

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 409

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

INTRODUCED BY
Raymond Kysar

AN ACT

RELATING TO FIRE PREVENTION; CLARIFYING THAT THE RULES OF THE
STATE FIRE MARSHAL APPLY TO THE USE OF PUBLIC OCCUPANCIES
RATHER THAN THE PLANNING AND CONSTRUCTION OF PUBLIC
OCCUPANCIES.

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
REGULATIONS.--

A. For prevention and control of fires the state
fire ~~[board]~~ marshal shall ~~[formulate, adopt and]~~ promulgate,
~~[and amend or revise regulations]~~ pursuant to the State Rules
Act, rules for fire prevention and safe conduct or use of
public occupancies. For the purposes of this provision
"public occupancies" consist of places of assembly,

underscored material = new
~~[bracketed material] = delete~~

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

20 B. The rules ~~[and regulations]~~ shall follow
21 nationwide standards except in the area of life safety codes,
22 which shall be compatible with the Uniform Building Code, as
23 revised from time to time, issued by the international
24 conference of building officials.

25 C. Rules promulgated pursuant to Subsection A of
this section shall apply during the use and operation of
public occupancies and not to the planning and construction

underscoring material = new
~~[bracketed material] = delete~~

1 of public occupancies. Upon the issuance of a certificate of
2 occupancy or similar attestation by an inspector for the
3 state or appropriate political subdivision that a public
4 occupancy has been constructed pursuant to codes adopted
5 under the Construction Industries Licensing Act or by county
6 or municipal ordinance, no rule of the state fire marshal
7 shall be interpreted to require an alteration, remodeling or
8 reconstruction of that public occupancy.

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