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SENATE BILL 809

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JOSEPH A. FIDEL

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES LICENSING; PROVIDING FOR AN
EXEMPTION FROM THE REQUIREMENTS OF PERMITS FOR CERTAIN
WEATHERIZATION PROJECTS.

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

Section 1. Section 60-13-45 NMSA 1978 (being Laws 1967,
Chapter 199, Section 53, as amended) is amended to read:

"60-13-45. TRADE BUREAUS-- PERMITS. --

A. The trade bureaus within their respective
jurisdictions may require a permit to be secured and
conspicuously posted prior to any construction, installation,
alteration, repair or addition to or within any building,
structure or premises.

B. No permit shall be required for the performance
of any of the following classes of work:

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1 (1) minor repairs, replacement of lamps, the
2 connection of portable electrical equipment to suitable
3 receptacles [~~which~~] that are permanently installed, minor
4 repairs or replacement of or to faucets, taps or jets or
5 connection of portable equipment to suitable connections or
6 inlets [~~which~~] that have been permanently installed;

7 (2) installation of temporary wiring for
8 testing electrical equipment or apparatus or installation of
9 temporary fixtures or devices for testing fixtures, equipment,
10 apparatus or appliances;

11 (3) installation, alteration or repair of
12 electrical equipment for the operation of signals or the
13 transmission of intelligence by wire; [~~and~~]

14 (4) installation or work [~~which~~] that is done
15 after regular business hours or during a holiday when immediate
16 action is imperative to safeguard life, health or property,
17 provided the person making the installation or performing the
18 work applies for a permit covering the installation or work not
19 later than the next business day; or

20 (5) any weatherization project not exceeding
21 two thousand dollars (\$2,000) that has been approved and is
22 administered by a federal or state agency.

23 C. If a permit has been issued for construction of a
24 new residential building, that residential building shall not be
25 occupied until a certificate of occupancy has been issued

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1 certifying compliance with all codes and standards.

2 D. The commission shall make rules and regulations
3 pertaining to the issuance of permits and the setting of
4 reasonable fees to be paid by the applicant for a permit. The
5 regulations shall provide a procedure for the issuance of
6 permits outside the corporate limits of a municipality where
7 inspection is made by a state inspector or a municipal inspector
8 serving as a part-time state inspector and for inspections
9 within a municipality where the inspection is done exclusively
10 by a full-time state inspector. Each trade bureau by regulation
11 may require a reasonable bond or surety in the penal sum of five
12 hundred dollars (\$500) or more, but not to exceed ~~fifteen~~ one
13 thousand five hundred dollars (\$1,500), with such bureau named
14 as obligee and conditioned for the payment of inspection fees
15 provided in the Construction Industries Licensing Act. Nothing
16 in this section shall preclude municipalities from making
17 inspections in accordance with the Construction Industries
18 Licensing Act or rules and regulations pursuant to that act or
19 from establishing a schedule of fees to be paid by an applicant
20 for a permit.

21 E. In the event that the division assumes
22 inspections of a municipal or county jurisdiction, the permit
23 fees shall be paid directly to the division. "

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

SB 809/a

3
4
5 February 25, 1997

6
7 Mr. President:

8
9 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
10 whom has been referred

11 SENATE BILL 809

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13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

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18 1. On page 1, strike lines 16 through 25, on page 2, strike
19 lines 1 through 25, and on page 3, strike lines 1 through 23 and
20 insert in lieu thereof:

21
22 "Section 1. Section 60-13-3 NMSA 1978 (being Laws 1978,
23 Chapter 66, Section 1, as amended) is amended to read:

24
25 "60-13-3. DEFINITION--CONTRACTOR.--As used in the
Construction Industries Licensing Act, "contractor":

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 5

A. means any person who undertakes, offers to undertake by bid or other means or purports to have the capacity to undertake, by himself or through others, contracting. Contracting includes but is not limited to constructing, altering, repairing, installing or demolishing any:

(1) road, highway, bridge, parking area or related project;

(2) building, stadium or other structure;

(3) airport, subway or similar facility;

(4) park, trail, bridle path, athletic field, golf course or similar facility;

(5) dam, reservoir, canal, ditch or similar facility;

(6) sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station or similar facility;

(7) sewerage, water, gas or other pipeline;

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 6

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- (8) transmission line;
- (9) radio, television or other tower;
- (10) water, oil or other storage tank;
- (11) shaft, tunnel or mining appurtenance;
- (12) leveling or clearing land;
- (13) excavating earth;
- (14) air conditioning, conduit, heating or other

similar mechanical works;

- (15) electrical wiring, plumbing or plumbing fixture, consumers' gas piping, gas appliances or water

conditioners;

or

- (16) similar work, structures or installations which are covered by applicable codes adopted under the provisions of the Construction Industries Licensing Act;

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 7

B. includes subcontractor and specialty contractor;

C. includes a construction manager who coordinates and manages the building process; who is a member of the construction team with the owner, architect, engineer and other consultants required for the building project; and who utilizes his skill and knowledge of general contracting to develop schedules, prepare project construction estimates, study labor conditions and advise concerning construction; and

D. does not include:

(1) any person who merely furnishes materials or supplies at the site without fabricating them into, or consuming them in the performance of, the work of a contractor;

(2) any person who drills, completes, tests, abandons or operates any petroleum, gas or water well; or services equipment and structures used in the production and handling of any product incident to the production of any petroleum, gas or water wells, excluding any person performing duties normally performed by electrical, mechanical or general contractors; or who performs geophysical or similar exploration for oil, gas or water;

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 8

(3) a public utility or rural electric cooperative which constructs, reconstructs, operates or maintains its plant or renders authorized service by the installation, alteration or repair of facilities, up to and including the meters, which facilities are an integral part of the operational system of the public utility or rural electric cooperative; provided that the construction of a building by a public utility or rural electric cooperative or the installation or repair of any consumer gas or electrical appliance not an integral part of the operational system makes a public utility or rural electric cooperative a contractor for that purpose;

(4) a utility department of any municipality or local public body rendering authorized service by the installation, alteration or repair of facilities, up to and including the meters, which facilities are an integral part of the operational system of the utility department of the municipality;

(5) any railroad company;

(6) a telephone or telegraph company or rural electric cooperative which installs, alters or repairs electrical equipment and devices for the operation of signals or the transmission of intelligence where that work is an integral part

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 9

of the operation of a communication system owned and operated by a telephone or telegraph company or rural electric cooperative in rendering authorized service;

(7) a pipeline company which installs, alters or repairs electrical equipment and devices for the operation of signals or the transmission of intelligence where that service is an integral part of the operation of the communication system of that pipeline company and is not for hire or for the use of the general public, or any pipeline company which installs, alters or repairs plumbing fixtures or gas piping where the work is an integral part of installing and operating the system owned or operated by the pipeline company in rendering its authorized service;

(8) any mining company, gas company or oil company which installs, alters or repairs its facilities, including but not limited to plumbing fixtures or gas piping, where the work is an integral part of the installing or operating of a system owned or operated by the mining company, gas company or oil company; provided the construction of a building by a mining company, a gas company or an oil company is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with orders, rules, regulations, standards and codes

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 10

adopted pursuant to that act;

(9) a radio or television broadcaster who installs, alters or repairs electrical equipment used for radio or television broadcasting;

(10) an individual who, by himself or with the aid of others who are paid wages and who receive no other form of compensation, builds or makes installations, alterations or repairs in or to a single-family dwelling owned and occupied or to be occupied by him; provided that the installation, building, alteration or repair is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with the orders, rules, regulations, standards and codes adopted pursuant to that act;

(11) a person who acts on his own account to build or improve a single-family residence for his personal use, including the building or improvement of a free standing storage building located on that residential property, provided that the construction or improvement is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with the orders, rules, regulations, standards and codes adopted pursuant to that act, and provided further that he does

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 11

not engage in commercial construction;

(12) a person who, by himself or with the aid of others who are paid wages and receive no other form of compensation, builds or makes installations, repairs or alterations in or to a building or other improvement on a farm or ranch owned, occupied or operated by him, or makes installations of electrical wiring which are not to be connected to electrical energy supplied from a power source outside the premises of the farm or ranch owned, occupied or operated by him; provided that the state codes and any local codes adopted pursuant to Subsection F of Section 60-13-44 NMSA 1978 shall not require any permits or inspections for such construction on a farm or ranch except for electrical wiring to be connected to a power source outside the premises;

(13) an individual who works only for wages;

(14) an individual who works on one undertaking or project at a time which, in the aggregate or singly, does not exceed seven thousand two hundred dollars (\$7,200) compensation a year, the work being casual, minor or inconsequential such as, but not limited to, handyman repairs; provided that this exemption shall not apply to any undertaking or project pertaining to the

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 12

installation, connection or repair of electrical wiring, plumbing or gas fitting as defined in Section 60-13-32 NMSA 1978 and provided:

(a) the work is not part of a larger or major operation undertaken by the same individual or different contractor;

(b) the individual does not advertise or maintain a sign, card or other device which would indicate to the public that he is qualified to engage in the business of contracting; and

(c) the individual files annually with the division, on a form prescribed by the division, a declaration substantially to the effect that he is not a contractor within the meaning of the Construction Industries Licensing Act, that the work he performs is casual, minor or inconsequential and will not include more than one undertaking or project at one time and that the total amount of such contracts, in the aggregate or singly, will not exceed seven thousand two hundred dollars (\$7,200) compensation a year;

(15) any person, firm or corporation which installs

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 809

Page 13

fuel containers, appliances, furnaces and other appurtenant apparatus as an incident to its primary business of distributing liquefied petroleum fuel; ~~[or]~~

(16) a cable television or community antenna television company which constructs, installs, alters or repairs facilities, equipment, cables or lines for the provision of television service or the carriage and transmission of television or radio broadcast signals; or

(17) any weatherization project not exceeding two thousand dollars (\$2,000) that has been approved and is administered by a federal or state agency. "".

Respectfully submitted,

Roman M. Maes, III, Chairman

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SCORC/SB 809

Page 14

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Fidel, Robinson

Absent: None

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