

**TITLE 12      TRADE, COMMERCE AND BANKING**  
**CHAPTER 2    CONSUMER PROTECTION**  
**PART 15      SALE OF RECYCLED METALS**

**12.2.15.1      ISSUING AGENCY:** New Mexico Regulation and Licensing Department.  
[12.2.15.1 NMAC - Rp, 12.2.15.1 NMAC, 8/12/2012]

**12.2.15.2      SCOPE:** This part sets forth definitions to the department pursuant to the Sale of Recycled Metals Act, Sections 57-30-1 through 57-30-17 NMSA 1978.  
[12.2.15.2 NMAC - Rp, 12.2.15.3 NMAC, 8/12/2012]

**12.2.15.3      STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Sale of Recycled Metals Act, Sections 57-30-1 through 57-30-17 NMSA 1978.  
[12.2.15.3 NMAC - Rp, 12.2.15.2 NMAC, 8/12/2012]

**12.2.15.4      DURATION:** Permanent.  
[12.2.15.4 NMAC - Rp, 12.2.15.4 NMAC, 8/12/2012]

**12.2.15.5      EFFECTIVE DATE:** August 12, 2012 unless a later date is cited at the end of a section.  
[12.2.15.5 NMAC - Rp, 12.2.15.5 NMAC, 8/12/2012]

**12.2.15.6      OBJECTIVE:** The purpose of this part is to define language required pursuant to Sale of Recycled Metals Act, Sections 57-30-1 through 57-30-17 NMSA 1978.  
[12.2.15.6 NMAC - Rp, 12.2.15.6 NMAC, 8/12/2012]

**12.2.15.7      DEFINITIONS:**

**A.**      Secondhand metal dealer: means a scrap metal processor in the business of operating or maintain a scrap metal yard in a physical location in which scrap metal or cast-off regulated material is purchased for shipment, sale or transfer.

**B.**      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.

**C.**      Bronze material: means a cemetery vase, receptacle or memorial made from bronze; bronze statuary; or material readily identifiable as bronze.

**D.**      Copper or brass material: means 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 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.**      Business day: means any calendar day except Sunday and 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.

**F.**      Department: means the regulation and licensing department.

**G.**      Superintendent: means the superintendent of the regulation and licensing.

**H.**      Peace officer: means any full-time salaried and commissioned or certified law enforcement officer of a police or sherriff's department that is part of or administered by the state or a political subdivision of the state.

**I.**      Personal identification document: means a driver's license; a military identification card; or a passport issued by the United States or by another country and recognized by the United States.

**J.**      Regulated material: means aluminum material; bronze material; copper or brass material; steel material; a utility access cover; a water meter cover; a road or bridge guard rail; a highway or street sign; a traffic directional or control sign or signal or a catalytic converter that is not part of an entire motor vehicle.

**K.**      Steel material: means a product made from an alloy of iron, chromium, nickel or manganese, including stainless steel beer kegs.

**L.**      Military service member: has the same meaning as set forth in Subsection F(3) of Section 61-1-34 NMSA 1978.

M. Veteran: means a person who has received an honorable discharge or separation from military service.

[12.2.15.7 NMAC - Rp, 12.2.15.7 NMAC, 8/12/2012; A, 1/1/2022]

**HISTORY OF 12.2.15 NMAC: [RESERVED]**

**History of Repealed Material:**

12.2.15 NMAC, Sale of Recycled Metals, filed 12/23/2010 - Repealed, effective 8/12/2012.

**TITLE 12      TRADE, COMMERCE AND BANKING**  
**CHAPTER 2    CONSUMER PROTECTION**  
**PART 16      APPLICATION FOR REGISTRATION**

**12.2.16.1      ISSUING AGENCY:** New Mexico Regulation and Licensing Department.  
[12.2.16.1 NMAC - N, 8/12/2021]

**12.2.16.2      SCOPE:** This part sets forth application procedures to the department pursuant to the Sale of Recycled Metals Act, Sections 57-30-1 through 57-30-17 NMSA 1978.  
[12.2.16.2 NMAC - N, 8/12/2021]

**12.2.16.3      STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Sale of Recycled Metals Act, Sections 57-30-1 through 57-30-17 NMSA 1978.  
[12.2.16.3 NMAC - N, 8/12/2021]

**12.2.16.4      DURATION:** Permanent.  
[12.2.16.4 NMAC - N, 8/12/2021]

**12.2.16.5      EFFECTIVE DATE:** August 12, 2012 unless a later date is cited at the end of a section.  
[12.2.16.5 NMAC - N, 8/12/2021]

**12.2.16.6      OBJECTIVE:** The purpose of this part is to register secondhand metal dealers pursuant to Section 57-30-14 NMSA 1978.  
[12.2.16.6 NMAC - N, 8/12/2021]

**12.2.16.7      DEFINITIONS:** [RESERVED]  
[12.2.16.7 NMAC - N, 8/12/2021]

**12.2.16.8      APPLICATION REQUIREMENTS:**

- A.** Effective July 1, 2012, all secondhand metal dealers shall not buy or sell regulated material without a valid registration issued by the department.
- B.** Applications for registration shall be completed on a form provided by the department.
- C.** Electronic signatures will be acceptable for applications submitted pursuant to Section 14-16-1 through Section 14-16-19 NMSA 1978.
- D.** Information submitted shall include:
  - (1) the full name and business address of the applicant;
  - (2) a list of all locations at which the applicant engages or will engage in the business of buying or selling regulated material;
  - (3) a non-refundable registration fee as set forth in 12.2.16.9 NMAC;
  - (4) affirmation of compliance with all federal requirements;
  - (5) affirmation of registration with metal theft alert system as described in Paragraph (3) of Subsection A of 12.2.18.8 NMAC.

**E.** Any occupational or professional registration pursuant to these rules shall be issued as soon as practicable, but no later than 30 days after a military service member or a veteran as defined in these rules submits an application, pays any required fees, and provides a background check if required.  
[12.2.16.8 NMAC - N, 8/12/2021; A, 1/1/2022]

**12.2.16.9      FEES:**

- A.** The fee for application registration is twenty-five dollars (\$25.00).
- B.** The fee for renewal of registration is twenty-five dollars (\$25.00).
- C.** A military service member or veteran as defined in these rules shall not be charged a registration fee for the first three years a registration issued under these rules is valid.  
[12.2.16.9 NMAC - N, 8/12/2021; A, 1/1/2022]

**12.2.16.10     RENEWAL REQUIREMENTS:**

**A.** Original and renewed registrations shall be valid for a period of three years from the date of issuance, unless the registration is suspended or revoked.

**B.** Prior to the expiration of the license, all registered secondhand metal dealers shall apply for registration renewal and shall pay the renewal fee as set forth in 12.2.16.9 NMAC.  
[12.2.16.10 NMAC - N, 8/12/2021; A, 1/1/2022]

**HISTORY OF 12.2.16 NMAC: [RESERVED]**