

1 AN ACT

2 RELATING TO RECYCLED METALS; REQUIRING A SECONDHAND METAL
3 DEALER PURCHASING OR OTHERWISE RECEIVING A CATALYTIC
4 CONVERTER TO MAKE A RECORD OF THE TRANSACTION THAT INCLUDES
5 THE SELLER'S OR OFFEROR'S INFORMATION AND A PHOTOCOPY OR
6 IMAGE OF THE SELLER'S OR OFFEROR'S PERSONAL IDENTIFICATION
7 DOCUMENT, LEGAL DOCUMENT DEMONSTRATING OWNERSHIP AND
8 CATALYTIC CONVERTER; ALLOWING A LOCAL GOVERNMENT ENTITY TO
9 IMPOSE REPORTING REQUIREMENTS ON SECONDHAND METAL DEALERS
10 REGARDING THE PURCHASE OR ACQUISITION OF CATALYTIC
11 CONVERTERS.

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 SECTION 1. Section 57-30-2.4 NMSA 1978 (being Laws
15 2012, Chapter 29, Section 16 and Laws 2012, Chapter 33,
16 Section 16, as amended) is amended to read:

17 "57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL
18 DOCUMENTATION REQUIRED--REQUIRED RECORD FOR CATALYTIC
19 CONVERTERS.--

20 A. A secondhand metal dealer shall not knowingly
21 purchase or otherwise receive any of the following without
22 written documentation indicating that the seller or
23 offeror is the rightful owner or has permission from the
24 rightful owner and that the material was otherwise lawfully
25 obtained:

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

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

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

14 (4) a utility access cover;

15 (5) a water meter cover;

16 (6) a road or bridge guard rail;

17 (7) a highway or street sign;

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

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

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

24 B. The department shall promulgate rules that more
25 specifically describe the type of documentation required

1 before a secondhand metal dealer may engage in a transaction
2 described in this section.

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

7 D. A secondhand metal dealer shall not knowingly
8 purchase or otherwise receive a catalytic converter unless:

9 (1) the seller or offeror presents a
10 personal identification document; and

11 (2) the secondhand metal dealer makes a
12 record of the transaction, to be maintained for at least
13 three years from the date of the transaction, that shall
14 include:

15 (a) a photocopy or digital image of the
16 seller's or offeror's personal identification document;

17 (b) the date and time of the
18 transaction;

19 (c) the name, address, telephone number
20 and signature of the seller or offeror;

21 (d) the license plate number and
22 vehicle identification number of the vehicle used to
23 transport the catalytic converter to the secondhand metal
24 dealer, if applicable;

25 (e) a photocopy or digital image of the

1 legal document or affidavit demonstrating ownership by the
2 seller or offeror; and

3 (f) photographs of the catalytic
4 converter."

5 SECTION 2. Section 57-30-8 NMSA 1978 (being Laws 2008,
6 Chapter 29, Section 8, as amended by Laws 2012, Chapter 29,
7 Section 7 and by Laws 2012, Chapter 33, Section 7) is amended
8 to read:

9 "57-30-8. FURNISHING OF REPORT TO DEPARTMENT.--

10 A. As of January 1, 2014, a secondhand metal
11 dealer shall, not later than the second business day after
12 the date of the purchase or other acquisition of regulated
13 material for which a record is required pursuant to Section
14 57-30-5 NMSA 1978, upload to the database maintained by the
15 department a report containing the information required to be
16 recorded pursuant to that section.

17 B. A local governmental entity may impose
18 reporting requirements on secondhand metal dealers regarding
19 the purchase or acquisition of catalytic converters but not
20 other regulated material as long as the reporting requirements
21 are no more stringent than the reporting requirements for
22 regulated material pursuant to the provisions of the Sale of
23 Recycled Metals Act."