

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-61 ENACTMENT NO. O-2023-006

SPONSORED BY: Renee Grout

1 ORDINANCE

2 **ADOPTING A NEW ARTICLE IN CHAPTER 13 OF THE REVISED ORDINANCES**
3 **OF ALBUQUERQUE 1994 TO BE KNOWN AS THE “SECONDHAND CATALYTIC**
4 **CONVERTER PURCHASE ORDINANCE”.**

5 **WHEREAS, a catalytic converter is part of the exhaust system of vehicles**
6 **with internal combustion engines that converts pollutant gases into less toxic**
7 **pollutants; and**

8 **WHEREAS, catalytic converters contain precious metals including**
9 **platinum, palladium and rhodium; and**

10 **WHEREAS, catalytic converters are frequently stolen due to the value of**
11 **the metals inside and their relative ease of access under the body of a car; and**

12 **WHEREAS, catalytic converter thefts have increased dramatically in recent**
13 **years; and**

14 **WHEREAS, thieves typically steal catalytic converters from trucks, SUVs,**
15 **and other vehicles with high ground clearance, and thieves also target hybrid**
16 **vehicles which have higher amounts of precious metals in their catalytic**
17 **converters; and**

18 **WHEREAS, thieves generally sell the catalytic converters to secondhand**
19 **metal dealers or “scrap yards” which then sell catalytic converters to**
20 **recycling facilities to reclaim the precious metals inside; and**

21 **WHEREAS, a thief may get \$200 to \$500 for a catalytic converter while**
22 **causing up to \$3,000 in damage to a vehicle and rendering it unusable for days**
23 **or weeks as replacement parts are ordered and installed; and**

24 **WHEREAS, additional regulations and safeguards regarding the resale of**
25 **catalytic converters may serve as a deterrent to future theft.**

26 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
27 **ALBUQUERQUE:**

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1 **SECTION 1. A new Article 21 in Chapter 13 of the Revised Ordinances of**
2 **Albuquerque 1994 is hereby adopted as follows:**

3 **§ 13-21-1 SHORT TITLE.**

4 **This Ordinance shall be known and cited as the “Secondhand Catalytic**
5 **Converter Purchase Ordinance.**

6 **§ 13-21-2 PURPOSE. The purposes of this Ordinance include to:**

7 **(A) Ensure a sound system of acquiring catalytic converters by and**
8 **through secondhand metal dealers, to prevent frauds and theft, and ensure**
9 **fair reporting practices;**

10 **(B) Provide for recordkeeping requirements for the purchase of catalytic**
11 **converters by secondhand metal dealers;**

12 **(C) Prohibit secondhand metal dealers from purchasing or receiving**
13 **catalytic converters not lawfully possessed and to prevent criminal damage to**
14 **property by theft of a catalytic converter that is disconnected from a motor**
15 **vehicle in accordance with ROA 1994, Sections 8-6-22, 12-3-7, and 12-3-8; and**

16 **(D) Promote the health, safety, and welfare of the City by implementing**
17 **minimum accountability standards for secondhand metal dealer businesses**
18 **and help limit vulnerability of these businesses to becoming unwitting**
19 **participants in the cycle of property crime.**

20 **§ 13-21-3 DEFINITIONS. For the purpose of this article, the following**
21 **definitions shall apply unless the context clearly indicates or requires a**
22 **different meaning.**

23 **SECONDHAND CATALYTIC CONVERTER. A catalytic converter, other than**
24 **a new and unused catalytic converter, that is not part of an entire motor**
25 **vehicle.**

26 **PROPERTY UNIT ENFORCEMENT OFFICIAL. Any sworn officer within the**
27 **Property Crimes Division of the Albuquerque Police Department, or any**
28 **person specifically assigned to the enforcement or administration of this**
29 **article.**

30 **SECONDHAND METAL DEALER. A scrap metal processor in the business**
31 **of operating or maintaining a scrap metal yard in a physical location in which**
32 **scrap metal or cast-off regulated material is purchased for shipment, sale or**
33 **transfer.**

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1 **§ 13-21-4 RECORDKEEPING FOR PURCHASES OF SECONDHAND**
2 **CATALYTIC CONVERTER.** In addition to the reporting and recordkeeping
3 required by the “Sale of Recycled Metals Act” NMSA 1978 §§ 57-30-1 through
4 57-30-14, every secondhand metal dealer shall keep a record of each purchase
5 of a secondhand catalytic converter. The record shall be preserved for a
6 period of one year from the date the secondhand catalytic converter was
7 purchased. Each entry shall include:

8 **(A) The name, address, and date of birth of the seller as indicated on a**
9 **valid government-issued photo identification card, a notation as to the type of**
10 **identification card, the jurisdiction that issued the same and the identification**
11 **card number;**

12 **(B) The year, make, model, and VIN for the vehicle from which the**
13 **catalytic converter was removed. The secondhand metal dealer must**
14 **determine that the catalytic converter presented is consistent with the**
15 **manufacturer’s specifications for a catalytic converter from the vehicle which**
16 **the seller provided information for; and**

17 **(C) A copy of the certificate of title or other verifiable documentation**
18 **indicating that the person has an ownership interest in the vehicle from which**
19 **the catalytic converter was removed.**

20 **(D) The recordkeeping requirements of § 13-21-4(B) and 13-21-4(C) shall**
21 **not apply to a purchase that meets the following requirements:**

22 **(1) The seller of the secondhand catalytic converter is an automotive**
23 **recycler licensed by the State of New Mexico pursuant to NMSA 1978, § 66-4-**
24 **1.1(A), who manages its inventory of secondhand catalytic converters using a**
25 **stock numbering system. The stock numbering system must use a unique**
26 **number that can be readily linked to VIN of the vehicle of origin.**

27 **§ 13-21-5 INSPECTION; HOLDING PERIOD.**

28 **(A) Any property unit enforcement official may inspect the full premises**
29 **of the secondhand metal dealer’s place of business during normal business**
30 **hours, and have free access to inspect all secondhand catalytic converters,**
31 **and the corresponding transaction records required by this article. The**
32 **business being inspected may escort the property unit enforcement official**
33 **throughout the inspection process.**

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1 (B) No secondhand metal dealer shall sell, or otherwise dispose of, alter
2 in any way, or remove any catalytic converter from their business premises
3 within 15 days from the date said catalytic converter was received.

4 § 13-21-6 PENALTIES.

5 (A) Any Secondhand Metal Dealer violating any of the provisions of this
6 Article shall be deemed guilty of a misdemeanor and upon conviction thereof
7 shall be subject to the penalty provisions set forth in § 1-1-99 of this code of
8 ordinances. Each day of violation shall be considered a separate offense.

9 (B) Notwithstanding the above, the City may also pursue the penalties
10 permitted under NMSA 1978 § 30-16D-7, "Operating a Chop Shop" and NMSA
11 1978, § 57-30-1 et seq., the "Sale of Recycled Metals Act" for infractions
12 related to the purchase, sale, or acquisition of any catalytic converter that is
13 disconnected from a motor vehicle.

14 SECTION 2. SEVERABILITY CLAUSE.

15 If any section, paragraph, sentence, clause, word or phrase of this
16 ordinance is for any reason held to be invalid or unenforceable by any court of
17 competent jurisdiction, such decision shall not affect the validity of the
18 remaining provisions of this ordinance. The Council hereby declares that it
19 would have passed this ordinance and each section, paragraph, sentence,
20 clause, word or phrase thereof irrespective of any provision being declared
21 unconstitutional or otherwise invalid.


22 SECTION 3. COMPILATION. Section '1' of this ordinance amends, is
23 incorporated in, and made part of the Revised Ordinances of Albuquerque,
24 New Mexico, 1994.

25 SECTION 4. EFFECTIVE DATE.

26 This ordinance shall take effect five days after publication by title and
27 general summary.
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1 PASSED AND ADOPTED THIS 22nd DAY OF February, 2023
2 BY A VOTE OF: 7 FOR 2 AGAINST.

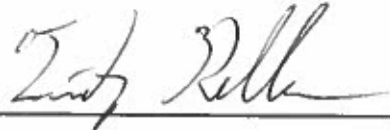
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4 For: Benton, Davis, Fiebelkorn, Grout, Jones, Peña, Sanchez
5 Against: Bassan, Lewis

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9 Pat Davis, President
10 City Council

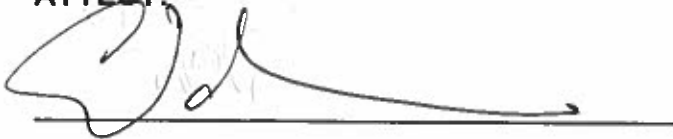
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14 APPROVED THIS 7 DAY OF March, 2023

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17 Bill No. O-22-61

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21 _____
22 Timothy M. Keller, Mayor
23 City of Albuquerque

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28 ATTEST:

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31 Ethan Watson, City Clerk

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