DOCUMENTATION REQUIRED.--

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A. A secondhand metal dealer shall not purchase any of the following without written documentation indicating that the seller is the rightful owner, ~~[or]~~ has permission from the rightful owner ~~[or]~~ and that the material was otherwise lawfully obtained:

(1) infrastructure grade regulated material that has been burned to remove insulation, unless the seller can produce written proof that the regulated material was lawfully burned;

(2) regulated material where the manufacturer's make, model, serial or personal identification number or other identifying marks engraved or etched upon the material have been conspicuously removed or altered;

(3) regulated material marked with the name, initials or otherwise identified as the property of an electrical company, a telephone company, a cable company, a water company or other utility company, a railroad or a governmental entity;

(4) a utility access cover;

(5) a water meter cover;

(6) a road or bridge guard rail;

(7) a highway or street sign;

(8) a traffic directional or control sign or signal;

(9) a metal beer keg that is clearly marked as being the property of the beer manufacturer; or

(10) a catalytic converter that is not part of an entire motor vehicle.

B. The department shall promulgate rules that more specifically describe the type of documentation required before a secondhand metal dealer may engage in a transaction described in this section.

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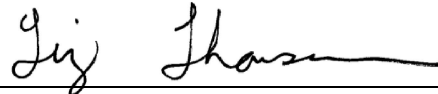
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C. A secondhand metal dealer shall not purchase or otherwise receive any regulated material that the secondhand metal dealer knows is not lawfully owned by the person offering to sell or provide the regulated material."

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,



Elizabeth "Liz" Thomson, Chair

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5  
No: 0  
Excused: None  
Absent: None

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