

A JOINT MEMORIAL

REQUESTING THE CONSTRUCTION INDUSTRIES DIVISION OF THE REGULATION
AND LICENSING DEPARTMENT AND THE ATTORNEY GENERAL TO STUDY THE
LAWS AND RULES GOVERNING THE REGULATION OF THE CONSTRUCTION
INDUSTRY TO DETERMINE IF EXISTING PROVISIONS PROVIDE ADEQUATE
PROTECTION FOR THE PUBLIC.

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WHEREAS, the express purpose of the Construction Industries Licensing Act is "to promote the general welfare of the people of New Mexico by providing for the protection of life and property by adopting and enforcing codes and standards for construction alteration, installation, connection, demolition and repair work"; and

WHEREAS, in the referenced law, the legislature makes clear its intent that "examination, licensing and certification of the occupations and trades within the jurisdiction of the Construction Industries Licensing Act be such as to ensure or encourage the highest quality of performance and to require compliance with approved codes and standards and be, to the maximum extent possible, uniform in application, procedure and enforcement" and that "contractors be required to furnish and maintain evidence of responsibility"; and

WHEREAS, pursuant to the Construction Industries Licensing Act, the construction industries commission of the regulation and licensing department has responsibility for and authority to establish policy for the construction industries division of the regulation and licensing department and "approve or disapprove of all rules, regulations, standards, codes and licensing requirements . . . which are subject to [its] approval"; and

WHEREAS, the construction industries division of the regulation and licensing department has the duty to adopt rules and regulations, subject to approval of the construction industries commission and the duty to carry out the provisions of the Construction Industries Licensing Act; and

WHEREAS, there have been and continue to be far too many instances in which a member of the consuming public has suffered financial and other damages because of violations of the Construction Industries Licensing Act and rules and codes adopted pursuant to that act; and

WHEREAS, the sanctions for violations of laws, rules and codes by licensees and by persons required to be licensed but who perform work without licensing do not appear to deter repeated violations by some persons and do not afford any effective remedy to the consumer;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the construction industries division of the regulation and licensing department, in consultation with the attorney general, the associated general contractors of America and the New Mexico home builders association, be requested to study the laws and rules governing the regulation of the construction industry to determine if existing provisions provide adequate protection for the public; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the attorney general, the superintendent of regulation and licensing, the construction industries commission and the constructions industries division of the regulation and licensing department.