CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-61 ENACTMENT NO. _____

SPONSORED BY: Renee Grout

ORDINANCE

Adopting A New Article In Chapter 13 Of The Revised Ordinances Of Albuquerque 1994 To Be Known As The “Secondhand Catalytic Converter Purchase Ordinance” (Grout)

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

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

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

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

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

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

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

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

ordered and installed; and

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

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

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

§ 13-21-1 SHORT TITLE.

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

§ 13-21-2 PURPOSE. The purposes of this Ordinance 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, Sections 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.

§ 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.

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

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 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.**

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§ 13-21-4 RECORDKEEPING FOR PURCHASES OF SECONDHAND CATALYTIC CONVERTER. 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.

§ 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.

§ 13-21-6 PENALTIES.

(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.

SECTION 2. SEVERABILITY CLAUSE.

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

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect five days after publication by title and general summary.

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