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HOUSE BILL 532

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES LICENSING; REVISING
STATUTORY REFERENCES.

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

Section 1. 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

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

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

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1 D. The general construction bureau shall recommend
2 to the commission additional specifications for any public
3 building constructed in the state through expenditure of state,
4 county or municipal funds, bonds and other revenues, which
5 specifications shall embody standards making the building
6 accessible to individuals who are physically handicapped, and
7 the specifications shall conform substantially with those
8 contained in a nationally recognized standard for making public
9 facilities accessible to the physically handicapped that is
10 developed through an open, balanced consensus process. All
11 orders and rules recommended by the general construction bureau
12 and adopted by the commission under the provisions of this
13 section shall be printed and distributed to all licensed
14 contractors, architects and engineers and to the governor's
15 [~~committee on concerns of the handicapped~~] commission on
16 disability. The orders and rules shall take effect on a date
17 fixed by the commission, which shall not be less than thirty
18 days after their adoption by the commission, and shall have the
19 force of law.

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

24 F. All political subdivisions of the state are
25 subject to the provisions of codes adopted and approved under

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1 the Construction Industries Licensing Act. Such codes
2 constitute a minimum requirement for the codes of political
3 subdivisions.

4 G. The trade bureaus within their respective
5 jurisdictions shall recommend to the commission standards that
6 are developed through an open, balanced consensus process for
7 the installation or use of electrical wiring, the installation
8 of all fixtures, consumers' gas pipe, appliances and materials
9 installed in the course of mechanical installation and the
10 construction, alteration or repair of all buildings intended
11 for use by the physically handicapped or persons requiring
12 special facilities to accommodate the aged. The
13 recommendations shall give due regard to physical, climatic and
14 other conditions peculiar to New Mexico.

15 H. The trade bureaus within their respective
16 jurisdictions shall recommend to the commission standards for
17 the construction, alteration, repair, use or occupancy of
18 manufactured commercial units, modular homes and
19 premanufactured homes. The recommendations shall substantially
20 embody the applicable provisions or standards for the safety to
21 life, health, welfare and property approved by the nationally
22 recognized standards association and developed through an open,
23 balanced consensus process and shall give due regard to
24 physical, climatic and other conditions peculiar to New Mexico.
25 Wherever existing state codes or standards conflict with the

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1 codes and standards adopted by the commission under the
2 provisions of this subsection, the provisions of [~~the New~~
3 ~~Mexico Uniform Building Code, the New Mexico Electrical Code,~~
4 ~~the New Mexico Plumbing Code or the Natural Gas Code of New~~
5 ~~Mexico~~] the applicable New Mexico building codes adopted
6 pursuant to the Construction Industries Licensing Act and the
7 LPG and CNG Act in effect at the applicable time shall
8 exclusively apply and control, except for codes and standards
9 for mobile housing units.

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

19 J. The commission shall review all recommendations
20 made under the provisions of this section and shall by rule
21 adopt standards and codes that substantially comply with the
22 requirements of this section that apply to the recommendations
23 of the trade bureaus."