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SENATE BILL 143

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO SAFETY INSPECTIONS; REQUIRING THE PUBLIC REGULATION
COMMISSION TO ISSUE RULES REQUIRING INSPECTION OF FIRE AND
SMOKE DAMPERS AND FIRE CONTROL SYSTEMS IN ACCORDANCE WITH
NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS; DECLARING AN
EMERGENCY.

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

SECTION 1. A new section of Chapter 59A, Article 52 NMSA
1978 is enacted to read:

"[NEW MATERIAL] FIRE AND SMOKE DAMPER AND FIRE CONTROL
SYSTEMS--COMMISSION RULES.--

A. The public regulation commission shall adopt
rules requiring the inspection and testing of fire and smoke
dampers and smoke control systems in accordance with national
fire protection association standards in places of assembly,

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1 educational occupancies, institutional occupancies, residential
2 occupancies consisting of four or more family units, mercantile
3 occupancies, office occupancies, industrial occupancies,
4 storage occupancies and miscellaneous structures consisting of
5 towers, underground structures and windowless buildings and all
6 buildings owned or occupied by the state or any political
7 subdivision thereof or by municipal governments.

8 B. The rules shall require that:

9 (1) inspection and testing be conducted by the
10 authority having jurisdiction or other person possessing a fire
11 life safety certification from a program accredited by the
12 American national standards institute; and

13 (2) the person conducting the inspection or
14 test shall submit findings of noncompliance to the owner of the
15 public occupancy and to the authority having jurisdiction.

16 C. For purposes of this section:

17 (1) "authority having jurisdiction" means a
18 government entity with a full-service building inspection
19 department employing a certified building official with
20 permitting and enforcement authority over the general
21 construction, electrical and mechanical-plumbing trades within
22 its jurisdiction; and

23 (2) "certified building official" means an
24 individual who is an employee of the state or an authority
25 having jurisdiction and who holds a current nationally

.211271.1

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1 recognized code organization certified building official
2 certificate, has a broad knowledge of the construction
3 industry, has been either a practicing inspector or practicing
4 contractor for at least five years or has held a management
5 position in a construction-related company or construction
6 organization for at least five of the past ten years."

7 SECTION 2. EMERGENCY.--It is necessary for the public
8 peace, health and safety that this act take effect immediately.

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