

**TITLE 12      TRADE, COMMERCE AND BANKING**  
**CHAPTER 2    CONSUMER PROTECTION**  
**PART 17      REPORTING REQUIREMENTS**

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

**12.2.17.2      SCOPE:** This part sets forth reporting procedures to the department pursuant to the Sale of Recycled Metals Act, Sections 57-30-1 through ~~[57-30-17]~~ 57-30-14 NMSA 1978.  
[12.2.17.2 NMAC - N, 8/12/2012; A, 10/1/2023]

**12.2.17.3      STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Sale of Recycled Metals Act, Sections 57-30-1 through ~~[57-30-17]~~ 57-30-14 NMSA 1978.  
[12.2.17.3 NMAC - N, 8/12/2012; A, 10/1/2023]

**12.2.17.4      DURATION:** Permanent.  
[12.2.17.4 NMAC - N, 8/12/2012]

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

**12.2.17.6      OBJECTIVE:** The purpose of this part is to standardize the reporting procedures to the department required pursuant to Section 57-30-8 NMSA 1978.  
[12.2.17.6 NMAC - N, 8/12/2012]

**12.2.17.7      DEFINITIONS:** **[RESERVED]**  
[12.2.17.7 NMAC - N, 8/12/2012]

**12.2.17.8      REPORTING REQUIREMENTS:**

**A.** All secondhand metal dealers are required to report all transactions of regulated material. Reports of such transaction shall be made on a purchase record form designed and provided or approved by the department and shall be uploaded to the database maintained by the department.

**B.** Reports shall be in English and shall include:

- (1) the place and date of the purchase;
- (2) the name and address of each person from whom the regulated material is purchased or obtained;
- (3) the identifying number of the personal identification document of each person from whom the regulated material is purchased or obtained;
- (4) the year, make, model and license plate number of the motor vehicle used to transport the regulated material;
- (5) a description made in accordance with the custom of the trade of the type and quantity of regulated material purchased; and
- (6) affirmation under penalty of perjury that the seller [has signed a written statement that he or she] is the legal owner of or is lawfully entitled to sell the regulated material offered for sale as required by Paragraph (2) of Subsection A of Section 57-30-4 NMSA 1978 of the Sale of Recycled Metals Act.

~~[C. Electronic submission of data by secondhand metal dealers to the department prior to January 2014 will be done via the department's file transfer protocol (FTP) site or other similar system maintained by the department in an excel or equivalent format.]~~

**C.** Restricted transactions require the secondhand metal dealer to obtain from the seller additional documentation on a form designed and provided by the department and to upload the additional documentation with the purchase record.

**(1)** For each restricted transaction in which a secondhand metal dealer purchases any item listed in Paragraphs (1) through (10) of Subsection A of Section 57-30-2.4 NMSA 1978 of the Sale of Recycled Metals Act the dealer shall obtain from the seller one or more of the following types of documentation as provided in the additional documentation form:

**(a)** a police report;

(b) a fire report;  
(c) a contract with bulk or other vendor;  
(d) a letter from a governmental or other entity on entity letterhead and signed by a person authorized to dispose of the material, containing language sufficient to reasonably determine that the seller by way of such transfer has become the rightful owner of the material;

(e) any other document with language sufficient to reasonably determine that the seller is the rightful owner of the material, provided that any signature appearing on the document is notarized;

(2) For each restricted transaction in which a secondhand metal dealer purchases a catalytic converter, the dealer shall obtain from the seller in addition to the documentation listed in this section the following types of documentation required by Paragraphs (1) and (2) of Subsection D of Section 57-30-2.4 NMSA 1978 of the Sale of Recycled Metals Act and as more specifically set forth in the additional documentation form:

(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) an original, a photocopy or a digital image of the title or registration of the motor vehicle from which the catalytic converter was removed showing the seller as the owner of the motor vehicle, or a notarized statement demonstrating ownership by the seller or offeror;

D. A secondhand metal dealer may use in place of the purchase record form designed and provided by the department any electronic program or software that contains and uploads the information required. Such electronic record must be printable at the request of the department or peace officer.

~~[D.]~~ E. After January 2014 secondhand metal dealers will be required to submit their data in the format(s) specified by the department for direct loading into its database.

~~[E.]~~ F. The department will specify the acceptable format(s) of data for electronic submission to the department's database. Data submitted electronically after January 2014 will be transferred directly into the department's database via a web interface or other electronic system ~~[developed and]~~ maintained by the department.

~~[F.]~~ G. Secondhand metal dealers will be responsible for correcting any formatting errors or data validation errors that occur during the transfer of data or the loading of data into the database. Secondhand metal dealers will be responsible for re-submitting corrected data to the department.

~~[G.]~~ H. A secondhand metal dealer shall comply with the waiting period for disposal of regulated material.  
~~(1) Secondhand metal dealer shall not process or permit regulated material to be removed from the dealer's premises until at least twenty-four hours have elapsed since the dealer acquired the regulated material.~~

~~(2) shall not with intent to deceive display to a secondhand metal dealer a false or invalid personal identification document in connection with the person's attempted sale of regulated material.]~~

I. A person attempting to sell regulated material to a secondhand metal dealer:

(1) shall sign under penalty of perjury a written statement provided by the secondhand metal dealer that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale or transfer.

(2) shall not with intent to deceive display to a secondhand metal dealer a false or invalid personal identification document or false or fraudulent additional documentation in connection with the person's attempted sale of regulated material.

~~[H.]~~ J. A secondhand metal dealer may take a digital photograph, with a date and time stamp, of:

(1) the seller of the regulated material, and

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

[12.2.17.8 NMAC - N, 8/12/2012; A, 10/1/2023]

#### **12.2.17.9 ~~[RESTRICTED TRANSACTIONS:]~~**

~~A. A secondhand metal dealer shall not purchase any of the following without written documentation indicating that the seller is the rightful owner or has permission from the rightful owner or that the material was otherwise lawfully obtained.~~

~~B. 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.~~

~~C. 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.~~

~~D. Regulated material marked with the name initials or otherwise identified as the property of an electrical company, telephone company, cable company, water company or other utility company, a railroad or a governmental entity to include: 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; a metal beer keg that is clearly marked as being the property of the beer manufacturer; or a catalytic converter that is not part of an entire motor vehicle.~~

~~E. An additional form will be required to be completed by all second hand metal dealers who purchase material listed in 12.2.17.9 NMAC.] **[RESERVED]**  
[12.2.17.9 NMAC - N, 8/12/2012; Repealed, 10/1/2023]~~

**HISTORY OF 12.2.17 NMAC: [RESERVED]**