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SENATE BILL 801

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES; AMENDING THE CONSTRUCTION INDUSTRIES LICENSING ACT TO DELETE REFERENCES TO NATIONAL CODES.

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

Section 1. Section 60-13-2 NMSA 1978 (being Laws 1967, Chapter 199, Section 2, as amended) is amended to read:

"60-13-2. GENERAL DEFINITIONS. --As used in the Construction Industries Licensing Act:

A. "division" means the construction industries division of the regulation and licensing department;

B. "trade bureau" means the electrical bureau, the mechanical bureau, the general construction bureau or the liquefied petroleum gas bureau of the division;

C. "jurisdictional conflict" means any conflict

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1 between or among trade bureaus as to the exercise of
2 jurisdiction over an occupation or trade for which a license
3 is required under the provisions of the Construction
4 Industries Licensing Act;

5 D. "person" includes an individual, firm,
6 partnership, corporation, association or other organization,
7 or any combination thereof;

8 E. "qualifying party" means any individual who
9 submits to the examination for a license to be issued under
10 the Construction Industries Licensing Act and who is
11 responsible for the licensee's compliance with the
12 requirements of that act and with the rules, regulations,
13 codes and standards adopted and promulgated in accordance with
14 that act;

15 F. "certificate of qualification" means a
16 certificate issued by the division to a qualifying party;

17 G. "journeyman" means any individual who is
18 properly certified by the electrical bureau or the mechanical
19 bureau, as required by law, to engage in or work at his trade;

20 H. "apprentice" means an individual who is
21 engaged, as his principal occupation, in learning and
22 assisting in a trade;

23 I. "wages" means compensation paid to an
24 individual by an employer from which taxes are required to be
25 withheld by federal and state law;

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1 J. "public use" means the use or occupancy of any
2 structure, facility or manufactured commercial unit to which
3 the general public, as distinguished from residents or
4 employees, has access;

5 K. "bid" means a written or oral offer to
6 contract;

7 L. "building" means any structure built for use or
8 occupancy by persons or property, including but not limited to
9 manufactured commercial units and modular homes or
10 premanufactured homes designed to be placed on permanent
11 foundations whether mounted on skids or permanent foundations
12 or whether constructed on or off the site of location;

13 M. "inspection agency" means a firm, partnership,
14 corporation, association or any combination thereof approved
15 in accordance with regulations as having the personnel and
16 equipment available to adequately inspect for the proper
17 construction of manufactured commercial units, modular homes
18 or premanufactured homes;

19 N. "director" means the administrative head of the
20 division;

21 O. "chief" means the administrative head of a
22 trade bureau;

23 P. "commission" means the construction industries
24 commission;

25 Q. "manufactured commercial unit" means a movable

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1 or portable housing structure over thirty-two feet in length
2 or over eight feet in width [~~which~~] that is constructed to be
3 towed on its own chassis and designed so as to be installed
4 without a permanent foundation for use as an office or other
5 commercial purpose and [~~which~~] that may include one or more
6 components that can be retracted for towing purposes and
7 subsequently expanded for additional capacity, or two or more
8 units separately towable but designed to be joined into one
9 integral unit, as well as a single unit, but [~~which~~] that does
10 not include any movable or portable housing structure over
11 twelve feet in width and forty feet in length [~~which~~] that is
12 used for nonresidential purposes. "Manufactured commercial
13 unit" does not include modular or premanufactured homes, built
14 to [~~Uniform Building Code standards~~] a nationally recognized
15 standard adopted by the commission and designed to be
16 permanently affixed to real property; and

17 R. "code" means a body or compilation of
18 provisions or standards [~~which~~] adopted by the commission that
19 govern contracting or some aspect of contracting; [~~which~~] that
20 provide for safety and protection of life and health; [~~which~~
21 are approved] that are published by a nationally recognized
22 standards association; and which standards are in general use
23 in the United States or in a clearly defined region of the
24 United States. [~~The term "code" includes the Uniform Building~~
25 ~~Code, the National Electrical Code, the Uniform Plumbing and~~

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1 ~~Mechanical Code, the LP Gas Code and any other codes adopted~~
2 ~~by the commission.]"~~

3 Section 2. Section 60-13-44 NMSA 1978 (being Laws 1967,
4 Chapter 199, Section 52, as amended) is amended to read:

5 "60-13-44. TRADE BUREAUS--STANDARDS--CONFLICTS.--

6 A. The electrical bureau shall recommend to the
7 commission minimum standards for the installation or use of
8 electrical wiring. The recommendations shall substantially
9 embody the applicable provisions of electrical standards for
10 safety to life and property promulgated by a nationally
11 recognized underwriting laboratory, as approved by a
12 nationally recognized standards association, which standards
13 are in general use in the United States or in a clearly
14 defined region of the United States.

15 B. The mechanical bureau shall recommend to the
16 commission minimum standards for the installation of all
17 fixtures, consumers' gas pipe, appliances and materials
18 installed in the course of a mechanical installation. The
19 recommendations shall be in substantial conformity with [the
20 ~~Uniform Mechanical Code published by the international~~
21 ~~conference of building officials and the Uniform Plumbing Code~~
22 ~~published by the international association of mechanical and~~
23 ~~plumbing officials] nationally recognized code standards.
24 Manufacturers may choose the independent certification
25 organization they wish to certify their products, if the~~

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1 certification organization is accredited by the American
2 national standards institute or other accreditation
3 organization selected by the commission.

4 C. The general construction bureau shall recommend
5 to the commission minimum standards for the construction,
6 alteration or repair of buildings, except for those activities
7 within the jurisdiction of the electrical bureau or the
8 mechanical bureau. The recommendations shall substantially
9 embody the applicable provisions of a nationally recognized
10 building code that is in general use in the United States or
11 in a clearly defined region of the United States and shall
12 give due regard to physical, climatic and other conditions
13 peculiar to New Mexico. The standards shall include the
14 authority to permit or deny occupancy of existing and new
15 buildings or structures and authority to accept or deny the
16 use of materials manufactured within or without the state.
17 The general construction bureau may set minimum fees or
18 charges for conducting tests to verify claims or
19 specifications of manufacturers.

20 D. The general construction bureau shall recommend
21 to the commission additional specifications for any public
22 building constructed in the state through expenditure of
23 state, county or municipal funds, bonds and other revenues,
24 which specifications shall embody standards making the
25 building accessible to individuals who are physically

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1 handicapped, and the specifications shall conform
2 substantially with those contained in a nationally recognized
3 standard for making public facilities accessible to the
4 physically handicapped. All orders and rules recommended by
5 the general construction bureau and adopted by the commission
6 under the provisions of this section shall be printed and
7 distributed to all licensed contractors, architects and
8 engineers and to the governor's committee on concerns of the
9 handicapped. The orders and rules shall take effect on a date
10 fixed by the commission, which shall not be less than thirty
11 days after their adoption by the commission, and shall have
12 the force of law.

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

17 F. All political subdivisions of the state are
18 subject to the provisions of codes adopted and approved under
19 the Construction Industries Licensing Act. Such codes
20 constitute a minimum requirement for the codes of political
21 subdivisions.

22 G. The trade bureaus within their respective
23 jurisdictions shall recommend to the commission standards for
24 the installation or use of electrical wiring, the installation
25 of all fixtures, consumers' gas pipe, appliances and materials

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1 installed in the course of mechanical installation and the
2 construction, alteration or repair of all buildings intended
3 for use by the physically handicapped or persons requiring
4 special facilities to accommodate the aged. The
5 recommendations shall give due regard to physical, climatic
6 and other conditions peculiar to New Mexico.

7 H. The trade bureaus within their respective
8 jurisdictions shall recommend to the commission standards for
9 the construction, alteration, repair, use or occupancy of
10 manufactured commercial units, modular homes and
11 premanufactured homes. The recommendations shall
12 substantially embody the applicable provisions or standards
13 for the safety to life, health, welfare and property approved
14 by the nationally recognized standards association, which
15 standards are in general use in the United States or in a
16 clearly defined region of the United States, and shall give
17 due regard to physical, climatic and other conditions peculiar
18 to New Mexico. Wherever existing state codes or standards
19 conflict with the codes and standards adopted by the
20 commission under the provisions of this subsection, the
21 provisions of the New Mexico Uniform Building Code, the New
22 Mexico Electrical Code, the New Mexico Plumbing Code or the
23 Natural Gas Code of New Mexico shall exclusively apply and
24 control, except for codes and standards for mobile housing
25 units.

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