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AN ACT

RELATING TO THE SALE OF RECYCLED MATERIALS; AMENDING THE SALE OF RECYCLED METALS ACT TO INCLUDE LEAD MATERIAL.

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

SECTION 1. Section 57-30-2 NMSA 1978 (being Laws 2008, Chapter 29, Section 2, as amended by Laws 2012, Chapter 29, Section 2 and by Laws 2012, Chapter 33, Section 2) is amended to read:

"57-30-2. DEFINITIONS.--As used in the Sale of Recycled Metals Act:

A. "aluminum material" means a product made from aluminum, an aluminum alloy or an aluminum byproduct.

"Aluminum material" includes an aluminum beer keg but does not include other types of aluminum cans used to contain a food or beverage;

B. "bronze material" means:

(1) a cemetery vase, receptacle or memorial made from bronze;

(2) bronze statuary; or

(3) material readily identifiable as bronze;

C. "business day" means any calendar day except Sunday and the following holidays: New Year's day, Washington's birthday, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, Christmas

1 day, Martin Luther King, Jr.'s birthday and any other legal  
2 public holiday of the state of New Mexico or the United  
3 States;

4 D. "copper or brass material" means:

5 (1) insulated or noninsulated copper wire,  
6 hardware or cable of the type used by a public utility,  
7 commercial mobile radio service carrier or common carrier  
8 that consists of at least twenty-five percent copper; or

9 (2) a copper or brass item of a type  
10 commonly used in construction or by a public utility,  
11 commercial mobile radio service carrier or common carrier;

12 E. "department" means the regulation and licensing  
13 department;

14 F. "lead material" means:

15 (1) a lead-acid battery; or  
16 (2) material readily identifiable as being  
17 made of or containing lead;

18 G. "peace officer" means any full-time salaried  
19 and commissioned or certified law enforcement officer of a  
20 police or sheriff's department that is part of or  
21 administered by the state or a political subdivision of the  
22 state;

23 H. "personal identification document" means:

- 24 (1) a driver's license;  
25 (2) a military identification card; or

1 (3) a passport issued by the United States  
2 or by another country and recognized by the United States;

3 I. "regulated material" means:

- 4 (1) aluminum material;  
5 (2) bronze material;  
6 (3) copper or brass material;  
7 (4) steel material;  
8 (5) lead material;  
9 (6) a utility access cover;  
10 (7) a water meter cover;  
11 (8) a road or bridge guard rail;  
12 (9) a highway or street sign;  
13 (10) a traffic directional or control sign  
14 or signal; or  
15 (11) a catalytic converter that is not part  
16 of an entire motor vehicle;

17 J. "secondhand metal dealer" means a scrap metal  
18 processor in the business of operating or maintaining a scrap  
19 metal yard in a physical location in which scrap metal or  
20 cast-off regulated material is purchased for shipment, sale  
21 or transfer;

22 K. "steel material" means a product made from an  
23 alloy of iron, chromium, nickel or manganese, including  
24 stainless steel beer kegs; and

25 L. "superintendent" means the superintendent of

1 regulation and licensing."

2 SECTION 2. Section 57-30-5 NMSA 1978 (being Laws 2008,  
3 Chapter 29, Section 5, as amended by Laws 2012, Chapter 29,  
4 Section 4 and by Laws 2012, Chapter 33, Section 4) is amended  
5 to read:

6 "57-30-5. RECORD OF PURCHASE.--

7 A. A secondhand metal dealer in this state shall  
8 keep an accurate and legible written record, in a form  
9 approved by the department, of each purchase made in the  
10 course of the dealer's business of:

11 (1) copper or brass material;

12 (2) bronze material;

13 (3) lead material;

14 (4) aluminum material in excess of ten  
15 pounds; or

16 (5) steel material in excess of one ton,  
17 except that a written record shall be kept of each purchase  
18 of a stainless steel beer keg.

19 B. The record shall be in English and shall  
20 include:

21 (1) the place and date of the purchase;

22 (2) the name and address of each person from  
23 whom the regulated material is purchased or obtained;

24 (3) the identifying number of the personal  
25 identification document of each person from whom the

1 regulated material is purchased or obtained;

2 (4) the year, make, model and license plate  
3 number of the motor vehicle used to transport the regulated  
4 material;

5 (5) a description made in accordance with  
6 the custom of the trade of the type and quantity of regulated  
7 material purchased;

8 (6) the statement required by Paragraph (2)  
9 of Subsection A of Section 57-30-4 NMSA 1978; and

10 (7) the written documentation required for  
11 certain transactions pursuant to Section 57-30-2.4 NMSA 1978,  
12 if applicable.

13 C. A secondhand metal dealer may take a digital  
14 photograph, with a date and time stamp, of:

15 (1) the seller of the regulated material;  
16 and

17 (2) the regulated material in the form in  
18 which it was purchased or obtained by the secondhand metal  
19 dealer." \_\_\_\_\_

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