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HOUSE BILL 599

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES; RESTRICTING THE ADOPTION
OF ADDITIONAL BUILDING CONSTRUCTION CODES TO COUNTIES AND
MUNICIPALITIES.

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

Section 1. Section 60-13-44 NMSA 1978 (being Laws 1967,
Chapter 199, Section 52, as amended) is amended to read:

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

A. The electrical bureau shall recommend to the
commission minimum standards for the installation or use of
electrical wiring. The recommendations shall substantially
embody the applicable provisions of an electrical code for
safety to life and property promulgated by a nationally
recognized association and developed through an open, balanced
consensus process.

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1 B. The mechanical bureau shall recommend to the
2 commission minimum standards for the installation of all
3 fixtures, consumers' gas pipe, appliances and materials
4 installed in the course of a mechanical installation. The
5 recommendations shall be in substantial conformity with codes
6 and standards that are developed through an open, balanced
7 consensus process. Manufacturers may choose the independent
8 certification organization they wish to certify their products
9 if the certification organization is accredited by the American
10 national standards institute or other accreditation
11 organization selected by the commission.

12 C. The general construction bureau shall recommend
13 to the commission minimum standards for the construction,
14 alteration or repair of buildings, except for those activities
15 within the jurisdiction of the electrical bureau or the
16 mechanical bureau. The recommendations shall substantially
17 embody the applicable provisions of a nationally recognized
18 building code that is developed through an open, balanced
19 consensus process and shall give due regard to physical,
20 climatic and other conditions peculiar to New Mexico. The
21 standards shall include the authority to permit or deny
22 occupancy of existing and new buildings or structures and
23 authority to accept or deny the use of materials manufactured
24 within or without the state. The general construction bureau
25 may set minimum fees or charges for conducting tests to verify

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1 claims or specifications of manufacturers.

2 D. The general construction bureau shall recommend
3 to the commission additional specifications for any public
4 building constructed in the state through expenditure of state,
5 county or municipal funds, bonds and other revenues, which
6 specifications shall embody standards making the building
7 accessible to persons who have a physical disability, and the
8 specifications shall conform substantially with those contained
9 in a nationally recognized standard for making public
10 facilities accessible to persons with a physical disability
11 that is developed through an open, balanced consensus process.
12 All orders and rules recommended by the general construction
13 bureau and adopted by the commission under the provisions of
14 this section shall be printed and distributed to all licensed
15 contractors, architects and engineers and to the governor's
16 commission on disability. The orders and rules shall take
17 effect on a date fixed by the commission, which shall not be
18 less than thirty days after their adoption by the commission,
19 and shall have the force of law.

20 E. The general construction bureau shall have the
21 right of review of all specifications of public buildings and
22 the responsibility to ensure compliance with the adopted
23 standards.

24 F. All political subdivisions of the state are
25 subject to the provisions of codes adopted and approved under

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1 the Construction Industries Licensing Act. [~~Such~~] The codes of
2 the commission constitute a minimum requirement for the codes
3 of political subdivisions that may adopt codes pursuant to
4 Section 3-17-6 or 4-37-1 NMSA 1978. A political subdivision,
5 not otherwise authorized by law, shall not adopt additional
6 codes.

7 G. The trade bureaus within their respective
8 jurisdictions shall recommend to the commission standards that
9 are developed through an open, balanced consensus process for
10 the installation or use of electrical wiring, the installation
11 of all fixtures, consumers' gas pipe, appliances and materials
12 installed in the course of mechanical installation and the
13 construction, alteration or repair of all buildings intended
14 for use by persons with a physical disability or persons
15 requiring special facilities to accommodate the aged. The
16 recommendations shall give due regard to physical, climatic and
17 other conditions peculiar to New Mexico.

18 H. The trade bureaus within their respective
19 jurisdictions shall recommend to the commission standards for
20 the construction, alteration, repair, use or occupancy of
21 manufactured commercial units, modular homes and
22 premanufactured homes. The recommendations shall substantially
23 embody the applicable provisions or standards for the safety to
24 life, health, welfare and property approved by the nationally
25 recognized standards association and developed through an open,

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1 balanced consensus process and shall give due regard to
2 physical, climatic and other conditions peculiar to New Mexico.
3 Wherever existing state codes or standards conflict with the
4 codes and standards adopted by the commission under the
5 provisions of this subsection, the provisions of the applicable
6 New Mexico building codes adopted pursuant to the Construction
7 Industries Licensing Act and the LPG and CNG Act in effect at
8 the applicable time shall exclusively apply and control, except
9 for codes and standards for mobile housing units.

10 I. Modular homes and premanufactured homes in
11 existence at the time of the effective date of the Construction
12 Industries Licensing Act shall have their use or occupancy
13 continued if such use or occupancy was legal on the effective
14 date of that act, provided such continued use or occupancy is
15 not dangerous to life. Any change in the use or occupancy or
16 any major alteration or repair of a modular home or
17 premanufactured home shall comply with all codes and standards
18 adopted under the Construction Industries Licensing Act.

19 J. The commission shall review all recommendations
20 made under the provisions of this section and shall by rule
21 adopt standards and codes that substantially comply with the
22 requirements of this section that apply to the recommendations
23 of the trade bureaus."