

Course Title: **Insert**

Course Description: **Insert a few sentences which briefly describe your course.**

Learning Objectives (See attachment on Bloom’s Taxonomy and Learning Levels)

Learning Level	Learning Objective
6 Evaluation	Create a value for using competent personnel to perform work in buildings
5 Syntheses	Ability to manage building maintenance and repair
4 Analysis	Be able to differentiate properly licensed and competent vendors from unqualified vendors
3 Application	Demonstrate Ability to use the NMAC to check for proper licensing
2 Comprehension	Be able to describe importance of proper licensing and permitting
1 Knowledge	Ability to recognize proper licensing and refer to proper sections of NMAC

The following will be the means used in assessing whether the Learning Objectives have been met (Pre and post test, Q&A etc.)

There will be a Q and A at end of class and a review of key points

Timed Outline: Describe in detail the components of the course by breaking it down into subject matter areas of no greater than 15 minutes. What will be the method of instruction or teaching technique used for each area (lecture, slides, group activities, videotape etc.)

Length in Time (15 min. increments)	Teaching Technique	Subject Matter Segment and Description
10 min	Q&A/Slide	Introductions and Course Objectives
20 Min	Slide/Video	Public Health and Safety Dangers
20 Min	Slide Q&A	Liabilities to buyers, sellers and landlords
15 min	Slide/lecture	What work requires a license
5 min	Slide/Handout	Contractor vs. Journeyman
10 min	Slide/Handout	Permit required activities
20 min	Slide	Bonding, liability Insurance and Workman’s Comp insurance
15 Min	Slide	How to look up license requirements and verify Licensing

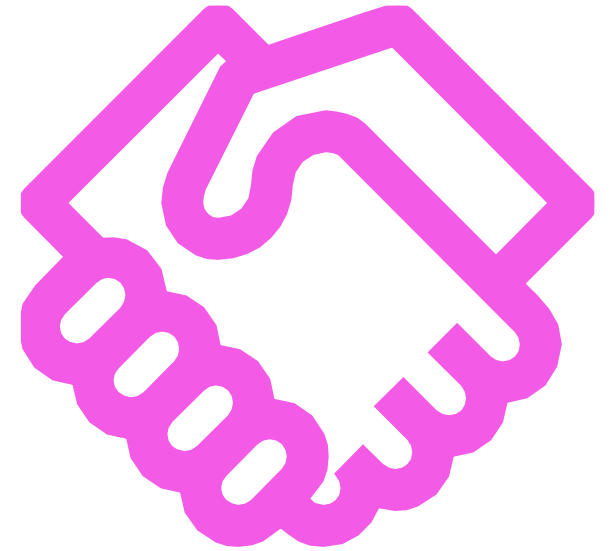
INSTRUCTIONS FOR CONTINUING EDUCATION COURSES

1. Any pre-licensing or continuing education course must have been approved by the commission before the course is offered for credit. Courses must incorporate New Mexico law and regulations when relevant. A course application form must be completed and submitted to the commission before consideration of a course for approval by the Education Advisory Committee (Committee).
2. Before course approval, the instructor teaching the course shall make a presentation before the Committee according to presentation criteria established by the Committee.
3. The Committee shall assign the number of credit hours to each course and determine whether the course is in the education or training category.

Please review the New Mexico Real Estate License Law and Real Estate Commission Rules Part 15, Approval of Real Estate Courses, Sponsors and Instructors for additional requirements.

Contractors and Real Estate Professionals

Protecting Buyers, Sellers, landlords, tenants and yourself



Willby Evans

- Life long New Mexican
- 29 Years in the Mechanical Trades
- Mechanical Contracting Qualifying Party Certificate
- Journeyman Plumber, Gasfitter, Pipefitter, Refrigeration
- OSHA Outreach Instructor
- Authorized Trainer for University of Texas at Austin for Safety and Health in Construction
- Specialized in serving the Property Management and Real Estate Industry from 1999 to 2018
- Landlord

Course Objectives

- Public Health and Safety Dangers
- Liabilities to Buyers, Sellers and landlords
- What work requires State Licensing
- Contractor Vs. Journeyman
- What work requires a permit
- Liability Insurance, Bonding and Workman's Compensation Insurance
- Verifying State Licenses

NMSA Chapter 60

Article 16

“The purpose of the Construction Industries Licensing Act [60-13-1 NMSA 1978] is to promote the general welfare of the people of New Mexico by providing for the protection of life and property by adopting and enforcing codes and standards for construction, alteration, installation, connection, demolition and repair work...”

Construction Industries Licensing Act

Public Health and Safety

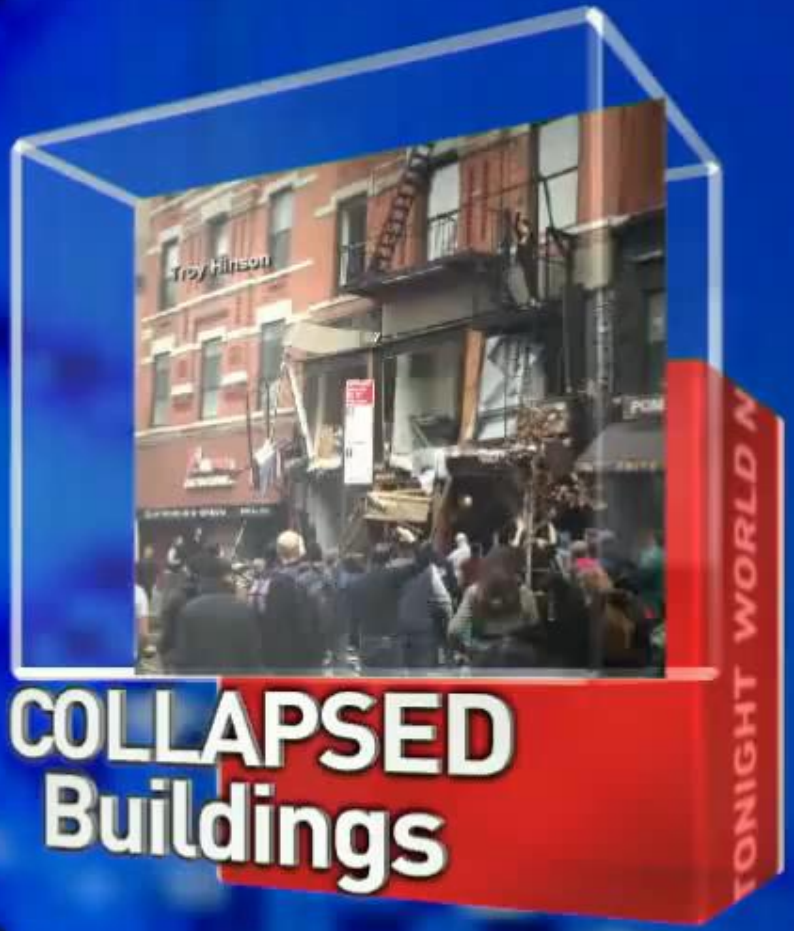
- Explosions
- Fire
- Collapse
- Floods
- Water Borne Illnesses
- Carbon Monoxide Poisoning
- Electrocution
- Flooding
- Mold
- Disability and even Death

Explosions/Fire

- Natural Gas
- Propane
- Water Heaters
- Electrical



Discovery



**COLLAPSED
Buildings**

abc NEWS
.com

#WorldNewsTonight

- March 2015 a gas explosion occurred in Manhattan
- 2 people were killed and 22 people were injured
- The building owner, building manager and 2 unlicensed workers were charged with manslaughter
- They were performing illegal work on gas lines and were trying to save money

Carbon Monoxide (CO)

- Colorless and odorless
- Created by incomplete combustion
- All Fuel burning appliances produce CO
- Furnaces, kitchen stoves, water heaters



Acute Carbon Monoxide Poisoning

A single episode of exposure at higher doses and are more likely to be reported to the media

Acute Carbon Monoxide Poisoning Symptoms

- Headache, Nausea
- Fatigue, malaise
- Cherry Red Skin (Usually only at death)
- Confusion, Hallucinations, Dizziness
- Unsteady Gait
- Unconsciousness
- Seizures
- Death

Chronic Carbon Monoxide Poisoning Symptoms

- Flu like symptoms
- Headaches, migraines
- Fatigue
- Chest Pain
- Depression, irritability
- Memory Issues

Chronic Carbon Monoxide Poisoning

Chronic Carbon Monoxide Poisoning has been called a great mimicker and is often misdiagnosed. More common in those that spend a lot of time at home. Stay at home parents, the retired, pre-school aged children and infants.

Risks for the elderly

- Often spend more time at home
- Symptoms of Chronic CO exposure are present in other ailments common to older individuals
- Often overlooked by medical personnel



Longer term effects of Acute Carbon Monoxide Exposure

- Dementia
- Depression
- Short Term memory loss
- Psychosis
- Cortical Blindness
- Parkinson's like symptoms
- Cortical Blindness

Chronic Carbon Monoxide Poisoning

Regular exposure to lower levels of carbon monoxide and is underreported and often misdiagnosed. Lower levels of carbon monoxide are often not picked up by a CO detector

Common Causes

- Improper Venting of fuel burning appliances
- Equipment not “De-rated” for altitude
- Disabling of safeties on fuel burning equipment
- Improper install of fuel burning equipment
- Equipment not maintained and inspected by qualified personnel
- Inadequate fresh air supply for combustion



Deadly Exhaust Leaks



Heat Exchanger are cracked because the equipment was not adjusted to burn properly at altitude



Improper
connection
of AC
equipment

Common Causes of electrical fires

- Old wiring
- “Handyman” and Do it yourselfers
- HVAC contractors who don’t want to pay for electrician
- “Refrigerated air” Installs with improper electrical hookup
- House Flippers

Legal Liabilities

- Homeowners insurance claim refusal
- Liability for worker injuries with no workman's Comp
- Liabilities for injury to tenants and guests
- Reduction in resale value
- Disconnection of utilities
- Condemnation of property

Who is responsible?

The Building owner

Whoever currently owns the building is responsible for the condition of the building and suffers all consequences, good and bad. The building owner may attempt insurance claims and lawsuits, but may have no recourse in the case of work performed by improperly licensed people.

Responsibility of Property Managers

NMAC 16.61.24.10. Compliance with applicable law

Brokers shall comply with applicable local, state and federal laws and ordinances concerning managing, leasing and maintaining property for others, including but not limited to the following:

- (1) Federal fair housing law
- (2) New Mexico Uniform Owner-resident Relations Act
- (3) Federal lead-based paint regulations, including provisions of the federal Environmental Protection Agency's lead-based paint renovation, repair and painting rule.

Responsibility of Property Managers

- **NMAC 16.61.24.17 Vendors**
- All brokers hiring vendors or employees to perform maintenance, repair or renovation activities shall use only vendors and employees who are certified, licensed, insured and/or bonded as required by local, state and/or federal law.

Work requiring a Contractor's License

- 60-13-1.1. Purpose of the act.

- The purpose of the Construction Industries Licensing Act [60-13-1 NMSA 1978] is to promote the general welfare of the people of New Mexico by providing for the protection of life and property by adopting and enforcing codes and standards for construction, alteration, installation, connection, demolition and repair work. To effect this purpose, it is the intent of the legislature that:

- A. examination, licensing and certification of the occupations and trades within the jurisdiction of the Construction Industries Licensing Act be such as to ensure or encourage the highest quality of performance and to require compliance with approved codes and standards and be, to the maximum extent possible, uniform in application, procedure and enforcement;
- B. there be eliminated the wasteful and inefficient administrative practices of dual licensing, duplication of inspection, nonuniform classification and examination of closely related trades or occupational activities and jurisdictional conflicts; and
- C. contractors be required to furnish and maintain evidence of responsibility.

See Classifications and scopes
in Handout

Contractor Vs. Journeyman: Know the difference

Definition in New Mexico: "journeyman" means any individual who is properly certified by the electrical bureau or the mechanical bureau, as required by law, to engage in or work at his trade

NOTE: A journeyman must work for a licensed contractor

Contractor Vs. Journeyman: Know the difference

See Handout titled “Contractor definition”

Contractor Vs. Journeyman Takeaways

- Journeyman's Licenses are only issued for Plumbing, Mechanical and electrical trades
- A journeyman must work for a properly licensed, bonded and insured contractor
- A contractor is required to use appropriately licensed journeyman where applicable by law
- A journeyman is always an individual, but a contractor may be an individual or any other legal business entity
- A journeyman can also become a contractor

When is a permit required?

Please see handout section titled
“Permitting”

Bonding, Workman's Comp and liability insurance

- What is required for contractors?
- What does bonded mean in New Mexico?
- How does workman's comp insurance protect building owners?
- Liability insurance, a little extra protection

Minimum requirements of a contractor

- Code Bond of at least \$10,000
- Workman's Compensation insurance
- Liability insurance is NOT required

What does a code bond cover?

The Construction Industries Licensing Act 60-13-49(B)(1)

B. Proof of responsibility shall be a bond of ten thousand dollars (\$10,000) acceptable to the director and underwritten by a corporate surety authorized to transact business in New Mexico. Such bond shall meet the following conditions:

(1) payments from a bond required pursuant to this section shall only be used to cure code violations caused by a licensee, certified by the division and not corrected by the licensee. Claims against the bond shall be made within two years following final inspection by the governmental entity having jurisdiction over code enforcement or within two years of issuance of a certificate of occupancy for the construction project, whichever is earlier;

What does a code bond cover?

A code bond ONLY covers code violations and only covers for 2 years

Workman's Compensation Requirements for Contractors

All contractors are required to have workman's compensation for all employees regardless of the number of employees with 2 exceptions:

An executive of a company may file An Executive Employee Affirmative Election Form

A sole Proprietor may File a CID Sole Proprietor Affirmative Election Form

Risks of no workman's compensation insurance

- A building owner may be held liable for medical expenses and other expenses related to an on the job injury
- Homeowner's insurance MAY deny coverage for hiring an unlicensed contractor.
- If Homeowner's policy covers the injury, rates may still go up

Liability Insurance: Extra Protection

- NOT legally required for contractors in New Mexico
- Without it, a contractor may be unable to pay for repairs caused by the work they are performing, like accidentally causing a flood or fire or breaking an expensive personal item
- Though not required by law, it is an important additional protection.
- Many property Management Companies require a \$1,000,000 liability policy for their vendors
- Please inform your clients

How to verify licensing

[Public.psiexams.com/search](https://public.psiexams.com/search)



New Mexico E-Services for Contractor Licensing



Search Individual/Company

Note: You are searching for an Individual. To search for Company please select 'Search Company' option.

Search Individual

Certificate Number

First Name

Last Name

City

Zip Code

Search Company

* Select Company Type

License Number

Business Name

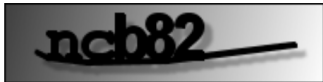

(Note: You must type at least the first word of the business name, including any symbols such as A-H, B & H, 3J'S.)

City

Zip Code

* Mandatory Fields

Note: You must type at least 3 characters in order to proceed with search.

Enter Captcha



New Mexico E-Services for Contractor Licensing



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Individual Search Results		Displaying 1 to 11 of 11 records			Page: 1 of 1	
	Certificate No	Name	Classification	Issue Date	Expiry Date	Status
<input checked="" type="radio"/>	09829	EVANS WILLIAM	JPF	01/31/2001	01/31/2001	Cancelled
<input type="radio"/>	373246	EVANS WILLIAM	JP	02/17/2012	02/28/2021	Active
<input type="radio"/>	375319	EVANS WILLIAM	MM98	08/06/2012	N/A	Attached
<input type="radio"/>	375320	EVANS WILLIAM	JPF	08/06/2012	08/31/2018	Cancelled
<input type="radio"/>	375949	EVANS WILLIAM	JG	10/02/2012	10/31/2018	Suspended
<input type="radio"/>	382616	EVANS WILLIAM	JR	07/08/2014	07/31/2020	Active
<input type="radio"/>	13626	EVANS WILLIAM	EE98J		09/30/2018	Cancelled
<input type="radio"/>	25221805	EVANS WILLIAM	EE98		N/A	Attached
<input type="radio"/>	06965	EVANS WILLIAM H. II	EE98J		03/31/2007	Cancelled
<input type="radio"/>	25210153	EVANS II WILLIAM H.	EE98		N/A	Inactive
<input type="radio"/>	25213014	EVANS II WILLIAM H.	EE98		N/A	Attached

[Back to search page](#)



New Mexico E-Services for Contractor Licensing



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Individual Details

First Name	WILLIAM	Middle Name	BROWN
Last Name	EVANS	Certificate No	375949
Issue Date	10/02/2012	Expiry Date	10/31/2018
Classification	JG	Status	Suspended

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New Mexico E-Services for Contractor Licensing



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Company Details

Company Name	AMIGO MECHANICAL INC	License Number	376922
Phone Number	5059741373	License Status	Cancelled
Issue Date	12/28/2012	Expiry Date	12/31/2015

Volume

Address

775 EMERALDA NE
 City RIO RANCHO
 State NM Zip Code 87124

QP Details

Name	Certificate No	Classification	Attach Date	Status
<u>WILLIAM BROWN EVANS</u>	375319	MM98	12/28/2012	Attached

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Revoked Contractor's License

<input type="radio"/>	[REDACTED]	[REDACTED]	MM02	05/20/2004	N/A	Revoked
<input type="radio"/>	[REDACTED]	[REDACTED]	MM04	05/20/2004	N/A	Revoked
<input type="radio"/>	[REDACTED]	[REDACTED]	MM01	06/09/2003	N/A	Revoked
<input type="radio"/>	[REDACTED]	[REDACTED]	MM03	05/20/2004	N/A	Revoked

Revoked means licenses were removed for disciplinary purposes

- Protect yourself and your loved ones
- Protect your clients
- Protect tenants
- Avoid losses to reputation
- Avoid possible disciplinary action
- Avoid lawsuits

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 6 CONSTRUCTION INDUSTRIES LICENSING
PART 6 CLASSIFICATIONS AND SCOPES

14.6.6.1 ISSUING AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.6.6.1 NMAC - Rp, 14.6.6.1 NMAC, 4/1/2016]

14.6.6.2 SCOPE: This rule applies to any person who engages in contracting, as that term is defined in Construction Industries Licensing Act (CILA) Section 60-13-3, in New Mexico.
[14.6.6.2 NMAC - Rp, 14.6.6.2 NMAC, 4/1/2016]

14.6.6.3 STATUTORY AUTHORITY: Section 60-13-9 NMSA 1978.
[14.6.6.3 NMAC - Rp, 14.6.6.3 NMAC, 4/1/2016]

14.6.6.4 DURATION: Permanent.
[14.6.6.4 NMAC - Rp, 14.6.6.4 NMAC, 4/1/2016]

14.6.6.5 EFFECTIVE DATE: April 1, 2016, unless a later date is cited at the end of a section.
[14.6.6.5 NMAC - Rp, 14.6.6.5 NMAC, 4/1/2016]

14.6.6.6 OBJECTIVE: The objective of this rule is to set forth the classifications of licenses and certificates issued by CID.
[14.6.6.6 NMAC - Rp, 14.6.6.6 NMAC, 4/1/2016]

14.6.6.7 DEFINITIONS:

- A. Commercial or industrial work** means all electrical, mechanical or plumbing work not defined as residential work in this rule.
- B. Direct supervision** means reasonable oversight, inspection and evaluation of the work of a person by constant on the jobsite supervision by a certified journeyman.
- C. Electrical wiring** means installation; alteration; connection; maintenance; demolition; or repair of raceways; conduits; conductors; cables; boxes; fittings; wiring devices; luminaires; overcurrent devices; distribution equipment; or other equipment or apparatus that is used as part of, or in connection with, an electrical installation.
- D. Mechanical and or plumbing work** means installation; alteration; connection; maintenance; demolition; or repair or piping; fixture; equipment; ducts or appurtenances other equipment that is used as part of, or in connection with a mechanical or plumbing system installation.
- E. Residential work** means work on one and two family dwelling units, and residences and apartment houses accommodating not in excess of four family units (Groups R-1, R-2) as defined in 14.7.3 NMAC. This includes structures in Group U, as defined in 14.7.3 NMAC, when incidental to groups R-1 and R-2.
- F. Roof coating** a fluid material applied in the field as a sacrificial film to the roof surface to provide weather protection over the original waterproof membrane. The coating protects the waterproof roof substrate from the weather (solar radiation, heat and moisture) and may change the appearance of the roof. Roof coatings do not replace a roof assembly or roof covering.
- G. Unregistered apprentice** means a person who, for the purpose of learning a trade of journeyman and is not registered in an apprenticeship program recognized by the New Mexico state apprenticeship council.
[14.6.6.7 NMAC - Rp, 14.6.6.7 NMAC, 4/1/2016]
[See Sections 60-13-2 and 3 of the act.]

14.6.6.8 GENERAL INFORMATION:

- A. Any license issued pursuant to the CILA and Title 14 NMAC authorizes contracting in the activities covered by the classification(s) of the issued license only. Work performed outside that scope constitutes a violation of the act and these rules and constitutes grounds for disciplinary action.**
- B. Bidding as a prime contractor:**
 - (1) A validly licensed person may bid and contract as the prime contractor of a project only if the major portion of the work, based on dollar amount, is authorized by the classification of the prime contractor's license. Any work outside the scope of the prime contractor's license classification(s) must be subcontracted.**

(2) A GB-98 contractor may bid and contract and contract as the prime contractor of a project that involves work authorized by the GB-98 license certification, regardless of the percentage of work in the mechanical/plumbing or electrical trades. The work outside the scope of the prime contractor's license classification(s) must be subcontracted to an entity validly licensed in the appropriate classification(s).

(3) A GB-98 contractor may not bid and contract as the prime contractor of an entire project if the major portion of the work to be performed, based on dollar amount, is covered by the scope of any GA or any of the following GF classifications: GF-1, GF-2, GF-3, GF-4, GF-6, GF-8, and GF-9.

C. Any work subcontracted by a prime contractor must be performed by an entity that is validly licensed in the classification(s) of the work that is to be subcontracted.

D. Any license issued in a classification that is subsequently discontinued, shall be renewed under that classification until the license becomes invalid. When a license issued in a discontinued classification becomes invalid, the entity that held that license will be required to apply for a new license in the appropriate classification in effect at the time of the application in order to be validly licensed to engage in contracting in the state of New Mexico. Such an applicant will be required to satisfy all requirements for licensure as provided in the CILA and Title 14 NMAC.

[14.6.6.8 NMAC - Rp, 14.6.6.8 NMAC, 4/1/2016]

14.6.6.9 GENERAL CONSTRUCTION CLASSIFICATIONS:

A. **General information.** Any trade or classification not listed below that is regulated by the division may be issued as a GS-29.

B. **GA Asphalt, bitumen and concrete construction:** Applies to surfaces used by vehicular traffic, not airborne craft.

(1) **GA-1 Streets, roads and highways, including tunnels, parking lots, alleys, seal coat and surfacing.** Requires two years experience. Clear, align, fill, compress, compact, build up or remove earth and do all work necessary to prepare, within the assigned rights-of-way, the land to accept a street, road, highway, including tunnels, parking lots, alleys or driveways, including curbs, gutters, culverts, public sidewalks. Place and finish concrete or bituminous materials and apply sealcoat. This classification includes the scopes of work authorized by GA-2 and GA-3.

(2) **GA-2 Maintenance and repair.** Requires two years experience. Fix, maintain, repair, patch, mend, cover, fill or replace materials of like substances to that being repaired on streets, roads, highways, parking lots, driveways and alleys. Apply seal coat to driveways and parking lots. Install rumble strips.

(3) **GA-3 Curbs, gutters and driveway culverts.** Requires two years experience. Form, place and finish concrete curbs, gutters, culverts, public sidewalks and bituminous ridge curbs for the deflection of water.

(4) **GA-4 Striping.** Requires two years' experience. Paint directional stripes on paved roads, streets, highways, alleys and parking lots. Install auto parking bumpers or stops and highway lane markers/reflectors.

(5) **GA-5 Highway signs and guard rails.** Requires two years experience. Erect and stabilize signs and guard rails along public highways, streets, roads and alleys, which are used for the direction and safety of vehicular traffic. Electrical signs must be installed by a properly licensed electrical contractor.

(6) **GA-98 Asphalt, bitumen and concrete construction.** Requires licensure in classifications GA-1 through GA-5; and covers all work authorized in those classifications.

C. **Residential and commercial building.**

(1) **GB-2 Residential.** Requires two years experience. Erect, alter, repair or demolish homes, residences and apartment houses accommodating not in excess of four family units, Groups R-1 and R-3, as those groups are defined in 14.7.3 NMAC. May also bid and contract for items included in Group U, as defined in 14.7.3 NMAC, when incidental to these structures. Includes all work described by the GS specialty classifications, provided the work is limited to residential construction as defined under this provision.

(2) **GB-98 General building.** Requires four years experience. Erect, alter, repair or demolish residential and commercial buildings, and certain structures. Includes all work authorized by the GB-2 and GS specialty classifications, GF-5, GF-7 classifications, seal coating and striping of driveways and parking lots.

D. **Fixed works.** Authorized to construct, alter or repair fixed works facilities; provided, however, that work in any trade or craft that is authorized by any one, or a combination of, the mechanical, electrical, general building or LP Gas classifications must be performed by an entity validly licensed in the appropriate classification. Except as may be expressly provided in a specific classification description, fixed works classifications may not construct buildings that are primarily for the use and occupancy of the general public, but may bid and contract for

such buildings when they are incidental to a fixed works project, pursuant to Subsection B of 14.6.6.8 NMAC, above.

(1) **GF-1 Airports.** Requires two years experience. Construct, alter and repair airports, including marking, excavating, grading, surfacing and sub surfacing (dirt or bitumen and concrete), compacting and other work on surfaces to be used for aircraft traffic, landing, take-off and taxi.

(2) **GF-2 Bridges.** Requires two years experience. Erect, construct, alter, repair or demolish any bridge, overpass or underpass, culvert and ramp, generally used for vehicular traffic.

(3) **GF-3 Canals, reservoirs, irrigation systems.** Requires two years experience. Construct, erect, alter, repair, or demolish canals, reservoirs or irrigation systems, including pivot irrigation systems. May excavate, ditch, fill, compact and place pre-cast components, waterproof membranes and liners, concrete reinforcement, abutments and buttresses in connection therewith. May install tanks, pumps, pipelines and substations incidental to the project.

(4) **GF-4. Drainage or flood control systems.** Requires two years experience. Construct, erect, install, repair and alter drainage or flood control systems. May dig, excavate, fill, prepare embankments for such purposes, place pre-cast components, concrete reinforcement and perform all other work incidental to these projects. May install storm sewers, including trenching, boring, shoring, backfilling, compacting, and paving.

(5) **GF-5 Recreation areas.** Requires two years experience. Construct, prepare, clear, repair or alter facilities for use as recreation areas, including but not limited to golf courses, tennis courts, playgrounds, outdoor athletic facilities, miniature golf courses, pitch-and-putt golf courses. May prepare the area by excavation, fill, including foundations, retaining walls, sprinkler systems, rest benches, shade and rain shelters. Also includes public campgrounds and parks, including toilet facilities and lean-tos.

(6) **GF-6 Railroad and tunnel construction.** Requires two years experience. Construct railroad lines, including clearing, filling, shaping, compacting, placing rip-rap, stabilizing, setting roadbeds, ties, tie plates, rails, rail connectors, frogs, switch plates, switches, and all appurtenances necessary for an operational railroad line, including bridges, culverts, tunnels, retaining walls, dikes, gates, tool sheds and landing or parking platforms for equipment. Includes welding operations necessary for rail construction.

(7) **GF-7 Tanks and towers.** Requires two years experience. Fabricate and install tanks for the storage of solids or liquids, above or below ground, and towers such as radio and microwave towers, including all necessary site-work, excavation and the construction of concrete pads and foundations, cutting, welding, placement of structural members, engineered structural support systems for elevated tanks, and engineered or prefabricated towers. Includes the repair, cleaning, and placement of liners in tanks, and incidental fencing and buildings.

(8) **GF-8 Transmission lines, tanks and substations (non-electrical).** Requires two years experience. Build, construct and place lines for the transmission or conveyance of petroleum and other fluid substances, including the application of protective coatings, trenching, boring, shoring, backfilling, compacting, paving and surfacing necessary and incidental to the completion of the installation of such facilities. Includes incidental buildings, tanks, and substations required for the project.

(9) **GF-9 Utility lines and systems (sewage, water, natural gas and underground telephone cables).** Requires two years experience. Construct, install, alter or repair utility lines and utility systems for the transmission of sewage, natural gas and water, including excavating, grading, trenching, boring, shoring, backfilling, compacting, paving and surfacing. Includes tanks necessary to the project. Construct, alter, or repair treatment plants and facilities incidental thereto. Install direct burial telephone or data cable and vaults as directed by the telephone utility. May not perform installation of electrical raceways, splicing, termination, installation of load pots, overhead cabling work, or other activities considered under the scope of the ES-7, EL-1 or EE-98 electrical classifications.

(10) **GF-98 Construct, alter or repair fixed works facilities.** Requires four years experience. Requires licensure in classifications GF-1 through GF-9 and covers all work described in these classifications.

E. Specialty classifications. General construction includes numerous specialties. Therefore, CID has established the GS classification series to enable entities that perform this kind of work to be licensed in their respective areas of expertise. The most common of these specialties are described below.

(1) **GS-1 Acoustical insulation and insulation.** Requires two years experience. Install any insulating material, including urethane foam and approved waterproof membranes and coatings, in or on buildings, structures and on piping for the purpose of energy conservation, temperature and sound control, and fireproofing. Does not include the installation of urethane roof systems.

(2) **GS-2 Awnings and canopies.** Requires two years experience. Construct, erect and install awnings and canopies, attached to buildings and structures or free standing, including, but not limited to carports and service station canopies, and including necessary excavation and foundation work. All electrical work shall be performed by a properly licensed electrical contractor.

(3) **GS-4 Concrete, cement, walkways and driveways.** Requires two years experience practical trade experience, one year of which must be foreman level. Mix, pour, place, and finish concrete, including all necessary preparatory work including excavation, form work, and placing of reinforcement materials. Includes curbs, gutters, sidewalks, and driveway culverts installed on private property, may not perform this work in public rights-of-way.

(4) **GS-5 Demolition.** Requires two years experience. Demolish all or any portion of a building and certain structures, including such demolition to portions of buildings and structures as to permit additions and alterations to the remaining portions of the building and structure.

(5) **GS-7 Drywall installation and texture.** Requires two years experience. Install gypsum wallboard, gypsum sheathing, taping, bedding and coating the surfaces of the wallboard and sheathing with gypsum joint systems, tape and drywall mud, or a combination of other materials to create a permanent surface of coating. Includes texturing of walls and ceilings. May install steel or wood stud systems (non-structural) and channel iron work to provide a base for the application of drywall.

(6) **GS-8 Earthmoving, excavating and ditching.** Requires two years experience. Perform earthwork, using hand or power tools, machines that use air, fluids, or other material under pressure, or heavy equipment, in such a manner that cutting, filling, excavating, grading, trenching, backfilling, boring and any similar excavating activity can be executed. Includes the use of explosives for such purposes and may be subject to certain restrictions.

(7) **GS-9 Elevators, escalators, and related machinery (non-electrical).** Requires two years experience. Erect, install or repair elevators, escalators and related machinery, including sheave beams, sheaves, cable and wire rope, guides, cab, counterweights, doors, including sidewalk elevators, automatic and manual controls, signal systems and all other devices, apparatus, machinery and equipment (including fabrication on job site) essential to the safe and efficient installation and operation of electrical, hydraulic and manually operated elevators and escalators and conveyors designed specifically for the transportation of people.

(8) **GS-13 Framing.** Requires two years experience. Cut, join and install wood, and wood and metal products for the framing of a structure or building, including bearing and non-bearing walls, rafters, headers, trusses, joists, studs, door and window rough frames, and roof decks, including repair to any of the above.

(9) **GS-14 Windows, doors and skylights.** Requires two years experience. Fabricate and install windows and doors in buildings and structures, including the necessary installation of window and door framing, and the installation of necessary hardware. Cut, assemble and install glass work, and execute the glazing of frames, panels, sash and doors. Fabricate and install storm doors, windows, and skylights including flashing. Does not include structural alterations to enlarge any opening.

(10) **GS-15 Caissons, piers and pile driving.** Requires two years experience. Install piers, caissons and pilings through the use of pile driving equipment and machinery, including necessary excavation, grading and clearing for site preparation for pile driving activities. Cut, weld, join and fabricate caissons or piles. Install all necessary concrete and reinforcing steel within the caissons to create a structural member.

(11) **GS-16 Masonry.** Requires two years experience. Install or erect brick and other baked clay products, rough cut and dressed stone, artificial stone and pre-cast blocks, structural glass brick or block adobe, laid at random or in courses, with or without mortar, to form masonry walls, anchored stone or masonry veneer, including building walls, freestanding walls six feet or higher and retaining walls. Does not include the execution, fabrication and erecting of poured cement and concrete, except as a foundation for a wall.

(12) **GS-21 Roofing.** Requires two years experience. Install, alter or repair roof systems on existing roof decks to create a weatherproof waterproof protective membrane, with or without insulation, using asphalt, pitch, tar, sealants, felt, shakes, shingles, roof tile, slate, urethane or any other approved materials including the preparatory work necessary to bring such surfaces to a condition where roofing can be installed, and sealed or repaired. Includes cutting, shaping, fabricating, and installing of sheet metal such as cornices, flashing, skylights excluding structural framing, roof coatings, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, at or near roof lines, metal flues, or doing any part of any combination thereof, which relate to and are incidental to the principal contracting business of installing roofing.

(13) **GS-23 Sign construction (non-electrical).** Requires two years experience. Fabricate, install and erect signs of wood, steel, plastic or any material, or any combination of materials, which are to be embedded in the earth, in concrete or other base material, or attached to buildings or structures using anchors,

attached cables, bars or similar devices and appurtenances. Electrified signs may be installed by contractors holding ES-1 without being classified hereunder.

(14) **GS-24 Structural steel erection.** Requires two years experience. Fabricate and erect structural steel shapes and plates, of any profile, perimeter or cross-section that may be used as structural members for buildings and structures, including riveting and welding. Does not include construction of concrete foundations or complete buildings.

(15) **GS-25 Swimming pools (non-mechanical/electrical).** Requires two years experience. Construct and repair swimming pools including excavation, installation of reinforcing steel or mesh, application of concrete and special coatings. May not perform any trade or craft which is authorized by any mechanical, electrical or LP Gas classification.

(16) **GS-30 Plastering, stucco and lathing.** Requires two experience. Prepare wall and ceiling surfaces, interior or exterior, with wood, metal lath, wallboard or other properly prepared surfaces which will accept and hold a mixture of sand, plaster (including gypsum plaster), lime and water, or sand and cement with water or any combination of materials to create a permanent surface coating. These coatings may be applied manually or mechanically on surfaces which will support such coating. May install steel or wood stud systems (non-structural), channel iron work and affix lath or any other materials or products, prepared or manufactured to provide a base for such coatings.

(17) **GS-31 Siding.** Requires two years experience. Apply siding consisting of slate, gypsum, wood, plastics or other products, including the application of furred up networks on which the siding can be installed. May not install or paint doors or windows.

(18) **GS-32 Miscellaneous sheet metal.** Requires two years experience. Fabricate and install sheet metal (galvanized iron) such as cornices, flashing, gutters, leaders, rainwater downspouts, pans, and prefabricated chimneys. May not install heating, ventilation & air conditioning (HVAC) duct systems, vents, grease hoods, or other appurtenances that are authorized by any mechanical classification.

(19) **GS-34 Concrete coring, drilling and slab sawing.** Requires two years experience. Coring, boring, drilling, cutting, and sawing concrete, including the removal or demolition of the material. Does not include the installation of wiring or plumbing in such bored, drilled, cut or sawed concrete.

(20) **GS-29 specialties.** The GS-29 classification is a sub-category of the specialty classification. It is a miscellaneous classification that is used to identify uncommon specialties on a case-by-case basis. Requires two years experience.

[14.6.6.9 NMAC - Rp, 14.6.6.9 NMAC, 4/1/2016]

14.6.6.10 ELECTRICAL CLASSIFICATIONS:

A. General information.

(1) A journeyman certificate of competence in the appropriate trade classification for the work to be performed is required of all individuals performing electrical wiring; provided however, that an apprentice, as defined in Section 60-13-2 NMSA 1978, may work under the direct supervision of a validly certified journeyman, as defined in Section 60-13-2 NMSA 1978, who is employed by a validly licensed person, as defined in Section 60-13-2 NMSA 1978, or a holder of a valid annual permit. Journeyman certifications shall be issued such that the certificates parallel the electrical license classification numbers and scopes. Ratio of unregistered apprentices. The ratio of certified journeyman to unregistered apprentices must not exceed:

(a) one journeyman to two unregistered apprentices on commercial or industrial work;

(b) one journeyman to two unregistered apprentices on commercial or industrial special systems low-voltage work;

(c) one journeyman to three unregistered apprentices on residential work.

(2) Conduit installation: All conduit installations within, or on, buildings shall be performed by a contractor holding an EE-98 license, except where ER-1 licensees and journeymen are installing conduit that is incidental to residential wiring. Specialty electrical license holders (ES-1, 2, 3, and 7) shall not install conduit within, or on, buildings.

(3) Electrical contracting defined: The definition of contracting is set forth in Section 60-13-3 of the CILA, and nothing in this rule shall be construed to conflict with that definition. However, for the purposes of clarity in this rule, contracting is understood to include installations, alterations, repairs, servicing and maintenance involving electrical work.

(4) Electrical customer-owned distribution systems are subject to all adopted codes, standards, and regulations. Customer-owned distribution systems include all (non-utility owned or operated)

overhead or underground primary or secondary voltage electrical power line construction, installation, alteration, repairs, and maintenance.

B. License classifications.

(1) Residential and commercial.

(a) EE-98 Residential and commercial electrical wiring 5000 volts, nominal or less. Requires four years experience. Includes all electrical wiring operating at 5000 volts, nominal, or less, electrical wiring identified in electrical specialty classifications ES-1, ES-2, ES-3 and ES-7, residential electrical wiring identified in classification ER-1, and only trenching and ductwork associated with classification EL-1. Does not include electrical wiring defined in the EL-1 classification other than trenching and duct work as specified above. May bid and contract as the prime contractor of an entire project provided the electrical contractor's portion of the contract, based on dollar amount, is the major portion of the contract.

(b) ER-1 Residential electrical wiring. Requires two years experience. Includes one and two-family dwelling units and multi-family dwellings when all such units are all on the ground floor with no occupancies above or below, as set forth in 14.10.4 NMAC. May not install wiring for commercial use, such as motels, hotels and similar occupancies. May not contract for more than four dwelling units in any single building or structure.

(c) EL-1 Electrical distribution and transmission systems over 5000 volts, nominal. Requires four years experience. Includes all electrical wiring operating at over 5000 volts, nominal, including overhead or underground electrical distribution and transmission circuits, equipment, associated towers, tower foundations and other supporting structures, trenching and ductwork and sub-stations and terminal facilities. Does not include any electrical wiring specified on other electrical classifications EE-98, ER-1, ES-1, ES-2, ES-3 or ES-7.

(2) Specialty licenses.

(a) ES-1 Electrical signs and outline lighting. Requires two years experience. Electrical signs and outline lighting, including electrical wiring to connect signs installed where a "sign circuit" has been provided within 10 feet, and concrete for the foundation of poles, and build structures for the support of such signs. Outline lighting is an arrangement of incandescent lamps or gaseous tubes to outline and call attention to certain features such as the shape of a building or the decoration of a window and may or may not contribute to the general illumination of an area.

(b) ES-2 Cathodic protection and lightning protection systems. Requires two years experience. Electrically activated systems to prevent galvanic damage to metallic pipelines or structures, usually underground and electrical work involved in the equipment for connection rectifier systems. Also includes lightning protection systems. May not install the service riser, main service or service grounding.

(c) ES-3 Low voltage special systems (under 50 volts). Requires two years experience. Public address or other sound, voice communication systems normally involving low energy signal circuits. Also, electrical burglar and fire alarm systems, computer data systems, one and two-family and multifamily dwelling telephone systems and cable TV systems normally involving coaxial cable for the purpose of transmitting radio frequency (RF) signals and other intelligence by wire and cable. Includes other low voltage specialty systems such as, but not limited to, door and gate operated control circuits, and temperature control circuits. An installer of television receive-only (TVROs) (dishes) is not required to have a contractor's license when the installation is in a single-family dwelling and does not require the use of 120 volts for tracking.

(d) ES-7 Telephone communication systems. Requires two years experience. In-plant and out-plant telephone systems, telephone interconnections in public or privately owned buildings, computer data systems and underground cables or aerial supporting structures, trenching, duct work, terminal facilities, repeaters, including the installation of instruments at their terminating locations. Interior wiring of a building housing any of the above equipment requires an EE-98 classification. Note: Refer to GF-9 classification for additional underground telephone cable installations. The GF-9 classification does not include electrical raceway installation.

(e) ES-10R Residential water well pump installer. Requires two years experience. This classification covers residential water well pumps, 120/240 volts or less, single phase 15 HP or less. Install, maintain, repair or replace electrical equipment, wiring, and accessories used in connection with water well pump systems, including single phase variable frequency drives. Also includes subpanels, luminaires, and receptacle outlets installed within the well pit or well enclosure. Branch circuit or feeder conductors from the service equipment or panel board to the well pump location. Incidental excavation, trenching and solar photovoltaic arrays 5 kW or less when dedicated to pumping equipment. This classification does not include systems over 240 volts, pumps over 15 HP, electrical services, building wiring or any other electrical wiring.

(f) **ES-10 Water well pump installer.** Requires two years experience. This classification covers residential and commercial water well pumps, 600 volts or less, single or three phase. Install, maintain, repair or replace electrical equipment wiring and accessories used in connection with water well pump systems, including variable frequency drives. Also includes subpanels, luminaires, and receptacle outlets installed within the well pit or well enclosure, branch circuit or feeder conductors from the service equipment or panel board to the well pump location. Incidental excavation, trenching and solar photo-voltaic arrays 5 kW or less when dedicated to pumping equipment. This classification does not include systems over 600 volts, electrical services, building wiring or any other electrical wiring.

C. Journeyman classifications.

(1) **EE-98J. Journeyman residential and commercial electrical.** Requires four years experience.

(2) **ER-1J. Journeyman residential wiring.** Requires two years experience.

(3) **EL-1J. Journeyman electrical distribution systems, including transmission lines.** Requires four years experience.

(4) **ES-1J Journeyman electrical signs and outline lighting.** Requires two years experience.

(5) **ES-2 Journeyman cathodic protection and lightening protection systems.** Requires two years experience.

(6) **ES-3J. Journeyman sound, intercommunication, electrical alarm systems, and systems 50 volts and under.** Requires two years experience.

(7) **ES-7J Journeyman telephone communication systems and telephone interconnect systems.** Requires two years experience.

(8) **ES-10RJ Journeyman residential water well pump installer.** Requires two years experience.

(9) **ES-10J Journeyman water well pump installer.** Requires two years experience.

[14.6.6.10 NMAC - Rp, 14.6.6.10 NMAC, 4/1/2016]

14.6.6.11 MECHANICAL AND PLUMBING CLASSIFICATIONS:

A. General information.

(1) A journeyman certificate of competence in the appropriate trade classification for the work to be performed is required of all individuals performing mechanical and plumbing work; provided however, that an apprentice, as that term is defined in Section 60-13-2 NMSA 1978, may work under the direct supervision of a validly certified journeyman, as that term is defined in Section 60-13-2 NMSA 1978, who is employed by a validly licensed person, as that term is defined in Section 60-13-2 NMSA 1978, or a holder of a valid annual permit. Journeyman certifications shall be issued such that the certificates parallel the mechanical and plumbing license classification numbers and scopes. Ratio of unregistered apprentices. The ratio of certified journeyman to unregistered apprentices must not exceed:

(a) one journeyman to two unregistered apprentices on commercial or industrial work;

(b) one journeyman to three unregistered apprentices on residential work.

(2) The definition of contracting is set forth in Section 60-13-3 NMSA 1978 and nothing in this rule shall be construed to conflict with that definition. However, for the purpose of clarity in this rule, contracting is understood to include installations, alterations, repairs, servicing and maintenance involving plumbing or mechanical work.

(3) The definitions of plumbing, fixtures and gas fitting as set forth in Section 60-13-32 NMSA 1978 should be referenced when reading these classifications.

B. License classifications. Residential and commercial.

(1) **MM-1. Plumbing.** Requires four years experience. Install, alter, repair and service plumbing fixtures, and piping, including pneumatic or electric controls and control wiring not greater than 24 volts, concrete supports, and excavating, trenching and backfilling. Includes hot water heating systems not exceeding 30 p.s.i. or 400,00 b.t.u./hour input; piping for fuel, oil and gasoline and for solar energy systems; septic tanks, manholes and sewer lines; irrigation sprinkler systems; swimming pools and spas. Does not include installation of natural gas fired appliances or natural gas piping.

(2) **MM-2 Natural gas fitting.** Requires four years experience. Install, alter, repair and service natural gas piping and fittings and incidental controls and control wiring, pneumatic control systems, excavating, trenching and backfilling. Includes installation of hot water systems exceeding 30 p.s.i. or 400,000

b.t.u./hour input; steam and hot water boilers; and warm air heating systems such as chimney connections, flues, refractories, burners, fittings valves, thermal insulation, accessories and incidental piping; warm air appliances and other listed gas appliances. May not install LP Gas systems.

(3) **MM-3 Heating, ventilation & air conditioning (HVAC).** Requires four years experience. Install, alter, repair and service HVAC air handling and refrigeration equipment and piping, including fans, coils, condensing units, self-contained packaged air conditioning or heating units, evaporative cooling units, solar energy systems, ductwork and pneumatic tube systems. May connect water to existing valved outlets, and install controls, and control wiring not to exceed 24 volts. May bid and contract for structural alterations, painting, electrical wiring and other work incidental to this scope of work, provided such work is performed by a properly licensed contractor.

(4) **MM-4 Heating, cooling and process piping.** Requires four years experience. Install, alter, repair and service hydronic heating, cooling and process piping for steam hot water systems of any temperature pressure range, chilled water systems, condensing water systems and process piping systems. Includes pressure vessels, heat exchangers, boilers, refrigeration water chillers, cooling towers, fuel oil tanks and fuel oil piping, and pneumatic or electric controls and control wiring not to exceed 24 volts. Install high pressure and process piping solar energy systems of any temperature or any pressure conveying gas or fluids other than potable water, and pneumatic tube systems.

(5) **MM-98 Mechanical.** Requires four years experience. Requires licensure in classifications MM-1 through MM-4 and covers all work described in these classifications, as well as work described in the MS-3, MS-6, MS-12 and MS-14.

C. Specialty classifications:

(1) **MS-3 Septic tanks & sewer.** Requires two years experience. Install, alter, repair or service septic tanks and systems, manholes and sewer lines, starting at a point five feet beyond the outside wall of a building and ending at a connection to a public or private utility. May excavate, trench, backfill and grade as necessary, and install or repair plug-in type electrical control panels, controls and control wiring not to exceed 24 volts.

(2) **MS-6 Lawn sprinklers.** Requires two years experience. Install, alter, repair or service sprinkler systems which are connected to a potable water supply. May excavate and backfill as necessary and install or repair plug-in type electrical control panels, controls and control wiring not to exceed 24 volts.

(3) **MS-12 Fire protection sprinkler systems.** Requires four years experience. Install alter, repair or service fire protection systems using water, including any pressure or storage tanks required, controls and control wiring up to 24 volts. May excavate and backfill and install piping from structure to off-premise water supply adjacent to property involving a fire protection system. May bid or contract for structural alterations, painting, electrical wiring, etc., incidental to the system installation, provided such work is performed by a properly licensed contractor.

(4) **MS-14 Dry chemical fire protection.** Requires four years experience. Install, alter, repair or service fire protection systems using gas or chemical, including carbon dioxide (CO), clean agent. Includes pressurized storage tanks, valves, temperature sensing devices and other incidental control wiring up to 24 volts. May install solenoid or shut-off valve devices in these systems. May bid or contract for structural alterations, painting, electrical wiring, etc., incidental to the system installation, provided such work is performed by a properly licensed contractor.

D. Journeyman classifications. Requires two years experience.

(1) **JP journeyman plumber.**

(2) **JPF journeyman pipe fitter.**

(3) **JG journeyman natural gas fitter.**

(4) **JPG journeyman plumber and natural gas fitter.**

(5) **JR journeyman refrigeration.** Must demonstrate compliance with environmental protection agency (EPA) recovery requirements before certificate may be issued.

(6) **JS journeyman sprinkler.**

(7) **JSM journeyman sheet metal.**

(8) **JW journeyman welder.** Must obtain either a JP or JG or JPG or JSM certification and show American society of mechanical engineers (ASME) section 9 certification. Is not required to test separately for this certificate of competence.

(9) **JMG journeyman medical gas installer.** Must obtain either JP, JG, JPG or JPF certification and show approved medical gas certification as referenced in 14.9.5 NMAC.

(10) **BO1 journeyman boiler operator. Low pressure only.**

- (11) **BO2 journeyman boiler operator. Low and high pressure.**
- (12) **MS-12J journeyman fire protection sprinkler systems.** Requires four years experience.
- (13) **MS-14J journeyman dry chemical fire protection.** Requires four years experience.

[14.6.6.11 NMAC - Rp, 14.6.6.11 NMAC, 4/1/2016]

History of 14.6.6 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

- CIC 70-2, General Construction Classifications, filed 11-25-70;
- CIC 72-4, General Construction Classifications, filed 02-16-72;
- CIC 76-2, Rules And Regulations, filed 05-05-76;
- CID 78-2, Rules And Regulations, filed 12-05-78;
- CID 79-1, Rules And Regulations, filed 06-06-79;
- CID 82-1, Construction Industries Rules And Regulations, filed 04-14-82;
- CID 85-1, Construction Industries Rules And Regulations, filed 02-04-85;
- CID 90-1, Construction Industries Rules And Regulations, filed 05-31-90.

History of Repealed Material:

- 14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes (filed 9/2/1997), repealed effective 12/1/2000.
- 14.5.6 NMAC, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes (filed 10/16/2000), repealed 7/1/2004.
- 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 5/27/2004), repealed 2/1/2006.
- 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 1/3/2006), repealed 1/1/2014.
- 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 12/2/2013), repealed 4/1/2016.

Other History:

- That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05-31-90 - renumbered, reformatted and amended to 14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications And Scopes, effective 9/14/1996.
- 14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications And Scopes (filed 9/03/1996) replaced by 14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes, effective 9/23/1997.
- 14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes, filed 9/2/1997 replaced by 14.5.6 NMAC, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes, effective 12/1/2000.
- 14.5.6 NMAC, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes (filed 10/16/2000), replaced by 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes, effective 7/1/2004.
- 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 5/27/2004), replaced by 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes, effective 2/1/2006.
- 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 1/3/2006), replaced by 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes, effective 1/1/2014.
- 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 12/2/2013), replaced by 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes, effective 4/1/2016.

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 5 CONSTRUCTION INDUSTRIES GENERAL PROVISIONS
PART 2 PERMITS

14.5.2.1 ISSUING AGENCY: The Construction Industries Division of the Regulation and Licensing Department.
[14.5.2.1 NMAC - Rp, 14.5.2.1 NMAC, 11/15/2016]

14.5.2.2 SCOPE: This rule applies to all permitted work performed in New Mexico on or after November 15, 2017, that is subject to the jurisdiction of CID.
[14.5.2.2 NMAC - Rp, 14.5.2.2 NMAC, 11/15/2016]

14.5.2.3 STATUTORY AUTHORITY: Sections 60-13-9 and 60-13-45 NMSA 1978.
[14.5.2.3 NMAC - Rp, 14.5.2.3 NMAC, 11/15/2016]

14.5.2.4 DURATION: Permanent.
[14.5.2.4 NMAC - Rp, 14.5.2.4 NMAC, 11/15/2016]

14.5.2.5 EFFECTIVE DATE: November 15, 2016, unless a later date is cited at the end of a section.
[14.5.2.5 NMAC - Rp, 14.5.2.5 NMAC, 11/15/2016]
[From the date of publication of this rule in the New Mexico register, until July 1, 2017, permits may be issued under either the previously-adopted rule, or this rule. After July 1, 2017, permits may be issued only under this rule.]

14.5.2.6 OBJECTIVE: The purpose of this rule is to set forth standards and requirements for permitting construction in New Mexico as the statewide minimum.
[14.5.2.6 NMAC - Rp, 14.5.2.6 NMAC, 11/15/2016]

14.5.2.7 DEFINITIONS:

- A. CID rules** means sections 14.5 through 14.10 NMAC and 14.5.12.3 NMAC.
- B. Commercial** means a structure that is classified as having one of the following uses identified in the New Mexico commercial building code: assembly, business, educational, institutional, mercantile, storage or utility.
- C. Industrial** means a structure that is classified in the New Mexico commercial building code as having a factory or industrial use. Structures, of which a portion is classified as commercial as that term is defined in this rule, will be treated as industrial structures.
- D. School** means a public school, a school district, a regional educational cooperative, shared maintenance program, charter school, or private school, recognized by the New Mexico public education department that offers grade levels from kindergarten through 12th grade only.
- E. Trade bureau chief "TBC"** means the administrative head of a state of New Mexico trade bureau charged with the administration and enforcement of that trade bureau's state adopted codes. The Trade Bureau Chiefs are the ultimate authority to determine interpretations of their trade code. This includes applications of the New Mexico trade codes. The Trade Bureau Chief shall recommend to the "CID and CIC" all minimum standards for code adoptions.
- F. Certified building official "CBO"** means an employee of any county, municipality or other political subdivision who has a broad knowledge of the construction industry, holds a current nationally recognized code organization certified building official certificate and has been either a practicing inspector or practicing contractor for at least five years or held a management position in a construction-related company or construction organization for at least five of the past 10 years. This Official is charged with the administration and enforcement of the adopted administrative codes for an AHJ.
- G. State of New Mexico certified building official "NMCBO"**- a person who meets the qualifications for CBO, is employed by CID as a trade bureau chief, and appointed by the director as the state's NMCBO. The NMCBO has ultimate authority over conflicts arising among AHJs other than Trade Bureau Chiefs.
- H. Inspector**-means a person certified by the division and certified by one or more trade bureaus to conduct inspections of permitted work in a jurisdiction that has an inspection and permitting agency with a state

approved CBO to ensure that all work performed by a contractor or the homeowner complies with the applicable codes.

I. Authority having jurisdiction AHJ means the entity with permitting and enforcement authority over a project within its jurisdiction.

[14.5.2.7 NMAC - Rp, 14.5.2.7 NMAC, 11/15/2016]

14.5.2.8 PERMITS REQUIRED:

A. Permits required. Subject to CILA Sections 60-13-3 and Section 60-13-45 NMSA 1978, and the provisions of the division rules, no building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, no electrical wiring, plumbing or mechanical work and LP gas work as defined and described in the applicable New Mexico construction codes for those trades, may be installed, repaired or maintained in or on such building or structure, unless the applicable permit has first been obtained from the division, unless otherwise provided by statutes or rule. All re-roofs and applications of roof coatings require a building permit and inspections.

B. Previously permitted work; previously submitted plans.

(1) Any work for which a permit has lawfully been issued prior to the effective date of this rule, which permit has not expired, deactivated or been revoked or suspended by the division pursuant to this part, may proceed as permitted, and the rules, codes and standards in effect at the time the permit was issued shall be the rules, codes and standards governing the work and its inspection.

(2) Any work for which plans have been submitted and received by the division shall be permitted and inspected pursuant to the rules in effect at the time the plans were received.

C. Eligibility. No person who is not appropriately, validly and currently licensed by the division is eligible to apply for or be issued a permit under this rule. **Exception:** Subject to the provisions of this part, a homeowner's permit may be issued to a property owner.

D. Application for permit. In order to obtain a permit, the applicant must complete and submit a written application on the form and in the manner indicated by the division for the type of permit sought.

E. Types. Separate permits are required for general building, electrical and mechanical/plumbing, and liquefied petroleum gas work.

F. Solar PV systems.

(1) Any person bidding or contracting for the installation of a solar PV electric system must possess a valid license issued by the construction industries division (CID) in the EE-98 or ER-1 license classification, subject to the provisions of Paragraph (1) of Subsection B of 14.6.6.8 NMAC. CID license classifications can be found in 14.6.6 NMAC.

(2) Any person performing the installation of a solar PV system, or related work, must possess a valid journeyman certificate issued by CID in the EE-98J or ER-1J classification, or be an apprentice working under the direct supervision of such a certified journeyman.

(3) Nothing in this section shall be construed to prohibit a properly licensed person from performing work on solar PV system's support structures, racking and mounting of panels as long as it is within the scope of the licensee's license and upholds the manufacturers' original listing and labeling.

(4) Structural analysis must be performed by a professional engineer licensed in the state of New Mexico in order to determine if the roof structure is capable of supporting the added loads of a solar PV electric module when any of the following occur.

(a) The total added dead load of the array is greater than five lbs. / sq. ft. on roof construction.

(b) The total added point load of the array is greater than 45 lbs. on roof construction.

(c) The total added dead load exceeds 200 lbs. on any one truss, rafter or roof joist.

(d) The mounting of the system is of a unique roof mounted design.

(e) The roof structure contains over-spanned trusses, rafters or roof joists.

(5) A general solar PV electric system construction building permit for the mounting of the system on the roof will be required only if structural reinforcement is required by a professional engineer licensed in the state of New Mexico.

(6) If structural modifications are required, engineered details shall be provided. Structural documents must be sealed by a structural engineer licensed in the state of New Mexico. Reinforcement of the structure will require corresponding building permits and inspections by a certified building inspector.

(7) If structural modifications are not required one electrical permit shall be issued to a

properly licensed contractor for solar PV installation.

G. Wind turbine systems 10KW or less.

(1) Any person bidding or contracting for the installation of a building mounted wind turbine system must possess a valid license issued by the construction industries division (CID) in the EE-98 or ER-1 license classification, subject to the provisions of Paragraph (1) of Subsection B of 14.6.6.8 NMAC. CID license classifications can be found in 14.6.6 NMAC.

(2) Any person performing the installation of a wind turbine system, or related work, must possess a valid journeyman certificate issued by CID in the EE-98J or ER-1J classification, or be an apprentice working under the direct supervision of such a certified journeyman.

(3) Structural analysis must be performed by a professional engineer licensed in the state of New Mexico in order to determine if the roof structure is capable of supporting the added loads of a wind turbine.

(4) If structural modifications are required, engineered details shall be provided. Structural documents must be sealed by a professional engineer licensed in the state of New Mexico. Reinforcement of the structure will require corresponding building permits and inspections by a certified building inspector.

(5) If structural modifications are not required one electrical permit shall be issued to a properly licensed contractor for wind turbine installation.

[14.5.2.8 NMAC - Rp, 14.5.2.8 NMAC, 11/15/2016]

14.5.2.9 EXCEPTIONS TO REQUIREMENT FOR PERMITS: Permits shall not be required for the following:

A. Commercial.

(1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15.m2).

(2) Oil derricks.

(3) Retaining walls that retain less than 36 inches (915 mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.

(5) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927L) and the ratio of height to diameter or width does not exceed two to one.

(6) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

(7) Temporary motion picture, television and theater stage sets and scenery.

(8) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in the NMRBC, and are installed entirely above ground.

(9) Shade cloth structures constructed for nursery or agricultural purposes and not including services systems.

(10) Swings and other playground equipment accessory to one-and two-family dwellings.

(11) Window awnings supported by an exterior wall of group R-3, as applicable in the NMRBC, and group U occupancies.

(12) Moveable cases, counters and partitions not over five feet nine inches (1,753mm) in height.

B. Residential: Refer to Section R105.2 of the IRC except as provided below:

(1) **R105.2 (1)** - One-story detached accessory structures provided that the floor area does not exceed 120 square feet (18.58 m2).

(2) **R105.2 (2)** - Delete this section of the IRC.

(3) **R105.2 (3)** - Retaining walls that retain less than 36 inches (915mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.

(4) **R105.2 (4)** - See this section of the IRC.

(5) **R105.2 (5)** - See this section of the IRC.

(6) **R105.2 (6)** - Delete this section of the IRC.

(7) **R105.2 (7)** - See this section of the IRC.

(8) **R105.2 (8)** - See this section of the IRC.

(9) **R105.2 (9)** - See this section of the IRC.

(10) **R105.2 (10)** - See this section of the IRC.

C. Mechanical work. Refer to the exempt work section of the currently adopted UMC.

D. Plumbing work. Refer to the exempt work section of the currently adopted UPC.

E. Electrical work. No exceptions other than those set forth in CILA Section 60-13-45.
[14.5.2.9 NMAC - Rp, 14.5.2.9 NMAC, 11/15/2016; A, 5/15/2018]

14.5.2.10 SUBMITTAL DOCUMENTS:

A. Submittal documents.

(1) With each application for a permit, two sets of the following documents (collectively, submittal documents) must be submitted:

- (a) type, occupancy including occupant load and kind of structure;
- (b) plans;
- (c) specifications;
- (d) engineering calculations;
- (e) diagrams;
- (f) soil investigation reports;
- (g) any other data or document required by the AHJ's plan review official; and
- (h) exterior wall envelope; submittal documents for all buildings shall describe the

exterior wall envelope in sufficient detail to enable the plan review to determine compliance with the NMCBC the NMRBC and NMECC; the submittal documents shall show the exterior wall envelope in detail as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings; roofing systems and manufacturers specifications are required to be submitted;

(i) mechanical design criteria for all buildings must be included with the submittal documents.

(2) For construction subject to the NMCBC, see Sections 107.1.1, 107.1.2, 107.2 of the IBC for other requirements regarding submittal documents, including form, means of egress, and site plans.

(3) For construction subject to NMRBC, see Sections 106.1.1, 106.1.2, 106.1.3 and 106.2 of the IRC for other requirements regarding submittal documents, including form, manufacturer's installation instructions, construction in flood areas, and site plans.

(4) Upon approval, one set of the submittal documents shall be retained by the division, and one set shall be returned to the permittee, shall be available at the work site, and shall be available for inspection by the AHJ or inspector during the performance of the permitted work.

(5) Submissions may be required of any specifications, drawings or diagrams necessary to show clearly the kind and extent of building construction work.

B. Professional seals requirements: The AHJ or the plan review official may require submittal documents to be prepared and sealed by an architect, registered in accordance with the New Mexico Architectural Act, and the rules promulgated pursuant thereto, or by a professional structural engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act, and the rules promulgated pursuant thereto. An architect or engineer stamp is required for all uses listed in table 1004.1.1 of the IBC.

C. Exceptions: The requirement for plans and specifications to be prepared by an architect or engineer shall not be required in any of the following instances unless, in the discretion of the TBC or CBO, an exception is not in the best interests of public safety or health.

(1) Multiple dwellings of not more than two stories in height and containing not more than four dwelling units constructed of materials approved for use pursuant to the NMRBC, and provided this exception is not construed to allow a person who is not an architect to design multiple clusters of four dwelling units each where the total exceeds four dwelling units on each lawfully divided lot.

(2) Garages or other structures not more than two stories in height which are appurtenant to buildings described in Subsection A of 14.5.2.10 NMAC.

(3) Group A, B, E divisions 1 and 2, F, M, S, U buildings or additions having a total occupant load of 10 or less and not more than two stories in height.

(4) Alteration to buildings or structures that present no unusual conditions or hazards or change in occupancy.

(5) Single-family dwellings, not more than three stories in height.

D. Submission may be waived. The CBO or TBC may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that plan review is not necessary to obtain compliance with the New Mexico construction codes.

E. Deferred submittals. For the purposes of this section, deferred submittals are defined as those

portions of the design that are not submitted with the application for the permit, and that are to be submitted, thereafter, within a period specified by the AHJ or the plan review official.

F. Approval. Deferral of any submittal items must have the prior approval of the TBC or CBO. The responsible design professional shall list the deferred submittals on the submittal documents accompanying the permit application. Submittal documents for deferred submittal items must be submitted to the responsible design professional which shall review and forward them to the AHJ with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The items identified in the deferred submittals shall not be installed until the building official has approved their design and submittal documents.

G. Responsible design professional. When submittal documents are required to be prepared by a registered design professional, the permit application shall indicate the registered design professional who shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. This design professional shall be deemed to be the “responsible design professional.” The permittee shall notify the division in writing within a reasonable period of time, not to exceed 10 business days, if the responsible design professional is changed or is unable to continue to perform the duties required.

H. Special submissions. The building official plan review official is authorized to require, before and after, the commencement of a project, the submission of any specification, drawing or diagram necessary to adequately and clearly show the kind, extent, and occupancy of the general building, mechanical or plumbing, and electrical work on the project that is covered by the permit issued, or that is required to be permitted under the CID rules. See Subsection C of 14.5.2.10 NMAC.

I. Phased approval. See Section 107.3.3 of the IBC for work subject to the NMCBC, and Section 106.3.3 of the IRC for work subject to the NMRBC.

J. Correction of submittal documents. The issuance of a permit based on certain plans and specifications shall not prevent the AHJ from thereafter requiring the correction of any error in such plans or specifications, or from prohibiting work pursuant to those plans or specifications when a violation of the applicable code would result.

K. Electrical projects.

(1) Any installation with a calculated service capacity over 100 kVA single-phase or over 225 kVA three- phase must be stamped by an electrical engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act. This requirement shall not apply to remote installations such as irrigation pumps. Any commercial project that requires an architect or engineer seal pursuant to this part shall be submitted to the electrical bureau for review and approval.

(2) Submittal documents shall show the electrical riser, conductor size, grounding conductor size, method of grounding (available electrodes, etc.), load calculations, available fault calculations, size and location of disconnects, panel schedules, wiring methods, site and floor plan. General expressions such as “work shall be done in accordance with the New Mexico Electrical Code” or “work shall be done to the satisfaction of the state building official” shall be considered inadequate, and incomplete.

(3) No permit for electrical work shall be issued for the addition to, or alteration of, wiring of an existing building unless the building as it will be wired conforms to the requirements of the code for new buildings, except that those portions of the existing wiring that have not been disturbed and are deemed safe by the inspector may remain in service.

L. Mechanical projects.

(1) The AHJ may require the stamp of a professional engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act on permits for mechanical or plumbing work with a total value of \$200,000.00, or more, or for commercial buildings three stories and higher.

(2) Plans for buildings more than two stories in height, other than R-3 and U occupancies, see the construction documents section of the currently adopted UMC.

M. Permit contents and display. Pursuant to CILA Section 60-13-59, every permit or notice of permit issued by the AHJ shall:

(1) clearly indicate the name and address of the owner of the property;

(2) contain a legal description of the property being built on either by “lot and block” description in a subdivision, by street address in a municipality, or by township, range and section numbers if outside a municipality or platted subdivision;

(3) contain the name, address and license number of the contractor or the homeowner to whom the permit is to be issued, and the name of the architect or engineer as may be required by the building

official; and

(4) must be prominently displayed on the site where the permitted work is to be performed.

N. Retention. The division shall retain construction documents, including submittal documents and permit applications, in accordance with New Mexico state laws governing document retention.

O. Preliminary inspection. As part of the document review process, before issuing a building permit, the AHJ is authorized to examine or cause to be examined buildings, structures and sites for which an application for a building permit has been filed.

[14.5.2.10 NMAC - Rp, 14.5.2.10 NMAC, 11/15/2016; A, 5/15/2018]

14.5.2.11 ISSUANCE:

A. Plan review. If the submittal documents do not comply with construction codes 14.5.7 through 14.5.10 and 14.5.12.3 NMAC, the AHJ shall reject them and shall communicate the reasons for rejection to the applicant in writing. If the submittal documents meet the applicable codes and rules, the submittal documents shall be approved, in writing or by stamp, as “reviewed” and the AHJ shall issue a permit to the applicant after payment in full of the applicable permit fees, as set forth in 14.5.5 NMAC.

B. Authorization to change. No change or modification may be made to the approved submittal documents for which a permit has been issued without the express, written authorization of the AHJ. All work authorized by a permit must be performed in accordance with the approved submittal documents for which the permit was issued. Changes in the work, occupancy type, occupant load or kind of structure authorized by a permit must be reflected in an amended set of submittal documents, which must be resubmitted for approval by the AHJ.
[14.5.2.11 NMAC - Rp, 14.5.2.11 NMAC, 11/15/2016]

14.5.2.12 VALIDITY OF PERMIT: The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the New Mexico construction codes or any other applicable law or rule. Permits presuming to give authority to violate or cancel the provisions of the New Mexico construction codes or any other applicable law or rule shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the AHJ from requiring the correction of errors in the construction documents and other data.

[14.5.2.12 NMAC - Rp, 14.5.2.12 NMAC, 11/15/2016]

14.5.2.13 SUSPENSION, CANCELLATION, OR REVOCATION OF PERMIT:

A. The TBC or CBO is authorized to suspend, cancel or revoke a permit issued pursuant to the code for which the official has responsibility in the following causes:

- (1) whenever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete, fraudulent information or in violation of Title 14 of the NMAC;
- (2) when a job is abandoned as determined by a court of competent jurisdiction;
- (3) a red tag has been issued;
- (4) change in the person or entity performing the work;
- (5) at the request of the permittee.

B. A suspended permit may be reactivated upon approval of the appropriate AHJ and payment of any fee assessed.

[14.5.2.13 NMAC - Rp, 14.5.2.13 NMAC, 11/15/2016]

14.5.2.14 EXPIRATION AND DEACTIVATION OF PERMIT:

A. Expiration. Every permit issued by the AHJ expire and be void if the work authorized by such permit is not commenced within 180 days from the date such permit was issued.

B. Deactivation. If the work authorized by a permit is suspended, delayed or abandoned at any time after the work is commenced and such suspension, delay or abandonment continues for 180 days, the permit shall become inactive.

(1) **Reactivation.** An inactive permit may be reactivated if the work resumes within one year from the date the permit was issued, upon approval of the AHJ and payment of required fees. Such reactivated permit will authorize work only to the extent it conforms to the submission documents on which the original permit was issued.

(2) **Cancellation.** If work does not resume within one year from the date the inactive permit was issued, the inactive permit will automatically cancel. In order for work on the project to continue, a new permit application must be submitted, a new, full permit fee must be remitted, and a new permit issued.

C. Extension of time. The CBO or TBC may extend the time of an active permit for an additional period not to exceed 180 days on receipt of a written request from the permit holder showing that circumstances beyond the control of the permittee have caused delay in the permitted work.

D. Penalties. Any work performed after a permit expires, cancels or becomes inactive shall be considered a failure to permit violation pursuant to Subsection A of 14.5.2.8 NMAC.
[14.5.2.14 NMAC - Rp, 14.5.2.14 NMAC, 11/15/2016]

14.5.2.15 DENIAL OF PERMIT:

A. The AHJ may deny the issuance of a permit and associated inspections for good cause. Good cause shall include, without limitation:

- (1) failure to pay all or part of a permit fee or penalty when due;
- (2) payment of any amount due to the division with a “non-sufficient funds” check; and
- (3) an outstanding balance on any amounts due to the division that has accrued without

approval of the director.

B. After receipt of a “non-sufficient funds” check, the division may require payment by cashier’s check.

[14.5.2.15 NMAC - Rp, 14.5.2.15 NMAC, 11/15/2016]

14.5.2.16 FAILURE TO OBTAIN PERMIT: If any work, other than site preparation, for which a permit is required is commenced prior to obtaining the necessary permit, the AHJ may either assess a fee in the amount of twice the usual permit and inspection fees, or refer the violation for disciplinary action by the AHJ.

[14.5.2.16 NMAC - Rp, 14.5.2.16 NMAC, 11/15/2016]

14.5.2.17 TEMPORARY STRUCTURES:

A. Permits. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall specify an expiration date not to exceed one year from the date of issuance. The building official is authorized to grant extensions for good cause that is supported by credible evidence.

B. Conformance. See Section 10 8.2 of the IBC.

C. Temporary power. A permit may be issued by the appropriate TBC or AHJ authorizing a connection of a temporary system for supplying electrical power, water, gas, or sewage service, after inspection and testing as applicable by the inspector. When the temporary use of such system is no longer required, the permittee shall notify the appropriate building official or inspector. The temporary work permit may be canceled at any time within one year after the permit was issued. Upon receipt of written notice of such cancellation, the appropriate utility shall discontinue service to such system, and service shall not be resumed until a new permit for the work on the system is issued.

D. Termination of approval. The AHJ is authorized to terminate a permit for a temporary structure when the CBO or TBC deems that it is in the best interests of health, safety and welfare to do so. See 14.5.1.12 NMAC.

[14.5.2.17 NMAC - Rp, 14.5.2.17 NMAC, 11/15/2016]

14.5.2.18 HOMEOWNER’S PERMIT:

A. Homeowner’s permits are limited to single-family dwellings, appurtenant structures to single-family dwellings such as private garages, carports, sheds and agricultural buildings, and are issued only to the property owner. Homeowner’s permits may only be used by homeowner where the homeowner personally resides. All homeowner permit applications are subject to approval.

B. Any person applying for a homeowner’s permit in order to construct a personal residence in accordance with Paragraph (10) of Subsection D of CILA Section 60-13-3 must sign a homeowner’s permit responsibility sheet issued by the division, or its authorized local building department, acknowledging legal responsibilities and liabilities before obtaining such a permit.

C. The homeowner’s permit covers general, residential construction only.

D. A homeowner’s permit may not be used to permit a project where a GB-2 or GB-98 contractor is acting as a general contractor on the project. Any contractor acting as a general contractor on a project where there is a homeowner’s permit must obtain a building permit for his work, and shall be held responsible for any work performed at this site. Further, licensed subcontractors will be held responsible for their work, which also must be permitted separately.

E. A homeowner may perform electrical or plumbing work on his home (single-family dwelling)

only if he has demonstrated sufficient knowledge as determined by the appropriate TCB or CBO. The TCB or CBO shall determine minimum competency by a submittal of the plans for the proposed work and may include the completion of a written examination with a minimum passing score of seventy-five percent. Failed examinations may not be repeated sooner than 30 days after the date of the failed exam.

F. After approval of the submitted plans and satisfactorily passing the written examination(s), the homeowner then must obtain the applicable permit(s) for the electrical plumbing work and must pay the required inspection fees.

G. Homeowner's permit projects may not be placed on the market for sale while under construction. Such an action violates the requirements of Paragraph (10) of Subsection D of CILA Section 60-13-3, and will result in the automatic void of the permit by the division. Such a violation may also result in initiation of unlicensed contracting charges against the homeowner in accordance with the requirement of CILA Section 60-13-52.

H. No more than one homeowner's permit for a single-family dwelling shall be issued to the same person within any 12 month period.

I. Where a homeowner's permit is involved, a properly licensed contractor must install HVAC and natural gas or LP gas installations. This work shall be permitted and inspected pursuant to the standard requirements of the division.

[14.5.2.18 NMAC - Rp, 14.5.2.18 NMAC, 11/15/2016]

14.5.2.19 ANNUAL PERMIT:

A. INDUSTRIAL:

(1) Types and scopes.

(a) Electrical repair maintenance industrial (ERMI). Electrical R/M - industrial permits. The scope of this permit is: repair or maintenance performed on existing electrical systems in industrial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved electrical installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved electrical installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof.

(b) Mechanical repair maintenance industrial. (MRMI). Mechanical and plumbing R/M - industrial permits. The scope of this permit is repair or maintenance performed on existing mechanical/plumbing systems in commercial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved mechanical/plumbing installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved mechanical/plumbing installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of a mechanical/plumbing installation or any portion thereof.

(c) General construction repair and maintenance work that is required as a direct consequence of, or that is necessary to, work performed pursuant to an R/M industrial permit is authorized under these permits. All such general construction work must be reported pursuant to Paragraph (6), below, and whether general construction work is covered by an R/M industrial permit will be determined by the division. General construction work that is not covered by an R/M industrial permit will subject the permit holder to penalties as provided in the act and the CID rules.

(2) Issuance. R/M industrial permits may be issued to:

(a) an industrial entity duly authorized to do business in New Mexico; and
(b) a licensed contractor holding one of the following classifications of license and who has a written contract with an industrial entity to perform work covered by an R/M industrial permit:

(i) for an ERMI permit: EE98, EL1, ES3, ES7;

(ii) for an MRMI permit: MM1, 2, 3, 4 and MM98;

(c) work to be performed under an R/M industrial permit may only be performed by a journeyman, pursuant to Subsection A of 14.6.4.8 NMAC; properly certified by the division in the classification of work to be performed pursuant to the permit, who is an employee of the authorized entity, or of the licensee, to whom the permit was issued. In no case shall experience gained under an annual permit count for more than one-fourth of the experience requirement for qualifying party or journeyman certification.

(3) Duration.

(a) R/M industrial permits are valid for 12 months from the date of issuance, are not renewable. ERMI and MRMI permits automatically expire on the first day of the thirteenth month after the month of issuance.

(b) Suspension, cancellation, revocation. See 14.5.2.13 NMAC of this rule.

(c) Expiration and deactivation of permit. See 14.5.2.14 NMAC of this rule.

(4) **Denial.** See 14.5.2.15 NMAC.

(5) **Failure to obtain permit.** See 14.5.2.16 NMAC.

(6) **Report log.** All work performed pursuant to an R/M industrial permit must be recorded by the permit holder in a log that contains, at a minimum, the following information:

(a) the location of the work with sufficient specificity that an inspector can locate the work;

(b) the date the work was performed;

(c) a description of the work performed; if tool replacement was performed, the identifying information for each tool replaced and for the new tool;

(d) the name of the individual who performed the work and the individual's journeyman classification and certificate number;

(e) in the case of tool exchange, a copy of the design or installation plan for the proposed exchange, which has been approved and stamped by a professional engineer who is properly licensed by the state of New Mexico;

(f) the entity authorization number, or the contractor license number, to whom the permit covering the work was issued.

(7) **Inspections.** All work performed under an R/M industrial permit is subject to inspection by CID and must comply with all applicable codes.

(a) CID inspectors will inspect the work covered by an annual permit at regular intervals.

(b) If the work inspected is not recorded fully and accurately on the log, the annual permit is subject to forfeiture and the holder may not be eligible to apply for another annual permit for one year thereafter.

(8) **Limitation.** Industrial R/M permits may not be issued by a municipality, a county or any other political subdivision of the state.

B. COMMERCIAL:

(1) **Types and scopes:**

(a) **Electrical repair maintenance commercial (ERMC).** Electrical R/M-commercial permit. The scope of this permit is repair or maintenance performed on existing electrical systems in commercial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved electrical installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved electrical installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof.

(b) **Mechanical repair maintenance commercial (MRMC).** Mechanical and plumbing R/M - commercial permits. The scope of this permit is: repair or maintenance performed on existing mechanical/plumbing systems in commercial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved mechanical/plumbing installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved mechanical/plumbing installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of a mechanical/plumbing installation or any portion thereof.

(c) General construction repair and maintenance work that is required as a direct consequence of, or that is necessary to, work performed pursuant to an R/M commercial permit is authorized under these permits. All such general construction work must be reported pursuant to Paragraph (6), below, and whether general construction work is covered by an R/M commercial permit will be determined by the division. General construction work that is not covered by an R/M commercial permit will subject the permit holder to penalties as provided in the act and the CID rules.

(2) **Issuance.** R/M commercial permits may be issued to:

(a) a commercial entity duly authorized to do business in New Mexico and;
(b) a licensed contractor holding one of the following classifications of license and who have a written contract with a commercial entity to perform work covered by an R/M commercial permit:
(i) for an ERM permit: EE98, EL1, ES3, ES7;
(ii) for an MRMC permit: MM1, 2, 3, 4 and MM98;
(c) work to be performed under an R/M commercial permit may only be performed by a journeyman, pursuant to Subsection A of 14.6.4.8 NMAC; properly certified by the division in the classification of work to be performed pursuant to the permit, who is an employee of the authorized entity, or of the licensee, to whom the permit was issued. In no case shall experience gained under an annual permit count for more than one-fourth of the experience requirement for qualifying party or journeyman certification.

(3) **Duration.**

(a) R/M commercial permits are valid for 12 months from the date of issuance, are not renewable. ERM and MRMC permits automatically expire on the first day of the 13th month after the month of issuance.

(b) Suspension, cancellation, revocation, see 14.5.2.13 NMAC.

(c) Expiration and deactivation of permits see 14.5.2.14 NMAC.

(4) **Denial.** See 14.5.2.15 NMAC.

(5) **Failure to obtain permit.** See 14.5.2.16 NMAC.

(6) **Report log.** All work performed pursuant to an R/M commercial permit must be recorded by the permit holder in a log that contains, at a minimum, the following information:

(a) the location of the work with sufficient specificity that an inspector can locate the work;

(b) the date the work was performed;

(c) a description of the work performed;

(d) the name of the individual who performed the work;

(e) the entity authorization number, or the contractor license number, to whom the permit covering the work was issued.

(7) **Inspections.** All work performed under an R/M commercial permit is subject to inspection by CID and must comply with all applicable codes.

(a) CID inspectors will inspect the work covered by an annual permit at regular intervals.

(b) If the work inspected is not recorded fully and accurately on the log, the annual permit is subject to forfeiture and the holder may not be eligible to apply for another annual permit for one year thereafter.

(8) **Limitation.** Commercial R/M permits may not be issued by a municipality, a county or any other political subdivision of the state.

C. SCHOOL:

(1) **Types.**

(a) **Electrical repair maintenance schools (ERMS).** Electrical R/M school permit. The scope of this permit is: repair or maintenance performed on existing 120-volt (277-volt lighting circuits) or less de-energized electrical systems in a school, and is intended to allow for the exchange of like parts or components in an existing electrical system. It does not include: work on life safety systems which is intended to protect the occupants of the structure such as fire protection, energy, and egress lighting systems, except replacement of light bulbs and batteries in emergency lights and exit signs; work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof; work on energized electrical systems of any kind; boilers; or work product or process that is hazardous to the public, or the occupants of the school. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved electrical installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof.

(b) **Mechanical repair maintenance schools (MRMS).** Mechanical and plumbing R/M school permit. The scope of this permit is: repair or maintenance performed on existing plumbing or mechanical systems in a school is intended to allow for the exchange of like parts or components in an existing mechanical or plumbing system. It does not include: work on life safety systems which are intended to protect the occupants of the structure such as fire protection and smoke evacuation systems; and, all venting; work that entails new construction, relocation, expansion or alteration of a mechanical or plumbing installation or any portion thereof;

work on gas piping systems of any kind, except repair of low-pressure gas leaks downstream of the isolation valve to the appliance, limited to supply tubes or connections to gas valves or fuel train. Work does also not include repair or replacement of gas valves, regulators or fuel train; boilers; or work product or process that is hazardous to the maintenance technician, the public, or the occupants of the school. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved mechanical/plumbing installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved mechanical/plumbing installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of a mechanical/plumbing installation or any portion thereof.

(c) **General repair maintenance schools (GRMS).** General construction R/M school permit. The scope of this permit is: repair and maintenance of existing structures in a school and is intended to allow for the exchange of like parts or components in an existing structure. The scope of this permit is limited to the maintenance and repair of non-structural facility components: drywall and ceiling surfaces, room partitions, wall and window replacement; patching roof surfaces not to exceed 100 square feet; asphalt, concrete, playground and athletic equipment, landscaping, and site drainage. It does not include new construction of any kind, or work that modifies egress, affects fire resistance or structural integrity of a wall, or any work product or process that is hazardous to the maintenance technician, the public, or the occupants of the school.

(2) **Issuance.**

(a) Permits authorized by this section may be issued to a school that employs at least one individual who holds a valid certification or license in the classification covering the work to be permitted.

(b) Apprentices as defined under 60-13-2 H of the CILA can work under the supervision of a licensed journeyman at a ratio of one to one. Work to be performed under an R/M school permit may only be performed by a journeyman pursuant to Subsection A of 14.6.4.8 NMAC. In no case shall experience gained under an annual permit count for more than one-fourth of the experience requirement for qualifying party or journeyman certification.

(3) **Duration.**

(a) Permits authorized by this rule are valid for 12 months from the date of issuance and are not renewable. These permits automatically expire on the first day of the thirteenth month following the month of issuance.

(b) Suspension, cancellation, revocation, see 14.5.2.13 NMAC.

(c) Expiration and deactivation of permit see 14.5.2.14 NMAC.

(d) Denial, see 14.5.2.15 NMAC.

(e) Failure to obtain permit, see 14.5.2.16 NMAC.

(f) Report log. All work performed pursuant to a permit issued according to this rule must be recorded by the permit holder in a log that contains, at a minimum, the following information:

(i) the location of the work with sufficient specificity that an inspector can locate the work;

(ii) the date the work was performed;

(iii) a description of the work performed;

(iv) the name of the individual who performed the work;

(v) the permit number issued to the school for the work performed.

(4) All work performed under a permit issued pursuant to this rule is subject to inspection by CID and must comply with all applicable codes and rules.

(5) School R/M permits may not be issued by a municipality, a county or any political subdivision of the state.

[14.5.2.19 NMAC - Rp, 14.5.2.19 NMAC, 11/15/2016]

14.5.2.20 EMERGENCY WORK: Where equipment replacement or repairs must be performed in an emergency situation, application for the appropriate permit must be made on the next working business day either by computer or in person at one of the division offices.

[14.5.2.20 NMAC - Rp, 14.5.2.20 NMAC, 11/15/2016]

14.5.2.21 CONNECTION OF SERVICE UTILITIES: Except where work is done under an annual permit, no person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the New Mexico construction codes for which a permit is required, until approved by the

appropriate AHJ.
[14.5.2.21 NMAC - Rp, 14.5.2.21 NMAC, 11/15/2016]

HISTORY OF 14.5.2 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

- CIC 70-2, General Construction Classifications, filed 11-25-1970;
- CIC 72-4, General Construction Classifications, filed 02-16-1972;
- CIC 76-2, Rules and Regulations, filed 05-05-1976;
- CID 78-2, Rules and Regulations, filed 12-05-1978;
- CID 79-1, Rules and Regulations, filed 06-06-1979;
- CID 82-1, Construction Industries Rules and Regulations, filed 04-14-1982;
- CID 85-1, Construction Industries Rules and Regulations, filed 02-04-1985;
- CID 90-1, Construction Industries Rules and Regulations, filed 05-31-1990.

History of Repealed Material:

- 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 9-2-1997), repealed effective 12-1-2000.
- 14.5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 10-16-2000), repealed effective 7-1-2004.
- 14.5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 5-27-2004), repealed effective 11/15/2016.

Other History:

- That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05-31-1990 -- renumbered, reformatted and amended to 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits, effective 09-14-1996.
- 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 09-03-1996) replaced by 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits, effective 09-23-1997.
- 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 09-02-1997) replaced by 14.5.2 NMAC, Housing and Construction - Construction Industries General Provisions - Permits, effective 12-1-2000.
- 14.5.2 NMAC, Housing and Construction - Construction Industries General Provisions - Permits (filed 10-16-2000), and those applicable portions of 14.7.2 NMAC, Section 10 (filed 10-16-2000); 14 NMAC 9.2, Subpart I, Sections 100-105 (filed 10-30-1998); 14 NMAC 9.2, Subpart II, Section 100 (filed 10-30-1998); 14.10.4 NMAC, Section 8 (filed 7-1-2002); and 14.5.3 NMAC (filed 10-16-2000), Section 8 - replaced by 14.5.2 NMAC, Housing and Construction - Construction Industries General Provisions - Permits, effective 7-1-2004.

ARTICLE 13

CONSTRUCTION INDUSTRIES LICENSING ACT

NMSA 1978 §§60-13-1 THROUGH 60-13-59

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CONSTRUCTION INDUSTRIES LICENSING ACT
NMSA 1978 §§60-13-1 THROUGH 60-13-59

60-13-1. Short title.

[Chapter 60, Article 13](#) NMSA 1978 may be cited as the "Construction Industries Licensing Act".

60-13-1.1. Purpose of the act.

The purpose of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] is to promote the general welfare of the people of New Mexico by providing for the protection of life and property by adopting and enforcing codes and standards for construction, alteration, installation, connection, demolition and repair work. To effect this purpose, it is the intent of the legislature that:

A. examination, licensing and certification of the occupations and trades within the jurisdiction of the Construction Industries Licensing Act be such as to ensure or encourage the highest quality of performance and to require compliance with approved codes and standards and be, to the maximum extent possible, uniform in application, procedure and enforcement;

B. there be eliminated the wasteful and inefficient administrative practices of dual licensing, duplication of inspection, nonuniform classification and examination of closely related trades or occupational activities and jurisdictional conflicts; and

C. contractors be required to furnish and maintain evidence of responsibility.

60-13-2. General definitions.

As used in the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978]:

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 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 [[60-13-1](#) NMSA 1978];

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

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

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

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

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

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

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

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

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

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

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

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

P. "commission" means the construction industries commission;

Q. "manufactured commercial unit" means a movable or portable housing structure over thirty-two feet in length or over eight feet in width that is constructed to be towed on its own chassis and designed so as to be installed without a permanent foundation for use as an office or other commercial purpose and that may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two or more units separately towable but designed to be joined into one integral unit, as well as a single unit, but that does not include any movable or portable housing structure over twelve feet in width and forty feet in length that is used for nonresidential purposes. "Manufactured commercial unit" does not include modular or premanufactured homes, built to a nationally recognized standard adopted by the commission and designed to be permanently affixed to real property; and

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

60-13-3. Definition; contractor.

As used in the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978], "contractor":

A. means any person who undertakes, offers to undertake by bid or other means or purports to have the capacity to undertake, by himself or through others, contracting. Contracting includes constructing, altering, repairing, installing or demolishing any:

- (1) road, highway, bridge, parking area or related project;
- (2) building, stadium or other structure;
- (3) airport, subway or similar facility;
- (4) park, trail, bridle path, athletic field, golf course or similar facility;
- (5) dam, reservoir, canal, ditch or similar facility;
- (6) sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station or similar facility;
- (7) sewerage, water, gas or other pipeline;
- (8) transmission line;
- (9) radio, television or other tower;
- (10) water, oil or other storage tank;

- (11) shaft, tunnel or mining appurtenance;
 - (12) leveling or clearing land;
 - (13) excavating earth;
 - (14) air conditioning, conduit, heating or other similar mechanical works;
 - (15) electrical wiring, plumbing or plumbing fixture, consumers' gas piping, gas appliances or water conditioners; or
 - (16) similar work, structures or installations which are covered by applicable codes adopted under the provisions of the Construction Industries Licensing Act;
- B. includes subcontractor and specialty contractor;
- C. includes a construction manager who coordinates and manages the building process; who is a member of the construction team with the owner, architect, engineer and other consultants required for the building project; and who utilizes his skill and knowledge of general contracting to develop schedules, prepare project construction estimates, study labor conditions and advise concerning construction; and
- D. does not include:
- (1) any person who merely furnishes materials or supplies at the site without fabricating them into, or consuming them in the performance of, the work of a contractor;
 - (2) any person who drills, completes, tests, abandons or operates any petroleum, gas or water well; or services equipment and structures used in the production and handling of any product incident to the production of any petroleum, gas or water wells, excluding any person performing duties normally performed by electrical, mechanical or general contractors; or who performs geophysical or similar exploration for oil, gas or water;
 - (3) a public utility or rural electric cooperative that constructs, reconstructs, operates or maintains its plant or renders authorized service by the installation, alteration or repair of facilities, up to and including the meters, which facilities are an integral part of the operational system of the public utility or rural electric cooperative; provided that the construction of a building by a public utility or rural electric cooperative or the installation or repair of any consumer gas or electrical appliance not an integral part of the operational system makes a public utility or rural electric cooperative a contractor for that purpose;
 - (4) a utility department of any municipality or local public body rendering authorized service by the installation, alteration or repair of facilities, up to and including the meters, which facilities are an integral part of the operational system of the utility department of the municipality;
 - (5) any railroad company;
 - (6) a telephone or telegraph company or rural electric cooperative that installs, alters or repairs electrical equipment and devices for the operation of signals or the transmission of intelligence where that work is an integral part of the operation of a communication system owned and operated by a telephone or telegraph company or rural electric cooperative in rendering authorized service;
 - (7) a pipeline company that installs, alters or repairs electrical equipment and devices for the operation of signals or the transmission of intelligence where that service is an integral part of the operation of the communication system of that pipeline company and is not for hire or for the use of the general public, or any pipeline company which installs, alters or repairs plumbing fixtures or gas piping where the work is an integral part of installing and operating the system owned or operated by the pipeline company in rendering its authorized service;

(8) any mining company, gas company or oil company that installs, alters or repairs its facilities, including plumbing fixtures or gas piping, where the work is an integral part of the installing or operating of a system owned or operated by the mining company, gas company or oil company; provided the construction of a building by a mining company, a gas company or an oil company is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with orders, rules, regulations, standards and codes adopted pursuant to that act;

(9) a radio or television broadcaster who installs, alters or repairs electrical equipment used for radio or television broadcasting;

(10) an individual who, by himself or with the aid of others who are paid wages and who receive no other form of compensation, builds or makes installations, alterations or repairs in or to a single-family dwelling owned and occupied or to be occupied by him; provided that the installation, building, alteration or repair is required to be done in conformity with all other provisions of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] and with the orders, rules, regulations, standards and codes adopted pursuant to that act;

(11) a person who acts on his own account to build or improve a single-family residence for his personal use, including the building or improvement of a free standing storage building located on that residential property; provided that the construction or improvement is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with the orders, rules, regulations, standards and codes adopted pursuant to that act; and provided further that he does not engage in commercial construction;

(12) a person who, by himself or with the aid of others who are paid wages and receive no other form of compensation, builds or makes installations, repairs or alterations in or to a building or other improvement on a farm or ranch owned, occupied or operated by him, or makes installations of electrical wiring that are not to be connected to electrical energy supplied from a power source outside the premises of the farm or ranch owned, occupied or operated by him; provided that the state codes and any local codes adopted pursuant to Subsection F of [Section 60-13-44](#) NMSA 1978 shall not require any permits or inspections for such construction on a farm or ranch except for electrical wiring to be connected to a power source outside the premises;

(13) an individual who works only for wages;

(14) an individual who works on one undertaking or project at a time that, in the aggregate or singly, does not exceed seven thousand two hundred dollars (\$7,200) compensation a year, the work being casual, minor or inconsequential, such as handyman repairs; provided that this exemption shall not apply to any undertaking or project pertaining to the installation, connection or repair of electrical wiring, plumbing or gas fitting as defined in [Section 60-13-32](#) NMSA 1978 and provided:

(a) the work is not part of a larger or major operation undertaken by the same individual or different contractor;

(b) the individual does not advertise or maintain a sign, card or other device which would indicate to the public that he is qualified to engage in the business of contracting; and

(c) the individual files annually with the division, on a form prescribed by the division, a declaration substantially to the effect that he is not a contractor within the meaning of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978], that the work he performs is casual, minor or inconsequential and will not include more than one undertaking or project at one

time and that the total amount of such contracts, in the aggregate or singly, will not exceed seven thousand two hundred dollars (\$7,200) compensation a year;

(15) any person, firm or corporation that installs fuel containers, appliances, furnaces and other appurtenant apparatus as an incident to its primary business of distributing liquefied petroleum fuel;

(16) a cable television or community antenna television company that constructs, installs, alters or repairs facilities, equipment, cables or lines for the provision of television service or the carriage and transmission of television or radio broadcast signals;

(17) any weatherization project not exceeding two thousand dollars (\$2,000) that has been approved and is administered by a federal or state agency; or

(18) a person who performs work consisting of short-term depreciable improvements to commercial property to provide needed repairs and maintenance for items not covered by building codes adopted by the construction industry commission if the total amount paid the person for the work on a single undertaking, including materials, services and wages of those who work for him, does not exceed the sum of five thousand dollars (\$5,000).

60-13-3.1. Employer and employee relationship; independent contractor; improper reporting; penalty; license sanctions.

A. Except as provided in Subsection D of this section, for purposes of the employer and employee relationship within those construction industries subject to the Construction Industries Licensing Act, a contractor who is an employer shall consider a person providing labor or services to the contractor for compensation to be an employee of the contractor and not an independent contractor unless the following standards indicative of an independent contractor are met:

(1) the person providing labor or services is free from direction and control over the means and manner of providing the labor or services, subject only to the right of the person for whom the labor or services are provided to specify the desired results;

(2) the person providing labor or services is responsible for obtaining business registrations or licenses required by state law or local ordinance for the person to provide the labor or services;

(3) the person providing labor or services furnishes the tools or equipment necessary to provide the labor or services;

(4) the person providing labor or services has the authority to hire and fire employees to perform the labor or services;

(5) payment for labor or services is made upon completion of the performance of specific portions of a project or is made on the basis of a periodic retainer; and

(6) the person providing labor or services represents to the public that the labor or services are to be provided by an independently established business. A person is engaged in an independently established business when four or more of the following circumstances exist:

(a) labor or services are primarily performed at a location separate from the person's residence or in a specific portion of the residence that is set aside for performing labor or services;

(b) commercial advertising or business cards are purchased by the person, or the person is a member of a trade or professional association;

(c) telephone or email listings used for the labor or services are different from the person's personal listings;

(d) labor or services are performed only pursuant to a written contract;
(e) labor or services are performed for two or more persons within a period of one year; or

(f) the person assumes financial responsibility for errors and omissions in labor or services as evidenced by insurance, performance bonds and warranties relating to the labor or services being provided.

B. The labor department shall administer and enforce the provisions of Subsection A of this section, including coordination with the construction industries division of the regulation and licensing department.

C. A contractor who intentionally and willfully reports to a state agency or other client that an employee is an independent contractor or who, for the purposes of a program administered by a state agency, intentionally and willfully treats or otherwise lists an employee as an independent contractor when the employee's status does not meet the standards indicative of an independent contractor as identified in Subsection A of this section is guilty of a misdemeanor and shall be punished by a fine of not more than five thousand dollars (\$5,000) or by imprisonment for a definite term not to exceed six months or both. For the purposes of this subsection, "state agency" means an administration, board, commission, department or division of this state.

D. Conviction of a contractor for violating Subsection C of this section shall be grounds for the construction industries commission to take action to suspend, revoke or refuse to renew a license issued to that contractor by the construction industries division of the regulation and licensing department.

E. Subsections A, B and C of this section shall not be construed to affect or apply to a common law or statutory action providing for recovery in torts and shall not be construed to affect or change the common law interpretation of independent contractor status as it relates to tort liability.

60-13-4. Recompiled.

60-13-5. Repealed.

60-13-6. Construction industries commission created; membership; duties.

A. There is created within the division the "construction industries commission". The commission shall be composed of nine voting members who shall serve at the pleasure of the governor. Members shall be appointed by the governor, with the advice and consent of the senate, as follows:

(1) one member who is a representative of the residential construction industry of this state;

(2) one member who is a licensed electrical contractor;

(3) one member who is a licensed mechanical contractor;

(4) one member who is a licensed and practicing architect;

(5) one member who is a practicing general contractor;

(6) one member who is a representative of the liquefied petroleum gas industry;

(7) one member who is a resident of the state, who is not a licensed contractor or certified journeyman and who shall represent the people of New Mexico;

(8) one member who is a representative of the subcontracting industry of the state; and

(9) one member who is a representative of organized labor.

Members shall be appointed to provide adequate representation of all geographic areas of the state.

B. Each member of the commission shall receive per diem and mileage as provided in the Per Diem and Mileage Act [[10-8-1](#) NMSA 1978] and shall receive no other compensation, perquisite or allowance.

C. The commission shall annually elect a chair and vice chair from its membership. The director shall serve as the executive secretary of the commission.

D. The commission shall meet bimonthly or at the call of the chair.

E. The commission shall establish policy for the division. It shall advise on, review, coordinate and approve or disapprove all rules, standards, codes and licensing requirements that are subject to the approval of the commission under the provisions of the Construction Industries Licensing Act or the LPG and CNG Act [[70-5-2](#) NMSA 1978] so as to ensure that uniform codes and standards are promulgated and conflicting provisions are avoided. However, the commission shall not enact a bylaw, order, building code, policy or rule requiring the installation of a residential fire protection sprinkler system in detached one- and two-family dwellings and multiple single-family dwellings, such as townhouses that are not more than three stories above grade plane in height and that have a separate means of egress and their accessory structures. The commission shall:

(1) revoke or suspend, for cause, any license or certificate of qualification issued under the provisions of the Construction Industries Licensing Act or the LPG and CNG Act; and

(2) define and establish all license classifications. The licensee shall be limited in bidding and contracting as provided in Subsection B of Section [60-13-12](#) NMSA 1978. A licensee, subsequent to the issuance of a license, may make application for additional classification and be licensed in more than one classification if the licensee meets the prescribed qualification for the additional classification.

60-13-7. Construction industries division; director; appointment and qualifications.

The superintendent of regulation and licensing shall appoint the director of the division, who shall be a person who meets at least one of the following qualifications:

A. is or has been an active practicing construction contractor for at least five years;

B. is or has been an employee in an administrative position of a construction company for at least five of the past ten years;

C. has been employed by the construction industries division for at least five years and is knowledgeable in the administration of the law governing the construction industries division; or

D. is or has been actively engaged for at least five of the past ten years in an administrative position of an organization which requires that person to have a broad knowledge of the construction industry.

60-13-8. Division; employees; equipment and supplies.

A. The division shall employ personnel, procure equipment and supplies and assemble records as necessary to carry out the provisions of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978].

B. Any person employed or placed under contract by the division or by any county or municipality for the purpose of carrying out the provisions of the Construction Industries Licensing Act who holds any contractor's license or certificate of competence issued by the

division, shall, as a condition of employment surrender the contractor's license or certificate of competence to the division to be held in inactive status. The division shall place the license or certificate on hold effective from the date the employment or contract begins until the date the employment or contract terminates. The license or certificate shall remain in effect after the hold period for the same number of days as it would have remained in effect but for the hold.

60-13-8.1. Construction industries division publications revolving fund created; appropriation.

The "construction industries division publications revolving fund" is created. All money collected by the division from the sale of publications and information related to the licensing and regulatory provisions of and issues arising under the Construction Industries Licensing Act [this article] and regulations adopted pursuant to that act shall be deposited with the state treasurer to be credited to the fund. Money in the fund is appropriated to the division. Money in the fund shall be used only for printing and maintenance of publications and information related to the licensing and regulatory provisions of and issues arising under the Construction Industries Licensing Act and regulations adopted pursuant to that act. Disbursements from the fund shall be made by warrants signed by the secretary of finance and administration, based upon vouchers signed by the director and only in accordance with a budget approved by the department of finance and administration. Money in the fund shall not revert at the end of the fiscal year.

60-13-9. Division; duties.

The division shall:

- A. approve and adopt examinations on codes and standards, business knowledge, division rules and regulations and on the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] recommended by the commission for all classifications of contractor's licenses;
- B. issue, under the director's signature, contractor's licenses and certificates of qualification in accordance with the provisions of the Construction Industries Licensing Act;
- C. submit a list of all contractor's licenses and certificates of qualification issued by the division to the commission for review and approval;
- D. resolve jurisdictional conflicts by assigning specific responsibility to the appropriate bureau for preparing examinations and for certifying and inspecting each occupation, trade or activity covered by the Construction Industries Licensing Act;
- E. establish and collect fees authorized to be collected by the division pursuant to the Construction Industries Licensing Act;
- F. adopt all building codes and minimum standards as recommended by the trade bureaus and approved by the commission so that the public welfare is protected, uniformity is promoted and conflicting provisions are avoided;
- G. with approval of the superintendent of regulation and licensing employ such personnel as the division deems necessary for the exclusive purpose of investigating violations of the Construction Industries Licensing Act, enforcing [Sections 60-13-12](#) and [60-13-38](#) NMSA 1978 and instituting legal action in the name of the division to accomplish the provisions of [Section 60-13-52](#) NMSA 1978;
- H. approve, disapprove or revise the recommended budget of each trade bureau and submit the budgets of those bureaus, along with its own budget, to the regulation and licensing department;

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

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

K. adopt, subject to commission approval, rules and regulations necessary to carry out the provisions of the Construction Industries Licensing Act and the LPG Act [[70-5-1](#) NMSA 1978];

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

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

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

60-13-10. Additional division duties; flood or mudslide areas; standards.

In addition to the division's other duties, on or before January 1, 1976 the division shall, with the approval of the commission, issue regulations prescribing standards for the installation or use of electrical wiring, the installation of fixtures, plumbing, consumers' gas pipe and appliances and materials installed in the course of mechanical installation and the construction, alteration or repair of all buildings, improvements, modular homes, premanufactured homes and manufactured commercial units intended for use in flood or mudslide areas designated pursuant to [Section 3-18-7](#) NMSA 1978. Such regulations shall give due regard to standards prescribed by the federal insurance administration pursuant to Regulation 1910, Subsection 7(d), 79 Stat. 670, Section 1361, 82 Stat. 587 and 82 Stat. 575, all as amended, and shall give due regard to physical, climatic and other conditions peculiar to New Mexico.

60-13-10.1. Division; additional duties; alcohol fuel plant construction code; rules and regulations.

A. In addition to the division's other duties, on or before January 1, 1982 it shall, with the approval of the commission and after public hearing, adopt an alcohol fuel plant construction code. The code shall set forth reasonable standards and requirements for the construction, alteration or repair of buildings and other structures to be used for the manufacture or distillation of alcohol fuel. In adopting the code, the division shall give due regard to the purpose for which the plant is to be used and to the physical, climatic and other conditions peculiar to New Mexico.

B. Upon the adoption of the code, the commission shall make rules and regulations pertaining to the issuance of a permit prior to any construction, installation, alteration, repair or

addition to or within any building or structure proposed for the use of manufacturing or distillation of alcohol fuel. The commission shall also set a reasonable fee for the issuance of a permit.

C. No permit shall be required of any person who, by himself or with the aid of others who are paid wages and receive no other form of compensation, builds or makes installation, repairs or alterations on a farm or ranch owned, occupied or operated by him to any building or structure for the use of manufacturing or distillation of alcohol fuel.

60-13-10.2. Division and commission; standards to accommodate solar collectors.

As provided in the Solar Collector Standards Act [[71-6-4](#) NMSA 1978], the division and commission shall jointly with the energy, minerals and natural resources department promulgate rules, standards or codes that establish requirements for new construction that will accommodate the installation of solar collectors to or on the new construction after the construction is otherwise complete.

60-13-11. Division or commission; powers.

The division or the commission may:

- A. sue and be sued, issue subpoenas and compel the attendance of witnesses and the production of documents, records and physical exhibits in any hearing;
- B. administer oaths;
- C. adopt and use a seal for authentication of its records, processes and proceedings;
- D. compel minimum code compliance in all certified code jurisdictions and political subdivisions; and
- E. investigate code violations in any code jurisdictions in New Mexico.

60-13-12. Contractor's license required.

A. No person shall act as a contractor without a license issued by the division classified to cover the type of work to be undertaken.

B. No bid on a contract shall be submitted unless the contractor has a valid license issued by the division to bid and perform the type of work to be undertaken; provided this subsection shall not prohibit a licensed contractor from bidding or contracting work involving the use of two or more trades, crafts or classifications if the performance of the work in the trades, crafts or classifications other than the one in which he is licensed is incidental or supplemental to the performance of the work in the trades, crafts or classifications for which he is licensed; and further provided that work coming under the jurisdiction of the mechanical bureau or the electrical bureau of the division must be performed by a contractor licensed to perform that work.

C. Any contractor may bid on a New Mexico highway project involving the expenditure of federal funds prior to making application to the division for a license. The contractor, if he has not previously been issued a license, shall upon becoming the apparent successful bidder apply to the division for a license. The director shall issue a license to the contractor in accordance with the provisions of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978].

60-13-13. Application for contractor's license.

A. Applications for a contractor's license or a certificate of qualification shall be submitted to the division on forms prescribed and furnished by the division and shall contain the information and be accompanied by the attachments required by regulation of the commission.

B. The application shall be accompanied by the prescribed fee.

60-13-13.1. Repealed.

60-13-13.2. Licensees; identical or similar names.

The division shall not accept an application, shall not issue a license and shall require a change in the name of a proposed license if the proposed name is identical to or in the opinion of the director so similar that it may cause confusion with a name on a pending application or an existing license. Any person aggrieved by the decision of the director may appeal the decision to the commission.

60-13-14. Division; license issuance; reports.

A. No license shall be issued by the division to any applicant unless the director is satisfied that the applicant is or has in his employ a qualifying party who is qualified for the classification for which application is made and the applicant has satisfied the requirements of Subsection B of this section.

B. An applicant for a license shall:

(1) demonstrate proof of responsibility as provided in the Construction Industries Licensing Act [this article];

(2) comply with the provisions of Subsection D of this section if he has engaged illegally in the contracting business in New Mexico within one year prior to making application;

(3) demonstrate familiarity with the rules and regulations promulgated by the commission and division concerning the classification for which application is made;

(4) if a corporation, incorporated association, registered limited liability partnership or limited liability company, have complied with the laws of this state requiring qualification to do business in New Mexico and provide the name of its current registered agent and the current address of its registered office in New Mexico;

(5) if a person other than the persons described in Paragraph (4) of this subsection, provide a current physical location address and mailing address of the applicant's place of business;

(6) submit proof of registration with the taxation and revenue department and submit a current identification tax number;

(7) comply with any additional procedures, rules and regulations which are established by the commission relating to issuance of licenses; and

(8) have had four years, within the ten years immediately prior to application, of practical or related trade experience dealing specifically with the type of construction or its equivalent for which the applicant is applying for a license, except that the commission may by regulation provide for:

(a) reducing this requirement for a particular industry or craft where it is deemed excessive but the requirement shall not be less than two years; and

(b) a waiver of the work experience requirement of this paragraph when the qualifying party has been certified in New Mexico with the same license classification within the ten years immediately prior to application.

C. The division, with the consent of the commission, may enter into a reciprocal licensing agreement with any state having equivalent licensing requirements.

D. The director may issue a license to an applicant who at any time within one year prior to making application has acted as a contractor in New Mexico without a license as required by the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] if:

(1) the applicant in addition to all other requirements for licensure pays an additional fee as follows:

(a) in an amount up to ten percent of the contract price or the value of the nonlicensed contracted work in the discretion of the commission; or

(b) if the applicant has bid or offered a price on a construction project and was not the successful bidder or offeror, the fee shall be at least one percent but not more than five percent of the total bid amount; and

(2) the director is satisfied that no incident of such contracting without a license:

(a) caused monetary damage to any person; or

(b) resulted in an unresolved consumer complaint being filed against the applicant with the division.

E. An unlicensed contractor who has performed unlicensed work may settle the claims against him without becoming licensed if the claims arise from his first offense and he pays an administrative fee calculated pursuant to Paragraph (1) of Subsection D of this section. In addition to the administrative fee, an additional ten percent of the amount of the administrative fee shall be assessed as a service fee.

F. If the total fee to be paid by the contractor pursuant to the provisions of Subsection D or E of this section is twenty-five dollars (\$25.00) or less, the fee may be waived.

G. The director shall report every incident of nonlicensed contracting work to the taxation and revenue department to assure that the contractor complies with tax requirements and pays all taxes due.

60-13-15. License issuance; commission review.

A. The commission shall review at its regular meetings all licenses issued by the division. The commission shall report to the superintendent of regulation and licensing and the attorney general any license issued to an applicant who fails to meet the requirements established by law and commission regulations for license issuance.

B. The signing of a license by the director for issuance by the division to an applicant who fails to meet the requirements established by law or committee regulations for issuance of licenses is a misdemeanor, and the director, if convicted by a court of law, shall be relieved of his duties and shall be subject to civil damages as provided in [Section 30-23-7](#) NMSA 1978. Failure by the committee or any member of the committee to report the illegal issuance of a license is a petty misdemeanor and upon conviction shall result in termination of the appointment of the committee member so convicted.

60-13-16. Division; qualifying party; examination; certificate.

A. Except as otherwise provided in this section, no certificate of qualification shall be issued to an individual desiring to be a qualifying party until he has passed with a satisfactory score an examination approved and adopted by the division.

B. The examination shall consist of a test based on general business knowledge, rules and regulations of the division and the provisions of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978]. In addition, applicants for a GB, MM or EE classification or for any other classification that the commission determines to be appropriate shall take a test based on technical knowledge and familiarity with the prescribed codes and minimum standards of the particular classification for which certification is requested. The division shall provide examinations in both English and Spanish.

C. In lieu of the examination to determine knowledge of business and construction industries law provided in Subsection B of this section, an applicant may satisfy the business and law knowledge requirement by receiving a certificate of completion of a business and law course of study offered by an accredited education institute approved by the commission. The course and any preparation and instruction materials shall be available in both English and Spanish and shall be made available to the division, the commission or the designated agent of the division, upon request, for review.

D. If a contractor's license is subject to suspension by the commission and if the suspension is based on the requirement that the licensee employ a qualifying party and the employment of the qualifying party is terminated without fault of the licensee, a member of that trade who is experienced in the classification for which the certificate of qualification was issued and has been employed for five or more years by the licensed contractor shall be issued without examination a temporary certificate of qualification in the classification for which the contractor is licensed. The temporary qualifying party is required to pass the regular examination as set forth in Subsection B of this section within ninety days of issuance of a temporary certificate of qualification.

E. The certificate of qualification is not transferable.

F. A qualifying party whose certificate is revoked by the commission shall not reapply for a certificate for one year.

60-13-17. Repealed.

60-13-18. Licenses; renewal.

A. Licenses issued by the division are not transferable.

B. Contractor's licenses shall expire two years after the issuance date or as determined by the division, but in no instance less than one year, and shall be renewable upon application to the division and payment of the prescribed renewal fee; provided that nothing in this subsection shall prohibit the division from establishing a staggered system of license expiration and a procedure for proration of fees for licenses issued for less than the two-year period or other period provided by the division pursuant to this subsection.

C. Licenses shall expire upon the date established by regulation of the commission, such regulation to provide for a staggered system of license expiration and for proration of fees for licenses issued for less than a full year. Thereafter, such licenses shall be issued for a period of two years or as otherwise provided by the division pursuant to Subsection B of this section.

Licenses shall be subject to renewal upon application to the division and payment of the prescribed renewal fee.

D. Licensees and journeyman certificate holders may be required to complete and submit proof of continuing education as a prerequisite for renewal of a license. When required by rule adopted by the division, an applicant for a license renewal must submit with the application for license renewal proof of eight hours of instruction in code change and eight hours of instruction in other industry-related and division-approved subjects. The sixteen hours of continuing education must have been completed within the three years prior to the date of the license renewal application.

E. The director shall, at least thirty days prior to the expiration date of a license, notify the licensee of the approaching expiration. Notice shall be given by mail addressed to the licensee's last address on file with the division. The notice shall include a renewal application form, instructions and any other information prescribed by the division.

F. Failure of a licensee to make application for the renewal of the licensee's license, to furnish such other information required by the commission and to pay the prescribed renewal fee by the last working day prior to the expiration of the license shall cause the license to be suspended by operation of law.

G. Unless the license is renewed within a three-month period, it shall be canceled. The suspended license may be renewed only after payment of a fee equal to one dollar (\$1.00) for each day, up to thirty days, that has elapsed since the expiration date of the license and thereafter for a fee equal to twice the amount of the renewal fee.

60-13-19. Division; evidence of possession; penalty.

A. The licensee shall exhibit satisfactory evidence of the possession of a license on demand and shall clearly indicate his contractor's license number on all written bids and when applying for a building permit.

B. A contractor who fails to indicate his contractor's license number clearly on all written bids and when applying for a building permit shall be assessed a penalty fee of one hundred fifty dollars (\$150) by the division. The fee shall be payable to the code jurisdiction or political subdivision that issued the permit or in which the work for which the bid is submitted is or would be permitted.

C. Before work is commenced, a contract is signed or funds are paid for any residential contracting, the contractor shall disclose in writing to the owner, on a form approved by the division, that the license issued and the bond or other proof of responsibility required pursuant to the Construction Industries Licensing Act does not protect the consumer if the contractor defaults. Any contractor who fails to make the disclosure required by this subsection shall be assessed a fee by the division in an amount not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) as determined by the division. The fee shall be payable to the division.

60-13-20. Fees established by the division; payment of examination and licensing service fees.

A. The division shall by regulation establish and charge reasonable candidate and applicant fees for each license and certificate classification for initial applications, initial and additional examinations, license issuance and renewals, certificate of qualification issuance and renewal, and licensing verification services.

B. The division by regulation may provide that fees charged pursuant to Subsection A of this section shall be paid to the agency providing or administering the service if the service is provided pursuant to authority of the division.

60-13-21. Division; disposition of fees.

Fees received by the division except journeymen examination fees shall be paid to the state treasurer for deposit and transfer as provided in [Section 9-16-14](#) NMSA 1978.

60-13-21.1. Repealed.

60-13-22. Repealed.

60-13-23. Revocation or suspension of license by the commission; causes.

Any license issued by the division shall be revoked or suspended by the commission for any of the following causes:

A. if the licensee or qualifying party of the licensee willfully or by reason of incompetence violates any provision of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] or any rule or regulation adopted pursuant to that act by the division;

B. knowingly contracting or performing a service beyond the scope of the license;

C. misrepresentation of a material fact by the applicant in obtaining a license;

D. failure to maintain proof of responsibility as required by the Construction Industries Licensing Act;

E. unjustified abandonment of any contract as determined by a court of competent jurisdiction;

F. conversion of funds or property received for prosecution or completion of a specific contract or for a specified purpose in the prosecution or completion of any contract, obligation or purpose, as determined by a court of competent jurisdiction;

G. departure from or disregard of plans or specifications that result in code violations;

H. willful or fraudulent commission of any act by the licensee as a contractor in consequence of which another is substantially injured, as determined by a court of competent jurisdiction;

I. failure to maintain workers' compensation insurance as required by the Workers' Compensation Act [[52-1-1](#) NMSA 1978];

J. aiding, abetting, combining or conspiring with a person to evade or violate the provisions of the Construction Industries Licensing Act by allowing a contractor's license to be used by an unlicensed person, or acting as agent, partner, associate or otherwise in connection with an unlicensed person, with the intent to evade the provisions of the Construction Industries Licensing Act; or

K. acting in the capacity of a licensee under any other name than is set forth upon the license.

60-13-23.1. Administrative penalty.

A. Notwithstanding any provisions of the Uniform Licensing Act [[61-1-1](#) NMSA 1978] or the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] to the contrary, the commission may, in addition to or instead of revocation or suspension of a license issued by the division for any cause specified in the Construction Industries Licensing Act, assess the licensee an administrative penalty in the following amounts:

(1) where the dollar value of the contract or work performed is five thousand dollars (\$5,000) or less, the penalty shall be not less than three hundred dollars (\$300) or more than five hundred dollars (\$500); or

(2) where the dollar value of the contract or work performed is more than five thousand dollars (\$5,000), the penalty shall be in an amount equal to not more than ten percent of the dollar amount of the contract or work performed but not less than five hundred dollars (\$500).

B. If a person subject to the penalties under Subsection A of this section previously has had his contractor's license suspended or revoked or has been assessed an administrative penalty pursuant to Subsection A of this section, that person shall be assessed twice the amount specified in Paragraph (1) or (2) of Subsection A of this section, as applicable.

C. Failure to pay an administrative penalty upon the date set by the commission shall subject the offender to an additional penalty of one hundred dollars (\$100) for each day the offender fails to comply with the order. The attorney general shall institute an action in the district court to recover the appropriate penalties.

60-13-24. Certificates of qualification; causes for revocation or suspension.

Any certificate of qualification shall be revoked or suspended by the commission for the following causes:

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

B. violation, willfully or by reason of incompetence, of any provision of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] or any code, minimum standard, rule or regulation adopted pursuant to that act; or

C. aiding, abetting, combining or conspiring with a person to evade or violate the provisions of the Construction Industries Licensing Act or any code, minimum standard, rule or regulation adopted pursuant to that act.

60-13-25. Qualifying party; termination of relationship.

In the event the employment or business relationship between the qualifying party and the licensee is terminated, the licensee and the qualifying party shall notify the division within thirty days of that termination in relationship, and the license shall be suspended for one hundred twenty days from the date of the termination of employment or business relationship and then canceled unless another individual who is a properly certified qualifying party is approved as the qualifying party for the licensee.

60-13-26. Division; trade bureaus; liability of commission members.

Neither the division, the bureaus, their duly authorized employees nor members of the commission shall be held personally responsible or liable for any act pertaining to their official duties.

60-13-27. Complaints against licensees and certificate holders; investigations by division; informal resolution; notice of revocation action.

A. The division on its own motion or upon the verified complaint in writing of any person shall investigate the actions of any licensee or certificate holder. The director may assign one or more inspectors certified pursuant to [Section 60-13-41](#) NMSA 1978, investigators or other personnel to investigate that licensee or certificate holder or any activity within the jurisdiction of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978]. The director may authorize

an inspector or investigator to enter any code jurisdiction to make investigations. The investigation shall be for the purpose of determining if there has been a code violation or other breach of [Section 60-13-23](#), [60-13-24](#) or [60-13-36](#) NMSA 1978 on the part of a licensee or certificate holder constituting probable grounds for revocation or suspension of his license or certificate.

B. The person assigned by the director shall make an immediate investigation, securing all pertinent facts and statements, including a statement from the contractor, if he is available, and names and addresses of witnesses. Within one hundred eighty days of receipt of the complaint by the division, he shall make a full and complete written report to the director.

C. Complaints may be resolved informally at the request of the complainant, the contractor or the commission. For informal resolution of a complaint, all parties must agree to the informal hearing and agree that the decision of the informal hearing officer is final. The procedures for informal hearings and resolution of complaints shall be established by the commission.

D. All revocation and suspension proceedings conducted by the commission and judicial review of the commission's decision shall be governed by the provisions of the Uniform Licensing Act [[61-1-1](#) NMSA 1978]. Prior to any revocation action by the commission, notice of the pending action shall be given to the bonding company which has in effect for the licensee any bond issued pursuant to the proof of responsibility provisions of the Construction Industries Licensing Act.

60-13-28. Suspension period.

A. The commission shall make all suspensions for a definite period not exceeding ninety consecutive days. Suspension of a license for any cause specified in the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] shall not preclude revocation of that license for cause by the commission.

B. A contractor whose license has been suspended or revoked shall complete work in progress as directed by the commission.

C. At the end of the suspension period, the commission shall review the license to determine if the license should be reinstated or revoked.

60-13-29. Application following revoked license or certificate.

A. After revocation of any license or certificate issued pursuant to the Construction Industries Licensing Act, no person shall be eligible to apply for a new license or certificate until a period of one year after the date of the original order of revocation by the commission has expired.

B. Following the revocation of a contractor's license or a qualifying party's certificate pursuant to the Construction Industries Licensing Act, no license or certificate may be issued to that contractor or qualifying party by the division if the director finds that the contractor or qualifying party has, during the period of revocation, engaged in activity that constitutes a violation of any provision of the Construction Industries Licensing Act.

60-13-30. Suit by contractor for compensation; pleading and proof of license.

A. No contractor shall act as agent or bring or maintain any action in any court of the state for the collection of compensation for the performance of any act for which a license is required by the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] without alleging and

proving that such contractor was a duly licensed contractor at the time the alleged cause of action arose.

B. Any contractor operating without a license as required by the Construction Industries Licensing Act shall have no right to file or claim any mechanic's lien as now provided by law.

60-13-31. Trade bureaus created.

There are created under the division the "electrical bureau," the "mechanical bureau," the "general construction bureau" and the "liquefied petroleum gas bureau."

60-13-32. Trade bureaus; definitions.

As used in the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978]:

A. "electrical wiring" means all wiring, conductors, fixtures, devices, conduits, appliances or other equipment, including generating equipment of not over ten kilowatt capacity, used in connection with the general distribution or use of electrical energy;

B. "plumbing" means the installing, altering and repairing of all plumbing fixtures, fixture traps and soil, waste, supply and vent pipes, with their devices, appurtenances and connections, through which water, waste, sewage, oil and air are carried, when done within the property lines of the building or structure to be served by the plumbing or to the point of connection with the utility system. This subsection shall not be construed as prohibiting the installation by a "fixed works" licensee of service lines from the utility system to a point five feet outside the building or structure to be served by the plumbing;

C. "fixtures" includes closet bowls, lavatories, bath tubs, showers, kitchen sinks, laundry trays, hot water tanks, softeners, urinals, bidets, service sinks, shower pans, drink fountains, water compressors, water coolers, septic tanks or similar systems of sewage disposal and such other similar fixtures used in plumbing as designated by the mechanical bureau;

D. "gas fitting" means the installing, altering and repairing of consumers' gas piping and the installation of appliances utilizing natural gas as fuel and their appurtenances in or upon premises of the consumers;

E. "softener" or "water conditioner" means any appliance, apparatus, fixture and equipment which is designed to soften, filter or change the mineral content of water, whether permanent or portable; and

F. "certificate of competence" means evidence of competence issued by the division to a journeyman electrician, journeyman plumber, journeyman gas fitter, journeyman pipe fitter or journeyman welder working on pipelines, collection lines or compressor stations.

60-13-33. Trade bureaus; general duties and powers.

The trade bureaus shall:

A. cooperate in administering examinations for the licensing and certification of the occupations or trades assigned to their jurisdictions pursuant to the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978], and provide those examinations and any related materials in both English and Spanish;

B. perform inspections of all occupations, trades and activities within their jurisdictions;

C. be responsible for all administrative duties and other duties necessary and incidental thereto required in the Construction Industries Licensing Act, including those activities and duties assigned to them by the director; and

D. recommend rules and regulations and submit them to the division for approval by the commission and promulgation by the division.

60-13-34, 60-13-35. Repealed.

60-13-36. Certificates of competence; suspension and revocation.

A. The commission may suspend any certificate of competence issued within the scope of the bureau's trade for a definite period not exceeding ninety consecutive days.

B. Suspension of a certificate of competence shall be for any cause specified in the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978].

C. The commission may revoke any certificate of competence issued by it only for the following causes:

(1) misrepresentation of a material fact by the individual obtaining the certificate;

(2) violation willfully or by reason of incompetence of any provision of the Construction Industries Licensing Act or any code, minimum standard, rule or regulation adopted pursuant to that act pertaining to installation, alteration, maintenance, connection or repair; or

(3) aiding, abetting, combining or conspiring with a person to evade or violate the provisions of the Construction Industries Licensing Act or any code, minimum standard, rule or regulation adopted pursuant thereto.

60-13-37. Repealed.

60-13-38. Certificates of competence; examination; journeymen.

A. A person shall not engage in the occupation or trade of journeyman unless he holds a certificate of competence issued by the division for the occupation or trade in which he desires to engage.

B. The categories for certificates of competence are: journeyman electrician, journeyman plumber, journeyman gas fitter, journeyman pipe fitter, journeyman sheet metal worker, journeyman boiler operator, residential wireman and journeyman welder working on pipelines, collection lines or compressor stations.

C. An applicant for a certificate of competence shall be required to take an examination approved and adopted by the division as to his knowledge of the orders and rules governing the occupation or trade for which a certificate is sought, and as to his technical knowledge and ability pertaining to his particular trade. The examination may be oral, written or demonstrative or any combination thereof, as required by rules of the commission.

D. The division shall issue a certificate of competence to any journeyman welder working on pipelines, collection lines or compressor stations who shows evidence of having satisfactorily completed an examination administered by an independent testing organization or public utility employing engineers registered with the state, such examination meeting the minimum pipeline safety standards set by the public regulation commission.

E. Applications for certificates of competence shall be in the form and shall contain such information and attachments as the division prescribes.

F. The division shall establish a reasonable fee for any examination or issuance of certificate of competence.

G. A person is not eligible to take an examination for a certificate of competence unless he has had two years' experience in the occupation or trade for which a certificate of competence is sought, or the equivalent thereof as determined by the commission, or has successfully completed a course in the trade approved by the vocational education division of the state department of public education.

H. Employment of an apprentice working under the direct supervision of a certified journeyman is not prohibited by the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978].

I. A person is eligible to take an examination for a journeyman electrician certificate of competence after at least:

- (1) four years of accredited training in the electrical trade;
- (2) four years of apprenticeship in the electrical trade;
- (3) four years of practical experience in the electrical trade, of which two years are in the commercial trade, industrial trade or the equivalent as determined by the commission; or
- (4) successfully completing an electrical trade program approved by the vocational education division of the state department of public education and two years of practical experience in the commercial electrical trade.

J. Continuing education requirements for a journeyman electrician shall include at least sixteen hours of continuing education in every three-year period between national electrical code updates, of which eight hours are code change instructions and eight hours are other industry-related instruction. All continuing education curricula and instructors shall be approved by the commission based on recommendations by the electrical bureau.

K. A certificate of competence shall not be renewed until a complete application for renewal has been received by the division. Proof of completion of the continuing education requirements shall be submitted to the division with the application for renewal of certificate of competence. An application for renewal that is not accompanied by proof of completion of the continuing education requirements is incomplete and shall not be processed. The continuing education requirements in this subsection shall only apply to a journeyman electrician with the designation "EE-98J" or "JE98". This does not apply to EE98.

L. A person is eligible to take an examination for a residential wireman's certificate of competence after at least:

- (1) two years of accredited training or apprenticeship in the electrical trade;
- (2) two years of practical experience in wiring residential dwellings; or
- (3) successfully completing a course in the trade approved by the vocational education division of the state department of public education and one year of practical experience in wiring residential dwellings.

M. The provisions of Subsections I and L of this section do not apply to a person who was enrolled as a full-time student before June 20, 2003 in an electrical trade program approved by the vocational education division of the state department of public education.

60-13-39. Certificates and examination.

A. Certificates of competence issued by the division are not transferable and shall expire on the date established by the division, not more than three years from the month of issuance.

B. Application shall be made before the expiration date for renewal of a current certificate of competence and shall be accompanied by the fee prescribed for the initial issuance of the certificate.

C. Applications for a renewal of a certificate of competence shall be filed with the division prior to the last working day before the certificate expires. An expired certificate shall be renewable within a six-month period without examination and only upon paying a fee in twice the amount of the renewal fee. If the certificate has not been renewed within the six-month period, it shall be canceled.

60-13-40. Repealed.

60-13-40.1. Repealed.

60-13-41. Inspectors; designated inspection agencies.

A. State inspectors shall be employed by the director.

B. Qualifications and job descriptions for inspectors for the state, municipalities and all other political subdivisions shall be prescribed by the commission.

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

D. The division may enter into reciprocal agreements with other jurisdictions having comparable codes, standards and inspection requirements for the inspection of the construction, alteration or repair of modular homes, premanufactured homes and manufactured commercial units.

E. The division may, with the approval of the commission, establish qualifications for inspectors certified to inspect in more than one bureau's jurisdiction.

60-13-42. Authority of inspectors; limitation.

A. A state certified inspector may, during reasonable hours, enter any building or go upon any premises in the discharge of the inspector's official duties for the purpose of making an inspection of work performed or for the purpose of testing any installation authorized within the jurisdiction of the inspector's trade certification. The inspector may cut or disconnect, or have cut or disconnected in cases of emergency, an installation or device when necessary for safety to life or property or where the installation may interfere with the work of a fire department.

B. The inspector may disconnect or order the discontinuance of service to any installation, device, appliance or equipment found to be dangerous to life or property because it is defective or is incorrectly installed, until the installation, device, appliance or equipment is made safe and is approved by the inspector.

C. The inspector may order the correction of any defects or any incorrect installation that prompted the disconnection and discontinuance of service.

D. In all cases where disconnection is made, a notice shall be attached by the inspector to the installation, device, appliance or equipment disconnected, which notice shall state that the same has been disconnected by or on order of the inspector and the reason for the disconnection. It is unlawful for a person to remove the notice or to use the installation, device, appliance or equipment without authorization of an inspector.

E. The division shall by regulation adopt official inspection stickers or medallions for the purpose of identifying those modular homes and premanufactured homes that have been inspected and found to comply with all requirements of the state codes and standards. State inspection and acceptance for use of modular homes and premanufactured homes shall exclusively apply to the use and occupancy of such dwellings in the state and in any of its political subdivisions, subject to the requirements of local planning and zoning ordinances and ordinances requiring permits and inspections for foundations, electrical and mechanical hookups or other safety or sanitary requirements.

60-13-43. Qualification of municipal and county inspectors.

A. No person shall be employed by any municipality or county as an inspector unless he has first secured approval from the division of his competence as an inspector.

B. Trade bureaus shall issue to all approved municipal and county inspectors a certificate setting forth the fact of approval.

C. Certification by the division shall remain in effect unless rescinded by action of the commission.

D. Any complaint brought against a certified municipal or county inspector shall cause the director to assign an investigator to investigate the merits of the complaint and report to the commission within thirty days.

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.

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

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

D. The general construction bureau shall recommend to the commission additional specifications for any public building constructed in the state through expenditure of state, county or municipal funds, bonds and other revenues, which specifications shall embody standards making the building accessible to persons who have a physical disability, and the

specifications shall conform substantially with those contained in a nationally recognized standard for making public facilities accessible to persons with a physical disability that is developed through an open, balanced consensus process. All orders and rules recommended by the general construction bureau and adopted by the commission under the provisions of this section shall be printed and distributed to all licensed contractors, architects and engineers and to the governor's commission on disability. The orders and rules shall take effect on a date fixed by the commission, which shall not be less than thirty days after their adoption by the commission, and shall have the force of law.

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

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

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

H. The trade bureaus within their respective jurisdictions shall recommend to the commission standards for the construction, alteration, repair, use or occupancy of manufactured commercial units, modular homes and premanufactured homes. The recommendations shall substantially embody the applicable provisions or standards for the safety to life, health, welfare and property approved by the nationally recognized standards association and developed through an open, balanced consensus process and shall give due regard to physical, climatic and other conditions peculiar to New Mexico. Wherever existing state codes or standards conflict with the codes and standards adopted by the commission under the provisions of this subsection, the provisions of the applicable New Mexico building codes adopted pursuant to the Construction Industries Licensing Act and the LPG and CNG Act [70-5-2 NMSA 1978] in effect at the applicable time shall exclusively apply and control, except for codes and standards for mobile housing units.

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

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

60-13-45. Trade bureaus; permits.

A. The trade bureaus within their respective jurisdictions may require a permit to be secured and conspicuously posted prior to any construction, installation, alteration, repair or addition to or within any building, structure or premises.

B. No permit shall be required for the performance of any of the following classes of work:

(1) minor repairs, replacement of lamps, the connection of portable electrical equipment to suitable receptacles which are permanently installed, minor repairs or replacement of or to faucets, taps or jets or connection of portable equipment to suitable connections or inlets which have been permanently installed;

(2) installation of temporary wiring for testing electrical equipment or apparatus or installation of temporary fixtures or devices for testing fixtures, equipment, apparatus or appliances;

(3) installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence by wire; and

(4) installation or work which is done after regular business hours or during a holiday when immediate action is imperative to safeguard life, health or property, provided the person making the installation or performing the work applies for a permit covering the installation or work not later than the next business day.

C. If a permit has been issued for construction of a new residential building, that residential building shall not be occupied until a certificate of occupancy has been issued certifying compliance with all codes and standards.

D. The commission shall make rules and regulations pertaining to the issuance of permits and the setting of reasonable fees to be paid by the applicant for a permit. The regulations shall provide a procedure for the issuance of permits outside the corporate limits of a municipality where inspection is made by a state inspector or a municipal inspector serving as a part-time state inspector and for inspections within a municipality where the inspection is done exclusively by a full-time state inspector. Each trade bureau by regulation may require a reasonable bond or surety in the penal sum of five hundred dollars (\$500) or more, but not to exceed fifteen hundred dollars (\$1,500), with such bureau named as obligee and conditioned for the payment of inspection fees provided in the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978]. Nothing in this section shall preclude municipalities from making inspections in accordance with the Construction Industries Licensing Act or rules and regulations pursuant to that act or from establishing a schedule of fees to be paid by an applicant for a permit.

E. In the event that the division assumes inspections of a municipal or county jurisdiction, the permit fees shall be paid directly to the division.

60-13-46. Trade bureaus; annual permits.

A. In lieu of an individual permit for each installation, alteration or repair, an annual permit shall be issued, upon application, to any person, commercial or industrial plant or enterprise, governmental agency or political subdivision of the state that regularly employs one or more certified journeymen for installation, alteration, maintenance or repair on premises owned or occupied by the applicant for the permit.

B. The application for an annual permit shall be in writing to the appropriate trade bureau in whose jurisdiction the work is to be done.

C. Annual permit holders shall keep a record of all work done under the annual permit, and the appropriate trade bureau or its authorized employees shall have access to the record.

D. A reasonable fee established by the division shall be paid for each annual permit at the time of issuance. Inspection fees shall be collected at the time of each regular inspection of

installations, alterations or repairs made under the annual permit. Fees received by a bureau under this subsection shall be remitted to the division.

E. Annual permits expire one year from their date of issuance.

60-13-47. Trade bureaus; connection to installation.

A. Except where work is done under an annual permit, no public utility shall make a connection from a supply of water or gas to an installation for which a permit is required, or which has been disconnected or ordered to be disconnected by the trade bureau having jurisdiction, without the authorization of the trade bureau having jurisdiction.

B. The public utility may make a connection from a supply of water or gas to an installation under the following circumstances:

(1) if within seven days after notification to the appropriate trade bureau of the completion of any work or installation the bureau has failed to approve or disapprove the connection; or

(2) if an installation or work is not located in any territory where there is an authorized inspector; provided, however, before any such connection is made by the public utility, the public utility must have received a written statement from the licensee declaring that the installation or work conforms with the provisions of the Construction Industries Licensing Act [60-13-1 NMSA 1978] and the orders, rules and regulations, codes and minimum standards made pursuant to that act. The public utility shall immediately report to the proper trade bureau the receipt and contents of the statement. If it is discovered by the trade bureau that the declaration made in the statement is false, the trade bureau shall order the licensee making the statement to rectify the defects within five days after receipt of the written notice thereof from the bureau.

C. No public or municipally owned electric utility shall make a connection from a supply of electricity for which a permit is required without the approval of the electrical bureau or its authorized representative. In the event of an emergency, the electrical contractor shall issue a prefinal permit to the serving utility authorizing the service to be reconnected. The electrical contractor shall report the emergency on the next working day to the electrical bureau or its authorized representative for inspection.

60-13-48. Repealed.

60-13-48.1. Financial statements; confidentiality.

No information from financial statements obtained from applicants for licenses or licensees for the division's use in determining responsibility or maintaining proof of responsibility for the future shall be released unless in statistical form and classified to prevent identification of particular applicants. Any employee of the division, any former employee of the division or any other person who reveals to another individual any information which he is prohibited from lawfully revealing by provision of this section is guilty of a misdemeanor and shall upon conviction be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year, or both, and shall not be employed by the state for a period of five years after the date of the conviction.

60-13-49. Proof of responsibility.

A. No applicant for a contractor's license or for renewal of a contractor's license shall be issued a license until the director determines that the applicant furnishes proof of responsibility pursuant to Subsection B of this section.

B. Proof of responsibility shall be a bond of ten thousand dollars (\$10,000) acceptable to the director and underwritten by a corporate surety authorized to transact business in New Mexico. Such bond shall meet the following conditions:

(1) payments from a bond required pursuant to this section shall only be used to cure code violations caused by a licensee, certified by the division and not corrected by the licensee. Claims against the bond shall be made within two years following final inspection by the governmental entity having jurisdiction over code enforcement or within two years of issuance of a certificate of occupancy for the construction project, whichever is earlier;

(2) the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond;

(3) the bond carrier shall provide to the division and to the licensee thirty days' prior written notice of intent to cancel a bond required pursuant to this section. The surety for such a bond shall remain liable under the provisions of the bond for all obligations of the principal pertaining to bond terms that occur before the bond is canceled, expires or otherwise becomes ineffective;

(4) failure to maintain the bond for the period required by law is cause for revocation of the license; and

(5) if the bond is canceled, expires or otherwise becomes ineffective during the period of a license, the division shall notify the licensee that a new bond is required. If the licensee has not provided proof of a new bond before the fortieth day after the date on which the bond was canceled, expired or otherwise became ineffective, the license shall be subject to revocation for failure of proof of responsibility.

60-13-50. Repealed.

60-13-51. Contractor's bond; municipal requirement prohibited.

No municipality shall require any person or corporation licensed under the provisions of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] to file or obtain as a condition of doing business as a licensed contractor within the municipality any additional license bond as proof of responsibility if the person or corporation has met the responsibility requirements of the commission.

60-13-52. Penalty; misdemeanor.

A. Any person who acts in the capacity as a contractor within the meaning of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] without a license required by that act, and any person who holds himself out as a sales representative of a contractor which contractor is without a license as required by that act, is guilty of a misdemeanor, and upon conviction therefor the court shall:

(1) where the dollar value of the contracting work is five thousand dollars (\$5,000) or less, sentence the person to be imprisoned in the county jail for a term of ninety days or to the payment of a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), or to both such imprisonment and fine in the discretion of the court; and

(2) where the dollar value of the contracting work exceeds five thousand dollars (\$5,000), sentence the person to be imprisoned in the county jail for a term of six months or to the payment of a fine of ten percent of the dollar value of the contracting work, or to both such imprisonment and fine in the discretion of the court.

B. Any person who acts in the capacity as a journeyman within the meaning of the Construction Industries Licensing Act without holding a valid certificate of competence issued by the division is guilty of a misdemeanor, and upon conviction therefor the court shall sentence the person to be imprisoned in the county jail for a term of ninety days or to payment of a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or to both such imprisonment and fine.

C. Any person who, after having been convicted and sentenced in accordance with the provisions of either Subsection A or Subsection B of this section, is again convicted pursuant to the provisions of this section shall be sentenced to twice the applicable penalty imposed by the provisions of this section.

D. In the case of a first conviction under this section, the court may impose a deferred sentence on the condition that the person comply with the provisions for licensure pursuant to Subsection D of [Section 60-13-14](#) NMSA 1978.

60-13-53. Commission or division; powers of injunction; mandamus.

The commission or division may enforce in the district court of the county in which the offense was committed the provisions of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] by injunction, mandamus or any proper legal proceeding.

60-13-54. Continuation of license.

Any person who, at the time of the passage and approval of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978], is engaged in any occupation, trade or activity related thereto, pursuant to a valid license authorizing such acts and operations issued under laws repealed by this act and rules and regulations pursuant thereto, is entitled to continue such act and operations, and the license shall continue in effect until the expiration date thereof, subject in all cases to suspension or revocation as provided by the Construction Industries Licensing Act.

60-13-55. Continuation of construction codes and standards.

Any code and minimum standard related to the construction, alteration, installation or repair of a private or public building, or installation on public or private premises, in effect at the time of passage and approval of the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978] shall continue in effect until the commission and trade bureaus created by the Construction Industries Licensing Act amend or revise those codes and minimum standards pursuant to provisions of the Construction Industries Licensing Act.

60-13-56. Repealed.

60-13-57. Hearing officer authorized.

The commission may designate a hearing officer to preside over and take evidence at any hearing held pursuant to the Construction Industries Licensing Act [[60-13-1](#) NMSA 1978]. Hearing officers may be employees or individuals hired outside the division by contract or on a case by case basis as determined by the commission.

60-13-58. Repealed.

60-13-59. Building permits; contents; display.

Every building permit or notice of permit required under the provisions of a building code shall:

- A. clearly indicate the name and address of the owner of the property;
 - B. contain a legal description of the property being built upon, either by "lot and block" description in a subdivision, by street address in a municipality or by township, range and section numbers if outside a municipality or platted subdivision;
 - C. contain the name, address and license number of the general contractor, where applicable; and
 - D. be prominently displayed on the site where the construction or work is to be performed.
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