

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 903

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Earlene Roberts

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

underscoring material = new
~~[bracketed material]~~ = delete

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4
5

6 March 11, 1999
7

8 Mr. Speaker:
9

10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 903
13

14 has had it under consideration and reports same with
15 recommendation that it DO NOT PASS, but that

16 HOUSE JUDICIARY COMMITTEE SUBSTITUTE
17 FOR HOUSE BILL 903
18

19 DO PASS.
20
21
22
23
24
25

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 Page 3

4 Respectfully submitted,
5
6
7

8 _____
9 R. David Pederson, Chairman

10
11 Adopted _____

12 (Chief Clerk)

11 Not Adopted _____

12 (Chief Clerk)

13
14 Date _____
15

16 The roll call vote was 9 For 0 Against

17 Yes: 9

18 Excused: Luna, Taylor, Sanchez

19 Absent: None

20 J:\99Billswp\H0903
21
22
23
24
25

. 127637. 1

underscored material = new
[bracketed material] = delete

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 903

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REQUIRING BILLS OF SALE FOR INDUSTRIAL EQUIPMENT; PROHIBITING
TAMPERING WITH IDENTIFICATION NUMBERS; PRESCRIBING PENALTIES.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"Industrial Equipment Sales Act".

Section 2. DEFINITIONS. -- As used in the Industrial
Equipment Sales Act:

A. "acquisition" or "acquire" includes purchase,
exchange or other means of lawful acquisition of industrial
equipment;

B. "buyer" means a person who buys for money or
other consideration or otherwise receives industrial equipment
from a seller;

C. "industrial equipment" means equipment valued
at more than one hundred dollars (\$100) that is used in
agriculture or severance of natural resources; and

. 128748. 3

D. "seller" means a person who sells, exchanges or otherwise transfers ownership of industrial equipment.

Section 3. BILL OF SALE--REQUIRED INFORMATION. --

A. Industrial equipment shall not be sold or acquired except by bill of sale. The buyer shall be given a bill of sale at the time of acquisition, and the seller and the buyer shall each retain a copy of the bill of sale for his records.

B. The bill of sale shall include:

(1) the names and addresses of the seller and the buyer;

(2) the serial number, if available, or other identifying marks or characteristics of the industrial equipment;

(3) the kind, make, size, weight, length and quantity of all material involved in the sale, if applicable;

(4) the date of the acquisition, if different from the date of the bill of sale;

(5) the location of the industrial equipment at the time of acquisition;

(6) the license number of each motor vehicle used in transporting the industrial equipment and related material to the buyer's location; and

(7) the driver's license number of the seller.

Section 4. TAMPERING WITH IDENTIFICATION NUMBERS PROHIBITED. --

A. As used in this section, "tampering with identification numbers" means:

(1) knowingly or intentionally removing, altering or obliterating the serial number or other permanent identification marking on industrial equipment; or

1 (2) possessing, selling or offering for sale
2 industrial equipment when:

3 (a) the seller knows that the serial
4 number or other permanent identification marking has been
5 removed, altered or obliterated; or

6 (b) a reasonable person in the position
7 of the seller would have known that the serial number or other
8 permanent identification marking has been removed, altered or
9 obliterated.

10 B. Tampering with identification numbers is
11 prohibited.

12 Section 5. INSPECTION.--The bill of sale required by and
13 the industrial equipment subject to the provisions of this act
14 shall be available for inspection by the attorney general or
15 any law enforcement agency at all reasonable times.

16 Section 6. CRIMINAL PENALTY--INJUNCTION.--

17 A. A seller or buyer who violates the provisions
18 of Section 3 or 4 of the Industrial Equipment Sales Act or who
19 intentionally interferes with an inspection pursuant to
20 Section 5 of that act when the value of the property is:

21 (1) one hundred dollars (\$100) or less is
22 guilty of a petty misdemeanor;

23 (2) over one hundred dollars (\$100) but not
24 more than one thousand dollars (\$1,000) is guilty of a
25 misdemeanor;

(3) over one thousand dollars (\$1,000) but
not more than two thousand five hundred dollars (\$2,500) is
guilty of a fourth degree felony;

1 (4) over two thousand five hundred dollars
2 (\$2,500) but not more than twenty thousand dollars (\$20,000)
3 is guilty of a third degree felony; or

4 (5) over twenty thousand dollars (\$20,000) is
5 guilty of a second degree felony.

6 B. The attorney general or a district attorney may
7 petition the district court to enjoin a buyer or seller from
8 violating the Industrial Equipment Sales Act.

9 Section 7. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 1999.