

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

February 17, 2021

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
HOUSE BILL 144, as amended

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

1. Strike House Consumer and Public Affairs Committee
Amendments 1 and 5.

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

3. On page 2, lines 3 through 7, strike Subsection B in its
entirety.

4. Reletter the succeeding subsection accordingly.

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.--**

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;

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(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.

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

Respectfully submitted,

Gail Chasey, Chair

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against
Yes: 10
No: 0
Excused: Armstrong, D., Egolf
Absent: None

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