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AN ACT

RELATING TO TIMBER; ENACTING THE TIMBER GRADING ACT;  
PROVIDING FOR IN-STATE STRUCTURAL TIMBER GRADING  
CERTIFICATES; PROVIDING FOR THE USE OF STRUCTURAL TIMBER THAT  
IS GRADED AND LABELED IN-STATE.

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

SECTION 1. SHORT TITLE.--This act may be cited as the  
"Timber Grading Act".

SECTION 2. DEFINITIONS.--As used in the Timber Grading  
Act:

A. "building inspector" means a person certified  
by the construction industries division of the regulation and  
licensing department and certified by one or more trade  
bureaus to conduct inspections of permitted construction work  
to ensure that all work performed by a contractor or  
homeowner complies with applicable building codes;

B. "certificate" means the document provided to a  
person after completion of a program that allows that person  
to engage in timber grading and labeling as a grader;

C. "division" means the forestry division of the  
energy, minerals and natural resources department;

D. "grader" means the owner of a sawmill or a  
person employed by a sawmill who is certified to inspect,  
grade and label structural timber at that sawmill;

1           E. "label" means a document that provides  
2 information on the grade of structural timber that was milled  
3 in-state;

4           F. "program" means the structural timber grading  
5 certificate program; and

6           G. "structural timber" means dimensional lumber,  
7 structural beams and vigas milled in-state.

8           **SECTION 3. DIVISION POWERS AND DUTIES--STRUCTURAL**  
9 **TIMBER GRADING SYSTEM--STRUCTURAL TIMBER GRADING CERTIFICATE**  
10 **PROGRAM--STRUCTURAL TIMBER GRADING CERTIFICATE.--**

11           A. The division shall:

12                   (1) create a structural timber grading  
13 certificate program accessible to sawmill owners and the  
14 employees of sawmills to provide training on structural  
15 timber grading and labeling. The program may be provided by  
16 a public post-secondary educational institution;

17                   (2) develop a state-specific system to grade  
18 and label structural timber based on the system used by the  
19 American lumber standard committee;

20                   (3) issue a structural timber grading  
21 certificate to a person who completes the program; and

22                   (4) promulgate rules to carry out the  
23 provisions of the Timber Grading Act, including for the:

24                           (a) awarding of certificates;

25                           (b) training components of the program; HB 553/a  
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1 (c) qualification of program  
2 instructors; and

3 (d) grounds and processes for the  
4 suspension or revocation of certificates.

5 B. The division may charge a fee not to exceed two  
6 hundred fifty dollars (\$250) for the issuance of a  
7 certificate.

8 C. A certificate shall include the name of the  
9 recipient and the date of issuance and shall expire after  
10 five years.

11 D. The division may suspend or revoke a  
12 certificate for good cause as provided by rule. The grader  
13 shall be given notice of the reason for suspension or  
14 revocation and given the opportunity for a hearing.  
15 Procedures for the notice, hearing and final decision shall  
16 be provided by rule in conformity with the Uniform Licensing  
17 Act. A final agency decision may be appealed as provided in  
18 Section 39-3-1.1 NMSA 1978.

19 **SECTION 4. STRUCTURAL TIMBER GRADING LABEL--USE OF**  
20 **STRUCTURAL TIMBER IN CONSTRUCTION.--**

21 A. A grader shall prepare a label for structural  
22 timber that has been graded and shall provide the label to  
23 the purchaser of the structural timber. The label shall  
24 include the following information:

25 (1) the name of the grader;

- 1                   (2) the name and location of the sawmill  
2 where the timber was processed;
- 3                   (3) the name of the timber species;
- 4                   (4) the quantity and type of structural  
5 timber that was graded and labeled;
- 6                   (5) the location where the timber is to be  
7 used;
- 8                   (6) the date that the timber was cut and  
9 processed;
- 10                  (7) the date on which the timber was graded;  
11 and
- 12                  (8) the moisture content of the timber at  
13 the time of grading.

14                  B. A grader shall only grade and label structural  
15 timber that the grader has processed at the sawmill the  
16 grader owns or is employed by.

17                  C. Structural timber that has been graded and  
18 certified in-state may be used in all residential and  
19 commercial buildings in the state.

20                  D. The end user of structural timber that has been  
21 graded and labeled in-state shall provide the label to the  
22 building inspector in lieu of a grade stamp, and the label  
23 shall be accepted as proof of grading. Timber that has been  
24 graded and labeled in-state is equivalent to structural timber  
25 grade stamped by an accredited lumber grading or inspection

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