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SENATE BILL 8

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES; ALLOWING MANUFACTURERS
TO CHOOSE INDEPENDENT CERTIFICATION ORGANIZATIONS.

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 electrical standards for
safety to life and property promulgated by a nationally
recognized underwriting laboratory, as approved by a
nationally recognized standards association, which standards
are in general use in the United States or in a clearly
defined region of the United States.

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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 the Uniform Mechanical Code published by the international conference of building officials and the Uniform Plumbing Code published by the international association of mechanical and plumbing officials. Manufacturers may choose the independent certification organization they wish to certify their products, as long as the certification organization is accredited by the American national standards institute and the product is certified to the minimum standards established 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 ~~[which]~~ that is in general use in the United States or in a clearly defined region of the United States 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

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1 manufactured within or without the state. The general
2 construction bureau may set minimum fees or charges for
3 conducting tests to verify claims or specifications of
4 manufacturers.

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

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

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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 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.

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, which standards are in general use in the United States or in a clearly defined region of the United States, and shall give due regard to physical, climatic and other conditions peculiar to New Mexico. Wherever existing state codes or

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1 standards conflict with the codes and standards adopted by
2 the commission under the provisions of this subsection, the
3 provisions of the New Mexico Uniform Building Code, the New
4 Mexico Electrical Code, the New Mexico ~~[Uniform]~~ Plumbing
5 Code or the ~~[New Mexico]~~ Natural Gas Code of New Mexico shall
6 exclusively apply and control, except for codes and standards
7 for mobile housing units.

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

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