

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 6 CONSTRUCTION INDUSTRIES LICENSING
PART 7 MODULAR BUILDING STRUCTURES

14.6.7.1 ISSUING AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department (RLD).

[14.6.7.1 NMAC - Rp, 14.12.3.1 NMAC, 7/1/2018]

14.6.7.2 SCOPE: The construction, alteration, repair, use and occupancy of modular structures in the state of New Mexico.

[14.6.7.2 NMAC - Rp 14.12.3.2 NMAC, 7/1/2018]

14.6.7.3 STATUTORY AUTHORITY: These standards are adopted pursuant to Subsections L and M of Section 60-13-2, Subsections F and K of Section 60-13-9, Section 60-13-10, Subsection H of 60-13-41, Subsection E of Section 60-13-42 and Subsections H and I of Section 60-13-44 of the Construction Industries Licensing Act, NMSA 1978.

[14.6.7.3 NMAC - Rp, 14.12.3.3 NMAC, 7/1/2018]

14.6.7.4 DURATION: Permanent.

[14.6.7.4 NMAC - Rp, 14.12.3.4 NMAC, 7/1/2018]

14.6.7.5 EFFECTIVE DATE: July 1, 2018, unless a later date is cited at the end of a section.

[14.6.7.5 NMAC - Rp, 14.12.3.5 NMAC, 7/1/2018]

14.6.7.6 OBJECTIVE: The purpose of this rule is to promote the general welfare of the people of New Mexico by providing for the protection of life and property through construction codes, rules, and standards, the compliance with which will result in safer modular structure.

[14.6.7.6 NMAC - Rp, 14.12.3.6 NMAC, 7/1/2018]

14.6.7.7 DEFINITIONS: The following terms shall have the meaning indicated when used in this rule.

A. "Act" means the Construction Industries Licensing Act, Sections 60-13-1 through 60-13-59 NMSA 1978 and the LP Gas Act, Sections 70-5-1 through 70-5-23 NMSA 1978.

B. "Approved In-plant Inspector List" means a list of inspection agencies approved by and registered with the Division.

C. "Approved Inspection Agency List" means a list of inspection agencies approved by and registered with the Division.

D. "Approved Modular Manufacturers List" means a list of modular manufacturers approved by and registered with the Division.

E. "Authority Having Jurisdiction" (AHJ) means the entity with permitting and enforcement authority over a construction project within its jurisdiction.

F. "Code" means the codes set forth in Title 14 Chapters 5 thru 10 NMAC.

G. "Commercial use" shall have the same meaning as that given it in the New Mexico commercial building code.

H. "Compliance Decal" attached to a modular structure by an in-plant inspector indicating code compliance.

I. "Data Plate" attached to the rear exterior siding of each transportable section with identification of the edition dates of the codes or standards complied with and the compliance decal number.

J. "Director" means the administrative head of the division.

K. "Division" means the CID of RLD.

L. "Dwelling" means a building that contains one or two dwelling units, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes pursuant to the New Mexico Residential Code.

M. "Dwelling unit" means a single unit providing complete independent living facilities, for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

N. "Inspection"

(1) **“In-plant”** means an inspection performed pursuant to Paragraph (1) of Subsection B of 14.6.7.12 NMAC by an “in-plant inspector” employed by an inspection agency to perform in-plant inspections of modular structures or modular manufacturing inspections of modular components.

(2) **“Installation”** means an inspection performed by the division or an AHJ employed inspector after the installation and utility set-up of the structure pursuant to Subsections A through G of 14.6.7.13 NMAC.

O. “Inspection Agency” means a company approved by the director and registered with the division as an in-plant inspection agency for modular components or modular structures.

P. “Inspector”

(1) **“Division or AHJ inspector”** means an inspector employed by the division or an AHJ to conduct required code inspections.

(2) **In-plant inspector”** means an inspector approved by the division to perform in-plant inspections of modular components or modular structures and employed by an approved inspection agency.

Q. “Manufacturer” means any person engaged in the manufacture or construction of modular structures or modular components.

R. “Modular Manufacturer Certificate of Code Compliance” issued by the in-plant inspector certifying that the structure is in compliance with all New Mexico codes prior to leaving the manufacturing facility. The manufacturer shall submit the Modular Manufacturer Certificate of Code Compliance and all in-plant inspection reports, including the final in-plant inspection report, to the division.

S. “Modular Building Certificate of Occupancy” issued by the division or the AHJ after all permits and inspections for installation are completed and approved.

T. “Modular components” means non-assembled constructed components of a residential or commercial building, built off site but to be assembled on site.

U. “Modular structure” means any structure built off site for use or occupancy by persons or property, whether or not designed to be placed on a permanent foundation. Modular structures include factory-built buildings. Modular structure does not include modular components, modular component structures or manufactured housing structures that are subject to federal regulation.

V. “Park Model RV” (PMRV) is a unique trailer-type RV that is designed to provide temporary accommodation for recreation, camping or seasonal use. PMRV’s are built on single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode. They are certified by their manufacturers as complying with the ANSI A119.5 standard for recreational trailers.

W. “Plans” means those design documents and related specifications required for the manufacture of any given modular structure or modular component as required by code.

X. “Residential use” shall have the same meaning as that given it in the currently adopted New Mexico residential building code.

Y. “Recreational Vehicle Industry Association” (RVIA) means the national trade association representing recreation vehicle (RV) manufacturers.

Z. “Storage shed” means any accessory structure that is not classified for human habitation or occupancy and is intended to be used for storage. Sheds can be either free-standing or attached to another structure.

AA. “Temporary Worker Housing” (TWH) means any out-of-state manufactured or constructed modular housing unit that contains one or more sleeping units or areas used, intended, engineered or designed for temporary employer-provided workers and is not intended to be permanently installed in the State of New Mexico and that may be set-up, used, rented, leased, let or hired out for the sole purpose of providing temporary employee housing approved on a case by case basis. TWH does not include manufactured homes constructed under the Federal Construction and Safety Standards.

BB. “Tiny House” means a dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts, that must meet minimum building code requirements and comply with all requirements herein and regulation 14.7.3.28 NMAC, appendix Q Tiny Houses; does not include recreational vehicles.

[14.6.7.7 NMAC - N, 7/1/2018]

14.6.7.8 APPLICABLE CODES AND STANDARDS: The codes set forth in Title 14 Chapters 5 through 10 NMAC are the standards applicable to the construction, alteration, repair, use, occupancy and installation of modular structures and modular components.

[14.6.7.8 NMAC - N, 7/1/2018]

14.6.7.9 REGISTRATION FOR MODULAR MANUFACTURERS: All manufacturers of modular products must be registered with the division.

- A.** Applicants for registration pursuant to this part shall submit the following:
- (1) A division approved registration application.
 - (2) A Fee of \$300.00 per three year licensing cycle.
 - (3) Proof of the responsible individual's experience, who either owns or is employed by the modular manufacturer, to include:
 - (a) Commercial - four years of experience, within the last 10 years, in general building or modular building.
 - (b) Residential - two years of experience, within the last 10 years, in general building or modular building.
 - (4) Proof of authorization to conduct business in the state of New Mexico, if applicable.
 - (5) Proof of registration with the New Mexico taxation and revenue department.
 - (6) Proof of compliance with worker's compensation, if applicable.
 - (7) Proof of compliance with parental responsibility, if applicable.

B. In-state manufacturers must be licensed as a GB-02 or a GB-98 general builder as applicable, or a GS-29, "Modular Manufacturer" and registered by the division for manufacture of modular structures or modular components for commercial or residential use subject to Section 60-13-12 NMSA 1978. A manufacturer's registration is also required. A contractor's license is not an exemption from registration requirements. The manufacturer's registration fee is waived for in-state manufacturers.

- (1) Must submit and maintain proof of association with an inspection agency approved by the division.
- (2) A licensee must maintain their CID license in good standing in order to remain registered.

C. Out-of-state manufacturers must submit proof of compliance with all applicable licensing requirements of the jurisdiction where the modular structures are manufactured.

- (1) A letter of good standing must be submitted from the manufacturer's home jurisdiction.
- (2) Proof of association with an inspection agency approved by the division.
- (3) A manufacturer may alternatively be licensed with a classification of either a GB-02, a GB-98 or a GS-29, "Modular Manufacturer". The registration fee for a licensee is waived in this case.

D. In addition to the above, all manufacturers shall comply with the following:

- (1) Maintain continuing compliance with all registration requirements.
- (2) Manufacturers registration issued by the division are not transferable and the registration fee is not refundable.
- (3) Any change in the information submitted by an applicant for a modular registration or renewal thereof must be reported, in writing, to the division immediately but no later than 30 days after such change occurs.

(4) Any modular registration issued by the division shall expire on the last day of the month three years from the date of issuance.

(5) A manufacturer may renew by submitting a completed renewal application and meeting all other requirements prior to expiration with a three year renewal fee of \$300.00.

(6) Any modification to bring an imported or installed unit into code compliance is the responsibility of the manufacturer utilizing their W-2 employees and an inspection agency approved inspector to ensure verification that all corrections are completed and code compliant.

E. Any registered manufacturer may be removed from the approved list at any time for cause by the director. Any manufacturer removed from the approved list will not be eligible for compliance decals.

F. All modular manufacturing registrants must utilize an approved third party inspection agency.
[14.6.7.9 NMAC - N, 7/1/2018]

14.6.7.10 REGISTRATION FOR IN-PLANT INSPECTION AGENCIES:

- A.** Applicant for registration pursuant to this part shall submit the following:
- (1) A completed and approved registration application.
 - (2) A fee of \$300.00.
 - (3) Proof of authorization to conduct business in the state of New Mexico if performing work within the state.

(4) Proof of registration with New Mexico taxation and revenue department if performing work within the state.

B. Submit and maintain a list of all division approved and currently employed inspectors who have national certification and state approval of inspection of building, mechanical/plumbing and electrical systems.

C. Any approved inspection agency may be removed from the approved list for cause by the director.

D. Any change in the information submitted by an applicant for a registration or renewal thereof, including all changes in employee inspector status, must be reported, in writing, to the division immediately but no later than 30 days after such change occurs.

E. A registration issued by the division shall expire on the last day of the month three years from the date of issuance.

F. An inspection agency may renew their registration by submitting the renewal application, an updated list of inspector employees who have national certification and state approval for inspection of building, mechanical/plumbing and electrical systems, a renewal fee of \$300.00 and any other requirements.

[14.6.7.10 NMAC - N, 7/1/2018]

14.6.7.11 IN-PLANT INSPECTOR: All in-plant inspectors for modular production whether modular structure or modular component production for use in New Mexico must be approved by the division. An inspector shall be approved by the division trade bureau chief for the trade to be inspected. Any approved in-plant inspector may be removed from the division approved list at any time for cause by the director.

A. Qualification: all required experience must be within the 10 years preceding application.

(1) A qualified candidate for building, mechanical, plumbing or electrical inspector shall meet the minimum qualifications set forth below:

(a) general building: three years of foreman level experience or as determined by the trade bureau;

(b) mechanical trades, plumbing and gas fitting, electrical trades: three years of journeyman or foreman level experience or as determined by the trade bureau;

(c) candidates may substitute technical, university, or college training for up to two years of the three years journeyman or foreman level experience requirement as determined appropriate by the trade bureau chief. The equivalency shall be calculated such that one year of education shall equal one-half year of journeyman or foreman level experience.

(2) Applicants must be certified by a national code organization recognized by the division and remain current by such certifying organization to maintain state inspection approval.

(3) Inspectors shall meet the minimum continuing education requirements as prescribed by the nationally recognized code organization for each trade bureau jurisdiction and provide proof of such credits to the division upon application for or renewal of approval.

B. Inspectors approved for inspections in multiple disciplines: Inspectors may inspect in multiple disciplines if nationally certified and approved by the division trade bureau chief for the trade responsible for the trade to be inspected.

C. The general building in-plant inspector is responsible for ensuring compliance with all codes and ensuring all other required inspections have been satisfactorily completed.

[14.6.7.11 NMAC - N, 7/1/2018]

14.6.7.12 MODULAR PROCEDURES: Any modular structure manufactured in New Mexico, or to be shipped into New Mexico for installation, must comply with the following provisions. A manufacturer can be removed as an approved manufacturer for cause by the director.

A. Plan review:

(1) Two sets of modular structure design plans must be submitted by registered manufacturers and reviewed and approved for code compliance by the division. Plans must include a recommended method of anchoring the modular structure to a foundation. All plan review fees must be paid.

(2) Plans that are non-compliant with currently adopted New Mexico state codes or application requirements shall be rejected by the division.

(3) All deviations from approved plans require written pre-approval from the division and may require the submission of additional design information including revised plans as deemed necessary to make a determination on the approval or rejection.

B. In-plant inspection. A compliance decal shall only be issued to the modular structure in compliance with all codes and rules and as certified by the in-plant inspector and shall be placed by the in-plant general building inspector upon verification of completed code compliance prior to the unit leaving the plant.

(1) Each modular structure must receive the following mandatory in-plant inspections during construction/assembly by the manufacturer:

(a) General construction: framing, energy efficiency, weather resistive barrier, pre-final and final in-plant inspection report:

(b) mechanical: rough-in, top-out, pre-final and final in-plant inspection report;

(c) plumbing: rough-in, top-out, pre-final and final in-plant inspection report; and

(d) electrical: rough-in, top-out, pre-final and final in-plant inspection report.

(e) All work required to be inspected must be uncovered and accessible by the inspector at the time of the inspection. Any work covered prior to inspection shall be uncovered as required by the inspector to allow a full assessment of code compliance of the work. The manufacturer must keep for reference, and make available to the inspector upon required, an original set of approved plans for each modular structure to be inspected.

(f) If any inspection reveals a code violation, the inspector shall immediately issue a written correction notice and the manufacturer shall make the indicated correction(s) within a reasonable time unless a time is otherwise specified. Thereafter, the inspector shall re-inspect to confirm the correction has been made. If corrective action is not taken as to the noted code violations, the in-plant inspector shall not issue a compliance decal and the modular or modular component shall not be approved for shipment into or in New Mexico. All such records shall be included as an integral part of the submitted in-plant inspection report.

(g) Upon a satisfactory final inspection the inspector shall issue a final in-plant inspection report and the Modular Manufacturer Certificate of Code Compliance. This report shall document all inspections and the modular structure serial number.

(2) Compliance decal and data plate.

(a) No modular structure may be imported, sold or permanently placed in New Mexico unless a compliance decal and data plate have been affixed to it by a division approved inspector after satisfactory completion of all in-plant inspections.

(b) A compliance decal and data plate shall be affixed to the modular structure after certification of the modular unit by the in-plant inspector, and the certificate and final inspection report are both received by the division.

(c) The inspector shall affix the decal to the inside of the door of the electrical panel or inside the mechanical room of the inspected modular structure.

(d) Compliance decals remain the property of the state of New Mexico. Each decal is unique to the modular structure to which it is assigned and affixed. Compliance decals are not transferable among manufacturers, inspectors or modular structures.

(e) All modular structures must have a compliance decal to be allowed into or permanently placed within the state.

[14.6.7.12 NMAC - N, 7/1/2018]

14.6.7.13 INSTALLATION OF MODULAR STRUCTURES:

A. The division or the AHJ shall verify that the unit has both the compliance decal and the data plate properly attached.

B. Each modular structure to be permanently installed within the state of New Mexico shall be installed in accordance with all applicable statutes, codes, rules, regulations and local ordinances governing construction in the locale where the structure is installed. This includes, but is not limited to, the following licensing, plan review, permitting and inspection requirements.

(1) All permanent foundations to which a modular structure is to be attached shall include plan review, permitting and inspections by the division or the AHJ.

(a) Commercial modular foundations will require either a New Mexico registered engineer's or architect's seal.

(b) Residential modular foundations do not require a New Mexico registered engineer's or architect's seal but are subject to Subsection B of 14.5.2.10 NMAC. The division or 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.

(2) All permanent foundations to which a modular structure is to be attached shall be constructed by a licensed GS-4, GB-02 or GB-98 contractor for residential units or a GS-4 or GB-98 contractor for all commercial units.

(3) The installation of a modular unit shall be performed by a GB-02, GB-98 or MHD 1, 2, or 3 for residential units only or a GB-98 for residential or commercial units, who shall be the licensed contractor of record and shall be responsible for the installation of the structure. All electrical work shall be performed by properly licensed electrical contractors and journeyman and all mechanical/plumbing work shall be performed by properly licensed mechanical/plumbing contractors and journeymen. The physical placement of the unit on the foundation by the delivering company is not installation and is therefore not subject to licensing requirements.

(4) The proper trade licensee (general, MHD, mechanical/plumbing, electrical and LP Gas) shall permit and request all required inspections including but not limited to:

- (a) foundation;
- (b) anchoring;
- (c) grounding system;
- (d) electrical pre-final;
- (e) electrical final;
- (f) plumbing final;
- (g) mechanical final;
- (h) LP Gas;
- (i) accessibility; or
- (j) building final and certificate of occupancy.

C. Building plans, if applicable, shall be available at the installation site and the positioning of the modular structure shall allow for anchoring inspections.

D. The division or the AHJ may require access to covered work when there is reasonable cause to believe that a code violation is concealed.

E. Failure to obtain required inspections shall result in the denial of the certificate of occupancy and utility services to the modular structure.

F. Before the building final inspection is conducted all required inspections must be successfully completed.

G. The certificate of occupancy issued by the division or the AHJ, shall verify placement of the compliance decal and the data plate and shall clearly indicate the compliance decal number.

[14.6.7.13 NMAC - N, 7/1/2018]

14.6.7.14 EXCEPTIONS TO MODULAR REQUIREMENTS:

A. A modular structure that carries a UL, ANSI or other approved testing laboratory's label as a rated assembly shall be exempt from the provisions of 14.6.7 NMAC when recommended by the appropriate trade bureau chiefs and approved by the director. However there shall be mandatory compliance with 14.6.7.13 NMAC.

B. One story detached accessory structures, not for habitation and used as tool or storage sheds, playhouses, and similar uses are exempt from the provisions of the modular building code provided the floor area does not exceed 120 square feet. This exemption shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the currently adopted building or administrative codes. All work must be done in a manner that will comply with all licensing and code requirements.

C. PMRV complying with the ANSI A119.5 standard for recreational park trailers are exempt from these requirements.

D. The director may grant exceptions to modular minimum requirements for temporary worker housing.

E. The division or the AHJ is authorized to issue a permit for the installation of temporary structures and temporary uses. Such permits shall specify an expiration date not to exceed three years from the date of the issuance. The division or the AHJ is authorized to grant extensions for good cause that are supported by credible evidence.

[14.6.7.14 NMAC - N, 7/1/2018]

14.6.7.15 PROHIBITED USES AND OCCUPANCY OF CONVERTED STRUCTURES:

A. If not covered by Subsection A of 14.6.7.14 NMAC, storage sheds and similar structures shall not be used as a dwelling unless the structure has been subject to plan review, permitting, inspection(s) and constructed or altered in a manner that is compliant with all code requirements so it may be safely used as a dwelling for human habitation and occupancy including issuance of a certificate of occupancy. Any storage shed or similar structure safely converted or use as a dwelling for human habitation and occupancy shall be issued a certificate of occupancy prior to human habitation and occupancy and prior to installation or connection of a fuel gas source.

B. A new storage shed or similar structure offered for sale shall not be advertised or represented to be safe for human habitation or occupancy unless converted in accordance with 14.6.7.8 NMAC.

C. Any storage shed or similar structure safely converted for use as a dwelling for human habitation and occupancy shall have a permanent foundation and be subject to all requirements as provided in 14.6.7.13 NMAC.

[14.6.7.15 NMAC - N, 7/1/2018]

14.6.7.16 DISCIPLINE: Each violation of the modular building regulations or of the CID Licensing Act is subject to discipline.

[14.6.7.16 NMAC - N, 7/1/2018]

14.6.7.17 TEMPORARY INSTALLATION:

A. Modular units may be installed on a temporary foundation for a period of up to one year. Units installed as temporary and remaining in place after the one-year period must be placed on a permanent foundation and comply with all modular requirements.

B. Modular units installed as a temporary unit shall meet all currently adopted building codes and accessibility requirements.

[14.6.7.17 NMAC - N, 7/1/2018]

14.6.7.18 MODULAR ASSEMBLED COMPONENTS:

A. Modular non-assembled component panels shall meet all the requirements of this rule with the exception of Paragraph (2) of Subsection B of 14.6.7.12 NMAC and 14.6.7.13 NMAC.

B. Assembly of component panels on site are subject to all building permitting and inspection requirements for site built construction.

[14.6.7.18 NMAC - N, 7/1/2018]

History of 14.6.7 NMAC:

14.6.7 NMAC - Consumer Protection, filed 7/1/2009 was repealed and replaced with 14.6.7 NMAC - Modular Building Structures, effective 7/1/2018.

New Mexico Modular Building Structures was formerly 14.12.3 NMAC, filed 9/1/2013, was repealed and incorporated into 14.6.7 NMAC, effective 7/1/2018 where indicated.

History of Repealed Material:

14.6.7 NMAC - Consumer Protection, filed 7/1/2009 was repealed, effective 7/1/2018.