

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

AN ACT

RELATING TO CONSTRUCTION INSPECTORS; AMENDING THE  
CONSTRUCTION INDUSTRIES LICENSING ACT REGARDING STATEWIDE  
INSPECTOR CERTIFICATION; ESTABLISHING CERTIFIED BUILDING  
OFFICIALS; REPEALING SECTION 60-13-43 NMSA 1978 (BEING LAWS  
1967, CHAPTER 199, SECTION 51, AS AMENDED).

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", "jurisdiction" and "trade  
bureau jurisdiction" mean the electrical bureau, the  
mechanical bureau, the general construction bureau or the  
liquefied petroleum gas bureau of the division;

C. "jurisdictional conflict" means a conflict  
between or among trade bureaus as to the exercise of  
jurisdiction over an occupation or trade for which a license  
is required under the provisions of the Construction  
Industries Licensing Act;

D. "person" includes an individual, firm,  
partnership, corporation, association or other organization,

1 or any combination thereof;

2 E. "qualifying party" means an individual who  
3 submits to the examination for a license to be issued under  
4 the Construction Industries Licensing Act and who is  
5 responsible for the licensee's compliance with the  
6 requirements of that act and with the rules, regulations,  
7 codes and standards adopted and promulgated in accordance  
8 with that act;

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

11 G. "journeyman" means an individual who is  
12 properly certified by the electrical bureau or the mechanical  
13 bureau, as required by law, to engage in or work at the  
14 certified trade;

15 H. "apprentice" means an individual who is  
16 engaged, as the individual's principal occupation, in  
17 learning and assisting in a trade;

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

21 J. "public use" means the use or occupancy of a  
22 structure, facility or manufactured commercial unit to which  
23 the general public, as distinguished from residents or  
24 employees, has access;

25 K. "bid" means a written or oral offer to

1 contract;

2 L. "building" means a structure built for use or  
3 occupancy by persons or property, including manufactured  
4 commercial units and modular homes or premanufactured homes  
5 designed to be placed on permanent foundations whether  
6 mounted on skids or permanent foundations or whether  
7 constructed on or off the site of location;

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

14 N. "director" means the administrative head of the  
15 division;

16 O. "chief" means the administrative head of a  
17 trade bureau;

18 P. "commission" means the construction industries  
19 commission;

20 Q. "manufactured commercial unit" means a movable  
21 or portable housing structure over thirty-two feet in length  
22 or over eight feet in width that is constructed to be towed  
23 on its own chassis and designed so as to be installed without  
24 a permanent foundation for use as an office or other  
25 commercial purpose and that may include one or more

1 components that can be retracted for towing purposes and  
2 subsequently expanded for additional capacity, or two or more  
3 units separately towable but designed to be joined into one  
4 integral unit, as well as a single unit, but that does not  
5 include any movable or portable housing structure over twelve  
6 feet in width and forty feet in length that is used for  
7 nonresidential purposes. "Manufactured commercial unit" does  
8 not include modular or premanufactured homes, built to a  
9 nationally recognized standard adopted by the commission and  
10 designed to be permanently affixed to real property;

11 R. "code" means a body or compilation of  
12 provisions or standards adopted by the commission that govern  
13 contracting or some aspect of contracting; that provide for  
14 safety and protection of life and health; and that are  
15 published by a nationally recognized standards association;

16 S. "inspector" means a person certified by the  
17 division and certified by one or more trade bureaus to  
18 conduct inspections of permitted work to ensure that all work  
19 performed by a contractor or the homeowner complies with the  
20 applicable code;

21 T. "statewide inspector's certificate" means a  
22 certificate that enables an inspector to conduct inspections  
23 in one or more trade bureau jurisdictions for the state or  
24 any county, municipality or other political subdivision that  
25 has a certified building official in its employ; and

1           U. "certified building official" means an employee  
2 of any county, municipality or other political subdivision  
3 who has a broad knowledge of the construction industry, holds  
4 a current nationally recognized code organization certified  
5 building official certificate and has:

6                   (1) been a practicing inspector or  
7 practicing contractor for at least five years; or

8                   (2) held a management position in a  
9 construction-related company or construction organization for  
10 at least five of the past ten years."

11           SECTION 2. Section 60-13-9 NMSA 1978 (being Laws 1978,  
12 Chapter 73, Section 1, as amended) is amended to read:

13           "60-13-9. DIVISION--DUTIES.--The division shall:

14                   A. approve and adopt examinations on codes and  
15 standards, business knowledge, division rules and regulations  
16 and on the Construction Industries Licensing Act recommended  
17 by the commission for all classifications of contractor's  
18 licenses;

19                   B. issue, under the director's signature,  
20 contractor's licenses and certificates of qualification in  
21 accordance with the provisions of the Construction Industries  
22 Licensing Act;

23                   C. submit a list of all contractor's licenses,  
24 statewide inspector's certificates and certificates of  
25 qualification issued by the division to the commission for

1 review and approval;

2 D. resolve jurisdictional conflicts by assigning  
3 specific responsibility to the appropriate bureau for  
4 preparing examinations and for certifying and inspecting each  
5 occupation, trade or activity covered by the Construction  
6 Industries Licensing Act;

7 E. establish and collect fees authorized to be  
8 collected by the division pursuant to the Construction  
9 Industries Licensing Act;

10 F. adopt all building codes and minimum standards  
11 as recommended by the trade bureaus and approved by the  
12 commission so that the public welfare is protected,  
13 uniformity is promoted and conflicting provisions are  
14 avoided;

15 G. with approval of the superintendent of  
16 regulation and licensing, employ such personnel as the  
17 division deems necessary for the exclusive purpose of  
18 investigating violations of the Construction Industries  
19 Licensing Act, enforcing Sections 60-13-12 and 60-13-38 NMSA  
20 1978 and instituting legal action in the name of the division  
21 to accomplish the provisions of Section 60-13-52 NMSA 1978;

22 H. approve, disapprove or revise the recommended  
23 budget of each trade bureau and submit the budgets of those  
24 bureaus, along with its own budget, to the regulation and  
25 licensing department;

1 I. approve, disapprove or revise and submit to the  
2 regulation and licensing department all requests of the trade  
3 bureaus for emergency budget transfers;

4 J. make an annual report to the superintendent of  
5 regulation and licensing and develop a policy manual  
6 concerning the operations of the division and the trade  
7 bureaus. The report shall also contain the division's  
8 recommendations for legislation it deems necessary to improve  
9 the licensing and technical practices of the construction and  
10 LP gas industries and to protect persons, property and  
11 agencies of the state and its political subdivisions;

12 K. adopt, subject to commission approval, rules  
13 and regulations necessary to carry out the provisions of the  
14 Construction Industries Licensing Act and the LPG and CNG  
15 Act;

16 L. maintain a complete record of all applications;  
17 all licenses issued, renewed, canceled, revoked and  
18 suspended; and all fines and penalties imposed by the  
19 division or commission and may make that information  
20 available to certified code jurisdictions;

21 M. furnish, upon payment of a reasonable fee  
22 established by the division, a certified copy of any license  
23 issued or of the record of the official revocation or  
24 suspension thereof. Such certified copy shall be prima facie  
25 evidence of the facts stated therein; and

1           N. publish a list of contractors, with their  
2 addresses and classifications, licensed by the division. The  
3 list shall be furnished without charge to such public  
4 officials, public bodies or public works and building  
5 departments as the division deems advisable. The list shall  
6 be published annually, and supplements shall be provided as  
7 the division deems necessary. Copies of the list and  
8 supplements shall be furnished to any person upon request and  
9 payment of a reasonable fee established by the division."

10           SECTION 3. Section 60-13-24 NMSA 1978 (being Laws 1967,  
11 Chapter 199, Section 27, as amended) is amended to read:

12           "60-13-24. CERTIFICATES OF QUALIFICATION--STATEWIDE  
13 INSPECTOR'S CERTIFICATES--CAUSES FOR REVOCATION OR  
14 SUSPENSION.--Any certificate of qualification or statewide  
15 inspector's certificate shall be revoked or suspended by the  
16 commission for the following causes:

17           A. misrepresentation of a material fact by the  
18 individual in obtaining the certificate;

19           B. violation, willfully or by reason of  
20 incompetence, of any provision of the Construction Industries  
21 Licensing Act or any code, minimum standard, rule or  
22 regulation adopted pursuant to that act; or

23           C. aiding, abetting, combining or conspiring with  
24 a person to evade or violate the provisions of the  
25 Construction Industries Licensing Act or any code, minimum



1 standard, rule or regulation adopted pursuant to that act."

2 SECTION 4. Section 60-13-41 NMSA 1978 (being Laws 1967,  
3 Chapter 199, Section 49, as amended) is amended to read:

4 "60-13-41. INSPECTORS--DESIGNATED INSPECTION  
5 AGENCIES.--

6 A. State inspectors shall be employed by the  
7 director.

8 B. Qualifications for inspectors shall be  
9 prescribed by the commission, and applicants shall submit to  
10 an appropriate background check as prescribed by the  
11 commission. Inspectors shall meet the minimum continuing  
12 education requirements as prescribed by the nationally  
13 recognized code organization for each trade bureau  
14 jurisdiction and provide proof of such credits to the  
15 division upon application for or renewal of certification.

16 C. The division shall certify and issue a  
17 statewide inspector's certificate to any person who meets the  
18 requirements established by the nationally recognized code  
19 organization for certification. The certificate shall list  
20 all trade bureaus for which the inspector is certified to  
21 inspect and shall be valid for a term of three years.

22 D. An inspector shall be employed by a county,  
23 municipality or other political subdivision in order to  
24 inspect work under permits issued in the trade bureau for  
25 which the inspector is certified; provided that the county,

1 municipality or other political subdivision has a certified  
2 building official in its employ and has adopted the current  
3 minimum code standards as established by the commission.

4 E. Except as provided in Subsection F of this  
5 section, the state or its agent shall conduct all inspections  
6 if a county, municipality or other political subdivision does  
7 not have a certified building official in its employ.

8 F. A county, municipality or other political  
9 subdivision may enter into a memorandum of understanding to  
10 share a certified building official and inspectors operating  
11 under that certified building official with another county,  
12 municipality or other political subdivision; provided that  
13 the certified building official is employed in the same  
14 county, in an adjacent county, within one hundred miles of  
15 the county, municipality or other political subdivision or as  
16 approved by the division.

17 G. A person currently acting in the capacity of a  
18 certified building official may continue to act in that  
19 capacity and shall have five years from the effective date of  
20 this 2013 act to become a certified building official as  
21 prescribed by the Construction Industries Licensing Act.

22 When a certified building official leaves the employ of a  
23 county, municipality or other political subdivision, the plan  
24 review, permitting and inspections overseen by that certified  
25 building official shall transfer to the state unless the

1 county, municipality or other political subdivision, within  
2 sixty days or a longer period as approved by the division,  
3 replaces that certified building official or enters into a  
4 memorandum of understanding pursuant to Subsection F of this  
5 section.

6 H. The division may appoint inspection agencies to  
7 inspect the construction, installation, alteration or repair  
8 of manufactured commercial units, modular homes and  
9 premanufactured homes, including those manufacturers whose  
10 business premises are without the state, to ensure that the  
11 New Mexico standards of construction and installation are  
12 adhered to and that the quality of construction meets all New  
13 Mexico codes and standards. If the inspection agency has no  
14 place of business within the state, it shall file a written  
15 statement with the secretary of state setting forth its name  
16 and business address and designating the secretary of state  
17 as its agent for the service of process.

18 I. The division shall, with the approval of the  
19 commission, establish qualifications for inspectors certified  
20 to inspect in more than one bureau's jurisdiction.

21 J. The director shall assign an investigator to  
22 investigate the merits of every complaint brought against an  
23 inspector and report to the commission within ten days."

24 SECTION 5. REPEAL.--Section 60-13-43 NMSA 1978  
25 (being Laws 1967, Chapter 199, Section 51, as amended) is

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

repealed. \_\_\_\_\_