

1 SENATE BILL 573

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Steven P. Neville

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10 AN ACT

11 RELATING TO TRADE PRACTICES AND REGULATIONS; AMENDING THE SALE  
12 OF RECYCLED METALS ACT TO INCLUDE LEAD MATERIAL.

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

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

19 "57-30-2. DEFINITIONS.--As used in the Sale of Recycled  
20 Metals Act:

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

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

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underscored material = new  
[bracketed material] = delete

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

D. "copper or brass material" means:

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

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

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

F. "lead material" means a lead-acid battery;

[F-] G. "peace officer" means any full-time salaried and commissioned or certified law enforcement officer of a police or sheriff's department that is part of or

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1 administered by the state or a political subdivision of the  
2 state;

3 ~~[G.]~~ H. "personal identification document" means:

- 4 (1) a driver's license;  
5 (2) a military identification card; or  
6 (3) a passport issued by the United States or  
7 by another country and recognized by the United States;

8 ~~[H.]~~ I. "regulated material" means:

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

22 ~~[I.]~~ J. "secondhand metal dealer" means a scrap  
23 metal processor in the business of operating or maintaining a  
24 scrap metal yard in a physical location in which scrap metal or  
25 cast-off regulated material is purchased for shipment, sale or

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1 transfer;

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

5 [K-] L. "superintendent" means the superintendent  
6 of regulation and licensing."

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

11 "57-30-5. RECORD OF PURCHASE.--

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

- 16 (1) copper or brass material;
- 17 (2) bronze material;
- 18 (3) lead material;
- 19 [~~3~~] (4) aluminum material in excess of ten  
20 pounds; or
- 21 [~~4~~] (5) steel material in excess of one ton,  
22 except that a written record shall be kept of each purchase of  
23 a stainless steel beer keg.

24 B. The record shall be in English and shall  
25 include:

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[bracketed material] = delete

- 1 (1) the place and date of the purchase;
- 2 (2) the name and address of each person from
- 3 whom the regulated material is purchased or obtained;
- 4 (3) the identifying number of the personal
- 5 identification document of each person from whom the regulated
- 6 material is purchased or obtained;
- 7 (4) the year, make, model and license plate
- 8 number of the motor vehicle used to transport the regulated
- 9 material;
- 10 (5) a description made in accordance with the
- 11 custom of the trade of the type and quantity of regulated
- 12 material purchased;
- 13 (6) the statement required by Paragraph (2) of
- 14 Subsection A of Section 57-30-4 NMSA 1978; and
- 15 (7) the written documentation required for
- 16 certain transactions pursuant to Section [~~16 of this 2012 act~~]
- 17 57-30-2.4 NMSA 1978, if applicable.

18 C. A secondhand metal dealer may take a digital

19 photograph, with a date and time stamp, of:

- 20 (1) the seller of the regulated material; and
- 21 (2) the regulated material in the form in
- 22 which it was purchased or obtained by the secondhand metal
- 23 dealer."