

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 133

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO RECYCLED METALS; REQUIRING A SECONDHAND METAL DEALER PURCHASING OR OTHERWISE RECEIVING A CATALYTIC CONVERTER TO MAKE A RECORD OF THE TRANSACTION THAT INCLUDES THE SELLER'S OR OFFEROR'S INFORMATION AND A PHOTOCOPY OR IMAGE OF THE SELLER'S OR OFFEROR'S PERSONAL IDENTIFICATION DOCUMENT, LEGAL DOCUMENT DEMONSTRATING OWNERSHIP AND CATALYTIC CONVERTER; ALLOWING A LOCAL GOVERNMENT ENTITY TO IMPOSE REPORTING REQUIREMENTS ON SECONDHAND METAL DEALERS REGARDING THE PURCHASE

.225074.1AIC February 14, 2023 (9:41am)

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OR ACQUISITION OF CATALYTIC CONVERTERS.

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

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

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

A. A secondhand metal dealer shall not knowingly purchase or otherwise receive any of the following without written documentation indicating that the seller or offeror is the rightful owner or has permission from the rightful owner 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;

(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

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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.

D. A secondhand metal dealer shall not
Sfll→**knowingly**←Sfll purchase or otherwise receive a catalytic
converter unless:

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

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

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- (a) a photocopy or digital image of the seller's or offeror's personal identification document;
- (b) the date and time of the transaction;
- (c) the name, address, telephone number and signature of the seller or offeror;
- (d) the license plate number and vehicle identification number of the vehicle used to transport the catalytic converter to the secondhand metal dealer, if applicable;
- (e) a photocopy or digital image of the legal document or affidavit demonstrating ownership by the seller or offeror; and
- (f) photographs of the catalytic converter."

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

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

A. As of January 1, 2014, a secondhand metal dealer shall, not later than the second business day after the date of the purchase or other acquisition of regulated material for which a record is required pursuant to Section 57-30-5 NMSA 1978, upload to the database maintained by the department a

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report containing the information required to be recorded pursuant to that section.

B. A local governmental entity [~~shall not~~] may impose [~~any~~] reporting requirements on secondhand metal dealers regarding the purchase or acquisition of catalytic converters but not other regulated material as long as the reporting requirements are no more stringent than the reporting requirements for regulated material pursuant to the provisions of the Sale of Recycled Metals Act."

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