

AN ACT

RELATING TO BUSINESS LICENSES; DELETING REFERENCES TO SPECIFIC
CODES IN THE CONSTRUCTION INDUSTRIES LICENSING ACT; AMENDING
SECTIONS OF THE NMSA 1978.

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

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Section 1. Section 60-13-2 NMSA 1978 (being Laws 1967, Chapter 199,
Section 2, as amended) is amended to read:

"60-13-2. GENERAL DEFINITIONS.--As used in the Construction Industries
Licensing Act:

A. "division" means the construction industries division of the
regulation and licensing department;

B. "trade bureau" means the electrical bureau, the mechanical bureau,
the general construction bureau or the liquefied petroleum gas bureau of the division;

C. "jurisdictional conflict" means any conflict between or among trade
bureaus as to the exercise of jurisdiction over an occupation or trade for which a
license is required under the provisions of the Construction Industries Licensing Act;

D. "person" includes an individual, firm, partnership, corporation,
association or other organization, or any combination thereof;

E. "qualifying party" means any individual who submits to the
examination for a license to be issued under the Construction Industries Licensing Act
and who is responsible for the licensee's compliance with the requirements of that act
and with the rules, regulations, codes and standards adopted and promulgated in
accordance with that act;

- F. "certificate of qualification" means a certificate issued by the division to a qualifying party;
- G. "journeyman" means any individual who is properly certified by the electrical bureau or the mechanical bureau, as required by law, to engage in or work at his trade;
- H. "apprentice" means an individual who is engaged, as his principal occupation, in learning and assisting in a trade;
- I. "wages" means compensation paid to an individual by an employer from which taxes are required to be withheld by federal and state law;
- J. "public use" means the use or occupancy of any structure, facility or manufactured commercial unit to which the general public, as distinguished from residents or employees, has access;
- K. "bid" means a written or oral offer to contract;
- L. "building" means any structure built for use or occupancy by persons or property, including manufactured commercial units and modular homes or premanufactured homes designed to be placed on permanent foundations whether mounted on skids or permanent foundations or whether constructed on or off the site of location;
- M. "inspection agency" means a firm, partnership, corporation, association or any combination thereof approved in accordance with regulations as having the personnel and equipment available to adequately inspect for the proper construction of manufactured commercial units, modular homes or premanufactured homes;
- N. "director" means the administrative head of the division;

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O. "chief" means the administrative head of a trade bureau;

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P. "commission" means the construction industries commission;

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Q. "manufactured commercial unit" means a movable or portable

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housing structure over thirty-two feet in length or over eight feet in width that is
constructed to be towed on its own chassis and designed so as to be installed without
a permanent foundation for use as an office or other commercial purpose and that may
include one or more components that can be retracted for towing purposes and
subsequently expanded for additional capacity, or two or more units separately towable
but designed to be joined into one integral unit, as well as a single unit, but that does
not include any movable or portable housing structure over twelve feet in width and
forty feet in length that is used for nonresidential purposes. "Manufactured commercial
unit" does not include modular or premanufactured homes, built to a nationally
recognized standard adopted by the commission and designed to be permanently
affixed to real property; and

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R. "code" means a body or compilation of provisions or standards
adopted by the commission that govern contracting or some aspect of contracting; that
provide for safety and protection of life and health; and that are published by a
nationally recognized standards association."

Section 2. Section 60-13-44 NMSA 1978 (being Laws 1967, Chapter 199,
Section 52, as amended) is amended to read:

"60-13-44. TRADE BUREAUS--STANDARDS--CONFLICTS.--

A. The electrical bureau shall recommend to the commission minimum
standards for the installation or use of electrical wiring. The recommendations shall
substantially embody the applicable provisions of an electrical code for safety to life

and property promulgated by a nationally recognized association and developed through an open, balanced consensus process.

B. The mechanical bureau shall recommend to the commission minimum standards for the installation of all fixtures, consumers' gas pipe, appliances and materials installed in the course of a mechanical installation. The recommendations shall be in substantial conformity with codes and standards that are developed through an open, balanced consensus process. Manufacturers may choose the independent certification organization they wish to certify their products, if the certification organization is accredited by the American national standards institute or other accreditation organization selected by the commission.

C. The general construction bureau shall recommend to the commission minimum standards for the construction, alteration or repair of buildings, except for those activities within the jurisdiction of the electrical bureau or the mechanical bureau. The recommendations shall substantially embody the applicable provisions of a nationally recognized building code that is developed through an open, balanced consensus process and shall give due regard to physical, climatic and other conditions peculiar to New Mexico. The standards shall include the authority to permit or deny occupancy of existing and new buildings or structures and authority to accept or deny the use of materials manufactured within or without the state. The general construction bureau may set minimum fees or charges for conducting tests to verify claims or specifications of manufacturers.

D. The general construction bureau shall recommend to the commission additional specifications for any public building constructed in the state through expenditure of state, county or municipal funds, bonds and other revenues,

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which specifications shall embody standards making the building accessible to individuals who are physically handicapped, and the specifications shall conform substantially with those contained in a nationally recognized standard for making public facilities accessible to the physically handicapped that is developed through an open, balanced consensus process. All orders and rules recommended by the general construction bureau and adopted by the commission under the provisions of this section shall be printed and distributed to all licensed contractors, architects and engineers and to the governor's committee on concerns of the handicapped. The orders and rules shall take effect on a date fixed by the commission, which shall not be less than thirty days after their adoption by the commission, and shall have the force of law.

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E. The general construction bureau shall have the right of review of all specifications of public buildings and the responsibility to ensure compliance with the adopted standards.

F. All political subdivisions of the state are subject to the provisions of codes adopted and approved under the Construction Industries Licensing Act. Such codes constitute a minimum requirement for the codes of political subdivisions.

G. The trade bureaus within their respective jurisdictions shall recommend to the commission standards that are developed through an open, balanced consensus process for the installation or use of electrical wiring, the installation of all fixtures, consumers' gas pipe, appliances and materials installed in the course of mechanical installation and the construction, alteration or repair of all buildings intended for use by the physically handicapped or persons requiring special facilities to accommodate the aged. The recommendations shall give due regard to

physical, climatic and other conditions peculiar to New Mexico.

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H. The trade bureaus within their respective jurisdictions shall recommend to the commission standards for the construction, alteration, repair, use or occupancy of manufactured commercial units, modular homes and premanufactured homes. The recommendations shall substantially embody the applicable provisions or standards for the safety to life, health, welfare and property approved by the nationally recognized standards association and developed through an open, balanced consensus process and shall give due regard to physical, climatic and other conditions peculiar to New Mexico. Wherever existing state codes or standards conflict with the codes and standards adopted by the commission under the provisions of this subsection, the provisions of the New Mexico Uniform Building Code, the New Mexico Electrical Code, the New Mexico Plumbing Code or the Natural Gas Code of New Mexico shall exclusively apply and control, except for codes and standards for mobile housing units.

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I. Modular homes and premanufactured homes in existence at the time of the effective date of the Construction Industries Licensing Act shall have their use or occupancy continued if such use or occupancy was legal on the effective date of that act, provided such continued use or occupancy is not dangerous to life. Any change in the use or occupancy or any major alteration or repair of a modular home or premanufactured home shall comply with all codes and standards adopted under the Construction Industries Licensing Act.

J. The commission shall review all recommendations made under the provisions of this section and shall by rule adopt standards and codes that substantially comply with the requirements of this section that apply to the

recommendations of the trade bureaus."

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