

ARTICLE 21: SECONDHAND CATALYTIC CONVERTER PURCHASE

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§ 13-21-1 SHORT TITLE.

This article shall be known and cited as the "Secondhand Catalytic Converter Purchase Ordinance".

(Ord. 2023-006)

§ 13-21-2 PURPOSE.

The purposes of this article include to:

- (A) Ensure a sound system of acquiring catalytic converters by and through secondhand metal dealers, to prevent frauds and theft, and ensure fair reporting practices;
- (B) Provide for recordkeeping requirements for the purchase of catalytic converters by secondhand metal dealers;
- (C) Prohibit secondhand metal dealers from purchasing or receiving catalytic converters not lawfully possessed and to prevent criminal damage to property by theft of a catalytic converter that is disconnected from a motor vehicle in accordance with ROA 1994, §§ 8-6-22, 12-3-7, and 12-3-8; and
- (D) Promote the health, safety, and welfare of the city by implementing minimum accountability standards for secondhand metal dealer businesses and help limit vulnerability of these businesses to becoming unwitting participants in the cycle of property crime.

(Ord. 2023-006)

§ 13-21-3 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

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

(Ord. 2023-006) Penalty, see § 13-21-99

§ 13-21-4 RECORDKEEPING.

In addition to the reporting and recordkeeping required by the "Sale of Recycled Metals Act" NMSA 1978 §§ 57-30-1 through 57-30-14, every secondhand metal dealer shall keep a record of each purchase of a secondhand catalytic converter. The record shall be preserved for a period of one year from the date the secondhand catalytic converter was purchased. Each entry shall include:

- (A) The name, address, and date of birth of the seller as indicated on a valid government-issued photo identification card, a notation as to the type of identification card, the jurisdiction that issued the same and the identification card number;
- (B) The year, make, model, and VIN for the vehicle from which the catalytic converter was removed. The secondhand metal dealer must determine that the catalytic converter presented is consistent with the manufacturer's specifications for a catalytic converter from the vehicle which the seller provided information for; and
- (C) A copy of the certificate of title or other verifiable documentation indicating that the person has an ownership interest in the vehicle from which the catalytic converter was removed.
- (D) The recordkeeping requirements of §§ 13-21-4(B) and 13-21-4(C) shall not apply to a purchase that meets the

following requirements:

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

([Ord. 2023-006](#)) Penalty, see § 13-21-99

§ 13-21-5 INSPECTION; HOLDING PERIOD.

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

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

([Ord. 2023-006](#)) Penalty, see § 13-21-99

§ 13-21-99 PENALTY.

(A) Any secondhand metal dealer violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances. Each day of violation shall be considered a separate offense.

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

([Ord. 2023-006](#))