

HOUSE BILL 312

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Rebecca Dow

AN ACT

RELATING TO FIRE PREVENTION; PROVIDING A STATE INSPECTOR OR
CERTIFIED BUILDING OFFICIAL WITH JURISDICTION OVER FIRE
PREVENTION-RELATED BUILDING CODE REQUIREMENTS FOR NEW
CONSTRUCTION AND BUILDING ALTERATIONS.

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

SECTION 1. Section 59A-52-15 NMSA 1978 (being Laws 1984,
Chapter 127, Section 961) is amended to read:

"59A-52-15. FIRE PREVENTION--~~[PUBLIC OCCUPANCIES]~~
COMMERCIAL OCCUPANCY REGULATIONS.--

A. For prevention and control of fires, the ~~[state]~~
fire ~~[board]~~ marshal division of the public regulation
commission shall formulate, adopt and promulgate, and amend or
revise ~~[regulations]~~ rules for fire prevention and ~~[safe~~
~~conduct or]~~ use of ~~[public occupancies. For the purposes of~~

.206389.2

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~this provision, "public occupancies" consist of places of~~
2 ~~assembly, educational occupancies, institutional occupancies,~~
3 ~~residential occupancies consisting of four (4) or more family~~
4 ~~units, mercantile occupancies, office occupancies, industrial~~
5 ~~occupancies, storage occupancies and miscellaneous structures~~
6 ~~consisting of towers, underground structures and windowless~~
7 ~~buildings and all buildings owned or occupied by the state~~
8 ~~government or any political subdivision thereof or by municipal~~
9 ~~governments and regulations] commercial occupancies and rules~~
10 ~~concerning the [sale, servicing] maintenance or use of fire~~
11 ~~safety prevention, detection or suppression equipment or~~
12 ~~materials. The [regulations] rules shall be adopted after~~
13 ~~notice and public hearing. The notice shall be entitled~~
14 ~~"notice of proposed [rule-making] rulemaking", and it shall~~
15 ~~contain the date of the hearing and shall state the subject of~~
16 ~~the hearing. A copy of the notice, along with a copy of the~~
17 ~~proposed [regulations] rules, shall be filed with the [supreme~~
18 ~~court librarian] records center at least twenty [~~20~~] days~~
19 ~~prior to the hearing. In addition, the board shall make~~
20 ~~available for inspection at its offices, a copy of the proposed~~
21 ~~[regulations] rules.~~

22 B. The rules [~~and regulations~~] shall follow
23 nationwide standards except in the area of life safety codes,
24 which shall be compatible with the [~~Uniform~~] New Mexico
25 commercial building code [~~as revised from time to time, issued~~

.206389.2

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[bracketed material] = delete

1 ~~by the international conference of building officials].~~

2 C. When related to new construction or an existing
3 building undergoing alterations, the general construction
4 bureau chief of the construction industries division of the
5 regulation and licensing department or a certified building
6 official of a municipality is the authority having jurisdiction
7 over the interpretation, application, inspection and
8 certification of fire code requirements, or building code
9 requirements related to fire prevention.

10 [~~G.~~] D. The rules [~~and regulations~~] shall allow
11 reasonable provision under which facilities in service prior to
12 the effective date of the rules [~~and regulations~~] and not in
13 strict conformity therewith may be continued in service.
14 [~~Nonconforming~~] Nonconforming facilities in service prior to
15 the adoption of [~~regulations which~~] rules that are found by the
16 state fire marshal to constitute a distinct hazard to life or
17 property shall not be exempt from [~~regulations~~] rules nor
18 permitted to continue in service."