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HOUSE BILL 177

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Daymon Ely

AN ACT

RELATING TO SAFETY INSPECTIONS; REQUIRING THE PUBLIC REGULATION COMMISSION TO ISSUE RULES REQUIRING INSPECTION OF FIRE AND SMOKE DAMPERS AND FIRE CONTROL SYSTEMS IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 59A, Article 52 NMSA 1978 is enacted to read:

"[NEW MATERIAL] FIRE AND SMOKE DAMPER AND FIRE CONTROL SYSTEMS--COMMISSION RULES.--

A. The public regulation commission shall issue rules requiring the inspection and testing of fire and smoke dampers and smoke control systems in accordance with national fire protection association standards in places of assembly,

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1 educational occupancies, institutional occupancies, residential  
2 occupancies consisting of four or more family units, mercantile  
3 occupancies, office occupancies, industrial occupancies,  
4 storage occupancies and miscellaneous structures consisting of  
5 towers, underground structures and windowless buildings and all  
6 buildings owned or occupied by the state or any political  
7 subdivision thereof or by municipal governments.

8 B. The rules shall require that:

9 (1) inspection and testing be conducted by the  
10 authority having jurisdiction or other person possessing a fire  
11 life safety certification from a program accredited by the  
12 American national standards institute; and

13 (2) the person conducting the inspection or  
14 test shall submit findings of noncompliance to the owner of the  
15 public occupancy and to the authority having jurisdiction.

16 C. For purposes of this section:

17 (1) "authority having jurisdiction" means a  
18 government entity with a full-service building inspection  
19 department employing a certified building official with  
20 permitting and enforcement authority over the general  
21 construction, electrical and mechanical-plumbing trades within  
22 its jurisdiction; and

23 (2) "certified building official" means an  
24 individual who is an employee of the state or an authority  
25 having jurisdiction and who holds a current nationally

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underscored material = new  
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1 recognized code organization certified building official  
2 certificate, has a broad knowledge of the construction  
3 industry, has been either a practicing inspector or practicing  
4 contractor for at least five years or has held a management  
5 position in a construction-related company or construction  
6 organization for at least five of the past ten years."

7 SECTION 2. EMERGENCY.--It is necessary for the public  
8 peace, health and safety that this act take effect immediately.

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