

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

SENATE BILL 76

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Steven P. Neville

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;

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

underscored material = new
[bracketed material] = delete

- 1 B. "bronze material" means:
- 2 (1) a cemetery vase, receptacle or memorial
- 3 made from bronze;
- 4 (2) bronze statuary; or
- 5 (3) material readily identifiable as bronze;
- 6 C. "business day" means any calendar day except
- 7 Sunday and the following holidays: New Year's day,
- 8 Washington's birthday, Memorial day, Independence day, Labor
- 9 day, Columbus day, Veterans' day, Thanksgiving day, Christmas
- 10 day, Martin Luther King, Jr.'s birthday and any other legal
- 11 public holiday of the state of New Mexico or the United States;
- 12 D. "copper or brass material" means:
- 13 (1) insulated or noninsulated copper wire,
- 14 hardware or cable of the type used by a public utility,
- 15 commercial mobile radio service carrier or common carrier that
- 16 consists of at least twenty-five percent copper; or
- 17 (2) a copper or brass item of a type commonly
- 18 used in construction or by a public utility, commercial mobile
- 19 radio service carrier or common carrier;
- 20 E. "department" means the regulation and licensing
- 21 department;
- 22 F. "lead material" means:
- 23 (1) a lead-acid battery; or
- 24 (2) material readily identifiable as being
- 25 made of or containing lead;

underscored material = new
[bracketed material] = delete

1 [F-] G. "peace officer" means any full-time
2 salaried and commissioned or certified law enforcement officer
3 of a police or sheriff's department that is part of or
4 administered by the state or a political subdivision of the
5 state;

6 [G-] H. "personal identification document" means:
7 (1) a driver's license;
8 (2) a military identification card; or
9 (3) a passport issued by the United States or
10 by another country and recognized by the United States;

11 [H-] I. "regulated material" means:
12 (1) aluminum material;
13 (2) bronze material;
14 (3) copper or brass material;
15 (4) steel material;
16 (5) lead material;
17 [~~(5)~~] (6) a utility access cover;
18 [~~(6)~~] (7) a water meter cover;
19 [~~(7)~~] (8) a road or bridge guard rail;
20 [~~(8)~~] (9) a highway or street sign;
21 [~~(9)~~] (10) a traffic directional or control
22 sign or signal; or
23 [~~(10)~~] (11) a catalytic converter that is not
24 part of an entire motor vehicle;

25 [F-] J. "secondhand metal dealer" means a scrap

underscoring material = new
[bracketed material] = delete

1 metal processor in the business of operating or maintaining a
2 scrap metal yard in a physical location in which scrap metal or
3 cast-off regulated material is purchased for shipment, sale or
4 transfer;

5 ~~[J-]~~ K. "steel material" means a product made from
6 an alloy of iron, chromium, nickel or manganese, including
7 stainless steel beer kegs; and

8 ~~[K-]~~ L. "superintendent" means the superintendent
9 of regulation and licensing."

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

14 "57-30-5. RECORD OF PURCHASE.--

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

19 (1) copper or brass material;

20 (2) bronze material;

21 (3) lead material;

22 ~~[+3]~~ (4) aluminum material in excess of ten
23 pounds; or

24 ~~[+4]~~ (5) steel material in excess of one ton,
25 except that a written record shall be kept of each purchase of

.202899.2

underscored material = new
[bracketed material] = delete

1 a stainless steel beer keg.

2 B. The record shall be in English and shall
3 include:

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

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

7 (3) the identifying number of the personal
8 identification document of each person from whom the regulated
9 material is purchased or obtained;

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

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

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

18 (7) the written documentation required for
19 certain transactions pursuant to Section ~~[16 of this 2012 act]~~
20 57-30-2.4 NMSA 1978, if applicable.

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

23 (1) the seller of the regulated material; and

24 (2) the regulated material in the form in
25 which it was purchased or obtained by the secondhand metal

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

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

dealer."