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SENATE BILL 262

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Bernadette M. Sanchez

FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE

AN ACT

RELATING TO MUNICIPAL INSPECTORS; AMENDING AND REPEALING
SECTIONS OF THE NMSA 1978 TO CHANGE THE CONSTRUCTION INDUSTRIES
COMMISSION AUTHORITY OVER MUNICIPAL INSPECTORS.

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

SECTION 1. Section 60-13-41 NMSA 1978 (being Laws 1967,
Chapter 199, Section 49, as amended) is amended to read:

"60-13-41. INSPECTORS--DESIGNATED INSPECTION AGENCIES.--

A. State inspectors shall be employed by the
director.

B. Qualifications and job descriptions for
inspectors for the state [~~municipalities and all other~~
~~political subdivisions~~] shall be prescribed by the commission.

C. The division may appoint inspection agencies to
inspect the construction, installation, alteration or repair of

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1 manufactured commercial units, modular homes and
2 premanufactured homes, including those manufacturers whose
3 business premises are without the state, to ensure that the New
4 Mexico standards of construction and installation are adhered
5 to and that the quality of construction meets all New Mexico
6 codes and standards. If the inspection agency has no place of
7 business within the state, it shall file a written statement
8 with the secretary of state setting forth its name and business
9 address and designating the secretary of state as its agent for
10 the service of process.

11 D. The division may enter into reciprocal
12 agreements with other jurisdictions having comparable codes,
13 standards and inspection requirements for the inspection of the
14 construction, alteration or repair of modular homes,
15 premanufactured homes and manufactured commercial units.

16 E. The division may, with the approval of the
17 commission, establish qualifications for inspectors certified
18 to inspect in more than one bureau's jurisdiction."

19 SECTION 2. Section 60-13-42 NMSA 1978 (being Laws 1967,
20 Chapter 199, Section 50, as amended) is amended to read:

21 "60-13-42. AUTHORITY OF INSPECTORS--LIMITATION.--

22 A. A state certified inspector may, during
23 reasonable hours, enter any building or go upon any premises in
24 the discharge of ~~[his]~~ the inspector's official duties for the
25 purpose of making an inspection of work performed or for the

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1 purpose of testing any installation authorized within the
2 jurisdiction of [~~his~~] the inspector's trade certification.
3 [~~He~~] The inspector may cut or disconnect, or have cut or
4 disconnected in cases of emergency, [~~any~~] an installation or
5 device when necessary for safety to life or property or where
6 the installation may interfere with the work of a fire
7 department.

8 B. The inspector may disconnect or order the
9 discontinuance of [~~any~~] service to any installation, device,
10 appliance or equipment found to be dangerous to life or
11 property because it is defective or is incorrectly installed,
12 until the installation, device, appliance or equipment is made
13 safe and is approved by the inspector.

14 C. The inspector may order the correction of any
15 defects or any incorrect installation [~~which~~] that prompted the
16 disconnection and discontinuance of service.

17 D. In all cases where disconnection is made, a
18 notice shall be attached by the inspector to the installation,
19 device, appliance or equipment disconnected, which notice shall
20 state that the same has been disconnected by or on order of the
21 inspector and the reason for the disconnection. It is unlawful
22 for [~~any~~] a person to remove the notice or to use the
23 installation, device, appliance or equipment without
24 authorization of an inspector.

25 [~~E. The powers granted by this section to any~~

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1 ~~municipal inspector may be exercised by him only in the~~
2 ~~localities where he is authorized to make inspection.~~

3 F.] E. The division shall by regulation adopt
4 official inspection stickers or medallions for the purpose of
5 identifying those modular homes and premanufactured homes
6 [~~which~~] that have been inspected and found to comply with all
7 requirements of the state codes and standards. State
8 inspection and acceptance for use of modular homes and
9 premanufactured homes shall exclusively apply to the use and
10 occupancy of such dwellings in the state and in any of its
11 political subdivisions, subject to the requirements of local
12 planning and zoning ordinances and ordinances requiring permits
13 and inspections for foundations, electrical and mechanical
14 hookups or other safety or sanitary requirements."

15 SECTION 3. REPEAL.--Section 60-13-43 NMSA 1978 (being
16 Laws 1967, Chapter 199, Section 51, as amended) is repealed.