

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 57-30-14 NMSA 1978.
[12.2.15.2 NMAC - Rp, 12.2.15.3 NMAC, 8/12/2012; A, 10/10/2023]

12.2.15.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Sale of Recycled Metals Act, Sections 57-30-1 through 57-30-14 NMSA 1978.
[12.2.15.3 NMAC - Rp, 12.2.15.2 NMAC, 8/12/2012; A, 10/10/2023]

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 57-30-14 NMSA 1978.
[12.2.15.6 NMAC - Rp, 12.2.15.6 NMAC, 8/12/2012; A, 10/10/2023]

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 non-insulated 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. “Lead material” means:

(1) a lead-acid battery; or

(2) material readily identifiable as being made of or containing lead;

F. “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.

G. “Department”: means the regulation and licensing department.

H. “Superintendent”: means the superintendent of the regulation and licensing.

I. “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 administered by the state or a political subdivision of the state.

J. “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.

K. “Additional documentation”: means documentation required from the seller to prove the seller’s ownership of material that is the subject of a restricted transaction under Paragraph (7) of Subsection B of Section 57-30-5 NMSA 1978 of the Sale of Recycled Metals Act.

L. “Regulated material”: means aluminum material; bronze material; copper or brass material; steel material; lead 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. Catalytic converter includes any portion thereof.

M. “Restricted transaction”: means any purchase of regulated material listed in Paragraphs (1) through (10) of Subsection A of Section 57-30-2.4 NMSA 1978 of the Sale of Recycled Metals Act.

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

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

P. “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, 4/22/2022; A, 10/10/2023]

HISTORY OF 12.2.15 NMAC:

12.2.15 NMAC, Sale of Recycled Metals, filed 12/23/2010 was repealed and replaced by 12.2.15 NMAC, Sale of Recycled Metals, effective 8/12/2012.

History of Repealed Material:

12.2.15 NMAC, Sale of Recycled Metals, filed 12/23/2010 - Repealed, effective 8/12/2012.