

1 SENATE BILL 133

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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5 and Joshua N. Hernandez and Janelle Anyanonu
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10 AN ACT

11 RELATING TO RECYCLED METALS; REQUIRING A SECONDHAND METAL
12 DEALER PURCHASING OR OTHERWISE RECEIVING A CATALYTIC CONVERTER
13 TO MAKE A RECORD OF THE TRANSACTION THAT INCLUDES THE SELLER'S
14 OR OFFEROR'S INFORMATION AND A PHOTOCOPY OR IMAGE OF THE
15 SELLER'S OR OFFEROR'S IDENTIFICATION, LEGAL DOCUMENT
16 DEMONSTRATING OWNERSHIP AND THE CATALYTIC CONVERTER.

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

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

22 "57-30-2.4. RESTRICTED TRANSACTIONS--ADDITIONAL
23 DOCUMENTATION REQUIRED--REQUIRED RECORD FOR CATALYTIC
24 CONVERTERS.--

25 A. A secondhand metal dealer shall not purchase or

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underscoring material = new
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1 otherwise receive any of the following without written
2 documentation indicating that the seller or offeror is the
3 rightful owner or has permission from the rightful owner and
4 that the material was otherwise lawfully obtained:

5 (1) infrastructure grade regulated material
6 that has been burned to remove insulation, unless the seller
7 can produce written proof that the regulated material was
8 lawfully burned;

9 (2) regulated material where the
10 manufacturer's make, model, serial or personal identification
11 number or other identifying marks engraved or etched upon the
12 material have been conspicuously removed or altered;

13 (3) regulated material marked with the name,
14 initials or otherwise identified as the property of an
15 electrical company, a telephone company, a cable company, a
16 water company or other utility company, a railroad or a
17 governmental entity;

18 (4) a utility access cover;

19 (5) a water meter cover;

20 (6) a road or bridge guard rail;

21 (7) a highway or street sign;

22 (8) a traffic directional or control sign or
23 signal;

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

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

3 B. The department shall promulgate rules that more
4 specifically describe the type of documentation required before
5 a secondhand metal dealer may engage in a transaction described
6 in this section.

7 C. A secondhand metal dealer shall not purchase or
8 otherwise receive any regulated material that the secondhand
9 metal dealer knows is not lawfully possessed by the person
10 offering to sell or provide the regulated material.

11 D. A secondhand metal dealer shall not purchase or
12 otherwise receive a catalytic converter unless:

13 (1) the seller or offeror presents proof of
14 identification; and

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

18 (a) a photocopy or digital image of the
19 seller's or offeror's identification;

20 (b) the date and time of the
21 transaction;

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

24 (d) the license plate number and vehicle
25 identification number of the vehicle used to transport the

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~~[bracketed material] = delete~~

1 catalytic converter to the secondhand metal dealer, if
2 applicable;

3 (e) a photocopy or digital image of the
4 legal document demonstrating ownership by the seller or
5 offeror; and

6 (f) photographs of the catalytic
7 converter."

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