

**TITLE 14        HOUSING AND CONSTRUCTION**  
**CHAPTER 5     CONSTRUCTION INDUSTRIES GENERAL PROVISIONS**  
**PART 1        GENERAL PROVISIONS**

**14.5.1.1        ISSUING AGENCY:** Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.5.1.1 NMAC - Rp, 14.5.1.1 NMAC, XX/XX/XXXX]

**14.5.1.2        SCOPE:** This rule applies to all the administration, interpretation, and enforcement of contracting work performed in New Mexico subject to the jurisdiction of Construction Industries Licensing Act and the Liquefied Petroleum and Compressed Natural Gas (LPG & CNG Act).

[14.5.1.2 NMAC - Rp, 14.5.1.2 NMAC, XX/XX/XXXX]

**14.5.1.3        STATUTORY AUTHORITY:** Section 60-13-9 NMSA 1978.

[14.5.1.3 NMAC - Rp, 14.5.1.3 NMAC, XX/XX/XXXX]

**14.5.1.4        DURATION:** Permanent.

[14.5.1.4 NMAC - Rp, 14.5.1.4 NMAC, XX/XX/XXXX]

**14.5.1.5        EFFECTIVE DATE:** Month, Day, 20XX, unless a later date is cited at the end of a section.

[14.5.1.5 NMAC - Rp, 14.5.1.5 NMAC, XX/XX/XXXX]

**14.5.1.6        OBJECTIVE:** The purpose of this rule is to set forth general provisions as the statewide minimum standards governing construction contracting work in New Mexico.

[14.5.1.6 NMAC - Rp, 14.5.1.6 NMAC, XX/XX/XXXX]

**14.5.1.7        DEFINITIONS:** The definitions in this section are used throughout the construction industries division rules contained in Chapters 5 through 10 of Title 14.

**A.        “Apprentice”** means an individual who is learning a particular trade from a validly licensed employer. CID recognizes apprentices whether registered in an apprenticeship program recognized by the New Mexico state apprenticeship council pursuant to the New Mexico department of workforce solutions or unregistered while learning the particular trade skills.

**B.        “Authority having jurisdiction” “AHJ”** means the state or a municipality, county or other political subdivision that has a full-service building department employing a full-time certified building official and has permitting, inspection and enforcement authority over the general construction, electrical and mechanical-plumbing trades within its jurisdiction. Provided however, that a municipality, county or other political subdivision established as an AHJ prior to July 1, 2009, with authority over specified trades shall continue in that capacity without a full-service building department until relinquishing its authority as a building trades department.

**C.        “Baby changing facility”** means a table or other device suitable for changing the diaper of a child age three or under.

**D.        “Certified building official” “CBO”** means an employee of the state, a county, a municipality or other political subdivision who is approved by the division as to experience and qualifications, and 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 business or construction organization for at least five of the past 10 years. Each CBO is charged with the administration and enforcement of the provisions of the Construction Industries Licensing Act and the administrative codes under the act.

**E.        “Certificate of occupancy” “C/O”** means the written approval for a newly constructed building or for a change in building occupancy, certifying that the building has passed all required inspections and is safe for occupancy. Once issued it remains in effect unless suspended or revoked pursuant to Subsection F of 14.5.3.13 NMAC.

**F.        “Change of occupancy”** means a change in the use of the building or portion of a building including a change of the occupancy classification or any change in use within a classification group to another occupancy in the group.

**G.        “CID” and “division”** mean the construction industries division of the regulation and licensing department.

**H.** “**CID rules**” means the rules compiled in Title 14, Chapters 5 through 10 of the New Mexico Administrative Code.

**I.** “**CILA**” means the Construction Industries Licensing Act, Section 60-13-1 et seq. NMSA 1978.

**J.** “**CIC**” and “**Commission**” means the construction industries commission.

**K.** “**Code**” means the statewide construction codes adopted by the commission.

**L.** “**Code Bond**”: means the construction license bond required in Section 60-13-49 NMSA 1978, for correction of code violations certified by the division.

**M.** “**Commercial**” means a structure that is classified as having a use identified in the New Mexico Commercial Building Code, including but not limited to, assembly, business including a public building, educational, institutional, mercantile, storage or utility.

**N.** “**Commercial or industrial work**” means all electrical, mechanical or plumbing work not defined as residential work in 14.6.6. NMAC.

**O.** “**Commissioning**” means test procedures and results completed and certified by the registered design professional or approved agency and provided to the building owner or owner’s authorized agent.

**P.** “**Completion**” means the date of the issuance of a certificate of occupancy or the date of the final inspection by the governmental entity having jurisdiction over code enforcement.

**Q.** “**Contracting**” has the same meaning as defined in Section 60-13-3 NMSA 1978.

**R.** “**CVD**”: means a code violation determination report prepared by a division employee.

**S.** “**Direct supervision**” means supervision, inspection and evaluation by a certified journeyman, working in the immediate proximity of a trainee or apprentice, overseeing all classification activities as they occur while providing direction, feedback, assistance and evaluation of the work of the apprentice.

**T.** “**Director**” has the same meaning as defined in Subsection N of Section 60-13-2 NMSA 1978.

**U.** “**Disqualifying criminal conviction**” has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978.

**V.** “**Electrical wiring**” means installation; alteration; connection; service and 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.

**W.** “**Fixed works**” means public work projects and facilities that require specialized engineering, knowledge and skill

**X.** “**Foreman**” means an owner or employee of a licensed company with experience in a particular trade who is charged with organizing and managing the execution of that trade for single or multiple projects for the licensed entity.

**Y.** “**Formal hearing**” means a hearing held under the ULA, Section 60-1-1 through 60-1-33 NMSA 1978.

**Z.** “**Gross incompetence or gross negligence**” means, but shall not be limited to, a significant departure from the prevailing industry standard, manufacturer specifications or any provision of CILA, ULA or rule adopted by the commission

**AA.** “**IBC**” means the International Building Code currently adopted by reference.

**BB.** “**Industrial**” means buildings and structures designed to house industrial processes for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations.

**CC.** “**Informal hearing**” means a hearing held pursuant to Subsection C of Section 60-13-27 NMSA 1978.

**DD.** “**Inspector**” means a person certified by the division and certified by one or more trade bureaus to conduct inspections of permitted work, in the jurisdiction of the AHJ employing said inspector to ensure that all work performed by a contractor or a homeowner complies with the CILA and its administrative code.

**EE.** “**IRC**” means the International Residential Code currently adopted by reference.

**FF.** “**License**” means a license, registration, certificate of registration, or certificate.

**GG.** “**Licensing fee**” has the same meaning as defined in Paragraph (2) of Subsection F of Section 61-1-34 NMSA 1978.

**HH.** “**LPG standards**” means Section 70-5-1 et seq. NMSA 1978, LPG and CNG Act and 19.15.40 NMAC, Liquefied Petroleum Gas Standards, collectively.

**II.** “**Mechanical and or plumbing work**” means installation, alteration, connection, maintenance, demolition, or repair of piping, fixtures, or equipment as defined in Section 60-13-32 NMSA 1978; ducts, appurtenances or other equipment that is used as part of, or in connection with a mechanical or plumbing system installation.

**JJ.** “**Military service member**” has the same meaning as defined in Paragraph (3) of Subsection F of Section 61-1-34 NMSA 1978.

**KK.** “**NMCBC**” means 14.7.2 NMAC, the currently adopted New Mexico Commercial Building Code, which adopts by reference and amends the designated IBC

**LL.** “**New Mexico certified building official**” and “**NMCBO**” means a person who meets the qualifications of a CBO, is employed by CID as a trade bureau chief, and appointed by the director as the state of New Mexico’s CBO. The NMCBO has ultimate authority over conflicts arising among AHJs other than trade bureau chiefs.

**MM.** “**New Mexico construction code(s)**” means any of the rules compiled in Title 14, Chapters 7 through 10 of the New Mexico Administrative Code.

**NN.** “**New restroom**” means a toilet facility constructed as part of the construction of a new commercial building or facility, constructed as part of a new addition to an existing commercial building or facility, constructed as a standalone restroom facility, or a new toilet facility constructed in an existing building.

**OO.** “**NMCBC**” means 14.7.2 NMAC, the currently adopted New Mexico Commercial Building Code, which adopts by reference and amends the designated IBC.

**PP.** “**NMEBC**” means 14.7.7 NMAC, the currently adopted New Mexico Existing Building Code, which adopts by reference and amends the designated International Existing Building Code.

**QQ.** “**NMEBMC**” means 14.7.4 NMAC, currently adopted New Mexico Earthen Building Materials Code.

**RR.** “**NMEC**” means 14.10.4 NMAC, the currently adopted New Mexico Electrical Code, which adopts by reference and amends the designated National Electrical Code.

**SS.** “**NMRECC**” means 14.7.6 NMAC, the currently adopted New Mexico Residential Energy Conservation Code, which adopts by reference and amends the designated International Residential Energy Conservation Code.

**TT** “**NMCECC**” means 14.7.9 NMAC, the currently adopted New Mexico Commercial Energy Conservation Code, which adopts by reference and amends the designated International Commercial Energy Conservation Code.

**UU.** “**NMESC**” means 14.10.5 NMAC, the currently adopted New Mexico Electrical Safety Code, which adopts by reference and amends the designated National Electrical Safety Code.

**VV.** “**NMMC**” means 14.9.2 NMAC, the currently adopted New Mexico Mechanical Code, which adopts by reference and amends the designated Uniform Mechanical Code.

**WW.** “**NMPC**” means 14.8.2 NMAC, the currently adopted New Mexico Plumbing Code, which adopts by reference and amends the designated Uniform Plumbing Code.

**XX.** “**NMRBC**” means 14.7.3 NMAC, the currently adopted New Mexico Residential Building Code, which adopts by reference and amends the designated International Residential Code.

**YY** “**NMSEC**” means 14.9.6 NMAC, the currently adopted Mexico Solar Energy Code, which adopts by reference and amends the designated Uniform Solar Energy Code.

**ZZ.** “**NMSPSHTC**” means 14.8.3 NMAC, the currently adopted New Mexico Swimming Pool, Spa, and Hot Tub Code, which adopts by reference and amends the designated Uniform Swimming Pool, Spa, and Hot Tub Code.

**AAA.** “**NOI**” means a notice of investigation prepared by a division employee.

**BBB** “**Notice of contemplated action**” (“**NCA**”): means the official notice to a licensee that the commission is seeking to take action against a licensee for alleged violations of the CILA or rules promulgated by the commission.

**CCC.** “**Place of public accommodation**” means a structure or facility intended to accommodate members of the public as specifically provided in Section 60-13-10.3 NMSA 1978 and supplemented in Table 2902.1 of the NMCBC 14.7.2.37 NMAC.

**DDD.** “**Prime contractor**” means the licensed contractor who contracted with the property owner to oversee the construction project and act as the owner’s agent as defined in Subsection B of 14.6.6.8 and Subsection A of 14.6.6.9 NMAC.

**EEE.** “**Public building**” means a building or other structure on publicly owned lands or used by the state, a municipality, county or other political subdivision of the state using state, municipal or county funds, bonds or other revenue

**FFF.** “**Published code**” means any code or standard published by an entity other than the state of New Mexico and adopted by reference, or referred to as a standard in the CID rules.

**GGG. “Residential work”** means work on one and two family dwelling units, and residences including apartment houses accommodating not more than four family units (Groups R-1, R-2, R-3) as defined in 14.7.2 NMAC. This includes structures in Group U, as defined in 14.7.2 NMAC, when incidental to groups R-1, R-2 and R-3.

**HHH. “Roof coating”** means 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.

**III. “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.

**JJJ. “Statewide inspector’s certificate”** means a state-issued certificate that enables an inspector to conduct inspections in one or more trade bureau jurisdictions for the state or any county, municipality or other political subdivision in which the inspector is employed and that has a certified building official in its employ.

**KKK. “Sub-contractor”** means a licensed contractor who is hired by the prime contractor, regardless if the sub-contractor obtains its own permit or works under the permit obtained by the prime contractor.

**LLL. “Substantially equivalent”** means the determination by the Construction Industries Division that the education, examination, and experience requirements contained in the statutes and rules of another jurisdiction are comparable to, or exceed the education, examination, and experience requirements of the Construction Industries Licensing Act.

**MMM. “Surety”** means the insurance company authorized by the NM department of insurance to transact business in New Mexico and acts as the underwriter of a contractor’s code bond.

**NNN. “Technically infeasible”** means an alteration of a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

**OOO. “Trade bureau”** means the general construction, mechanical-plumbing, electrical or liquefied petroleum (LP) gas trade bureau of the CID.

**PPP. “Trade bureau chief” “TBC”** means the administrative head of a New Mexico CID trade bureau charged with the administration and enforcement of the trade bureau’s state adopted codes and standards. The trade bureau chiefs are the ultimate authority having jurisdiction to determine and render interpretations of their trade codes. The trade bureau chief shall recommend to the CID and the CIC all minimum standards and codes, for their specific trade(s), for adoption.

**QQQ. “ULA”** means the Uniform Licensing Act, Section 61-1-1 et seq. NMSA 1978.

**RRR. “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.

**SSS. “Veteran”** has the same meaning as defined in Paragraph (4) of Subsection F of Section 61-1-34 NMSA 1978.

[14.5.1.7 NMAC - Rp, 14.5.1.7 NMAC, XX/XX/XXXX]

#### **14.5.1.8 RESPONSIBILITY FOR COMPLIANCE:**

**A.** Every person who performs work in connection with the installation, construction, alteration, repair or demolition of any building or structure, or on any electrical, gas, mechanical or plumbing system, or other constructions as defined by Section 60-13-3 NMSA 1978 or Section 70-5-6 NMSA 1978 and regulated by the division’s statutes and rules is responsible for complying with all statutes and rules.

**B.** When a violation of the statutes or code is alleged, the AHJ shall investigate the allegation to obtain sufficient evidence or proof to determine whether a violation has occurred. The AHJ may require tests, at no cost to CID or the AHJ, to determine compliance. Such tests shall be conducted in conformance with nationally recognized testing standards, or if no standards have been established, in conformance with such specifications as the AHJ shall approve.

[14.5.1.8 NMAC - Rp, 14.5.1.8 NMAC, XX/XX/XXXX]

#### **14.5.1.9 CONFLICTS:**

**A. Between current New Mexico construction codes.** When the provisions of one New Mexico construction code specifies different materials, methods, construction, or requirements than another New Mexico construction codes, the general rule of legal interpretation shall be applied that the most specific provision shall govern over more general provisions.

**B.** Title 14 NMAC is recognized as the state minimum standards. An AHJ may enact ordinances that are stricter than the state adopted minimum codes. If a conflict arises between the TBC and the CBO of an AHJ regarding compliance with a particular state adopted minimum code, the determination of the TBC shall control. The interpretation of an AHJ ordinance beyond the requirements of the state adopted minimum codes is the sole authority of the CBO of the AHJ

**C. With prior New Mexico construction codes.** The code adopted at the time a structure is built or modified governs. If modifications are made under a subsequent code, that code governs the areas modified. If all or any part of the structure is determined to be unsafe, 14.5.1.12 NMAC shall apply.

**D. Between current New Mexico construction codes and codes adopted by other state agencies.** The NMRBC and the NMCBC establish the type of structure, the design, construction and the occupancy classification of a building. These codes shall govern over any codes concerning construction adopted by other agencies which conflict as to type of structure, the design, construction and the occupancy classification. The construction codes adopted and enacted by the CID shall govern if the construction is specifically required in the enacted code.

**E. With requirements of other agencies.** All licensees, qualifying parties and journeymen must follow all regulatory agency laws when said agency has jurisdiction over certain aspects of a project. These may include, but are not limited to, compliance with fire code standards enforced by the state fire marshal, any local fire code enforcement agency; or any other applicable code or standard enforced by the state environment department; the state health department, state human services department; transportation department, the public regulation commission; homeland security and emergency management department, the governor's committee on the concerns of the handicapped; historical authorities; and local zoning, and floodplain.

**F. With referenced and incorporated codes and standards.** The provisions of any published code or standard referenced in the CID rules shall be deemed to be incorporated into and made part of the CID rules, including all modifications and amendments to the referenced codes and standards. If the reference results in a conflict between the provision of the published code or standard and the CID rules, the CID rules shall govern. [14.5.1.9 NMAC - Rp, 14.5.1.9 NMAC, XX/XX/XXXX]

**14.5.1.10 CERTIFIED BUILDING OFFICIAL FOR AN AHJ: Power and duties:** The CBO is responsible for enforcing the state and local rules and codes in an AHJ. The interpretations and procedures established by a CBO must be in compliance with CID statutes and rules. [14.5.1.10 NMAC - Rp, 14.5.1.10 NMAC, XX/XX/XXXX]

**14.5.1.11 TRADE BUREAU CHIEFS:**

**A. Powers and duties:** Each trade bureau chief is the ultimate authority and is authorized to render interpretations of the trade bureau's adopted New Mexico codes and standards and to establish procedures for the interpretation and application of those codes.

**B. Alternative materials and methods of construction:** The trade bureau chief is authorized to permit a variance or approve an alternative material or method of construction as provided in this section.

**C. Variances.** If the circumstances of a particular construction project make strict compliance with state adopted code(s) and standards technically infeasible or impracticable, the trade bureau chief responsible for enforcing that code has the authority to approve a variance. No variance shall be valid or have force or effect unless issued in writing and signed by the trade bureau chief.

**D. Alternatives.** The trade bureau chief is responsible, for approving materials, designs and methods of construction that are not expressly specified in that particular code.

**E. Supporting data.** The trade bureau chief may require supporting data be supplied by the requestor.

[14.5.1.11 NMAC - Rp, 14.5.1.11 NMAC, XX/XX/XXXX]

**14.5.1.12 UNSAFE STRUCTURES OR OTHER LIFE SAFETY HAZARD:**

**A.** For purposes of this section, an unsafe condition is any condition that poses an actual threat to the health, safety or welfare of persons or property and constitutes a violation of the CILA or its rules.

**B.** When conducting an inspection, if an inspector discovers an unsafe condition or a life safety hazard the inspector shall take the following action:

(1) If the unsafe condition or hazard results from construction in progress, issue a correction notice and stop work order as is applicable to abate the unsafe condition or hazard; if a stop work order is appropriate the inspector shall contact the TBC or CBO for authority to issue the stop work order unless the correction is for life safety. In such circumstance the stop work order shall be issued by the inspector providing notification to the specific TBC or CBO.

(2) If the unsafe condition or hazard is in an existing building not related to construction in progress, complete a correction notice detailing the observed unsafe condition or hazard. Either a correction notice or report shall be provided to the AHJ and the owner, agent or person in control or possession of the structure when the identity of the owner, agent or person cannot be readily determined. The report shall be provided no later than 48 hours after the observation of the unsafe condition.

(3) If the unsafe condition or hazard relates to any utility service the inspector shall proceed in accordance with Subsections A through D of Section 60-13-42 NMSA 1978; any service disconnected pursuant to this rule shall not be reconnected without the prior written approval of the TBC or CBO.

**C.** If requested by a condemning authority, the TBC or CBO of the applicable AHJ will inspect or designate an inspector to inspect the property within its jurisdiction and report findings to the condemning authority pursuant to Paragraph (2) of Subsection B of this section.

[14.5.1.12 NMAC - Rp, 14.5.1.12 NMAC, XX/XX/XXXX]

#### **14.5.1.13 TECHNICAL ADVISORY COMMITTEE:**

**A.** Each TBC may create a technical advisory committee and appoint members to assist the TBC in an advisory capacity on technical aspects of the particular industry.

**B.** The committee will meet at the call of the trade bureau chief.

**C.** The members serve at the pleasure of the TBC.

[14.5.1.13 NMAC - Rp, 14.5.1.13 NMAC, XX/XX/XXXX]

#### **14.5.1.14 APPEALS:**

**A.** All appeals, other than the allowable appeal to the commission regarding identical or similar names pursuant to Section 60-13-13.2 NMSA 1978 shall follow provisions of the ULA.

**B.** Appeals from the decision of the commission shall be made in writing to the district court as provided in Section 61-1-17 NMSA 1978.

[14.5.1.14 NMAC - N, XX/XX/XXXX]

#### **History of 14.5.1 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 2/16/1972;

CIC 76-2, Rules and Regulations, filed 5/05/1976;

CID 78-2, Rules and Regulations, filed 12/05/1978;

CID 79-1, Rules and Regulations, filed 6/06/1979;

CID 82-1, Construction Industries Rules and Regulations, filed 4/14/1982;

CID 85-1, Construction Industries Rules and Regulations, filed 2/04/1985;

CID 90-1, Construction Industries Rules and Regulations, filed 5/31/1990.

#### **History of Repealed Material:**

14 NMAC 5.1.1, Housing and Construction - Construction Industries General Provisions - Open Meetings Act (filed 92/97), repealed 12/1/2000.

14.5.1 NMAC, Construction Industries General Provisions - Open Meetings Act (filed 10/16/2000) repealed 7/1/2004.

14.5.1 NMAC, Construction Industries General Provisions - General Provisions, (filed 5/27/2004) repealed 11/15/2016.

14.5.1 NMAC, General Provisions, (filed 1/15/2016) was repealed and replaced by 14.5.1 NMAC, General Provisions, effective XX/XX/XXXX.

**Other History:**

That portion of CID 90-1, Construction Industries Rules and Regulations, filed 05/31/1990 -- renumbered, reformatted and amended to 14 NMAC 5.1.1, Construction Industries General Provisions - Open Meetings Act, effective 9/14/1996.

14 NMAC 5.1.1, Construction Industries General Provisions - Open Meetings Act (filed 9/03/1996) amended and replaced by 14 NMAC 5.1.1, Construction Industries General Provisions - Open Meetings Act effective 9/23/1997.

14 NMAC 5.1.1, Housing and Construction - Construction Industries General Provisions - Open Meetings Act (filed 9/02/1997) replaced by 14.5.1 NMAC, Housing and Construction - Construction Industries General Provisions - Open Meetings Act, effective 12/1/2000.

14.5.1 NMAC, Construction Industries General Provisions - Open Meetings Act (filed 10/16/2000);

that portion of 14.1.1 NMAC, Housing General Provisions - General Provisions (filed 10/16/2000);

that portion of 14.5.4 NMAC, Construction Industries General Provisions - Alternative Materials, Methods and Assemblies of Construction (filed 10/16/2000);

that portion of 14.5.7 NMAC, Construction Industries General Provisions - Technical Advisory Councils, Hearings, Appeals, Severability (filed 10/16/2000);

that portion of 14.7.2 NMAC, 1997 New Mexico Building Code (filed 10/16/2000);

that portion of 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10/30/1998);

that portion of 14.10.4 NMAC, State of New Mexico Electrical Code (filed 7/01/2002) has been replaced by 14.5.1 NMAC, Construction Industries General Provisions - Ge

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

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

[14.5.2.1 NMAC - Rp, 14.5.2.1 NMAC, XX/XX/XXXX]

**14.5.2.2       SCOPE:** This rule applies to all work performed in New Mexico that is subject to the jurisdiction of CID for which permits are required.

[14.5.2.2 NMAC - Rp, 14.5.2.2 NMAC, XX/XX/XXXX]

**14.5.2.3       STATUTORY AUTHORITY:** Sections 60-13-9, 60-13-10.3, 60-13-45, 60-13-46 and 60-13-47 NMSA 1978.

[14.5.2.3 NMAC - Rp, 14.5.2.3 NMAC, XX/XX/XXXX]

**14.5.2.4       DURATION:** Permanent.

[14.5.2.4 NMAC - Rp, 14.5.2.4 NMAC, XX/XX/XXXX]

**14.5.2.5       EFFECTIVE DATE:** XX/XX/20XX, unless a later date is cited at the end of a section.

[14.5.2.5 NMAC - Rp, 14.5.2.5 NMAC, XX/XX/XXXX]

**14.5.2.6       OBJECTIVE:** The purpose of this rule is to set forth standards and requirements governing permitting of construction work in New Mexico as the statewide minimum standard.

[14.5.2.6 NMAC - Rp, 14.5.2.6 NMAC, XX/XX/XXXX]

**14.5.2.7       DEFINITIONS:** See 14.5.1.7 NMAC for definitions.

[14.5.2.7 NMAC - Rp, 14.5.2.7 NMAC, XX/XX/XXXX]

**14.5.2.8       PERMITS REQUIRED:**

**A.       Permits required.** Subject to the Construction Industries Licensing Act “CILA”, Sections 60-13-3 and Section 60-13-45 NMSA 1978, and its 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 or LP gas work as defined and described in the applicable New Mexico construction codes for those trades, may be installed, repaired, altered or maintained in or on such building or structure, unless the applicable permit has first been obtained from the appropriate AHJ, unless otherwise provided by statutes or rule. All re-roofs and applications of roof coatings require a building permit and inspections.

**B.       Eligibility.** A person who is not appropriately, validly and currently licensed by the division is not eligible to apply for or be issued a permit. Provided however, a homeowner’s permit may be issued to a residential property owner subject to the limitations of 14.5.2.18 NMAC and an annual permit is provided as noted in 14.5.2.19 NMAC.

**C.       Application.** In order to obtain a permit, the applicant must complete and submit an application on an AHJ approved form for the type of permit sought.

**D.       Separate Permit Types.**

(1)       Separate permits are required for general building, electrical, mechanical/plumbing, and for liquefied petroleum gas (“LPG”) work, 19.15.40 NMAC.

(2)       Permits for temporary structures or temporary uses of structures, or for temporary electric poles or electrical service, may be issued pursuant to 14.5.2.10 K NMAC and 14.5.2.17 NMAC.

**E.       Roofing.**

(1)       All new roof installations and re-roofs require building permits and inspections.

(2)       All applications of roof coating systems require building permits and inspections.

(3)       Inspections must include, at a minimum, decking inspection upon removal of existing roof and the roof system or application of roof coating systems as a final inspection upon completion of roofing project.

**F.       Solar PV systems.**

(1)       Persons bidding or contracting for the installation of a solar PV electric system must



possess a valid license issued by the division with the EE-98, EL-1 or ER-1 license classification, as applicable, pursuant to Paragraph (1) of Subsection B of 14.6.6.8 NMAC and Subsection B of 14.6.6.10 NMAC; the GB-98 license classification is authorized if Paragraph (2) of Subsection B of 14.6.6.8 NMAC applies. If structural modifications are required, a GB-02 license classification is allowed for residential construction and otherwise a GB-98 license classification is mandated. CID license classifications can be found in 14.6.6 NMAC.

(2) Submittal documents shall be prepared and submitted to the appropriate electrical AHJ for review and approval pursuant to 14.5.2.10 K. The submittal documents shall consist of, at a minimum, the following documentation and upon approval an electrical permit shall be issued to a New Mexico electrical contractor properly licensed for the specific solar PV installation;

- (a) Site plan indicating electrical equipment location.
- (b) PV solar panel layout and arrangement.
- (c) One line diagram identifying all components of the PV solar system and electrical equipment with documentation classifying the listing for each component.
- (d) One line diagram identifying all conductors and conductor sizes.
- (e) Documentation identifying listing of solar mounting system.
- (f) If utility interactive, location and type of connection to other power sources.
- (g) If roof mounted, calculated added loads of solar equipment and mounting systems as noted in Paragraph (5) of Subsection F of 14.5.2.8 NMAC.

- (h) System Calculations.
- (i) Location and type of grounding system or connection to existing grounding system

(3) Persons performing the installation of a solar PV electrical system, or related work, must possess a valid journeyman certificate issued by CID with an EE-98J, EL-1J or ER-1J classification, as applicable, or be an apprentice working under the direct supervision of a certified journeyman pursuant to 14.6.6.10 NMAC.

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

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

- (a) The total added dead load of the array is greater than five pounds per square foot on the roof.
- (b) The total added point load of the array is greater than 45 pounds on the roof.
- (c) The total added dead load exceeds 200 pounds on a single 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.

(6) In addition to the required electrical permit for the mounting of the solar PV system on the roof a general construction building permit shall be required if:

- (a) structural reinforcement of an existing roof is necessary as determined by a New Mexico licensed structural engineer or;
- (b) a new structure is not listed and approved to support a PV Solar System.

(7) If structural modifications are required, or a new structure will be constructed that is not listed and approved to support a PV solar system, engineered details shall be provided. Structural documents must be sealed by a structural engineer licensed in New Mexico. The required modifications to the structure shall be performed by a validly licensed GS-13, GB-2 or GB-98, as applicable. Reinforcement of the structure will require building permits and inspections conducted by a certified building inspector.

#### **G. Wind turbine systems.**

(1) Persons bidding or contracting for the installation of a wind turbine system shall possess a valid license issued by CID with the EE-98, EL-1 or ER-1 license classification, as applicable, pursuant to Paragraph (1) of Subsection B of 14.6.6.8 NMAC, and Subsection B of 14.6.6.10 NMAC; the GB-98 license classification is authorized if Paragraph (2) of Subsection B of 14.6.6.8 NMAC applies. If structural modifications are required, a GB-02 license classification is allowed for residential construction and otherwise a GB-98 license classification is mandated. CID license classifications can be found in 14.6.6 NMAC.

(2) Submittal documents shall be prepared and submitted to the appropriate electrical AHJ for review and approval pursuant to Subsection K of 14.5.2.10 NMAC. The submittal documents shall consist of, at

a minimum, the following minimum documentation and, upon approval, an electrical permit shall be issued to a New Mexico electrical contractors properly licensed for the specific wind turbine installation;

- (a) Site plan indicating electrical equipment location
- (b) Site Plan indicating any distribution
- (c) One line diagram identifying all components of the wind turbine system and electrical equipment with documentation classifying the listing for each component.
- (d) One line diagram identifying all conductors and conductor sizes.
- (e) Documentation identifying listing of wind turbine mounting systems
- (f) If utility interactive, location and type of connection to other power sources.
- (g) If roof mounted, calculated added loads of wind turbine equipment and mounting systems as noted in Subparagraph (a) of Paragraph (3) of Subsection G of 14.5.2.8 NMAC.
- (h) System Calculations
- (i) Location and type of grounding system or connection to existing grounding system.

(3) Persons performing the installation of wind turbine electrical systems shall possess a valid journeyman certificate issued by CID for the EE-98J, EL-1J or ER-1J classification, as applicable, or shall be an apprentice working under the direct supervision of a certified journeyman pursuant to Subsection A of 14.6.6.10 NMAC.

- (4) Building mounted wind turbine systems
- (a) Structural analysis must be performed by a professional engineer licensed in New Mexico to determine if the roof structure is capable of supporting the added loads of a wind turbine if:
    - (i) the total added dead load of the turbine is greater than five pounds per square foot on the roof.
    - (ii) the total added point load of the turbine is greater than 45 pounds on the roof.
    - (iii) the total added dead load exceeds 200 pounds on any single truss, rafter or roof joist.
    - (iv) the mounting of the system is of a unique roof mounted design.
    - (v) the roof structure contains over-spanned trusses, rafters or roof joists.
  - (b) A general construction building permit for the mounting of the wind turbine system on the roof will be required if structural reinforcement is necessary as determined by a structural engineer licensed in the state of New Mexico
  - (c) If structural modifications are required, engineered details shall be provided. Structural documents must be sealed by a professional engineer licensed in New Mexico. The required modifications to the structure shall be performed by a validly certified GS-13, GB-2 or GB-98, as applicable. Reinforcement of the structure will require building permits to be obtained and inspections conducted by a certified building inspector.

#### **H. Baby changing facilities**

- (1) Pursuant to CILA and 14.7.2.45 NMCBC, new restrooms, which shall accommodate any person needing to utilize a baby changing facility, shall be provided in a place of public accommodation except in:
  - (a) a new restroom located in a place of public accommodation that is not available or accessible for public use.
  - (b) a new restroom, in a place of public accommodation, providing appropriate signage as to the location of a baby changing facility on the same floor, which shall accommodate any person needing to utilize such facility.
  - (c) a new restroom constructed in an existing building if it is technically infeasible to provide a baby changing table, due to existing building code, health or safety requirements, including Americans with Disabilities Act requirements;
- (2) Baby changing facilities in new restrooms subject to this rule, shall not require a separate permit however shall be included in all drawings, specifications and other documents submitted to an AHJ for plan review and approval pursuant to Subsection A of 14.5.2.10 NMAC and Subsection A of 14.5.2.11 NMAC and inspections pursuant to Subsection A of 14.5.3.8 NMAC.
  - (a) submittal documents shall not be approved if said documents do not fully comply with the requirements of this part and 14.7.2.45 NMAC.
  - (b) a C/O shall not be issued for new construction that fails to be in compliance with all requirements of this part.

(c) a final inspection shall not be issued for a remodel that fails to be in compliance with all requirements of this part.

**I. Previously permitted work; previously submitted plans.**

(1) All work for which a permit has lawfully been issued prior to the effective date of this rule, which permit has not expired, been deactivated, revoked or suspended by the AHJ pursuant to this part, may proceed as permitted; 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 inspections.

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

[14.5.2.8 NMAC - Rp, 14.5.2.8 NMAC, XX/XX/XXXX]

**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 not used for habitation and used as tool or storage sheds, playhouses or 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, that are installed entirely above ground with no permanent connections to water or power.

(9) Shade cloth structures constructed for nursery or agricultural purposes that do not include 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) 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 NMMC.

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

**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, XX/XX/XXXX]

**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) 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;

(h) mechanical design criteria for all buildings must be included with the submittal documents; and

- (i) any other data or document required by the AHJ's plan review official.

(2) For construction subject to the NMCBC, see Sections 107.1 and 107.2 of the IBC for other requirements regarding submittal documents, including form, means of egress, and site plans. See Subsection H of 14.5.2.8 NMAC and 14.7.2.45 NMAC for requirements for baby changing facilities.

(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 floodplain areas, and site plans.

(4) Upon approval, one set of the submittal documents shall be retained by the division during construction and one set shall be returned to the permittee, which shall be available at the work site, and 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:** An architect or engineer stamp is required for all uses listed in table 1004.1.2 of the IBC or when deemed relevant and required at the discretion of the AHJ pursuant to Subsection I of 14.5.2.10 NMAC.

**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, such an exception is not in the best interests of public safety or health. These exceptions are authorized pursuant to The Architectural Act, Section 61-15-9 1978, NMSA and the Engineers & Surveyors Practice Act, NMSA 1978, §. 61-23-22 and Subsection C of 16.39.4.8 NMAC.

- (1) Single-family dwellings, not more than two stories in height.

(2) Multiple dwellings 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 a properly licensed architect to design multiple clusters of up to four dwelling units each where the total exceeds four dwelling units on each lawfully divided lot.

(3) Garages or other structures not more than two stories in height which are appurtenant to buildings described in Paragraphs (1) and (2) of this subsection.

(4) 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.

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

**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 determined 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 and phased approval.**

(1) **Approval.** Deferral of any submittal items must have the prior approval of the TBC or CBO. The responsible design professional shall list which submittals are deferred with the submittal documents accompanying the permit application. Submittal documents for deferred submittal items must be submitted to the responsible design professional who shall review and forward them to the AHJ with a notation indicating the

deferred submittal documents have been reviewed and 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 TBC or CBO has approved their design and submittal documents.

**(2) Phased approval.** All submittal documents need not be submitted with the initial application for a permit.

**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 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 all of the responsible design professional’s required duties.

**H. Special submissions.** The AHJ or 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 covered by the issued permits, or that is required to be permitted pursuant to CID rules.

**I. 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.

**J. Electrical projects.**

**(1)** Submittal documents shall be submitted and sealed by an engineer with a specialty in electrical work, licensed in accordance with the New Mexico Engineering and Surveying Practice Act for an electrical installation when;

- (a)** there is a calculated service capacity over 100 kVA single-phase;
- (b)** there is a calculated service capacity over 225 kVA three- phase;
- (c)** electrical wiring for new or altered branch circuits or feeders with over-current protection devices exceeding 400 amps single-phase;
- (d)** electrical wiring for new or altered branch circuits or feeders with over-current protection devices exceeding 600 amps on 120/208 volt three-phase systems;
- (e)** electrical wiring for new or altered branch circuits or feeders with over-current protection devices exceeding 500 amps on 120/240 volt three-phase systems;
- (f)** electrical wiring for new or altered branch circuits or feeders with over-current protection devices over 300 amps on 480 volt three-phase systems;
- (g)** a project with a total valuation over \$600,000; or
- (h)** a structure in which the total occupancy of 50 or more;

**(2)** The following shall not require submittal documents to be sealed by an engineer with a specialty in electrical work:

- (a)** Electrical wiring at remote locations with the approval of the appropriate AHJ.
- (b)** electrical installations under the following criteria may be sealed by an validly licensed engineer or architect to include:
  - (i)** a calculated service capacity under 100 kVA single-phase;
  - (ii)** a calculated service capacity under 225 kVA three-phase;
  - (iii)** a project valued under \$600,000; or
  - (iv)** a structure in which the total occupancy is less than 50.

**(3)** Any commercial project that requires an architect or engineer seal pursuant to this part shall be submitted to the appropriate electrical AHJ for review and approval.

**(4)** 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.

**(5)** 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 not a hazard to life or property by the inspector, and approved by the CBO or TBC, may remain in service.

(6) No permit for a permanent electrical service shall be issued unless the end use of the service is specified by the appropriate valid permit.

(7) A permit may be issued for a temporary construction electrical service (temp pole) or permanent electrical services for a project site if the permanent permit, as required by 14.5.2.8 NMAC, has not yet been issued and the electrical service is in compliance with the electrical code and these rules, including but not limited to 14.5.2.17 NMAC, and all required documents are completed and submitted to the AHJ.

**K. Mechanical projects.**

(1) The AHJ may require the stamp of a professional engineer, licensed 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) For plans of buildings more than two stories in height, other than R-3 and U occupancies, see the construction documents section of the currently adopted NMMC.

**L. Permit contents and display.** Pursuant to CILA Section 60-13-59 NMSA 1978, every permit or notice of permit issued by the AHJ shall:

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

(2) contain a legal description of the property by "lot and block" or "meters and bounds" description in a subdivision, by street address in a municipality, or by township, range and section 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 issued, and the name of the architect or engineer as may be required by the AHJ ; and

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

**M. 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, XX/XX/XXXX]

**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 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 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 or as required by the AHJ.

**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, XX/XX/XXXX]

**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, XX/XX/XXXX]

**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 for the following causes:

(1) whenever the permit is issued in error, or on the basis of incorrect, inaccurate, incomplete, or fraudulent information or in violation of any provision of Title 14 of the NMAC;

(2) when a job is abandoned as determined by the division pursuant to the CILA and its rules;

(3) failure to correct code violations for which a notice of correction or stop work order has been issued;

- (4) change in the person or entity performing the work;
- (5) payment of any amount due to an AHJ with a “non-sufficient funds” check;
- (6) aiding or abetting an unlicensed contractor or journeyman;
- (7) at the written request of the permittee.
- (8) upon written notification of the termination of the contract with the permittee, from the

project owner.

**B.** A suspended permit may be reactivated upon approval of the appropriate AHJ and payment of all assessed fees.

[14.5.2.13 NMAC - Rp, 14.5.2.13 NMAC, XX/XX/XXXX]

#### **14.5.2.14 EXPIRATION AND DEACTIVATION OF PERMIT:**

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

**B. Cancellation.** If the work authorized by a permit is suspended, delayed or abandoned after the work is commenced and such suspension, delay or abandonment continues for greater than 180 days, the permit shall be cancelled. 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. The AHJ may require re-submittal of documents.

**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 violation pursuant to Subsection A of 14.5.2.8 NMAC and subject to discipline and to the provisions of 4.5.2.16 NMAC.

[14.5.2.14 NMAC - Rp, 14.5.2.14 NMAC, XX/XX/XXXX]

#### **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) an outstanding balance on any amounts due to the division or an AHJ that has accrued without approval of the director or the AHJ.

- (3) Failure to fully comply with a commission order.
- (4) Failure to comply with the Parental Responsibility Act.
- (5) Requesting a permit without the proper license classification for the work to be performed.

- (6) Applying for a permit on behalf of another entity.
- (7) Allowing another other than the licensee to use the license to obtain a permit.

**B.** After one receipt by an AHJ of a “non-sufficient funds” check, the AHJ may require payment by cashier’s check or certified funds.

[14.5.2.15 NMAC - Rp, 14.5.2.15 NMAC, XX/XX/XXXX]

**14.5.2.16 FAILURE TO OBTAIN PERMIT:** If any work, is performed by a licensee, for which a permit is required, and is commenced prior to obtaining the necessary permit, the AHJ may assess a fee in the amount of twice the usual permit and inspection fees for the first violation with all subsequent violations disciplined pursuant to 60-13-23.1 A NMSA 1978, or referring the violation to CID for disciplinary action.

[14.5.2.16 NMAC - Rp, 14.5.2.16 NMAC, XX/XX/XXXX]

#### **14.5.2.17 TEMPORARY STRUCTURES:**

**A. Permits.** The appropriate TBC or the CBO of an AHJ 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 supported by credible evidence.

**B. Conformance.** Pursuant to Section 108.2 of the IBC temporary structures and uses shall comply with the requirements of Section 3101.

**C. Temporary power.** A permit may be issued by the appropriate TBC or AHJ for the installation and energizing of a temporary electric pole or electrical service as specified in Paragraph (5) of Subsection K of

14.5.2.10 NMAC, for a period not to exceed one year from the date of issuance. When the temporary use of the temporary electric pole or electrical service is no longer required or at the end of the authorized year, the property owner shall notify the appropriate AHJ or inspector. Upon receipt of written notice of such cancellation, the appropriate AHJ shall notify the utility and the utility shall discontinue service to such system. Service shall not be resumed until a new permit for the work on the system is issued.

**D. Temporary service.** A permit, for a period not to exceed one year from the date of issuance, may be issued by the appropriate TBC or AHJ authorizing a connection of a temporary system for supplying 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 or at the end of the authorized year, the permittee shall notify the appropriate AHJ. Upon written receipt of such a request to cancel the temporary service, the AHJ shall, either cancel the permit and notify the utility with the utility discontinuing service to such system or work may continue under the issued permit on a non-temporary basis once the temporary use is no longer required. The temporary work permit may be canceled at any time within one year after the permit is issued by the AHJ.

**E. Termination of approval.** The AHJ is authorized to terminate a permit for a temporary structure when the TBC or CBO 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, XX/XX/XXXX]

#### **14.5.2.18 HOMEOWNER'S PERMIT:**

**A.** A homeowner permit allows homeowners to obtain permits for constructing or altering their primary residence without becoming a licensed contractor is strictly limited to construction and alteration of their primary residence. Any other use of a homeowner's permit shall result in cancellation of the current homeowner permit and denial of any subsequent request for a homeowner permit.

**B.** The homeowner licensing exemption requires conformity with CILA, its rules, standards and codes. This includes a homeowner acting as a general contractor for the project.

**C.** The homeowner's permit authorizes the homeowner to physically perform the work, alone or with legal employees, or act as a general contractor and subcontract portions of the work to licensed contractors. In order to qualify for the homeowner permit the major portion of the work to be performed, based on dollar amount, must be completed by the homeowner.

**D.** A homeowner may apply for a homeowner's building, plumbing or electrical permit to construct a residence or to remodel or construct an addition to an existing residence. A homeowner's permit may only be issued to a property owner and only for the property owner's primary residence occupied or intended to be occupied by the homeowner. A permit is required for all construction related work for which a permit is required by statute or rule.

**E.** Homeowner's permits are limited to single-family dwellings, appurtenant structures to single-family dwellings such as private garages, carports, and sheds and are issued only to the property owner providing proof of ownership. All homeowner permit applications are subject to approval by the AHJ.

**F.** A person applying for a homeowner's permit in order to construct or alter a primary, personal residence in accordance with Paragraph (10) of Subsection D of CILA, Section 60-13-3 NMSA 1978 must provide the following to the AHJ:

- (1) A completed AHJ approved homeowner permit application.
- (2) A signed and notarized homeowner's permit responsibility sheet acknowledging legal responsibility, verification of the major portion of the work based on dollar amount being completed by the homeowner and the liability of the homeowner for the construction that is completed by subcontractors.
- (3) A signed acknowledgement of receipt of the instructions form for obtaining a homeowner permit.
- (4) Zoning approval from the local planning and zoning department.
- (5) Flood plain determination from the local flood plain department.
- (6) Proof of identity and ownership of the property for which the permit is sought.
- (7) Payment of all required fees.

**G.** The AHJ shall issue separate homeowner's permits for general building construction, mechanical/plumbing and electrical work as appropriate. Each permit authorizes work at the primary residence only and does not apply to rental property, other owned property or to any commercial work or property.

**H.** The homeowner is responsible for requesting inspections, correcting code violations and requesting required re-inspections to obtain a certificate of occupancy or final inspection as applicable. If the homeowner has hired sub-contractor(s) to complete the plumbing, mechanical and electrical work, the sub-contractor(s) remains responsible for obtaining permits, requesting inspections and correcting code violations and



requesting required re-inspections prior to the homeowner being able to obtain a certificate of occupancy or final inspection.

**I.** The homeowner building permit limits the homeowner to perform the work authorized by the permit personally or with employees paid by the homeowner and issued a W-2 form, or to subcontract a portion of the work while self-performing a significant portion of the work.

**J.** All work subcontracted must be subcontracted to licensed contractors who must apply for the appropriate permits for their work and pass all required inspections.

**K.** A homeowner's permit is not valid and may not be used to permit a project for which a GB-2 or GB-98 licensed contractor is contracted to manage, supervise or act as the general contractor for a project. If a homeowner's permit has been issued for such a project it shall become invalid and the contractor acting as the general contractor must obtain the appropriate building permits and shall be responsible for all work performed at this site including subcontracted work.

**L.** Single-scope projects, including but not limited to, roofing or window installations are not eligible for a homeowner's permit if the work is to be subcontracted and is not performed by the homeowner, either personally or with the aid of valid employees who are issued a W-2 form.

**M.** A homeowner may apply for a homeowner's permit for plumbing work by complying with subsection D and by demonstrating sufficient knowledge as determined by the appropriate TBC or CBO. The TBC or CBO shall determine minimum competency by reviewing plans submitted by the homeowner for the proposed work. Completion of a written examination with a minimum passing score of seventy-five percent may be required. Failed examinations may not be repeated sooner than 30 days after the date of the failed exam. Plumbing work pursuant to the homeowner permit shall be performed only by the permittee.

**N.** A homeowner may apply for a homeowner's electrical permit by complying with subsection D and submitting plans or drawings showing the electrical equipment on the floor plan and the panel schedule. Once the plans are approved, the permit may be issued to the homeowner only if the homeowner passes the electrical exam for homeowners, with a minimum passing score of seventy-five percent, administered by CID. Failed examinations may not be repeated sooner than 30 days after the date of the failed exam. Electrical work pursuant to the homeowner permit shall only be performed by the permittee.

**O.** A homeowner's permit shall not be issued for HVAC, natural gas or LP gas installations. All such work, except LP gas installations, shall require a properly licensed contractor and shall be permitted and inspected pursuant to the requirements of the AHJ. LP gas installations shall require a properly licensed contractor and shall be permitted and inspected pursuant to the requirements of the LP Gas Trade Bureau.

**P.** 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 NMSA 1978, and will result in the automatic voiding of the permit by the AHJ. 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 NMSA 1978.

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

[14.5.2.18 NMAC - Rp, 14.5.2.18 NMAC, XX/XX/XXXX]

#### **14.5.2.19 ANNUAL PERMIT:**

##### **A. Commercial:**

##### **(1) Types and scopes:**

**(a) Electrical repair maintenance commercial (ERMC) permits.** The scope of this permit includes the repair or maintenance performed on existing electrical systems in commercial facilities. Repair and maintenance means work that is necessary to maintain an established, approved electrical, which work is required to keep the system operating in its original approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved electrical system, 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 system or any portion thereof. Life safety systems include systems intended to protect the occupants of the structure such as fire protection, controls for smoke evacuation systems, energy, and egress lighting systems, except replacement of light bulbs and batteries in emergency lights and exit signs.

**(b) Mechanical repair maintenance commercial (MRMC) permits.** The scope of this permit includes the repair or maintenance performed on existing mechanical/plumbing systems in commercial facilities. Repair and maintenance means work that is necessary to maintain an established, approved

mechanical/plumbing system, which work is required to keep the system 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 system, 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 system or any portion thereof. Life safety systems include systems intended to protect the occupants of the structure such as fire protection and smoke evacuation systems.

(c) General construction repair and maintenance work that is required as a direct consequence of, or that is necessary to, work performed pursuant to a commercial annual permit is considered incidental work and is authorized under the ERM and the MRMC permits. All such general construction work must be reported pursuant to Paragraph (6), below, and whether or not general construction work is covered by commercial annual permit will be determined by the division. If there is a question as to whether general construction repair and maintenance is incidental work and therefore allowed within the confines of an annual permit, the permit holder shall contact the general construction bureau chief to determine if the work properly falls within the annual permit. General construction work that is not covered by a commercial annual permit will subject the permit holder to penalties as provided in the Act and the CID rules.

(2) **Issuance.** Commercial annual permits may be issued to:

(a) A commercial entity duly authorized to conduct business in New Mexico employing certified journeymen; or

(b) a licensed contractor holding one of the following classifications of license that has a written contract with a commercial entity to perform work for the commercial entity covered by an commercial repair and maintenance annual permit:

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

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

(iii) allowed work is limited to the scope of the classification.

(c) work to be performed under a commercial annual permit may only be performed by a journeyman, pursuant to Subsection A of 14.6.6.10 NMAC or Subsection A of 14.6.6.11 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 a qualifying party or a journeyman certification.

(3) **Duration.**

(a) Commercial annual permits are valid for 12 months from the date of issuance and are renewable upon submission of a completed approved application. ERM and MRMC permits automatically expire on the first day of the 13th month after the month of issuance. Permits are subject to the provisions of:

(b) 14.5.2.13 NMAC Suspension, cancellation, revocation.

(c) 14.5.2.14 NMAC Expiration and deactivation of permits.

(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 a commercial annual 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 and the individual's journeyman classification and certificate number;

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

(7) **Audit and Inspections.** All work performed under a commercial annual permit is subject to audit and inspection by CID and must comply with all applicable codes and rules. Each quarter, all annual permit holders shall submit copies of their report logs to the appropriate trade bureau of all work performed through use of the annual permit. Upon review of the audit materials, the specific trade bureau shall determine if an in-person inspection is necessary and, if appropriate, shall arrange for the inspection.

(8) **Violations.**

(a) If, upon audit and subsequent inspection of annual permit work, any permitted work is found not to be in full compliance with annual permit requirements or applicable codes, the inspector shall

serve a written notice on the permittee citing the violation observed and ordering that the violation be corrected. The permittee is responsible for notifying the inspector when all corrections have been made and the work is ready for re-inspection. Failure to comply with a correction, or other written notice within the time required by the inspector or, if no time is specified, within a reasonable time, is a violation of the CID rules and may result in disciplinary action by the division.

(b) If the work inspected is not recorded fully and accurately on the log, the inspector shall provide a written report to the TBC for appropriate action. If the failure constitutes a health or safety hazard the inspector shall take appropriate action pursuant to Section 60-13-42 NMSA 1978, if appropriate and also immediately notify the TBC. The annual permit is subject to cancellation and the holder may not be eligible to apply for another annual permit for one year thereafter.

(c) If the work inspected or logged in is not authorized by the terms and conditions of the annual permit, the inspector shall notify the TBC for appropriate action. If the violation constitutes a health or safety hazard the inspector shall take action pursuant to Section 60-13-42 NMSA 1978, if appropriate and also immediately notify the TBC. The annual permit is subject to cancellation and the holder may not be eligible to apply for another annual permit for one year thereafter.

(9) **Limitation.** Commercial annual permits may only be issued by CID.

(10) Commercial buildings that are classified pursuant to the NMCBC as having an industrial use will be considered as commercial buildings for annual permit purposes.

## **B. SCHOOL:**

### **(1) Types.**

(a) **Electrical repair maintenance schools (ERMS) permit.** The scope of this permit includes the 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 a like-for-like exchange of a portion or portions of an existing electrical system. It does not include:

(i) work on life safety systems which are intended to protect the occupants of the structure such as fire protection, controls for smoke evacuation systems, energy, and egress lighting systems, except replacement of light bulbs and batteries in emergency lights and exit signs;

(ii) work that entails new construction, relocation, expansion or alteration of an electrical system or any portion thereof;

(iii) work on energized electrical systems of any kind;

(iv) boilers; or

(v) work product or process that is hazardous to the maintenance technician, the occupants of a school or the public.

(b) **Mechanical repair maintenance schools (MRMS) permits.** The scope of this permit includes the repair or maintenance performed on existing plumbing or mechanical systems that are necessary to maintain an established, approved mechanical/plumbing system, 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 system in a school. It does not include:

(i) work on life safety systems which are intended to protect the occupants of the structure such as fire protection and smoke evacuation systems;

(ii) venting;

(iii) work that entails new construction, relocation, expansion or alteration of a mechanical or plumbing system or any portion thereof;

(iv) 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;

(v) repair or replacement of gas valves, regulators or fuel train;

(vi) boilers;

(vii) work product or process that is hazardous to the maintenance technician, the occupants of the school or the public.

(c) **General repair maintenance schools (GRMS) permits.** The scope of this permit includes the 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, 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 occupants of the school or the public.

**(2) Issuance.**

**(a)** School annual permits authorized for electrical and mechanical/plumbing work by this section may be issued to a school that employs at least one journeyman who holds a valid certification in the classification covering the work to be performed.

**(b)** Electrical and mechanical/plumbing work to be performed under the school annual permit shall only be performed by a journeyman pursuant to Subsection A of 14.6.4.8 NMAC or an apprentice pursuant to Subsection H of Section 60-13-2 NMSA 1978 of the CILA under the supervision of a licensed journeyman at a ratio of one to one. In no case shall experience gained under an annual permit count for more than one-fourth of the experience requirement for a qualifying party or journeyman certificate.

**(c)** There are no certification requirements for general repair maintenance school permit work.

**(3) Duration.**

**(a)** Permits authorized by this rule are valid for 12 months from the date of issuance and are renewable upon submission of a completed approved application. These permits automatically expire on the first day of the thirteenth month following the month of issuance. Permits are subject to the provisions of

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

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

**(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 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:

**(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 and the individual's journeyman classification and certificate number;

**(e)** the entity permit number issued to the school for the work performed.

**(7) Audit and Inspection.** All work performed under a school annual permit issued pursuant to this rule is subject to audit and inspection by CID and must comply with all applicable codes and rules. Each quarter annual permit holders shall submit copies of their report logs to the appropriate trade bureau of all work performed through use of the annual permit. The appropriate trade bureau shall determine, upon review of the audit materials, if an in-person inspection is necessary and, if appropriate, shall arrange for the inspection.

**(8) Violations**

**(a)** If, upon an inspection of the annual permitted work, any work is found not to be in full compliance with annual permit requirements, the inspector shall serve a written notice on the permittee citing the violation observed and ordering that the violation be corrected. The permittee is responsible for notifying the inspector when all corrections have been made and the work is ready for re-inspection. Failure to comply with a correction, or other written, notice within the time required by the inspector or, if no time is specified, within a reasonable time is a violation of the CID rules and may result in disciplinary action by the division.

**(b)** If the work inspected is not recorded fully and accurately on the log, the inspector shall provide a written report to the TBC for appropriate action. If the failure constitutes a health or safety hazard the inspector shall take appropriate action pursuant to Section 60-13-42 NMSA 1978, if appropriate and also immediately notify the TBC. The annual permit is subject to cancellation and the holder may not be eligible to apply for another annual permit for one year thereafter.

**(c)** If the work inspected or logged in is not authorized by the terms and conditions of the annual permit, the inspector shall notify the TBC for appropriate action. If the violation constitutes a health or safety hazard the inspector shall take appropriate action pursuant to Section 60-13-42 NMSA 1978, if appropriate and also immediately notify the TBC. The annual permit is subject to cancellation and the holder may not be eligible to apply for another annual permit for one year thereafter.

**(9) Limitations.** School annual permits may only be issued by CID.  
[14.5.2.19 NMAC - Rp, 14.5.2.19 NMAC, XX/XX/XXXX]

**14.5.2.20 EMERGENCY WORK:** Where equipment replacement or repairs must be performed in an

emergency, application to the appropriate AHJ for the required permit must be made on the next working business day or as determined by the particular TBC or AHJ.

[14.5.2.20 NMAC - Rp, 14.5.2.20 NMAC, XX/XX/XXXX]

**14.5.2.21 CONNECTION OF SERVICE UTILITIES:** 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 until approved by the appropriate AHJ.

[14.5.2.21 NMAC - Rp, 14.5.2.21 NMAC, XX/XX/XXXX]

#### **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.

14.5.2 NMAC, Permits (filed 11/15/2016), was repealed and replaced by 14.5.2 NMAC, Permits, 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.

**TITLE 14       HOUSING AND CONSTRUCTION**  
**CHAPTER 5     CONSTRUCTION INDUSTRIES GENERAL PROVISIONS**  
**PART 3         INSPECTIONS**

**14.5.3.1       ISSUING AGENCY:** Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.5.3.1 NMAC - Rp, 14.5.3.1 NMAC, XX/XX/XXXX]

**14.5.3.2       SCOPE:** This rule applies to all contracting work performed in New Mexico after XX/XX/20XX, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.

[14.5.3.2 NMAC - Rp, 14.5.3.2 NMAC, XX/XX/XXXX]

**14.5.3.3       STATUTORY AUTHORITY:** Sections 60-13-9, 60-13-41, 60-13-10.3, 60-13-45, 60-13-46 and 60-13-47 NMSA 1978.

[14.5.3.3 NMAC - Rp, 14.5.3.3 NMAC, XX/XX/XXXX]

**14.5.3.4       DURATION:** Permanent.

[14.5.3.4 NMAC - Rp, 14.5.3.4 NMAC, XX/XX/XXXX]

**14.5.3.5       EFFECTIVE DATE:** Month, Day, Year, unless a later date is cited at the end of a section.

[14.5.3.5 NMAC - Rp, 14.5.3.5 NMAC, XX/XX/XXXX]

**14.5.3.6       OBJECTIVE:** The purpose of this rule is to set forth requirements for inspections of construction contracting work in New Mexico that is subject to the jurisdiction of CID.

[14.5.3.6 NMAC - Rp, 14.5.3.6 NMAC, XX/XX/XXXX]

**14.5.3.7       DEFINITIONS:** See 14.5.1.7 NMAC for definitions.

[14.5.3.7 NMAC - Rp, 14.5.3.7 NMAC, XX/XX/XXXX]

**14.5.3.8       GENERAL PROVISIONS:**

**A.       Application.** All work for which a permit is issued must be inspected. Pursuant to Paragraph (2) of Subsection H of 14.5.2.8 NMAC and 14.7.2.45 NMAC, baby changing facilities in new restrooms shall not require a separate permit but shall be inspected as part of the building permit inspection process.

**B.       Inspections.** No inspections of work will be performed until the required fees have been paid.

**C.       Code compliance.** The inspections necessary to ensure that permitted work complies with applicable codes shall be performed by the appropriate inspector under the direction of the AHJ responsible for the inspection.

**D.       Notification.** It is the responsibility of the permittee, or the permittee's duly authorized agent, to timely notify the appropriate AHJ personnel when work is ready for inspection, and to provide access to and the means to perform inspections of, the work. Requirements for inspections shall be made as specified on the permit or in other instructions required by the AHJ or the division, but in no event shall such notification be given less than 24 hours before the work is to be inspected.

**E.       Violations.** If, upon inspection, any permitted work is not in full compliance with applicable codes, the inspector shall issue to the permittee a written correction notice citing the code violations observed and ordering that the violations be corrected. The permittee is responsible for notifying the appropriate AHJ personnel when all corrections have been made and the work is ready for re-inspection. Failure to comply with a correction notice within the time required by the AHJ or the inspector, or, if no time is specified, within a reasonable time, is a violation of the CID rules and may result in disciplinary action by the AHJ.

**F.       Covered and unapproved work.** Work must be visible to be inspected and shall not be covered or used before approval is given by the inspector. Work that is covered before it is inspected, tested if applicable, and approved may be ordered uncovered by the inspector or AHJ. No work shall be performed beyond what is required for the next inspection without approval of the inspector.

[14.5.3.8 NMAC - Rp, 14.5.3.8 NMAC, XX/XX/XXXX]

**14.5.3.9       INSPECTIONS:** The following inspections are required unless otherwise indicated or as

determined in the discretion of the TBC or CBO.

**A. For work subject to the NMCBC.**

- (1) Footing and foundation inspection, see Section 110 of the IBC.
- (2) Concrete slab or under floor inspection, see Section 110 of the IBC.
- (3) Lowest floor elevation, see Section 110 of the IBC.
- (4) Frame inspection, see Section 110 of the IBC.
- (5) New and re-roofs, roof assembly inspection including decking, application of roof systems and application of roof coatings.
- (6) Exterior wall opening flashings.
- (7) Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.
- (8) Lath and gypsum board, see Section 110 of the IBC.
- (9) Fire and smoke-resistant penetrations, see Section 110 of the IBC.
- (10) Energy efficiency inspection, see Section 110 of the IBC.
- (11) Other inspections required by the AHJ building official, see Section 110 of the IBC.
- (12) Special inspections, see Section 110 of the IBC.
- (13) Final inspection, see Section 110 of the IBC, including baby changing facilities pursuant to 14.5.3.8 NMAC.

**B. For work subject to the NMRBC.**

- (1) Footing and foundation inspection, see Section 109.1.1 of the IRC.
- (2) Concrete slab or under floor inspection, see Section 109 of the IRC.
- (3) Frame and masonry inspections, see Section 109.1.4 of the IRC.
- (4) New and re-roofs, roof assembly inspection including decking, application of roof systems and application of roof coatings.
- (5) Exterior wall opening flashings.
- (6) Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.
- (7) Energy efficiency inspections
- (8) Lath and gypsum board, see Section 109.1.5 of the IRC.
- (9) Other inspections required by the AHJ, see Section 109 of the IRC.
- (10) Fire resistance rated construction inspection, see Section 109.1.5.1 of the IRC.
- (11) Final inspection, see Section 109.1.6 of the IRC.

**C. For work subject to the NMEC.**

- (1) Temporary pole (if applicable).
- (2) Underground or under-slab (if applicable).
- (3) Rough-in:
  - (a) on residential projects, all wiring must be installed and connections made-up;
  - (b) on commercial projects, perform inspections as required.
- (4) Service pre-final (if applicable).
- (5) Final (electrical system is complete and energized).

**D. For work subject to the NMMC.**

- (1) Rough inspection of all mechanical work covered by permit after work has been installed and before it is covered or concealed.
- (2) Temporary heat (if applicable).
- (3) Final inspection after all mechanical work covered by permit has been installed and covered and after fixtures and appliances have been attached.
- (4) Operation of mechanical equipment installed to replace existing equipment or fixtures.

See the existing installations section of the currently adopted UMC.

**E. For work subject to the NMPC.**

- (1) Rough inspection of all plumbing work covered by permit after work has been installed and before it is covered or concealed.
- (2) Top-out inspection of all vented piping above floor and all extensions through the roof and walls.
- (3) Water distribution including all water piping inside and under a building.
- (4) Water service piping from a service meter to a connection outside the building.
- (5) Final inspection after all plumbing work covered by permit has been installed and

covered and after fixtures and appliances have been attached.

(6) Operation of plumbing equipment to replace existing equipment or fixtures, see the existing installations section of the currently adopted UPC.

**F. Additional inspections.** In addition to required inspections, the AHJ or CBO is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the applicable New Mexico construction codes.

**G. Re-inspections.**

(1) A re-inspection fee shall not be assessed when the required code corrections resulting from an initial inspection is properly corrected and subsequently re-inspected and approved.

(2) A re-inspection fee shall be assessed for each inspection or re-inspection when such portion of work for which an inspection is called is not complete, when the required corrections have not been made or work is covered prior to inspection.

(3) No additional permits may be issued and no additional inspections conducted until the required fees have been paid.

(4) Re-inspection fees may be assessed when the approved plans are not readily available to the inspector, or there is a deviation from plans without the approval of the AHJ.

(5) Re-inspection fees may be assessed for failure to provide access to the property and to the facility where the inspection is to occur on the date for which the inspection is scheduled.

[14.5.3.9 NMAC - Rp, 14.5.3.9 NMAC, 11/15/2016; A, 5/15/2018]

**14.5.3.10 STOP WORK ORDERS:** Whenever contracting is being performed contrary to the CID rules, the inspector, after verification of the TBC or other AHJ, may order that the work be stopped and shall give written notice of such order to the person performing the work or causing the work to be performed and the owner of the property. If the inspector discovers a life safety issue contrary to CID rules, the inspector may order that the work be stopped, giving written notice of such order to the person performing the work or causing the work to be performed, the owner of the property and the specific trade bureau chief. The person performing the work or causing the work to be performed when receiving such notice shall cease and desist from performing, or causing the performance of the work, until authorized to proceed in writing, by the AHJ or the inspector. The following conditions for which a stop work order may be issued include, but are not limited to:

- A.** inspection determined as a health or safety hazard;
- B.** continuing work without all correction notice violations being corrected;
- C.** work deviating from the approved plans or materials
- D.** contractor not properly licensed;
- E.** working beyond the scope of licensure;
- F.** work not properly permitted;
- G.** improper journeyman ratios.

[14.5.3.10 NMAC - Rp, 14.5.3.10 NMAC, XX/XX/XXXX]

**14.5.3.11 AUDIT AND INSPECTION OF WORK ON ANNUAL PERMIT:** Pursuant to the provisions of Paragraph (7) of Subsection A of 14.5.2.19 NMAC the specific bureau chief shall determine, based on the review of the annual report logs, which items in the report logs require an in-person inspection.

**A.** If, upon audit or inspection, any permitted work is found not to be in full compliance with an applicable code, the inspector shall serve a written notice on the permittee citing the violation observed and ordering that the violation be corrected. The permittee is responsible for notifying the appropriate AHJ personnel when all violations have been corrected and the work is ready for re-inspection. Failure to comply with the correction of a cited violation, or other written notice within the time required by the inspector, or if no time is specified, within a reasonable time is a violation of the CID rules, codes and standards, and may result in disciplinary action by the division.

**B.** If the work inspected is not recorded fully and accurately on the log, the inspector shall notify the TBC for appropriate action.

**C.** If the work inspected or logged in is not authorized by the terms and conditions of the annual permit, the inspector shall notify the TBC for appropriate action.

**D.** If a violation constitutes a health or safety hazard the inspector shall take action pursuant to Section 60-13-42 NMSA 1978, if appropriate and also immediately notify the TBC. The annual permit is subject to suspension, cancellation or revocation pursuant to 14.5.2.13 NMAC and the holder may not be eligible to apply for another annual permit for up to one year thereafter as determined by the division director.



[14.5.3.11 NMAC - Rp, 14.5.3.11 NMAC, XX/XX/XXXX]

#### **14.5.3.12 PRODUCT STANDARDS AND APPROVALS:**

**A. Product approval.** Construction or installations shall not be approved as code compliant unless the products and materials used meet the standards set forth in the New Mexico construction codes or as approved by the specific TBC pursuant to Subsection D of 14.5.1.11 NMAC.

**B. Procedures for determining compliance.** The appropriate TBC has the authority to establish the procedures necessary to determine whether products and materials meet the standards set forth in the New Mexico construction codes.

**C. Marking systems.** Marking/labeling of a listing agency (accredited conformity assessment body) for equipment or materials shall identify products that comply with the standards set forth in the applicable New Mexico construction codes.

**D. Approval of listing agencies.** A listing agency shall not be approved for certifying, marking/labeling products for use in New Mexico that does not comply with the American national standards institute (ANSI) or other accredited certifying agencies as recommended by the appropriate TBC and approved by the commission.

[14.5.3.12 NMAC - Rp, 14.5.3.12 NMAC, XX/XX/XXXX]

#### **14.5.3.13 CERTIFICATES OF OCCUPANCY OR FINAL INSPECTION:**

**A. Occupancy.** No building, or portion thereof, on which construction has been undertaken shall be occupied until the appropriate inspector has issued a C/O or an approved final inspection, as applicable.

**B. Issuance.** No C/O shall be issued by the CBO or the inspector until all of the required inspections have been performed and the appropriate inspectors have approved the work.

**C. Homeowner's permit.** A C/O issued for new construction or final inspection approved for a remodel of a residence constructed pursuant to a homeowner's permit shall expressly state that the residence was so constructed or remodeled pursuant to a homeowner permit.

**D. Temporary certificate of occupancy.**

(1) The appropriate inspector may issue a temporary C/O for a 30-day period or greater period if approved by the TBC or CBO when:

(a) an analysis of the circumstances in any specific case determined by the AHJ indicates that a temporary C/O is appropriate; and

(b) life, safety or health will not be adversely affected by doing so;

(2) Upon receipt of a written request for an extension of a current, valid temporary C/O, and good cause being shown, the temporary certificate of occupancy can be extended for up to a maximum of 12 months.

**E. Effect.** The issuance of a C/O shall not be construed as an approval of an unrecognized violation of the provisions of the New Mexico construction codes or of other applicable codes. If a code violation is discovered after the C/O is issued or after, an approved final inspection, the C/O or final inspection is invalid until all code violations are corrected and the C/O is re-issued or final inspection approved. No C/O or approved final inspection shall be interpreted to certify compliance with the requirements of any other regulatory agency that may or might have jurisdiction over aspects of a project or that are overseen by other regulatory agencies. Such aspects include, but are not limited to, compliance with fire code standards enforced by the state fire marshal, or any local fire code enforcement agency; the state environment department; the state health department, the state human services department, homeland security and emergency management department, the transportation department, the public regulation commission, or any other state or local regulatory agency.

**F. Revocation or suspension.**

(1) The general construction TBC or a CBO of an AHJ who issued the C/O is authorized to suspend or revoke a C/O or reverse an approved final inspection if:

(a) the certificate was issued in error or on the basis of incorrect information; or

(b) the work violates an applicable New Mexico construction code or applicable provisions of the CILA or its rules.

(2) A suspended C/O or reversed final inspection may be reinstated upon approval of the appropriate CBO and payment of any fee assessed pursuant to 14.5.5 NMAC, Fees or local ordinance.

[14.5.3.13 NMAC - Rp, 14.5.3.13 NMAC, XX/XX/XXXX]

**14.5.3.14 INSPECTION AGENCIES:** A privately-operated inspection agency that satisfies the requirements of NMSA 1978, § 60-13-41 H and 14.6.7 NMAC may be approved by the division to conduct inspections on behalf of the division for modular structures, provided such agency employs certified inspectors who exclusively inspects for each manufacturer for general construction, mechanical and electrical specialties, meets the requirements of 14.6.7.11 NMAC, and are qualified and certified pursuant to 14.6.5 NMAC, Inspectors.  
[14.5.3.14 NMAC - Rp, 14.5.3.14 NMAC, XX/XX/XXXX]

**14.5.3.15 CONNECTION APPROVAL:**

**A. Plumbing.** No person shall connect, or reconnect, any plumbing system to an energy or water source or to a sewer system until the AHJ or appropriate inspector has given approval to do so.  
**B. Mechanical.** No person shall connect, or reconnect, any mechanical system or equipment to an energy, fuel or other power source until the AHJ or appropriate inspector has given approval to do so.  
**C. Electrical.** No person shall connect, or reconnect any electrical wiring to an energy source until the AHJ building official or appropriate inspector has given approval to do so.  
**D. Exception.** A public or private utility may make a connection from a supply of water or gas to an installation if, the appropriate AHJ has failed to approve or disapprove the work or installation to which the connection will be made within seven working days after receiving notification that the work is ready to inspect.  
[14.5.3.15 NMAC - Rp, 14.5.3.15 NMAC, XX/XX/XXXX]

**HISTORY OF 14.5.3 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 2/16/1972;  
 CIC 76-2, Rules and Regulations, filed 5/5/1976;  
 CID 78-2, Rules and Regulations, filed 12/5/1978;  
 CID 79-1, Rules and Regulations, filed 6/6/1979;  
 CID 82-1, Construction Industries Rules and Regulations, filed 4/14/1982;  
 CID 85-1, Construction Industries Rules and Regulations, filed 2/4/1985;  
 CID 90-1, Construction Industries Rules and Regulations, filed 5/31/1990.

**History of Repealed Material:**

14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 9/2/1997), repealed 12/1/2000.  
 14.5.3 NMAC, Housing and Construction - Construction Industries General Provisions - Inspections (filed 10/16/2000), repealed 7/1/2004.  
 14.5.3 NMAC, Inspections (filed 5/27/2004), repealed 11/15/2016.  
 14.5.3 NMAC, Inspections (filed 11/15/2016) was repealed and replaced by 14.5.3 NMAC, Inspections, effective XX/XX/XXXX.

**Other History:**

That portion of CID 90-1, Construction Industries Rules and Regulations, filed 5/31/1990 - renumbered, reformatted and amended to 14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections, filed 9/3/1996.  
 14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 9/3/1996) replaced by 14 NMAC 5.3, Inspections, effective 9/23/1997.  
 14 NMAC 5.3, Inspections (filed 9/2/1997) replaced by 14 NMAC 5.3, Inspections, effective 12/1/2000.  
 14.5.3 NMAC, Inspections (filed 10/16/2000) and those applicable portions of 14.7.2 NMAC, 1997 Uniform Building Code (filed 10/16/2000); 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Codes (filed 10/20/1998); and 14.10.4 NMAC, State of New Mexico Electrical Code (filed 7/1/2002) replaced by 14.5.3 NMAC, Inspections, effective 7/1/2004.

**TITLE 14: HOUSING AND CONSTRUCTION**  
**CHAPTER 5: CONSTRUCTION INDUSTRIES GENERAL PROVISIONS**  
**PART 8: INVESTIGATIONS AND ENFORCEMENT**

**14.5.8.1 ISSUING AGENCY:** The Construction Industries Division of the Regulation and Licensing Department.  
[14.5.8.1 NMAC - N, 12/13/2014]

**14.5.8.2 SCOPE:** Discipline for all licensees, applicants, certificate holders and unlicensed contractors.  
[14.5.8.2 NMAC - N, 12/13/2014]

**14.5.8.3 STATUTORY AUTHORITY:** Sections 60-13-23, 60-13-23.1, 60-13-24 and Subsection C of 60-13-27 NMSA 1978.  
[14.5.8.3 NMAC - N, 12/13/2014]

**14.5.8.4 DURATION:** Permanent.  
[14.5.8.4 NMAC - N, 12/13/2014]

**14.5.8.5 EFFECTIVE DATE:** December 13, 2014-unless a later date is cited at the end of a section.  
[14.5.8.5 NMAC - N, 12/13/2014]

**14.5.8.6 OBJECTIVE:** To provide administrative procedures for the discipline of licensees, applicants, certificate holders and unlicensed contractors.  
[14.5.8.6 NMAC - N, 12/13/2014]

**14.5.8.7 DEFINITIONS:**

See 14.5.1.7 NMAC for definitions.

~~A. "Authority Having Jurisdiction (AHJ)": means the entity with permitting authority in the political subdivision where the property is located, which may be the division, a municipality or a county.~~

~~B. "Code": means the statewide construction codes adopted by the commission.~~

~~C. "Code Bond": means the construction license bond required in Section 60-13-49 NMSA 1978, for correction of code violations certified by the division.~~

~~D. "Completion": means the date of the issuance of a certificate of occupancy or the date of the final inspection by the governmental entity having jurisdiction over code enforcement.~~

~~E. "Informal Hearing": means a hearing held pursuant to Subsection C of Section 60-13-27 NMSA 1978.~~

~~F. "Formal Hearing": means a hearing held under the ULA, Section 60-1-1 through 60-1-33 NMSA 1978.~~

~~G. "Notice of Contemplated Action (NCA)": means the official notice to a licensee that the commission is seeking to take action against a licensee for alleged violations of the CILA or rules promulgated by the commission.~~

~~H. "Prime contractor": means the licensed contractor who contracted with the property owner to oversee the construction project and act as the owner's agent as defined in Subsection B of 14-6-6.8 and Subsection A of 14-6-6.9 NMAC.~~

~~I. "Sub-contractor": means a licensed contractor who is hired by the prime contractor, regardless if the sub-contractor obtains its own permit or works under the permit obtained by the prime contractor.~~

~~J. "Surety": means the insurance company authorized by the NM department of insurance to transact business in New Mexico and acts as the underwriter of a contractor's code bond.~~

~~K. "CVD": means a code violation determination report prepared by a division employee.~~

~~L. "NOI": means a notice of investigation prepared by a division employee.~~

~~M. "ULA": means the Uniform Licensing Act, Sections 60-1-1 through 60-1-33 NMSA 1978.~~

~~N. "Gross incompetence or gross negligence": means, but shall not be limited to, a significant departure from the prevailing industry standard, manufacturer specifications or any provision of CILA, ULA or rule adopted by the commission.]~~

[14.5.8.7 NMAC - N, 12/13/2014; A, x/xx/xxxx]

**14.5.8.8 VIOLATIONS:**

**A.** An action by a licensee or certificate holder that is contrary to any of the following provisions, the CILA, the Liquefied Petroleum Gas and Compressed Natural Gas Act, Sections 70-5-1 through 70-5-23 NMSA 1978, the Manufactured Housing Act, Sections 60-14-1 through 60-14-20, NMSA 1978, or any rule promulgated by the commission, may subject the licensee to disciplinary action.

- (1) Gross incompetence or gross negligence.
- (2) Failure to maintain financial responsibility.
- (3) Failure to maintain worker compensation insurance.
- (4) Performing, or holding one- self out as able to perform, professional services beyond the scope of one's license and field or fields of competence.
- (5) Contracting without displaying his/her full name as it appears on the license issued by the division.
- (6) Advertising a classification or trade in which a contractor is not licensed by the division.
- (7) Advertising a service in a false, fraudulent or misleading manner.
- (8) The use of a false, fraudulent or deceptive statement in any document connected with construction bids, licensing, inspections or permitting.
- (9) Fraud, deceit or misrepresentation in any application.
- (10) Violation of any order of the commission.
- (11) Cheating on an examination for licensure.
- (12) Failure to cooperate in an investigation.
- (13) Obstruction of an investigator or an inspector in carrying out their duties.
- ~~[(13)]~~ (14) Aiding and abetting unlicensed contracting.
- ~~[(14)]~~ (15) Contract or job abandonment activity as determined by a court of competent jurisdiction.
- ~~[(15)]~~ (16) Failure to meet and maintain requirements for crossover licensure for multidisciplinary registration, certificates or licenses.

~~[(16)]~~ (17) Failure to be in compliance with the Parental Responsibility Act.

**B.** If the commission or an informal hearing officer determines that a licensee violated any provision of this subsection, the commission or an informal hearing officer may: issue letter of reprimand, deny, revoke, suspend, or otherwise limit a license; assess an administrative penalty; require licensees to fulfill continuing education hours within limited time constraints; or any combination of the above.

**C. Potential Suspension or Revocation of a License or Certification Based on a Disqualifying Criminal Conviction.**

(1) Pursuant to Section 28-2-4 NMSA 1978, the construction industries commission may revoke or suspend a license or certificate if the licensee or certificate holder has been convicted of a felony and the criminal conviction directly relates to the particular trade, business or profession.

(2) The construction industries commission shall not revoke or suspend a license or certificate on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in sub-section 4 of this rule.

(3) In connection with the suspension or revocation of a license or certificate, the commission shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (a) a conviction that has been sealed, dismissed, expunged or pardoned;
- (b) a juvenile adjudication; or
- (c) a conviction for any crime other than the disqualifying criminal convictions listed in paragraph (4) of this rule.

(4) Disqualifying felony criminal convictions that may allow the denial of licensure or certification or the denial of renewal of licensure or certification, whether in New Mexico or their equivalent in any other jurisdiction include:

- (a) Conviction involving attempts to evade or defeat payment of a tax that is owed or may be lawfully assessed;
- (b) conviction involving physical harm to a person or for an attempt, conspiracy or solicitation to commit such crimes;

(c) robbery, larceny, burglary, fraud, forgery, embezzlement, arson, theft of identity, extortion, racketeering or receiving stolen property or for an attempt, conspiracy or solicitation to commit such crimes;

(d) conviction involving bribery of a public officer or public employee or for an attempt, conspiracy or solicitation to commit such crimes.

(5) A licensee or certificate holder may submit a written justification providing evidence of mitigation or rehabilitation for consideration by the construction industries commission should discipline proceed or be anticipated based on a disqualifying criminal conviction.

(6) A licensee or certificate holder has a right, pursuant to the Uniform Licensing Act, to request a hearing should a claim be made against the license or certificate based solely on the disqualifying criminal conviction as enumerated in paragraph (4) above.

(7) Should the construction industries commission suspend or revoke a license or certificate, based solely upon a disqualifying criminal conviction, the licensee or certificate holder has the right to appeal to the district court pursuant to the rules of civil procedure to determine whether the revocation or suspensions is properly based upon a disqualifying criminal conviction.

(8) Nothing herein prevents the construction industries commission from disciplining a licensee or certificate holder on the basis of a licensee's or individual's conduct to the extent that such conduct violated the Construction Industries Licensing Act or the Liquefied Petroleum and Compressed Natural Gas Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the licensee or individual was convicted is listed as one of the disqualifying criminal convictions listed in paragraph (4) above.

[14.5.8.8 NMAC - N, 12/13/2014; A, x/xx/xxxx]

#### **14.5.8.9 ADMINISTRATIVE INVESTIGATIONS AND ENFORCEMENT:**

**A. Complaints:** Administrative disciplinary proceedings may be initiated by the filing of a complaint by any person, including members of the commission or division staff, against any licensee, registrant or certified holder. The division will assign an employee to investigate the alleged violations.

**B. Notice of Investigations (NOI):** A NOI shall be sent to the address on record according to the licensee's file. The licensee is required to respond within 15 calendar days from the date the NOI was sent by the division and provide the information or documents requested by the commission or division. Failure to respond in writing and supply information or documentation requested may subject the licensee to disciplinary actions.

**C. Investigative [subpoenas] Subpoenas:** The division director or the commission is authorized to issue investigative subpoenas and to employ experts with regard to pending investigations. The recipient of an investigative subpoena is obligated to reply with the requested information no later than 30 calendar days after receipt of the subpoena unless otherwise specified in the subpoena. Failure to comply with the subpoena may subject a licensee or certificate holder to disciplinary action or be cause for the division or the commission to seek enforcement of the subpoena in a court of law.

[14.5.8.9 NMAC - N, 12/13/2014; A, x/xx/xxxx]

#### **14.5.8.10 INFORMAL HEARING:**

**A. Requesting an informal hearing:** Pursuant to the CILA, complaints may be resolved at the request of the complainant, the licensee or the commission through an informal hearing. Although a complainant is not a party to the matter, the complainant may request an informal hearing.

**B. Acceptance of an informal hearing:**

- (1) The commission and licensee must agree to the hearing.
- (2) The commission and licensee must agree that the decision of the hearing officer is final and not subject to review by the commission or a court of law.
- (3) Written acceptance must be received by the division within 30 calendar days of approval of the informal hearing by the commission. Failure to provide written acceptance will result in the issuance of a NCA against the licensee or the qualifying party.

**C. Notice:**

- (1) Upon receipt of a written acceptance of the informal hearing, the division shall issue a notice of informal hearing.

(2) The informal hearing will be set within 15 and 90 calendar days of the receipt of the written acceptance.

**D. Venue:** The informal hearing will be held at the department office in Albuquerque or Santa Fe. The licensee may request to appear telephonically or to have the informal hearing in the county in which the licensee resides by submitting such a request in writing within 15 calendar days of receipt of the notice of hearing.

**E. Informal hearing procedures:**

(1) The commission shall designate a hearing officer to preside over the informal hearing.  
 (2) The division employee presenting the case may also be the investigator assigned to the complaint and shall be allowed to testify.

(3) The hearing officer will rule on the admissibility of all evidence and testimony and those rulings shall be final and not subject to review.

(4) The hearing officer may ask questions of either party or the witnesses at any time during the hearing.

(5) The hearing officer may request a recess at any time during the proceedings to discuss the possibility of resolving the matter by agreement. The hearing officer will attempt to facilitate a binding resolution that is acceptable to both parties, however, if an agreement cannot be reached, the hearing officer's decision will be final and not subject to the commission's review or judicial review.

**F. Final Decisions:** The hearing officer will announce the terms of the agreement or the hearing officer's final decision orally at the conclusion of the informal hearing. A written decision that includes all terms to be fulfilled as stated at the conclusion of the hearing shall be sent to the licensee and the division within 30 days. At the next regularly scheduled commission meeting, the division staff shall inform the commission of the final decisions for each informal hearing. The written decision shall state that the terms of the agreement or the hearing officer's final decision is final and not subject to the commission's review or judicial review pursuant to Subsection C of Section 60-13-27 NMSA 1978.

**G. Disciplinary Authority:** A hearing officer may, in the hearing officer's discretion, assess any discipline, administrative penalty or combination thereof allowed under the ULA, CILA or rules promulgated under the CILA.

[14.5.8.10 NMAC - N, 12/13/2014]

**14.5.8.11 FORMAL HEARING:** Every licensee, certificate holder or applicant shall be afforded notice and the opportunity to be heard in accordance with the ULA before the commission may take any adverse action against the licensee, applicant, or certificate holder, or before an application may be denied.

[14.5.8.11 NMAC - N, 12/13/2014]

**14.5.8.12 UNLICENSED ACTIVITY:** If the division does not criminally prosecute an individual suspected of unlicensed activity under Section 60-13-52 NMSA 1978, the commission may take administrative action under the ULA and seek an administrative penalty in the amount of \$1,000.00 per violation.

[14.5.8.12 NMAC - N, 12/13/2014]

**HISTORY of 14.5.8 NMAC: [RESERVED]**

**TITLE 14       HOUSING AND CONSTRUCTION**  
**CHAPTER 6     CONSTRUCTION INDUSTRIES LICENSING**  
**PART 3         CONTRACTOR'S LICENSE REQUIREMENTS**

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

[14.6.3.1 NMAC - Rp, 14.6.3.1 NMAC, XX/XX/XXXX]

**14.6.3.2       SCOPE:** This rule applies to individuals seeking to obtain a license or certificate issued by CID.

[14.6.3.2 NMAC - Rp, 14.6.3.2 NMAC, XX/XX/XXXX]

**14.6.3.3       STATUTORY AUTHORITY:** Sections 60-13-9, 60-13-12, 60-13-14, 60-13-18, 70-5-6, 70-5-9, 70-5-12, 70-5-17 and 40-5A-1 through 9 NMSA 1978.

[14.6.3.3 NMAC - Rp, 14.6.3.3 NMAC, XX/XX/XXXX]

**14.6.3.4       DURATION:** Permanent.

[14.6.3.4 NMAC - Rp, Rp, 14.6.3.4 NMAC, XX/XX/XXXX]

**14.6.3.5       EFFECTIVE DATE:** XX/XX/20XX, unless a later date is cited at the end of a section.

[14.6.3.5 NMAC - Rp, 14.6.3.5 NMAC, XX/XX/XXXX]

**14.6.3.6       OBJECTIVE:** The objective of 14.6.3 NMAC is to set forth general provisions governing contractor licensing in New Mexico.

[14.6.3.6 NMAC - Rp, 14.6.3.6 NMAC, XX/XX/XXXX]

**14.6.3.7       DEFINITIONS:**

[14.6.3.7 NMAC - Rp, 14.6.3.7 NMAC, XX/XX/XXXX]

See Section 60-13-3 NMSA 1978 and 14.5.1.7 NMAC for definitions.

**14.6.3.8       LICENSE AND QUALIFYING PARTY REQUIREMENTS.**

**A.       General information.**

(1)       To act in the capacity of a contractor as defined in Section 60-13-3 NMSA 1978, an entity must be issued a license.

(2)       No business entity, the majority of which is owned by an individual who is 17 years of age or younger, is eligible for licensure.

(3)       Contractor licenses issued by CID:

(a)       Are issued only to qualified business entities which employ or are owned by one or more qualifying parties validly certified by CID to perform the classification of contracting in which the licensee intends to engage;

(b)       Grant only the authority to engage in contracting in the classification specified on the license issued to the entity, and on the certificate issued to its qualifying party;

(c)       Are not transferable and may not be used by any person other than the entity to which it is issued, and any entity that permits another person to use its license, or knows that its license is being used by another person and fails to promptly notify CID of such use, shall be subject to disciplinary action, up to and including revocation of the license; and

(d)       Authorize only the entity as named on the license to engage in contracting and no licensee may engage in contracting using a name other than the name that is shown on the license issued to it.

(4)       No license shall be issued to an entity that is using a name containing word(s) identifying a construction or contracting trade, craft, discipline or expertise that is not covered by the classification of license for which the entity is qualified.

(5)       In the event a licensee loses its qualifying party, through termination of employment or otherwise, both the licensee and the qualifying party must notify CID or its designee in writing of the separation within 30 days thereof.

(6)       CID shall address all written communication with a licensee to its address of record which is the address shown on the application or any different address of which CID has received written notice

from the licensee. A licensee shall report in writing to CID or its designee any change of address within 30 days after such change. Failure to do so is cause for disciplinary action.

(7) For additional information regarding journeyman certification, please see 14.6.4 NMAC.

**B. Types of entities.**

**(1) Corporations, limited liability companies (LLC), Limited partnership (LP) and limited liability partnerships (LLP).**

(a) Corporations, LLCs, LPs and LLPs are each required to be licensed even though one or more stockholders, members or partners have a license or qualifying party certificate.

(b) Corporations, LLCs, LPs and LLPs must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

(c) Any license issued to a corporation, LLC, LP or LLP shall automatically cancel when the entity ceases to exist under New Mexico law.

**(2) Joint ventures.**

(a) No two or more persons shall submit a joint bid or jointly engage in contracting unless operating as a validly licensed joint venture.

(b) To be eligible to apply for, renew or retain a license, each entity comprising the joint venture must hold a valid New Mexico contractor license and be legally authorized to do business in New Mexico.

(c) Any license issued to a joint venture entity shall automatically cancel when the entity ceases to exist under New Mexico law.

**(3) Partnerships.**

(a) A partnership must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

(b) Any license issued to a partnership shall automatically cancel when the partnership ceases to exist under New Mexico law.

**(4) Sole proprietorships.**

(a) A sole proprietorship must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

(b) On the death of a sole proprietor, the license shall automatically cancel.

**C. Proof of financial responsibility.**

(1) Upon initial licensure each applicant shall furnish to the division a bond, that shall cover the initial three-year licensure period, in the amount of ten thousand dollars (\$10,000) underwritten by a corporate surety authorized to transact business in New Mexico. As a requirement for renewal of licensure, each applicant shall furnish to the division a new bond or a certificate of renewal, either of which shall establish that the bond remains valid for the entire period of renewal of licensure.

(2) The date of effectiveness of the bond shall cover the entire period of licensure for initial application and each renewal cycle. Maintaining the bond for the entire period of licensure is a condition of licensure.

(3) Payment from a bond required by Section 60-13-49 NMSA 1978, shall be used to cure division certified code violations caused and not corrected by the licensee.

(4) Claims against the bond shall be made within two years following final inspection or within two years of issuance of a certificate of occupancy, whichever is earlier.

(5) The surety for such a bond shall be liable, for the entire term of potential liability, 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.

(6) The bond carrier shall provide to the division and to the licensee thirty days prior written notice of intent to cancel a bond as required pursuant to Section 60-13-49 NMSA 1978. The division shall notify the licensee that a new bond is required. If the licensee has not provided a new bond according to the statute, action shall be taken immediately for cancellation of the license.

**D. Application for licensure or certification.**

(1) Every application for licensure, certification, and all requests for formal action to be taken on a license or certificate, such as renewal or addition of a classification, must be made on the applicable form issued by CID or its designee and accompanied by the applicable fee as required by 14.5.5 NMAC.

(2) An incomplete or insufficient application shall be rejected and returned to the applicant, with a statement of the reason for the rejection.



(3) All requirements for licensing or certification must be met within six months from the date the application is received by CID or its designee. Any application not completed within the six month period shall expire and any fees paid in connection with the expired application shall automatically forfeit.

(4) An application for licensure or certification may be denied if the applicant has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection F of 14.6.3.8 NMAC.

(5) CID may deny an application on the basis of an applicant's conduct to the extent that such conduct violates the Construction Industries Licensing Act, the LP and CNG Act or their accompanying rules, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in subsection F below.

**E. Qualifying party certificates.**

(1) Qualifying party certificates issued by CID:

(a) Are issued only to individuals who are 18 years of age or older;

(b) Grant only the authority for the licensee to engage in contracting in the classification specified on the certificate;

(c) Are not transferable and may not be used by any individual other than the individual to whom it is issued, and any individual who permits another person to use his certificate, or knows that his certificate is being used by another person and fails to promptly notify CID of such use, shall be subject to disciplinary action, up to and including revocation of the certificate.

(2) While validly attached to, and qualifying a license, no qualifying party shall accept or engage in any employment that would conflict with his responsibilities as a qualifying party for, or conflict with his ability to adequately supervise the work performed by, the licensee.

(3) No individual may qualify more than one licensed entity, other than a joint venture, unless there is at least thirty percent common ownership among the qualified entities. CID may require evidence of such ownership that is satisfactory to the director.

(4) A qualifying party may only perform work authorized by the qualifying party certificate while validly attached to a validly licensed entity.

**F. Potential denial of licensure based on disqualifying criminal conviction(s).**

(1) Pursuant to Section 28-2-4 NMSA 1978, the division may refuse to grant or renew a license or certificate if an applicant has been convicted of a felony and the criminal conviction directly relates to the particular trade, business or profession.

(2) To deny an application for licensure or certification based on a disqualifying criminal conviction the following must be considered:

(a) CID shall not consider an applicant's criminal conviction to deny licensure or certification unless the conviction is one of the disqualifying criminal convictions listed in Paragraph (4) below.

(b) Should an applicant be denied a license or certificate based on a disqualifying criminal conviction, the applicant may submit a written justification providing evidence of mitigation or rehabilitation for reconsideration by the division.

(c) Should CID deny the license or certification after receipt of the written justification stated above, the denial may be appealed and subject to a hearing pursuant to the Uniform Licensing Act to determine whether the denial is properly based upon a disqualifying criminal conviction.

(3) In connection with an application for licensure, the division shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

(a) A conviction that has been sealed, dismissed, expunged or pardoned;

(b) a juvenile adjudication; or

(c) a conviction for any crime other than the disqualifying criminal convictions listed in Paragraph (4) of subsection F of this rule.

(4) Disqualifying felony criminal convictions that may allow the denial of licensure or certification or the denial of renewal of licensure or certification, whether in New Mexico or their equivalent in any other jurisdiction include:

(a) conviction involving attempts to evade or defeat payment of a tax that is owed or may be lawfully assessed;

(b) conviction involving physical harm to a person or for an attempt, conspiracy or solicitation to commit such crimes;

(c) robbery, larceny, burglary, fraud, forgery, embezzlement, arson, theft of identity, extortion, racketeering or receiving stolen property or for an attempt, conspiracy or solicitation to commit such crimes;

(d) conviction involving bribery of a public officer or public employee or for an attempt, conspiracy or solicitation to commit such crimes.

**G. Qualifying party certification process.**

(1) Except for individuals seeking expedited licensure as military service members, an individual applying for a qualifying party certificate must provide proof of work experience, as required in the act and Title 14, NMAC, in the classification of contracting for which application is made. Training that is classified as technical training by an accredited college, university, manufacturer's accredited training program, technical vocational institute or an accredited apprenticeship program will be considered in lieu of work experience. Each year of equivalent training shall be applied as one-half year of experience, but in no case shall accredited training exceed one-half of the total work experience requirement.

(2) Examination Procedure.

(a) No applicant for a qualifying party certificate is eligible to take a qualifying examination until providing satisfactory work experience, as to four years within the 10 years immediately prior to application, documentation to the division.

(b) Examinations shall be administered by CID, or its designee.

(c) A passing exam score is seventy-five percent or higher.

(d) An applicant who fails to appear for a scheduled exam or fails to attain a passing score of seventy-five percent or higher may take another regularly scheduled exam, provided the applicant reapplies to take the exam, pays the fee and does not repeat the exam more than twice in any 30-day period.

(e) If CID or its designee determines that an applicant has cheated, the exam shall be deemed invalid, all fees shall be forfeited, and any license or certificate issued on the basis of that exam shall be automatically and immediately voided. The applicant will not be eligible to take any exam administered by CID, or its designee, for one year after the date of such an event.

**H. Qualifying party process for expedited certification for military service members.**

(1) The applicant shall submit a completed division approved qualifying party application.

(2) In lieu of work experience verification the applicant shall provide the following documentation satisfactory to the division:

(a) Applicant is currently licensed or certified and in good standing in another jurisdiction, including a branch of the United States armed forces;

(b) applicant has met the minimal licensing or certification requirements in that jurisdiction and the minimal licensing requirements in that jurisdiction are substantially equivalent to the certification requirements for New Mexico; and

(c) submit the following documentation:

(i) For military service member: copy of military orders;

(ii) for spouse of military service members: copy of service member's military orders, and copy of marriage license;

(iii) for spouses of deceased military service members: copy of deceased service member's DD214 and copy of marriage license;

(iv) for dependent children of military service members: copy of military orders listing dependent child, or a copy of service member's military orders and one of the following: copy of birth certificate of the dependent child, military service member's federal tax return or other governmental or judicial documentation establishing dependency;

(v) for veterans (retired or separated): copy of DD214 showing proof of honorable discharge.

(3) The certificate shall be issued by the division as soon as practicable but no later than 30 days after a qualified military service member, spouse, dependent child, or veteran files a completed division approved application and provides a background check, if required, for the certification.

(4) Military service members and veterans shall not be charged a fee for the first three years for a license or certificate issued pursuant to this rule. The three-year exemption for licensing fees does not include fees for copies of documents, replacement licenses or other expenses related to a license, which fees shall be charged according to the division's fees currently in effect. A license issued pursuant to this section shall be valid for a three-year period subject to renewal requirements of section I below.

**I. License renewals.**

(1) CID or its designee shall mail to every licensee a renewal application form at least 30 days prior to the expiration of the license to the current address of record for that licensee. Whether or not the application form is received, it is the sole duty and responsibility of each licensee to timely renew its license.

(2) The filing date of the renewal application shall be the date the envelope is postmarked or, if hand delivered, the date it is received by CID or its designee.

(3) The signatures of all current qualifying parties on each license must appear on the renewal form.

(4) If a renewal application is not timely received, or if received but is rejected for failure to comply with renewal requirements, the license shall be suspended and subject to cancellation pursuant to Subsections E and F of Section 60-13-18 of the Act.

(5) An application for renewal of a license or certificate may be denied if the applicant has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection F of 14.6.3.8 NMAC.

**J. Change of name.**

(1) The licensee must submit a written request for a name change accompanied by:

(a) An amended registration certificate from the New Mexico department of taxation and revenue.

(b) A rider from the bonding company;

(c) If a corporation, LLC, LP or LLP, a copy of the New Mexico certificate of amendment or other document issued by the state showing that the name change has been officially recorded.

(2) A change of name is not effective until approved and posted by CID. Conducting business under the new name prior to CID's approval and notification within CID's licensee database may constitute a violation of Subsection K of Section 60-13-23 NMSA 1978, of the Act.

**K. Validity of licenses and certificates.**

(1) The following events may cause a license or certificate to be, or to become, invalid:

(a) Failure to renew pursuant to Sections 60-13-18 and 60-13-39 NMSA 1978, of the Act.

(b) Failure to maintain proof of financial responsibility pursuant to Section 60-13-49 NMSA 1978, of the Act.

(c) Failure to comply with workers' compensation laws pursuant to Section 60-13-23 NMSA 1978, of the Act.

(d) Failure to comply with the Parental Responsibility Act.

(e) Failure of a license to be qualified by a qualifying party certificate.

(f) Loss of authorization to conduct business in New Mexico.

(g) Death of a sole proprietor.

(f) Revocation or suspension of a license pursuant to Section 60-13-23 NMSA 1978, of the Construction Industries Licensing Act, the Criminal Offender Employment Act or 14.5.8 NMAC.

(g) Revocation or suspension of a certificate pursuant to Section 60-13-24 and 36 NMSA 1978, of the Construction Industries Licensing Act, the Criminal Offender Employment Act or 14.5.8 NMAC.

(2) When a license ceases to be qualified by a qualifying party certificate, the license will be automatically cancelled and the licensee may not bid or commence any new work in that classification. Any bid or new work commenced after a license is cancelled pursuant to this rule shall be considered unlicensed and will subject the licensee to disciplinary action. Work in progress at the time of the cancellation may continue for not more than 120 days. After 120 days, any permit that was issued to the licensee for work in the affected classification shall be automatically cancelled, no inspection shall be conducted pursuant to any such cancelled permit, and any work continued or undertaken shall be deemed to be unlicensed activity and will subject the licensee to prosecution pursuant to Section 60-13-52 NMSA 1978, of the Act.

(3) A qualifying party certificate that is not qualifying a valid license will automatically expire as follows:

(a) A new qualifying party certificate that does not qualify a valid license within 12 months from the date on which the exam score was reported to CID, or its designee, shall automatically expire.

(b) A qualifying party who does not qualify a valid license for any consecutive two - year period shall lose-eligibility as a qualifying party and the certificate shall automatically expire. Any individual who wishes to become recertified in the same classification after the expiration of the certificate pursuant to this rule must apply, retest, and pay all applicable fees. The director may waive the exam requirement for an additional 12

months if the applicant submits documentation of work experience indicating technical and business knowledge equivalent to that indicated by exam scores.

(4) Any work in progress at the time a sole proprietor dies or an entity ceases to exist or be authorized to do business, as described in subpart B. of this rule, may continue for not longer than 120 days provided that CID receives written notice of the death or event that causes the entity to lose its authorization to do business within 30 calendar days thereafter. At the end of the 120 days, all permits issued to the entity shall be cancelled, no inspections on such permits shall be performed, and any work performed thereafter by the entity shall be deemed unlicensed activity and may be prosecuted under Section 60-13-52 NMSA 1978, of the Act. If the licensee, or the licensee's representative fails to notify CID as required in this rule, any work performed after the death of the sole proprietor or the termination of the entity's authorization to do business in New Mexico shall constitute unlicensed activity under the act and may be prosecuted by CID.

**L. Compliance with Parental Responsibility Act.**

(1) Pursuant to the Parental Responsibility Act (PRA), any person who fails to come into compliance with all court ordered child support obligations within 30 days after receiving notice of non-compliance from CID will be subject to revocation of all licenses and certificates, pursuant to the due process requirements of the Uniform Licensing Act.

(2) The only proof of compliance with the PRA is a certificate of compliance issued to the license or certificate holder by the human services department (HSD certificate).

(3) If a license or certificate has been suspended or revoked pursuant to the requirements of the PRA and this rule, it shall be re-instated upon receipt by CID of an HSD certificate and payment of any fines, fees or other amounts owing to CID, subject to the following conditions:

(a) If more than 90 days have elapsed since the expiration date of a revoked license, the license shall not be reinstated. The respondent will be required to apply for a new license pursuant to the requirements of the act and these rules; provided, however, that the one year waiting period required by Section 60-13-29 NMSA 1978, of the act shall not apply.

(b) If more than 180 days have elapsed since the expiration of a revoked certificate of competence, the certificate shall not be reinstated. The respondent will be required to apply for a new certificate pursuant to the requirements of the act and these rules; provided, however, that the one year waiting period required by Section 60-13-29 NMSA 1978, of the Act shall not apply.

(c) If a more than two years have elapsed since the date of an order revoking a qualifying party certificate, the certificate shall not be reinstated. The respondent will be required to apply for a new certificate pursuant to the act and these rules; provided, however, that the one year waiting period required by Section 60-13-16 NMSA 1978, of the act shall not apply.

(d) Nothing in this rule or the PRA shall require CID to reinstate a license or certificate if cause exists to suspend or revoke the license or certificate on other grounds.

[14.6.3.8 NMAC - Rp, 14.6.3.8 NMAC, XX/XX/XXXX]

**14.6.3.9 PAYMENT OF ADMINISTRATIVE PENALTIES.**

**A.** A person whose license or certificate has been suspended or revoked pursuant to Section 60-13-23, 24 or 36 NMSA 1978, of the act shall not be eligible for reinstatement of the license or certificate until all fees and administrative penalties assessed have been paid in full, except as allowed in Subsection B, below.

**B.** The commission may authorize CID to establish a payment plan for administrative penalties assessed against a licensee. If the licensee demonstrates good faith in making payments, CID may issue a new license or certificate or reinstate a suspended license or certificate before full payment has been made. If a licensee obtains a license or certificate pursuant to this provision, and thereafter fails to remain current on payments, the licensee may be subject to additional disciplinary action, including suspension, revocation of the license or certificate and additional administrative penalties.

**C.** Nothing in this rule shall enable a person to apply for or be issued a license or certificate if ineligible for licensure under any other provision of the act or Title 14, NMAC.

[14.6.3.9 NMAC - Rp, 14.6.3.9 NMAC, XX/XX/XXXX]

**14.6.3.10 [RESERVED]**

[14.6.3.10 NMAC - N, 1/1/2010; Repealed, 11/1/2013]

**History of 14.6.3 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 6.3, Housing and Construction - Construction Industries Licensing - Contractor's License Requirements (filed 9/2/1997) repealed 12/1/2000.

14.6.3, Housing and Construction - Construction Industries Licensing - Contractor's License Requirements (filed 10/16/2000) repealed 2/01/2006.

**Other History:**

That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05/31/1990 -- renumbered, reformatted and amended to 14 NMAC 6.3, Housing and Construction - Construction Industries Licensing - Contractor's License Requirements, effective 09/14/1996.

14 NMAC 6.3, Housing and Construction - Construction Industries Licensing - Contractor's License Requirements (filed 09/03/1996) replaced by 14 NMAC 6.3, Housing and Construction - Construction Industries Licensing - Contractor's License Requirements, effective 09/23/1997.

14 NMAC 6.3, Housing and Construction - Construction Industries Licensing - Contractor's License Requirements (filed 09/02/1997) replaced by 14.6.3, Housing and Construction - Construction Industries Licensing - Contractor's License Requirements, effective 12/01/2000.

14.6.3 NMAC, Contractor's License Requirements (filed 10/16/2000) was replaced by 14.6.3, Contractor's License Requirements, effective 2/01/2006.

14.6.3 NMAC, Contractor's License Requirements (filed 2/01/2006) was replaced by 14.6.3, Contractor's License Requirements, effective XX/XX/XXXX.

**TITLE 14        HOUSING AND CONSTRUCTION**  
**CHAPTER 6     CONSTRUCTION INDUSTRIES LICENSING**  
**PART 4         JOURNEYMAN CERTIFICATION**

**14.6.4.1        ISSUING AGENCY.** The Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.6.4.1 NMAC - Rp, 14.6.4.1 NMAC, 2/1/2006]

**14.6.4.2        SCOPE.** This rule applies to individuals seeking journeyman certification in the electrical, mechanical and plumbing trades in New Mexico.

[14.6.4.2 NMAC - Rp, 14.6.4.2 NMAC, 2/1/2006]

**14.6.4.3        STATUTORY AUTHORITY.** Section 60-13-33, 36, 38 and 39 NMSA 1978.

[14.6.4.3 NMAC - Rp, 14.6.4.3 NMAC, 2/1/2006]

**14.6.4.4        DURATION.** Permanent.

[14.6.4.4 NMAC - Rp, 14.6.4.4 NMAC, 2/1/2006]

**14.6.4.5        EFFECTIVE DATE.** February 1, 2006 unless a later date is cited at the end of a section.

[14.6.4.5 NMAC - Rp, 14.6.4.5 NMAC, 2/1/2006]

**14.6.4.6        OBJECTIVE.** The objective of 14.6.4 NMAC is to set forth general provisions governing journeyman certification in the electrical, mechanical and plumbing trades in New Mexico.

[14.6.4.6 NMAC - Rp, 14.6.4.6 NMAC, 2/1/2006]

**14.6.4.7        DEFINITIONS.** See Section 60-13-2 NMSA 1978 and 14.5.1.7 NMAC for definitions.

[14.6.4.7 NMAC - Rp, 14.6.4.7 NMAC, 2/1/2006]

**14.6.4.8        JOURNEYMAN CERTIFICATION.**

**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, or mechanical and plumbing work; provided however, that an apprentice, as defined in Section 60-13-2 NMSA 1978, of the act, may work under the direct supervision of a validly certified journeyman, as defined in Section 60-13-2 NMSA 1978, of the act, who is employed by a validly licensed person, as defined by Section 60-13-2 NMSA 1978, of the act, or a holder of a valid annual permit. ~~[Journeyman certifications shall be issued such that the certificates parallel the contractor classifications and scopes.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Journeyman certifications shall be issued such that each certificate parallels the license classification numbers and scopes set forth in 14.6.6 NMAC.~~

~~\_\_\_\_\_ (3)] (2)~~ A journeyman certificate of competence is issued to an individual only and is not transferable or assignable.

~~[(4)] (3)~~ No individual under the age of 18 shall be issued a certificate of competence.

~~[(5)] (4)~~ Journeyman certificates are classified according to the type of work the journeyman is certified to perform. A journeyman may engage in the trade authorized by the certificate of competence issued to ~~[him/her] the journeyman~~ only when employed by a licensed entity: (1) that is validly licensed to perform the type of work for which the journeyman is certified; or, (2) holding a valid annual permit authorizing the entity to engage in the type of work for which the journeyman is certified.

~~[(6)] (5)~~ For information regarding compliance with the Parental ~~[Responsibilities]~~ Responsibility Act, revocations and suspensions and administrative penalties, please see Subsections H and I of 14.6.3.8 NMAC and 14.6.3.9 NMAC.

**B.        Application.**

(1) An application submitted for a journeyman certificate of competence shall be on a form approved by CID and shall be accompanied by the prescribed certification fee.

(2) An incomplete or insufficient application shall be rejected and returned to the applicant with a statement of the reason for the rejection.

(3) All requirements for certification must be met within six months after the date the application is received by CID or its designee. Any application not completed within the six month period shall expire and any fees paid in connection with the expired application shall automatically forfeit.

(4) The applicant must submit proof of the required experience with the application on form(s) approved by CID or must meet all of the requirements for expedited certification for a military service member as defined 60-1-34 NMSA 1978. [No applicant shall be eligible to take an examination for a certificate of competence before proof of experience is submitted and approved.]

(5) An application for certification may be denied if the applicant has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection F of 14.6.3.8 NMAC.

**(5) Examination.**

(a) No applicant for a journeyman certificate is eligible to take an exam until documentation establishing satisfaction of the applicable work experience requirement has been received and approved by CID or its designee.

(b) Examinations shall be administered by CID or its designee according to a schedule which shall be published.

(c) A passing examination score is seventy percent (75%) or above.

(d) An applicant who fails to appear for a scheduled examination or fails to attain a passing score of at least 75% may take another regularly scheduled exam, provided the applicant reapplies to take the exam, pays the fee, and does not repeat the exam more than twice in any 30 day period.

(e) If CID or its agent has determined that an applicant has cheated, the exam shall be deemed invalid, all fees shall be forfeited, any certificate issued on basis of that examination shall be automatically and immediately voided, and the applicant will not be eligible to take any examination administered by CID or its designee for one (1) year after the date of such event.]

**C. Journeyman certification process**

(1) Except for individuals seeking expedited licensure as military service members, an individual applying for a journeyman certificate must provide proof of four years of work experience within the ten years immediately prior to application, as required in the act and Title 14, NMAC, in the classification for which application is made. Training that is classified as technical training by an accredited college, university, manufacturer's accredited training program, technical vocational institute or an accredited apprenticeship program will be considered in lieu of work experience. Each year of equivalent training shall be applied as one-half year of experience, but in no case shall accredited training exceed one-half of the total work experience requirement.

**(2) Examination procedure.**

(a) No applicant for a journeyman certificate is eligible to take an examination until providing satisfactory work experience documentation to the division.

(b) Examinations shall be administered by CID, or its designee.

(c) A passing exam score is seventy-five percent or higher.

(d) An applicant who fails to appear for a scheduled exam or fails to attain a passing score of seventy-five percent or higher may take another regularly scheduled exam, provided the applicant reapplies to take the exam, pays the fee and does not repeat the exam more than twice in any 30-day period.

(e) If CID or its designee determines that an applicant has cheated, the exam shall be deemed invalid, all fees shall be forfeited, and any license or certificate issued on the basis of that exam shall be automatically and immediately voided. The applicant will not be eligible to take any exam administered by CID, or its designee, for one year after the date of such an event.

**D. Journeyman process for expedited certification for military service members.**

(1) The applicant shall submit a completed division approved journeyman application.

(2) In lieu of work experience verification the applicant shall provide the following documentation satisfactory to the division:

(a) applicant is currently licensed or certified and in good standing in another jurisdiction, including a branch of the United States armed forces;

(b) applicant has met the minimal licensure or certification requirements in that jurisdiction and the minimal licensing or certification requirements in that jurisdiction are substantially equivalent to the certification requirements for New Mexico; and

(b) submit the following documentation:

(i) for military service member: copy of military orders;

(ii) for spouse of military service members: copy of service member's military orders and copy of marriage license;

(iii) for spouses of deceased military service members: copy of deceased service member's DD214 and copy of marriage license;

(iv) for dependent children of military service members: copy of military orders listing dependent child, or a copy of service member's military orders and one of the following: copy of birth certificate of the dependent child, military service member's federal tax return or other governmental or judicial documentation establishing dependency;

(v) for veterans (retired or separated): copy of DD214 showing proof of honorable discharge.

(3) The certificate shall be issued by the division as soon as practicable but no later than thirty days after a qualified military service member, spouse, dependent child, or veteran files a completed division approved application and provides a background check, if required, for the certification.

(4) Military service members and veterans shall not be charged a fee for the first three years for a certificate issued pursuant to this rule. The three-year exemption for certification fees does not include fees for copies of documents, replacement certificates or other expenses related to a certificate, which fees shall be charged according to the division's fees currently in effect.

(5) A certificate issued pursuant to this section shall be valid for a three-year period subject to renewal requirements of Subsection E below.

**E. Electrical Journeyman classifications.** Requires two years of experience unless otherwise specified.

(1) **EE-98J. Journeyman residential and commercial electrical.** Requires four years of experience. Can work under EE-98, ER-1 and all electrical specialty licenses. If working under an ER-1 or a specialty license the journeyman holding this certification may perform work only within the scope of the contractor's license.

(2) **ER-1J. Journeyman residential wiring.** Can work under an EE-98 or an ER-1 license.

(3) **EL-1J. Journeyman electrical distribution systems, including transmission lines.** Requires four years of experience. Can work under an EL-1 license.

(4) **ES-1J Journeyman electrical signs and outline lighting.** Can work under an ES-1 or an EE-98 license.

(5) **ES-2 Journeyman cathodic protection and lightening protection systems.** Can work under an ES-2 or an EE-98 license.

(6) **ES-3J. Journeyman sound, intercommunication, electrical alarm systems, and systems 50 volts and under.** Can work under an ES-3, ER-1 or an EE-98 license.

(7) **ES-7J Journeyman telephone communication systems and telephone interconnect systems.** Can work under an ES-7, ER-1 or EE-98 license.

(8) **ES-10RJ Journeyman residential water well pump installer.** Can work under an ES-10R or EE-98 license.

(9) **ES-10J Journeyman water well pump installer.** Can work under an ES-10 or EE-98 license.

**F. Mechanical-Plumbing Journeyman classifications.** Requires two years of experience unless otherwise specified.

(1) **JP Journeyman plumber.** Can work under an MM-1, MS-3, MS-6 or MM-98 license.

(2) **JPF Journeyman pipe fitter.** Can work under an MM-1, MM-2, MM-4 or MM-98 license

(3) **JG Journeyman natural gas fitter.** Can work under an MM-2 or MM-98 license.

(4) **JPG Journeyman plumber and natural gas fitter.** Can work under an MM-1, MM-2 or MM-98 license.

(5) **JR Journeyman refrigeration.** Must demonstrate compliance with environmental protection agency (EPA) recovery requirements before certificate may be issued. Can work under an MM-3, MM-4 or MM-98 or JSM license.

(6) **JS Journeyman sprinkler.** Can work under an MS-6, MM-1 or MM-98 license.

(7) **JSM Journeyman sheet metal.** Can work under an MM-3 or MM-98 license.

(8) **JW Journeyman welder.** Must obtain either a JP, JG, JPG, JPF 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. Can work under an MM-1, MM-2, MM-3, MM-4 or MM-98 license.



**(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. Can work under an MM-1, MM-2, MM-4 or MM-98 license.

**(10) BO1 journeyman boiler operator.** Low pressure only. Requires six months experience; can be employed by an institution that has a boiler; cannot perform construction or repair of a boiler.

**(11) BO2 journeyman boiler operator.** Low and high pressure. Requires six months experience; can be employed by an institution that has a boiler; cannot perform construction or repair of a boiler.

**(12) MS-12J journeyman fire protection sprinkler systems.** Requires four years of experience. Can work for an MS-12, MM-4, or an MM-98 license.

**(13) MS-14J journeyman dry chemical fire protection.** Requires four years of experience. Can work for an MS-14, MM-4 or MM-98 license.

**[C] G. Renewal.**

(1) CID, or its designee, shall mail to every certificate holder a renewal application form at least 30 days prior to the expiration of such certificate to the certificate holder's current address of record. Whether or not the application is received, it is the sole duty and responsibility of each certificate holder to timely renew his/her certificate. Incomplete or inaccurately completed renewal applications shall be rejected.

(2) No journeyman certificate shall be renewed in the absence of proof of compliance with the continuing education requirements set forth in Subsection D of this section.

(3) The filing date of the renewal application shall be the date the envelope is postmarked or, if it is hand delivered, the date it is received by CID, or its designee.

(4) If an application for renewal is not timely received or, if it is received but rejected for failure to comply with renewal requirements, the certificate shall be suspended and shall be subject to cancellation pursuant to Subsection C of Section 60-13-39 NMSA 1978, of the act.

**(5) An application for renewal of a certificate may be denied if the applicant has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection F of 14.6.3.8 NMAC.**

**[D] H. Continuing education requirements.**

(1) The continuing education requirements for renewal of a journeyman certificate apply to the following journeyman classifications:

(a) plumbing journeyman plumber (JP), journeyman pipefitter (JPF), journeyman gas (JG), journeyman plumber-gas (JPG);

(b) mechanical - journeyman sheet metal (JSM), journeyman sprinkler (JS), journeyman refrigeration (JR), journeyman fire protection (MS-12J or MS-14J); and

(c) electrical - journeyman electrician (JE98 also referred to as EE98-J) and journeyman lineman (EL-1J).

(2) Prior to renewal ~~[or reinstatement]~~ of a journeyman certificate of competence in the applicable classification, the applicant for renewal or reinstatement is required to complete a minimum of 16 hours of approved course work. Proof of completion of such course work, in a form satisfactory to the division, must be submitted with the application for renewal.

(3) A minimum of eight hours of approved course work must cover the current CID code that is enforced by each journeyman classification to be renewed or reinstated.

**[E] I. Application ~~[of]~~ for approval of continuing education courses and instructors**

(1) Each applicant for course approval must submit to CID an application for course and instructor approval on a form approved by the division.

(2) Application for course approval must be received by CID no later than 120 days before the date on which the course is proposed to begin.

(3) Each application for course and instructor approval must be complete and legible. Incomplete or illegible applications will not be processed and will be returned to the applicant.

(4) To qualify for approval, continuing education courses must comply with the following standards:

(a) the course content must be relevant to either the plumbing, mechanical or electrical trades and be consistent with all current applicable laws and rules of the state of New Mexico;

(b) the course must be conducted in a classroom, seminar or in ~~[ a home study ]~~ an online format; and

(c) the course must be taught by an approved instructor.

(5) To qualify for approval as an instructor, an individual must either be currently teaching, or must have taught within the two years prior to application, at least one course in the electrical, mechanical or plumbing trades in one of the following programs.

(a) a plumbing, mechanical, or electrical trades training program that is approved by the vocational education division of the state of New Mexico department of public education and offered in the curriculum of an accredited New Mexico trade school, college or university;

(b) a plumbing, mechanical or electrical trade training program that is offered through a professional association or organization representing licensees in the plumbing, mechanical and electrical trades;

(c) an apprenticeship program approved by the state of New Mexico apprenticeship council or the bureau of apprenticeship and training;

(d) a plumbing, mechanical or electrical trade training program offered by a nationally recognized testing laboratory, or product manufacturer, and the applicant has at least five years practical experience in the subject taught;

(e) a plumbing, mechanical or electrical trade training program sponsored by an organization that provides continuing education unit courses in the plumbing, mechanical or electrical trades, and the instructor has at least five years of practical experience in the subject taught; or

(g) a plumbing, mechanical, or electrical trades training program offered by CID.

**[F] J. Approval of continuing education courses and instructors.**

(1) Each application for course and instructor approval will be reviewed by the appropriate bureau chief and the technical advisory council for that bureau each calendar month.

(2) The reviewing bureau chief shall provide to the commission at each commission meeting the bureau chief's recommendation for approval or denial on each application received and reviewed by the bureau chief since the last commission meeting.

(3) The commission shall receive and consider the recommendation of the bureau chief before voting on approval of an application.

(4) Commission approval of a continuing education course and instructors shall be effective for three years from the date of approval; provided, however, that approval of any course that is not offered for 24 consecutive months shall automatically expire.

(5) On the date that is three years after the date on which approval of a course or instructor was issued, the approval will automatically expire and, without further notice from CID, such course or instructor shall no longer be approved. Application to renewal course or instructor approval must be received no less than 120 days prior to the date on which the approval period expires.

(6) The decision of the commission regarding the approval or denial of an application is final and is not subject to review.

(7) Once approved, and as a condition of continuing approval, a course provider must submit to CID the following information for each journeyman certificate holder, who successfully completes an approved course, within 30 days of the completion of the course:

(a) the name of the course, approval number, and the name of the instructor;

(b) the date on which the course was completed by the certificate holder; and

(c) the address and CID journeyman certificate number of the certificate holder.

(8) Approval of an instructor or a course will be subject-matter specific. Approval to teach courses in more than one trade or code will require the applicant to meet the experience criteria for each trade or code.

[14.6.4.8 NMAC - Rp, 14.6.4.8 NMAC, 2/1/2006; A, 12/14/2009; A, xx/xx/xxxx]

**History of 14.6.4 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 6.4, Housing and Construction - Construction Industries Licensing - Journeyman Certification, repealed 12-1-00.

14.6.4 NMAC, Journeyman Certification (filed 10/16/2000), repealed 2/1/2006.

**Other History:**

That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05/31/1990 -- renumbered, reformatted and amended to 14 NMAC 6.4, Housing and Construction - Construction Industries Licensing - Journeyman Certification, , effective 09/14/1996.

14 NMAC 6.4, Housing and Construction - Construction Industries Licensing - Journeyman Certification (filed 09/03/1996) was replaced by 14.6.4 NMAC, Housing and Construction - Construction Industries Licensing - Journeyman Certification, effective 09/23/1997.

14.6.4 NMAC, Housing and Construction - Construction Industries Licensing - Journeyman Certification (filed 09/02/1997), was replaced by 14.6.4 NMAC, Housing and Construction - Construction Industries Licensing - Journeyman Certification, effective 12/1/2000.

14.6.4 NMAC, Journeyman Certification (filed 10/16/2000) was replaced by 14.6.4 NMAC, Journeyman Certification, effective 2/1/2006.

**TITLE 14: HOUSING AND CONSTRUCTION**  
**CHAPTER 6: CONSTRUCTION INDUSTRIES LICENSING**  
**PART 5: INSPECTORS**

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

[14.6.5.1 NMAC - Rp, 14.6.5.1 NMAC, xx/xx/xxxx]

**14.6.5.2 SCOPE:** This rule applies to inspectors employed by the CID and inspectors employed by municipalities and political subdivisions of the state and subject to the jurisdiction of the Construction Industries Licensing Act (CILA) and the Liquefied and Compressed Gases (LPG & CNG Act). Note: The provisions of 14.6.5 NMAC are different from the requirements specified by State Personnel for employees (inspectors) of CID.

[14.6.5.2 NMAC - Rp, 14.6.5.2 NMAC, xx/xx/xxxx]

**14.6.5.3 STATUTORY AUTHORITY:** Sections 60-13-9, 60-13-41, 60-13-42 NMSA 1978.

[14.6.5.3 NMAC - Rp, 14.6.5.3 NMAC, xx/xx/xxxx]

**14.6.5.4 DURATION:** Permanent.

[14.6.5.4 NMAC - Rp, 14.6.5.4 NMAC, xx/xx/xxxx]

**14.6.5.5 EFFECTIVE DATE:** XX/XX/20XX unless a later date is cited at the end of a section.

[14.6.5.5 NMAC - Rp, 14.6.5.5 NMAC, xx/xx/xxxx]

**14.6.5.6 OBJECTIVE:** The objective of is to promote the general welfare of the people of New Mexico by providing for the protection of life and property through standards that, when complied with, will result in an installation essentially free from hazards.

[14.6.5.6 NMAC - Rp, 14.6.5.6 NMAC, xx/xx/xxxx]

**14.6.5.7 DEFINITIONS:** See 14.5.1.7 NMAC for definitions.

[14.6.5.7 NMAC - Rp, 14.6.5.7 NMAC, xx/xx/xxxx]

**14.6.5.8 INSPECTORS:**

**A. Qualifications:**

(1) Qualifications for inspectors shall be prescribed by the Construction Industries Commission.

(2) Applicants shall submit to a background check as prescribed by the commission.

(3) The request to certify an applicant must be initiated by an AHJ to fill an inspector position.

(4) To qualify as an inspector for general building, electrical, mechanical or LP gas a candidate shall meet the following minimum qualifications:

(a) Mechanical-plumbing trade and electrical trades: three years of journeyman or foreman level experience;

(b) General construction: three years of foreman experience;

(c) LP gas: three years of experience in design, construction or operation of LP gas installations;

(d) Candidates for a mechanical, electrical, or general construction inspector position may substitute technical, university, or college training in a mechanical, electrical or general construction field for up to two years of the three years journeyman or foreman level experience. The remaining year must be directly related journeyman or foreman level field experience. The equivalency shall be calculated such that one year of technical, university or college training shall equal 1/2 a year of journeyman or foreman level experience.

(e) Candidates for a mechanical, electrical or general construction inspector position may substitute a minimum of five years of work experience as a certified inspector from a recognized jurisdiction for one year of the experience requirement, and at least two years of related trade experience or construction related technical, university or college training.

**B. Potential denial of inspector certification based on disqualifying criminal conviction(s).**

(1) Pursuant to Section 28-2-4 NMSA 1978, the division may refuse to grant or renew a license or certificate if an applicant has been convicted of a felony and the criminal conviction directly relates to the particular trade, business or profession.

(2) To deny an application for certification based on a disqualifying criminal conviction the following must be considered:

(a) CID shall not consider an applicant's criminal conviction to deny certification unless the conviction is one of the disqualifying criminal convictions listed in Paragraph (4) below.

(b) Should an applicant be denied a certificate based on a disqualifying criminal conviction, the applicant may submit a written justification providing evidence of mitigation or rehabilitation for reconsideration by the division.

(c) Should CID deny the certification after receipt of the written justification stated above, the denial may be appealed and subject to a hearing pursuant to the Uniform Licensing Act to determine whether the denial is properly based upon a disqualifying criminal conviction.

(3) In connection with an application for certification, the construction industries division shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

(a) A conviction that has been sealed, dismissed, expunged or pardoned;

(b) A juvenile adjudication; or

(c) A conviction for any crime other than the disqualifying criminal convictions listed in paragraph 4 of subsection F of this rule.

(4) Disqualifying felony criminal convictions that may allow the denial of certification or the denial of renewal of certification, whether in New Mexico or their equivalent in any other jurisdiction include:

(a) Conviction involving attempts to evade or defeat payment of a tax that is owed or may be lawfully assessed;

(b) Conviction involving physical harm to a person or for an attempt, conspiracy or solicitation to commit such crimes;

(c) Robbery, larceny, burglary, fraud, forgery, embezzlement, arson, theft of identity, extortion, racketeering or receiving stolen property or for an attempt, conspiracy or solicitation to commit such crimes;

(d) Conviction involving bribery of a public officer or public employee or for an attempt, conspiracy or solicitation to commit such crimes;

#### **C. CERTIFICATION:**

(1) The trade bureau shall ascertain, by written communication from current or previous employers, the experience qualifications and knowledge of an applicant.

(2) The experience must have been gained within four years of the 10 years immediately preceding the application.

(3) Each applicant shall pass the specific trade bureau's inspector examination with a minimum passing score of seventy-five percent prior to conducting any inspections.

(4) If all inspector application requirements are satisfactorily completed, the inspector certificate will be issued; however, the division reserves the right to deny the issuance of the certificate for reasonable and just cause.

(5) Each inspector must pass the examination of a national certifying organization, if appropriate, recognized by the division within one year of employment; and remain current by such verifying organization to maintain state inspector certification.

(a) Electrical inspectors shall pass the certification test administered by the international code council, or international association of electrical inspectors, or as determined appropriate by the electrical bureau.

(b) Mechanical inspectors shall pass the certification test administered by the international association of plumbing and mechanical officials or the international code council, or as determined appropriate by the mechanical bureau.

(c) General construction inspectors shall pass the certification test administered by the international code council, or as determined appropriate by the general construction bureau.

(6) 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 certification. The division shall certify and issue a statewide inspectors certification to any person who meets the requirements established by CID and the nationally recognized

code organization for certification. The certificate shall list all trade bureaus for which the inspector is certified to inspect and shall be valid for a term of three years.

**D. GENERAL REQUIREMENTS:**

(1) As required in the CILA Section 60-13-8 NMSA 1978, 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 CILA 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.

(2) Suspension shall be immediate and automatic for any inspector who fails to surrender his contractor's license or certificate of competence as required above.

(3) An inspector shall be employed by a county, municipality or other political subdivision in order to inspect work under permits issued in the trade bureau for which the inspector is certified; provided that the county, municipality, or other political subdivision has a certified building official in its employ and has adopted the current minimum code standards as established by the commission.

(4) A certificate issued pursuant to this subsection may be suspended or revoked if the certificate holder has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to paragraph 4 of subsection B of 14.6.5.8 NMAC and 14.5.8 NMAC

**E. INSPECTORS WITH MULTIPLE CERTIFICATIONS INSPECTING IN A SECOND DISCIPLINE:** An inspector properly qualified and certified in a primary discipline may conduct inspections in a secondary discipline provided the following qualification requirements are met:

(1) The inspector must pass the respective state certification examination in the second discipline;

(2) The inspector must become nationally certified in the secondary discipline within one year of obtaining the state multiple certification;

(3) The inspector shall successfully complete a minimum of 40 hours of classroom training determined by the appropriate trade bureau chief;

(4) The inspector shall successfully complete a minimum of 80 hours of field training approved by the appropriate trade bureau chief;

(5) The inspector shall perform only residential inspections in the secondary discipline, except as provided below in Paragraph (8) of Subsection D of 14.6.5.8 NMAC;

(6) The building department for which the inspector intends to work in the capacity of a secondary inspector shall have a full time inspector on staff as a properly certified primary inspector in the discipline, who shall provide supervision and oversight of the inspector working in the secondary discipline;

(7) The inspector serving as a multiple shall remain currently certified in the secondary discipline;

(8) The inspector serving as a multiple inspector that has verifiable field experience in commercial work, or has received approved hands-on training in commercial under a commercial primary inspector in the discipline at issue, and the field experience or hands on training curriculum meets the approval of the appropriate bureau chief, the secondary inspector may perform residential and commercial inspections in the secondary discipline under the approval of a primary residential and commercial inspector.

[14.6.5.8 NMAC - Rp, 14.6.5.8 NMAC, xx/xx/xxxx]

**14.6.5.9 BUILDING OFFICIALS:**

**A. AUTHORITY HAVING JURISDICTION:**

(1) CID has statewide authority over the regulation of permitting and inspections of all general construction, mechanical-plumbing, electrical and liquefied petroleum construction, alteration, repair, installation and demolition unless a county, municipality, or political subdivision has a current building department which provides permitting and inspections.

(2) Certain counties, municipalities and political subdivisions have exercised their legal authority to establish full-service building departments for permitting and inspections of general construction, mechanical-plumbing and electrical trades. This authority does not include work in the liquefied petroleum industry over which CID has exclusive authority.

(3) Certain counties, municipalities and political subdivisions were established as an AHJ as of July 1, 2009, with authority over specific trades, without establishing a full-service building department. These counties, municipalities and political subdivisions are allowed to continue as an AHJ for those specific trades.

(4) In order to establish and maintain a building department allowing permitting and inspections the county, municipality or political subdivision must establish a full-service building department including general construction, mechanical-plumbing and electrical trades, must employ a full-time certified building official and employ sufficient CID certified inspectors to inspect for each trade.

(5) CID shall conduct all inspections if a county, municipality or other political subdivision does not have a certified building official in its employ.

**B. GENERAL REQUIREMENTS:**

(1) When a certified building official leaves the employ of a county, municipality or other political subdivision, the plan review, permitting and inspections overseen by that certified building official shall transfer to the state unless the county, municipality or other political subdivision, within 60 days or a longer period as approved by the division, replaces that certified building official or enters into a memorandum of understanding with another county, municipality or other political subdivision.

(2) If the county, municipality or political subdivision does not replace its certified building official within the allowable time period approved by the division the county, municipality or political subdivision shall lose its authority to maintain a building department with all plan review, permitting and inspections transferred to CID pursuant to Subsection F of Section 60-13-41 NMSA 1978.

(3) Should the county, municipality or political subdivision wish to re-establish a new building department employing a full-time certified building official and certified inspectors, it must be as a full-service building department including plan review, permitting and inspections of the general construction, mechanical-plumbing and electrical trades.

(4) A county, municipality or other political subdivision may enter into a memorandum of understanding to share a certified building official and inspectors operating under that certified building official with another county, municipality or other political subdivision; provided that the certified building official is employed in the same county, in an adjacent county, within 100 miles of the county, municipality or other political subdivision or as approved by the division.

[14.6.5.9 NMAC - Rp, 14.6.5.9 NMAC, xx/xx/xxxx]

**History of 14.6.5 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.

**Other History:**

That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05/31/1990 -- renumbered, reformatted and amended to 14 NMAC 6.5, Housing and Construction - Construction Industries Licensing - Inspectors, filed 09/03/1996.

14 NMAC 6.5, Housing and Construction - Construction Industries Licensing - Inspectors, filed 09/02/1997

14 NMAC 6.5, Housing and Construction - Construction Industries Licensing - Inspectors, amendment filed 10/22/1997

14 NMAC 6.5, Housing and Construction - Construction Industries Licensing - Inspectors, amendment filed 04/17/2000

14.6.5 NMAC, Housing and Construction - Construction Industries Licensing - Inspectors, effective 12/1/2000

14.6.5 NMAC, Housing and Construction - Construction Industries Licensing - Inspectors, amendment filed 05/01/2014.

**History of Repealed Material:**

14 NMAC 6.5, Housing and Construction - Construction Industries Licensing - Inspectors, repealed effective 12/1/2000.

8.30.21

14.6.5 NMAC – Inspectors, filed 12/1/2000 was repealed and replaced by 14.6.5 NMAC – Inspectors, effective xx/xx/xxxx.



**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, XX/XX/XXXX]

**14.6.6.2        SCOPE:** This rule applies to any person who engages in contracting pursuant to the Construction Industries Licensing Act (CILA) Section 60-13-3 NMSA 1978, in New Mexico.  
[14.6.6.2 NMAC - Rp, 14.6.6.2 NMAC, XX/XX/XXXX]

**14.6.6.3        STATUTORY AUTHORITY:** Section 60-13-9 NMSA 1978.  
[14.6.6.3 NMAC - Rp, 14.6.6.3 NMAC, XX/XX/XXXX]

**14.6.6.4        DURATION:** Permanent.  
[14.6.6.4 NMAC - Rp, 14.6.6.4 NMAC, XX/XX/XXXX]

**14.6.6.5        EFFECTIVE DATE:** Month, Day, 20XX, unless a later date is cited at the end of a section.  
[14.6.6.5 NMAC - Rp, 14.6.6.5 NMAC, XX/XX/XXXX]

**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, XX/XX/XXXX]

**14.6.6.7        DEFINITIONS:**  
See Section 60-13-3 NMSA 1978 and 14.5.1.7 NMAC for definitions.  
[14.6.6.7 NMAC - Rp, 14.6.6.7 NMAC, XX/XX/XXXX]  
[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 only in the scope of work authorized by the classification(s) of the issued license- Work performed outside that scope constitutes a violation of the CILA and its 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 to a validly licensed contractor.

**(2)** A GB-98 contractor may bid and contract as the prime contractor of a mechanical, plumbing or electrical project as determined in Paragraph (1) above that includes work authorized by the GB-98 license classification, regardless of the percentage of GB-98 work. 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 shall 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 classification or any of the following GF classifications: GF-1, GF-2, GF-3, GF-4, GF-6, GF-8, and GF-9.

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

**D.** Contractors are assigned identifying symbols, as letters and numbers, indicating the license classification in which the licensee is authorized to engage.

**(1)** The field is designated by a letter and shall be the first letter of the identifying symbol, for example:

- (a)** G indicates General Construction.
- (b)** E indicates Electrical.
- (c)** M indicates Mechanical/Plumbing.

(2) The type of work designation shall be the second letter of the identifying symbol, for example

- (a) A indicates asphalt.
- (b) B indicates building.
- (c) F indicates fixed works.
- (d) S indicates specialties.

(3) The number following the letters designates the specific trade, for example: Classification GB-2 indicates the contractor is licensed in the General Construction field (G), Building Construction type of work (B), Residential Building (2).

[14.6.6.8 NMAC - Rp, 14.6.6.8 NMAC, XX/XX/XXXX]

#### 14.6.6.9 GENERAL CONSTRUCTION CLASSIFICATIONS:

**A. GA. Asphalt, bitumen and concrete construction:** Applies to surfaces used by vehicular traffic, not airborne craft; construction or maintenance of unpaved private rural roads or rural unpaved parking areas that are located on private property not intended for use by the general public and for which there is no public access is exempt from licensing requirements.

(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 streets, roads, highways including culverts and tunnels, and alleys; includes parking lots, sidewalks or driveways; 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 with materials of like substances to that currently existing on streets, roads, highways, parking lots, driveways, sidewalks 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, driveway 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.** Indicates licensure in classifications GA-1 through GA-5; and covers all work authorized in those classifications.

#### **B. Residential and commercial building.**

(1) **GB-2. Residential.** Requires two years' of foreman level practical or related trade experience. Erect, alter, repair or demolish residences and apartment houses accommodating not more than four family units, Groups R-1, R-2 and R-3, as those groups are defined in 14.7.2 NMAC; items included in Group U, as defined in 14.7.2 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 of foreman level practical or related trade experience of which at two years must be commercial experience. Erect, alter, repair or demolish residential and commercial buildings, and certain structures; includes all work authorized by the GB-2, GF-5, GF-7 and GS classifications; seal coating and striping of driveways and parking lots; excludes those structures covered by the EE, MM, GA or GF classifications.

**C. Fixed works.** Construct, alter or repair fixed or public works facilities; provided, however, that work in any trade or craft that is authorized by any one, or a combination of, the mechanical, electrical, or 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 licensees 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; however, such work must be subcontracted pursuant to Subsection B of 14.6.6.8 NMAC, above. Incidental storage buildings used exclusively for storage and not for occupancy are allowed within these classifications.

(1) **GF-1. Airports.** Requires two years' experience. Construct, alter and repair airports, including excavating, grading, compacting, sub-surfacing, surfacing (dirt or bitumen and concrete), marking 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 or ramp, generally used for vehicular traffic.

(3) **GF-3. Canals, reservoirs, dams and irrigation systems.** Requires two years' experience. Construct, erect, alter, repair, or demolish canals, dams, reservoirs irrigation systems; excavate, ditch, fill, compact and place pre-cast components, waterproof membranes and liners, concrete reinforcement, abutments and buttresses in connection therewith; install tanks, pumps, pipelines and substations incidental to the project; irrigation activities and piping when applicable solely to the production of agriculture or maintenance of livestock on a farm or ranch, excluding electrical work, are exempt from licensing requirements.

(4) **GF-4. Drainage or flood control systems.** Requires two years' experience. Construct, erect, install, repair and alter drainage or flood control systems; dig, excavate, fill, prepare embankments for such purposes, place pre-cast components, concrete reinforcement and perform all other work incidental to these projects; 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, driving ranges, water parks, tennis courts, playgrounds, outdoor athletic facilities, miniature golf courses, pitch-and-putt golf courses; prepare the area by excavation, fill, including foundations, retaining walls, sprinkler systems, rest benches, shade and rain shelters and foot bridges relative to recreation areas; public campgrounds and parks or similar facilities, 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. Construct or fabricate on site and install tanks for the storage of solids or liquids, above or below ground, and towers such as radio, television and telecommunications towers, including all necessary site-work, excavation and construction of concrete tanks, pads and foundations, cutting, welding, placement of structural members, engineered structural support systems for elevated tanks, and engineered or prefabricated towers; includes the repair and placement of liners in tanks, and incidental storage 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 natural gas or petroleum, water 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; construct, alter or repair industrial plants, including, but not limited to, refineries and power generation plants.

(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, pumps, lift-stations and substations incidental to the project; construct, alter, or repair treatment plants and facilities incidental thereto; install direct burial communications cable by trenching, direct plowing or pulling direct burial cable through existing raceways and install vaults as directed by the telecommunications utility; associated excavating, trenching, boring, shoring, backfilling, compacting, paving and surfacing. Shall not perform installation of electrical raceways including directional boring or pipe jacking methods, splicing, termination, installation of load pots, installation of integrated services digital network cross connect equipment, installation of VoIP switching technology equipment, overhead cabling work, or other activities considered under the scope of the ES-7, EL-1, ES-3 or EE-98 electrical classifications.

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

**D. General 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. Any classification not listed below and regulated by CID shall be issued a GS-29.

(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; includes all necessary preparatory work including excavation, form work, and placing of reinforcement materials; includes the installation on private property of curbs, gutters, sidewalks, and driveway culverts; may not perform this work in public rights-of-way unless subcontracted to a validly licensed GA licensee.

(4) **GS-5. Demolition.** Requires two years' experience. Demolish all or any portion of a buildings and structures authorized by the GB-98 classification, including demolition to portions of buildings and structures allowing additions and alterations to be completed to the remaining portions of the building or structure.

(5) **GS-7. Drywall installation and texture.** Requires two years' experience. Installation of gypsum wallboard, and gypsum sheathing; includes 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 or coating and of walls and ceilings; 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 associated with or incidental to construction projects regulated by CID, 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; earthmoving, excavating and ditching activities applicable to the preparation and production of agriculture or maintenance of livestock on a farm or ranch are exempt from licensing requirements.

(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 of foreman level practical or related trade experience; cut, join, install wood, metal or other products approved by the division and utilized 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, door and skylight 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; soil stabilization and rock-fall mitigation.

(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 from ground level and retaining walls measuring thirty-six inches or more measured from the bottom of the footing; 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 of foreman level practical or related trade experience. Install, alter or repair roof systems on new or existing roof decks to create a weatherproof and 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 a roof deck or an existing roof 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 alterations to 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 roofing projects.

(13) **GS-23. Sign construction (non-electrical).** Requires two years' experience. Fabricate on site, 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 shall only be installed by contractors holding an ES-1 or an EE-98 classification.

(14) **GS-24. Structural steel erection.** Requires two years of foreman level practical or related trade experience. Fabricate on site 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 authorize construction of concrete foundations or complete buildings.

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

(16) **GS-30. Plastering, stucco and lathing.** Requires two years' 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; install steel or wood or other division approved 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, replace, or repair siding consisting of slate, gypsum, wood, plastics or other products, including the application of furred up networks on which the siding can be installed.

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

(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 electrical wiring or plumbing in such bored, drilled, cut or sawed concrete.

(20) **GS-29 specialties.** Requires up to four years' experience as determined on a case-by-case basis. The GS-29 classification is a sub-category of the general specialty classifications. It is a miscellaneous classification that is used to identify specific specialties on a case-by-case basis.  
[14.6.6.9 NMAC - Rp, 14.6.6.9 NMAC, XX/XX/XXXX]

#### **14.6.6.10 ELECTRICAL CLASSIFICATIONS:**

**A. General information.** 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.

(1) A journeyman certificate of competence in the appropriate trade classification 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. Journeyman certification shall be issued such that the certificates parallel the electrical license classification numbers and scopes. A journeyman may engage in the trade authorized by the certificate of competence issued to the journeyman only when employed by an entity: (1) that is validly licensed to perform the type of work for which the journeyman is certified; or, (2) holding a valid annual permit authorizing the entity to engage in the type of work for which the journeyman is certified.

(2) The ratio of certified journeyman to apprentices must not exceed:

- (a) one journeyman supervising and overseeing the work of two apprentices on commercial or industrial work;
- (b) one journeyman supervising and overseeing the work of two apprentices on commercial or industrial special systems low-voltage work;
- (c) one journeyman supervising and overseeing the work of three apprentices on residential work.

(3) Raceway installation: All raceway installations within, or on, buildings shall be performed by a contractor holding an EE-98 license. Specialty electrical license holders (ES-1, 2, 3, 7, 10R and 10) shall not install raceways within, or on, buildings.

(a) Exception 1: ER Licensees and journeymen may install raceways that are incidental to residential wiring;

(b) Exception 2: ES-1 licensees and journeymen may install raceways that are required to connect to sign or outline lighting circuit. Not to exceed 10 feet.

(4) Electrical contracting defined: The definition of contracting is set forth in Section 60-13-3 NMSA 1978, 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 systems. Refer to Section 60-13-32 NMSA 1978, for the definition of electrical wiring in reference to these classifications.

(5) 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 and industrial electrical wiring 5000 volts, nominal or less.** Requires four years' experience. Includes all electrical systems and wiring methods operating at 5000 volts, nominal, or less; electrical systems and wiring methods identified in electrical specialty classifications ES-1, ES-2, ES-3 and ES-7 ES-10R, or ES-10 residential electrical systems and wiring methods identified in classification ER-1; trenching and ductwork associated with classification EL-1; associated excavating, trenching, boring, shoring, backfilling, compacting for all electrical systems and wiring methods of 5000 volts, nominal or less. Does not include electrical wiring defined in the EL-1 classification other than trenching and duct work as specified above.

(b) **ER-1. Residential electrical wiring 5000 volts, nominal or less.** Requires two years' experience. Includes electrical systems and wiring methods of 5000 volts, nominal or less at residential one and two-family dwelling units; 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. Does not include 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 systems and wiring methods operating at over 5000 volts, nominal; overhead or underground electrical distribution and transmission circuits; equipment; associated towers, tower foundations and other supporting structures; associated excavating, trenching, boring, shoring, backfilling, compacting and ductwork; sub-stations and terminal facilities. Does not include any electrical wiring specified or other electrical classifications EE-98, ER-1, ES-1, ES-2, ES-3, ES-7, ES-10R or ES-10.

##### **(2) Electrical Specialty licenses.**

(a) **ES-1. Electrical signs and outline lighting.** Requires two years' experience. Installation at commercial locations only. Outline lighting is an arrangement of LED, 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. Includes commercial electrical wiring methods of 5000 volts, nominal or less required to complete the installation of the sign or outline lighting where a "sign circuit" or outline lighting circuit has been provided within 10 feet of the roof or wall of the structure supporting the sign or outline lighting; concrete for the foundation of poles; build structures for the support of such signs associated excavating, trenching, boring, shoring, backfilling, compacting; installation of underground electrical wiring methods of 5000 volts, nominal or less required to complete the installation of the "sign circuit" not to exceed 10 feet from the foundation of the sign.

(b) **ES-2. Cathodic protection and lightening protection systems.** Requires two years' experience. Includes interior and exterior cathodic protection and lightening protection systems at commercial and residential locations; electrical wiring methods of 5000 volts, nominal or less required to complete a cathodic grounding protection system only; electrical wiring methods of 5000 volts, nominal or less required to complete a lightening protection system only. 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. Interior and exterior special systems, cabling and interconnections at commercial and residential locations, privately and publically owned operating at 50 volts or less; includes telecommunications systems; fire alarm systems, CATV systems; audio and visual systems; security systems; door and gate operated control circuits; temperature control circuits, other low voltage specialty systems operating at 50 volts or less; low voltage special systems cables installed in plenum or non-plenum rated walls or ceilings; low voltage special systems cables in existing raceways installed by others as defined at Paragraph 2 of Subsection A of 14.6.6.10 NMAC; direct burial low voltage special systems cables; overhead low voltage special systems cabling to structures; terminations and splicing of low voltage special system conductors; associated excavating, trenching, boring, shoring, backfilling, compacting; installation of underground electrical wiring methods required to complete any of the special systems listed above. 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. Does not include interior or exterior wiring of circuits operating above 50 volts which requires an EE-98 or ER-1 classification.

(d) **ES-7. Telephone communication systems.** Requires two years' experience. Interior and exterior telecommunications cabling and interconnections at commercial and residential locations, in publicly or privately owned buildings; includes telecommunication cables installed in plenum or non-plenum rated walls or ceilings; telecommunication cables in existing raceways installed by others as defined at Paragraph (2) of Subsection A of 14.6.6.10 NMAC; direct burial telecommunication cables; overhead telecommunication cabling to structures; terminations and splicing of communication conductors; associated excavating, trenching, boring, shoring, backfilling, compacting, installation of underground electrical wiring methods required to complete the installation of telecommunications systems; terminal facilities; installation of integrated services digital network cross connect equipment; installation of VoIP switching technology equipment, repeaters, including the installation of instruments at their terminating locations. Does not include Interior or exterior wiring of circuits operating above 50 volts which requires an EE-98 classification.

(e) **ES-10R. Residential water well pump installer.** Requires two years' experience. Residential water well pumps, 120/240 volts or less, single phase 15 HP or less. Includes the installation, maintenance, repairing or replacement of electrical equipment, wiring, and accessories directly associated with water well pump systems; single phase variable frequency drives; 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; solar photo-voltaic arrays 5 kW or less when dedicated to pumping equipment; does not include electrical 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. Commercial water well pumps, 600 volts or less, single or three phase. Includes the installation, maintenance, repairing or replacing electrical equipment, wiring, and accessories directly associated with water well pump systems; variable frequency drives; 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 and trenching; solar photo-voltaic arrays 5 kW or less when dedicated to pumping equipment. 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. Can work under EE-98, ER-1 and all electrical specialty licenses. If working under an ER-1 or a specialty license the journeyman holding this certification may perform work only within the scope of the contractor's license.

(2) **ER-1J. Journeyman residential wiring.** Requires two years' experience. Can work under an EE-98 or an ER-1 license.

(3) **EL-1J. Journeyman electrical distribution systems, including transmission lines.** Requires four years' experience. Can work under an EL-1 license.

(4) **ES-1J. Journeyman electrical signs and outline lighting.** Requires two years' experience. Can work under an ES-1 or an EE-98 license.

(5) **ES-2. Journeyman cathodic protection and lightening protection systems.** Requires two years' experience. Can work under an ES-2 or an EE-98 license.

(6) **ES-3J. Journeyman sound, intercommunication, electrical alarm systems, and systems 50 volts and under.** Requires two years' experience. Can work under an ES-3, ER-1 or an EE-98 license.

(7) **ES-7J. Journeyman telephone communication systems and telephone interconnect systems.** Requires two years' experience. Can work under an ES-7, ER-1 or EE-98 license.

(8) **ES-10RJ. Journeyman residential water well pump installer.** Requires two years' experience. Can work under an ES-10R, ER-1 or EE-98 license.

(9) **ES-10J. Journeyman water well pump installer.** Requires two years' experience. Can work under an ES-10, ER-1 or EE-98 license.

[14.6.6.10 NMAC - Rp, 14.6.6.10 NMAC, XX/XX/XXXX]

#### **14.6.6.11 MECHANICAL AND PLUMBING CLASSIFICATIONS:**

##### **A. General information.**

(1) A journeyman certificate of competence in the appropriate trade classification is required of all individuals performing mechanical and plumbing work; provided however, that an apprentice, as 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. Journeyman certificates are classified according to the type of work the journeyman is certified to perform. A journeyman may engage in the trade authorized by the certificate of competence issued to the journeyman only when employed by an entity: (1) that is validly licensed to perform the type of work for which the journeyman is certified or, (2) that holds a valid annual permit authorizing the entity to engage in the type of work for which the journeyman is certified.

(2) Ratio of unregistered apprentices. The ratio of certified journeyman to unregistered apprentices must not exceed:

(a) one journeyman supervising and overseeing the work of two unregistered apprentices on commercial or industrial work;

(b) one journeyman supervising and overseeing the work of three unregistered apprentices on residential work.

(3) Contracting of mechanical or plumbing work includes installations, alterations, repairs, servicing and maintenance which clarifies Section 60-13-3 NMSA 1978.

(4) Refer to Section 60-13-32 NMSA 1978, for the definitions of plumbing, fixtures and gas-fitting in referenced to these classifications.

##### **B. License classifications. Residential and commercial.**

(1) **MM-1. Plumbing.** Requires four years' experience. Install, alter, repair, service, and maintain plumbing, plumbing fixtures, and piping, includes incidental concrete supports, and excavating, trenching and backfilling; includes hot water heating systems not exceeding 30 p.s.i. or 400,000 b.t.u./hour input; piping for fuel, oil and gasoline; piping and appurtenances for solar thermal energy systems; potable water irrigation sprinkler systems; swimming pools and spas; includes pneumatic or electric controls and control wiring not greater than 24 volts; septic tanks, manholes and sewer lines; does not include installation of natural gas fired appliances or natural gas piping; piping and agricultural sprinkler irrigation system installation and maintenance on farm or ranch property that moves water for livestock use or irrigation purposes from a privately owned well or pipeline, not connected to a public potable water supply are exempt from licensing requirements. When connected to a potable water source all connections must be downstream of an approved back flow prevention device. If a backflow prevention device is required it shall be permitted and installed by a properly certified journeyman employed by an appropriately licensed contractor.

(2) **MM-2. Natural gas fitting.** Requires four years' experience. Install, alter, repair, service and maintain natural gas piping and fittings; install hot water heating systems not exceeding 30 p.s.i. or 400,000 b.t.u./hour input; steam and hot water boilers; may connect water to existing valved outlets; warm air heating systems including chimney connections, flues, refractories, burners, fittings valves, thermal insulation, accessories and incidental piping; warm air appliances and other listed gas appliances; incidental controls and control wiring, pneumatic control systems; includes all required excavating, trenching and backfilling. May not install LP Gas systems.

(3) **MM-3. Heating, ventilation & air conditioning (HVAC).** Requires four years' experience. Install, alter, repair, service and maintain HVAC air handling and refrigeration equipment and piping, including fans, coils, condensing units, self-contained packaged air conditioning or heating units, evaporative cooling units, and ductwork and accessories including solar air heating and cooled mechanical air handling and



ventilation applications; 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, electrical wiring and other work incidental to this scope of work, provided such work is performed by a validly licensed contractor.

(4) **MM-4. Heating, cooling and process piping.** Requires four years' experience. Install, alter, repair, service and maintain hydronic heating, cooling and process piping, piping and appurtenances for steam and hot water systems of any temperature or pressure range, chilled water systems, condensing water systems and other process piping systems; includes air handling equipment, pressure vessels, heat exchangers, boilers, refrigeration water chillers, cooling towers, fuel oil tanks and fuel oil piping; electric controls and control wiring not to exceed 24 volts; install high pressure and process piping solar thermal energy systems of any temperature or pressure range conveying gas or fluids other than potable water; water based fire protection sprinkler systems, dry chemical fire protection systems.

(5) **MM-98. Mechanical.** Requires four years' experience. Indicates licensure in individual 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. Mechanical Specialty classifications:**

(1) **MS-3. Septic tanks & sewer.** Requires two years' experience. Install, alter, repair, service or maintain septic tanks and private sewage disposal systems, manholes and sewer lines, beginning at a connection to a public or private utility and ending at a point five feet beyond the outside wall of a building or structure; excavate, trench, backfill and grade as necessary; install or repair incidental 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, service or maintain potable water sprinkler systems; excavate, trench, backfill and grade as necessary; backflow prevention devices incidental 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, service or maintain water-based fire protection systems required pressure or storage tanks, controls and control wiring up to 24 volts; excavate and backfill and install piping from structure to off-site water supply adjacent to fire protection system property; bid or contract for structural alterations, electrical wiring, etc., incidental to the system installation, provided such work is performed by a validly licensed contractor.

(4) **MS-14. Dry chemical fire protection.** Requires four years' experience. Install, alter, repair, or service or maintain gaseous or chemical based fire protection systems including carbon dioxide (CO), or clean agents; pressurized storage tanks, valves, temperature sensing devices, solenoid or safety shut-off devices and other incidental controls and control wiring up to 24 volts; bid or contract for structural alterations, 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.** Can work under a MM-1 or MM-98 license.

(2) **JPF. journeyman pipe fitter.** Can work under a MM-1, MM-2, MM-4 or MM-98 license.

(3) **JG. journeyman natural gas fitter.** Can work under an MM-2 or MM-98 license.

(4) **JPG. journeyman plumber and natural gas fitter.** Can work under a MM-1, MM-2 or MM-98 license.

(5) **JR. journeyman refrigeration.** Must demonstrate compliance with environmental protection agency (EPA) recovery requirements prior to a certificate-being issued. Can work under an MM-3 or MM-98.

(6) **JS. journeyman sprinkler.** Can work under a MS-6, MM-1 or MM-98 license.

(7) **JSM. journeyman sheet metal.** Can work under a MM-3 or MM-98 license.

(8) **JW. journeyman welder.** Must obtain either a JP, JG, JPG, JPF or JSM certification and demonstrate compliance with the American society of mechanical engineers (ASME) section 9 certification. Can work under an MM-1, MM-2, MM-3, MM-4 or MM-98 license when holding the appropriate journeyman certification for the license classification.

(9) **JMG. journeyman medical gas installer.** Must obtain either JP, JG, JPG or JPF certification and demonstrate compliance with medical gas certification as referenced in 14.9.5 NMAC. Can work under an MM-1, MM-2, MM-4 or MM-98.

(10) **MS-12J. journeyman fire protection sprinkler systems.** Requires four years' experience Can work under a MS-12, MM-4 or MM-98 license.

(11) **MS-14J. journeyman dry chemical fire protection.** Requires four years' experience. Can work under a MS-14, MM-4 or MM-98 license.

(12) **BO1. journeyman boiler operator.** Low pressure only. Requires six months' experience. Can be employed by an institution that has a boiler; cannot perform construction or repair of a boiler.

(13) **BO2. journeyman boiler operator.** Low and high pressure. Requires six months' experience. Can be employed by an institution that has a boiler; cannot perform construction or repair of a boiler. [14.6.6.11 NMAC - Rp, 14.6.6.11 NMAC, XX/XX/XXXX].

#### **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 11/25/1970;

CIC 72-4, General Construction Classifications, filed 2/16/1972;

CIC 76-2, Rules And Regulations, filed 5/5/1976;

CID 78-2, Rules And Regulations, filed 12/5/1978;

CID 79-1, Rules And Regulations, filed 6/6/1979;

CID 82-1, Construction Industries Rules And Regulations, filed 4/14/1982;

CID 85-1, Construction Industries Rules And Regulations, filed 2/4/1985;

CID 90-1, Construction Industries Rules And Regulations, filed 5/31/1990.

##### **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 1/1/2014.

##### **Other History:**

That portion of CID 90-1, Construction Industries Rules And Regulations, filed 5/31/1990 - 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 1/1/2014.

14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 1/1/2014), replaced by 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes, effective XX/XX/XXXX.

**TITLE 14       HOUSING AND CONSTRUCTION**  
**CHAPTER 7     BUILDING CODES GENERAL**  
**PART 2         2015 NEW MEXICO COMMERCIAL BUILDING CODE**

**14.7.2.1       ISSUING AGENCY:** Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.7.2.1 NMAC - Rp, 14.7.2.1 NMAC, 11/15/2016]

**14.7.2.2       SCOPE:** This rule applies to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structure performed in New Mexico on or after ~~November 15, 2016~~ XX/XX/20XX, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.

**A.       Exception 1.** Detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories high with separate means of egress, and their accessory structures shall comply with the 14.7.3 NMAC, currently adopted New Mexico Residential Building Code (NMRBC).

**B.       Exception 2.** Existing buildings, not subject to the NMRBC, undergoing a change of occupancy, repair, alterations or additions shall comply with either 14.7.2 NMAC, currently adopted New Mexico Commercial Building Code, or 14.7.7 NMAC, currently adopted New Mexico existing Building Code, as applicable.

[14.7.2.2 NMAC - Rp, 14.7.2.2 NMAC, 11/15/2016; A, x/xx/xxxx]

**14.7.2.3       STATUTORY AUTHORITY:** Sections 60-13-9, 60-13-10.3 and 60-13-44 NMSA 1978,

[14.7.2.3 NMAC - Rp, 14.7.2.3 NMAC, 11/15/2016; A, x/xx/xxxx]

**14.7.2.4       DURATION:** Permanent.

[14.7.2.4 NMAC - Rp, 14.7.2.4 NMAC, 11/15/2016]

**14.7.2.5       EFFECTIVE DATE:** November 15, 2016, unless a later date is cited at the end of a section.

[14.7.2.5 NMAC - Rp, 14.7.2.5 NMAC, 11/15/2016; A, x/xx/xxxx]

~~[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.] unless a later date is cited at the end of a section.]~~

**14.7.2.6       OBJECTIVE:** The purpose of this rule is to establish minimum standards for the general construction of commercial buildings in New Mexico.

[14.7.2.6 NMAC - Rp, 14.7.2.6 NMAC, 11/15/2016]

**14.7.2.7       DEFINITIONS:** See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2015 International Building Code (IBC) as amended in 14.7.2.10 NMAC.

[14.7.2.7 NMAC - Rp, 14.7.2.7 NMAC, 11/15/2016]

**14.7.2.8       ADOPTION OF THE 2015 INTERNATIONAL BUILDING CODE:**

**A.** This rule adopts by reference the 2015 International Building Code, as amended by this rule.

**B.** In this rule, each provision is numbered to correspond with the numbering of the 2015 International Building Code.

**C.** This rule is to be applied in conjunction with 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code.

[14.7.2.8 NMAC - Rp, 14.7.2.8 NMAC, 11/15/2016]

**14.7.2.9       CHAPTER 1 - ADMINISTRATION:**

**A.       Section 101 - General.**

(1) **101.1 - Title.** Delete this section of the IBC and substitute: This code shall be known as the 2015 New Mexico Commercial Building Code (NMCBC).

(2) **101.2 - Scope.** Delete this section of the IBC and see 14.7.2.2 NMAC, Scope.

(3) **101.2.1 - Appendices.** This rule adopts the following appendices as amended herein:

(a) Appendix C - Group U - Agricultural Buildings;

- (b) Appendix E - Supplementary Accessibility Requirements;
- (c) Appendix G - Flood-Resistant Construction;
- (d) Appendix H - Signs;
- (e) Appendix I - Patio Covers; and
- (f) Appendix J - Grading.

(4) **101.3 - Intent.** Delete this section of the IBC and see the scope section above, at 14.7.2.6 NMAC, Objective.

(5) **101.4 - Referenced codes.** The codes referenced in the NMCBC are:

(a) **101.4.1 - Electrical.** Delete this section of the IBC and substitute: the [2014] currently adopted New Mexico Electrical Code (NMEC) applies to all electrical wiring as defined in CILA Section 60-13-32. All references in the IBC to the ICC Electrical Code are deemed references to the NMEC.

(b) **101.4.1 - Gas.** Delete this section of the IBC and substitute: the currently [2012] adopted New Mexico Mechanical Code (NMMC) applies to “gas fittings” as that term is defined in CILA Section 60-13-32. All references in the IBC to the International Fuel Gas Code are deemed references to the NMMC or the LPG standards, 19.15.40 NMAC and Section 70-5-1 et seq. NMSA 1978, collectively. Gas piping, systems and appliances for use with liquefied propane gas (LPG), or compressed natural gas (CNG), shall be governed by the LPG standards.

(c) **101.4.2 - Mechanical.** Delete this section of the IBC and substitute: The [2012] currently adopted NMMC applies to the installation, repair and replacement of mechanical systems including equipment, appliances, fixtures, fittings and appurtenances including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems. All references in the IBC to the International Mechanical Code are deemed references to the NMMC.

(d) **101.4.3 - Plumbing.** Delete this section of the IBC and substitute: the [2012] currently adopted New Mexico Plumbing Code (NMPC) applies to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. All references in the IBC to the International Plumbing Code are deemed references to the NMPC.

(e) **101.4.4 - Property Maintenance.** Delete this section of the IBC.

(f) **101.4.5 - Fire Prevention.** Delete this section of the IBC.

(g) **101.4.6 - Energy.** Delete this section of the IBC and substitute: the provisions of the 2009 New Mexico Energy Conservation Code (NMECC) shall apply to the energy conservation aspects of general commercial construction.

**B. Section 102 - Applicability.**

(1) **Section 102.1 - General.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.

(2) **Section 102.2 - Other Laws.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.

(3) **Section 102.3 - Application of References.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.

(4) **Section 102.4 - Referenced Codes and Standards.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.

(5) **Section 102.5 - Partial Invalidity.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.

(6) **Section 102.6 - Existing Structures.** Delete this section of the IBC and substitute: the legal occupancy of any structure existing on the effective date of this rule shall be [permitted] authorized to continue without change, except as is specifically provided otherwise in this rule, in the [2015] currently adopted New Mexico existing Building Code, or by the building official in consideration of the general safety and welfare of the occupants of any such building and the general public.

**C. Section 103 - Department of Building Safety.** Delete this section of the IBC.

**D. Section 104 - Duties and Powers of Building Official.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.

**E. Section 105 - Permits.** Delete this section of the IBC except as provided in 14.5.2 NMAC, Permits.

**F. Section 106 - Floor and Roof Design Loads.** See this section of the IBC.

**G. Section 107 - Submittal Documents.** Delete this section of the IBC and see 14.5.2 NMAC, Permits.

- H. Section 108 - Temporary structures and uses.** Delete this section of the IBC and see 14.5.2 NMAC, Permits.
- I. Section 109 - Fees.** Delete this section of the IBC and see 14.5.5 NMAC, Fees.
- J. Section 110 - Inspections.** Delete this section of the IBC and see 14.5.3 NMAC, Inspections.
- (1) **110.1 - General.** Delete this section of the IBC except as provided in 14.5.3 NMAC, Inspections.
- (2) **110.2 - Preliminary Inspection.** Delete this section of the IBC except as provided in 14.5.2 NMAC, Permits.
- (3) **110.3 - Required Inspections.** Delete this section of the IBC except as provided in 14.5.3 NMAC, Inspections.
- (4) **110.4 - Inspection Agencies.** Delete this section of the IBC and see 14.5.3 NMAC, Inspections.
- (5) **110.5 - Inspection Requests.** Delete this section of the IBC except as provided in 14.5.3 NMAC, Inspections.
- (6) **110.6 - Approval Required.** Delete this section of the IBC except as provided in 14.5.3 NMAC, Inspections.
- K. Section 111 - Certificate of Occupancy.** Delete this section of the IBC and see 14.5.3 NMAC, Permits.
- L. Section 112 - Service Utilities.** Delete this section of the IBC and see 14.5.2 NMAC, Permits.
- M. Section 113 - Board of Appeals.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.
- N. Section 114 - Violations.** Delete this section of the IBC and see 14.5.3 NMAC, Inspections.
- O. Section 115 - Stop Work Order.** Delete this section of the IBC and see 14.5.3 NMAC, Inspections.
- P. Section 116 - Unsafe Structures and Equipment.** Delete this section of the IBC and see 14.5.1 NMAC, General Provisions.
- [14.7.2.9 NMAC - Rp, 14.7.2.9 NMAC, 11/15/2016; A, x/xx/xxxx]

**14.7.2.10 CHAPTER 2 - DEFINITIONS:** See this section of the IBC except as provided below.

**A. Section 201.1 - Scope.** See this section of the IBC except add the following: If the same term is defined in the New Mexico construction codes and in the IBC, it shall have the meaning given it in the New Mexico construction codes.

**B. Section 201.3 - Terms Defined in Other Codes.** Delete this section of the IBC and substitute: If a term is not defined in this code and is defined in a New Mexico Construction Code, the term shall have the meaning given it in the New Mexico Construction Code.

**C. Section 202 - Definitions.** See this section of the IBC and add the following definitions.

(1) **Unbalanced backfill height** means the difference in height between the exterior finish ground level and the lower of the top of the concrete footing that supports the foundation wall or the interior finish ground level. Where an interior concrete slab on grade is provided and is in contact with the interior surface of the foundation wall, the unbalanced backfill height is permitted to be measured from the exterior finish ground level to the top of the interior concrete slab.

(2) **Primary entrance.** The entrance through which most people enter the building or facility. A building or facility may have more than one primary entrance.

[14.7.2.10 NMAC - Rp, 14.7.2.10 NMAC, 11/15/2016]

**14.7.2.11 CHAPTER 3 - USE AND OCCUPANCY CLASSIFICATION:** See this chapter of the IBC except: **Section 304.1** is amended to add fire and police stations to the business “B” occupancy group.

[14.7.2.11 NMAC - Rp, 14.7.2.11 NMAC, 11/15/2016]

**14.7.2.12 CHAPTER 4 - SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY:** See this chapter of the IBC with the following exception: Section 404.1.1, the definition of the term “ATRIUM,” is amended to substitute the words “floor levels” for the word “stories.”

[14.7.2.12 NMAC - Rp, 14.7.2.12 NMAC, 11/15/2016]

**14.7.2.13 CHAPTER 5 - GENERAL HEIGHTS AND BUILDING AREAS:** See this chapter of the IBC.

[14.7.2.13 NMAC - Rp, 14.7.2.13 NMAC, 11/15/2016]

**14.7.2.14 CHAPTER 6 - TYPES OF CONSTRUCTION:** See this chapter of the IBC.  
[14.7.2.14 NMAC - Rp, 14.7.2.14 NMAC, 11/15/2016]

**14.7.2.15 CHAPTER 7 - FIRE AND SMOKE PROTECTION FEATURES:** See this chapter of the IBC except as provided below.

**A. Section 702** is amended to change the definition of “shaft” by deleting the reference to “stories” and substituting the words “floor levels.”

**B. Section 712.1.4 - Penetrations.** A minimum of three, three-inch diameter sleeved penetrations shall be installed in the mechanical room, or from an accessible point or designated solar equipment location. The sleeves shall be listed and sealed with a listed fitting or box on both ends in compliance with this chapter.  
[14.7.2.15 NMAC - Rp, 14.7.2.15 NMAC, 11/15/2016]

**14.7.2.16 CHAPTER 8 - INTERIOR FINISHES:** See this chapter of the IBC.  
[14.7.2.16 NMAC - Rp, 14.7.2.16, NMAC, 11/15/2016]

**14.7.2.17 CHAPTER 9 - FIRE PROTECTION SYSTEMS:**

**A. Section 901 - General.** See this section of the IBC.

**B. Section 902 - Definitions.** See this section of the IBC with the following exception: the definition of “standpipe system, classes of” is amended by adding the following provision: 1.5-inch hoses and hose cabinets shall not be provided, unless required by the New Mexico laws applicable to fire protection for class II and class III standpipe systems.

**C. Section 903 - Automatic Sprinkler Systems.** See this section of the IBC except in section 903.2 delete the paragraph entitled “exception” in its entirety.

**D. Section 904 - Alternative Automatic Fire-Extinguishing Systems.** See this section of the IBC.

**E. Sections 905 through 908.** See these sections of the IBC.

**F. Section 909 - Smoke Control Systems.**

(1) **909.1 through 909.7.** See these sections of the IBC.

(2) **909.8 - Exhaust Method. 909.8.1 - Exhaust Rate.** Delete the text of this provision of the IBC and substitute: the height of the lowest horizontal surface of the accumulating smoke layer shall be maintained at least six feet (1829 mm) above any walking surface which forms a portion of a required egress system within the smoke zone. The required exhaust rate for the zone shall be the largest of the calculated plume mass flow rates for the possible plume configurations. Provisions shall be made for a natural or mechanical supply of air from outside or adjacent smoke zones to make up for the air exhausted. Makeup airflow rates, when measured at the potential fire locations shall not increase the smoke production rate beyond the capabilities of the smoke control system. The temperature of the makeup air shall be such that it does not expose temperature-sensitive fire protection systems beyond their limits.

(3) **909.9 - Design Fire.** Delete this section of the IBC and substitute: the design fire shall be based on a rational analysis performed by a registered design professional and approved by the building official. The design fire shall be based on the analysis in accordance with Section 909.4 and this section.

(4) **909.10 through 909.19.** See these sections of the IBC.

(5) **909.20 - Smoke-proof Enclosures.** See this section of the IBC.

(6) **909.21 - Elevator Hoistway Pressurization Alternative.** See this section of the IBC.

**G. Sections 910 and 916.** See these sections of the IBC.

[14.7.2.17 NMAC - Rp, 14.7.2.17 NMAC, 11/15/2016]

**14.7.2.18 CHAPTER 10 - MEANS OF EGRESS:**

**A. Sections 1001 through 1003.** See these sections of the IBC.

**B. Section 1004, Table 1004.1.2.** See this section of the IBC and amend **table 1004.1.2 maximum floor area allowances per occupant** as follows: under the *function of space* column, in the *institutional areas* block, below sleeping areas add “correctional facilities and detention centers 60 square feet gross floor area per person”.

**C. Sections 1004 through 1009.** See these sections of the IBC.

**D. Section 1010 - Doors, Gates and Turnstiles.** See this section of the IBC exception as provided below.

(1) **Section 1010.1.2 - Door Swing.** See this section of the IBC except delete exception #9 and add the following after the last paragraph: a double-acting door shall be provided with a view panel of not less than 200 square inches (0.129 m<sup>2</sup>): double-acting doors shall not be used as *exits* where any of the following conditions exist:

- (a) 1. the *occupant load* served by the door is 100 or more;
- (b) 2. the door is part of a fire assembly;
- (c) 3. the door is part of a smoke- and draft-control assembly;
- (d) 4. panic hardware is required or provided on the door;

(2) **Section 1010.1.9.6 - Controlled Egress Doors in Groups I-1 and I-2.** See this section of the IBC and add the words “when approved by the building official” at the beginning of the section.

(3) **Section 1010.1.9.7 - Delayed Egress.** See this section of the IBC and add the words “when approved by the building official” at the beginning of the section.

**E. Sections 1011 through 1022** See these sections of the IBC.

**F. Section 1019 - Exit Access Stairways and Ramps.** See this section of the IBC and add the following two exceptions to Section 1019.1.

(1) 8. In other group H and I occupancies, a maximum of fifty percent of egress stairways serving one adjacent floor are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Any two such interconnected floors shall not be open to other floors. Unenclosed exit stairways shall be remotely located as required in Section 1015.2 and complies with Section 1016.1 for travel distance locations.

(2) 9. In other than group H and I occupancies, interior egress stairways serving only the first and second stories of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Such inter-connected stories shall not be open to other stories. Unenclosed exit stairways shall be remotely located as required in Section 1015.2 and complies with Section 1016.1 for travel distance locations.

**G. Section 1023 through 1030.** See these sections of the IBC.  
[14.7.2.18 NMAC - Rp, 14.7.2.18 NMAC, 11/15/2016]

#### 14.7.2.19 CHAPTER 11 - ACCESSIBILITY:

**A. Section 1101 - General.** See this section of the IBC.

**B. Section 1102 - Definitions.** See this section of the IBC and add the following definition:  
**primary entrance** means the entrance through which most people enter the building or facility. A building may have more than one primary entrance.

**C. Section 1103 - Scoping Requirements.** See this section of the IBC.

**D. Section 1104 - Accessible Route.** See this section of the IBC except as provided below. Delete the text to Exception Number 1 of Section 1104.4 and substitute with the following: At least one accessible route shall connect each accessible story and mezzanine in multilevel buildings and facilities. **Exception:** 1. an accessible route is not required to stories and mezzanines that have an area of not more than 3,000 square feet (278.7 m<sup>2</sup>) per story and are located either above or below the accessible levels in buildings or facilities that are less than three stories. This exception shall not apply to:

- (1) 1.1 Multiple tenant facilities of Group M occupancies containing five or more tenant spaces used for the sales or rental of goods and where at least one such tenant space is located on a floor level above or below the accessible levels;
- (2) 1.2 stories or mezzanines containing offices of health care providers (Group B or I);
- (3) 1.3 passenger transportation facilities and airports (group A-3 or group B); or
- (4) 1.4 government owned or leased buildings;
- (5) 2. stories or mezzanines that do not contain accessible elements or other spaces as determined by Section 1107 or 1108 are not required to be served by an accessible route from an accessible level;
- (6) 3. in air traffic control towers, an accessible route is not required to serve the cab and the floor immediately below the cab;
- (7) 4. where a two-story building or facility has one story or mezzanine with an occupant load of five or fewer persons that does not contain public use space, that story or mezzanine shall not be required to be connected by an accessible route to the story above or below.

**E. Section 1105 - Accessible Entrances.** See this section of the IBC except as provided below. Delete the text of Section 1105.1, public entrances, and substitute: in addition to accessible entrances required by

Sections 1105.1.1 through 1105.1.7, at least sixty percent of all public entrances, but not less than one primary entrance shall be accessible. **Exceptions:**

- (1) an accessible entrance is not required to areas that are not required to be accessible;
- (2) loading and service entrances that are not the only entrance to a tenant space.

**F. Section 1106 - Parking and Passenger Loading Facilities.** See this section of the IBC except that table 1106.1 is deleted from the IBC and the following table is substituted:

<b>Table 1106.1 Accessible Parking Spaces</b>		
Total Parking Spaces	Total Required Accessible Parking Spaces	Number Required to be Van Accessible
1-25	1	1
26-35	2	1
36-50	3	1
51-100	4	1
101-300	8	2
301-500	12	2
501-800	16	3
801-1000	20	4
1,001 and over	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1,000	1 of every 6 accessible parking spaces, or fraction thereof

**G. Section 1107 - Dwelling Units and Sleeping Units.** See this section of the IBC except as provided below.

- (1) **Table 1107.6.1.1 - Accessible Dwelling and Sleeping Units.**

(2) The following provision is inserted after table 1107.6.1.1: for publicly funded projects, the total number of accessible dwelling units and sleeping units shall be five percent, or fraction thereof. Of these accessible dwelling units and sleeping units, one percent, or fraction thereof, shall be provided with roll-in showers.

(3) Delete the text of Section 1107.6.2.2 and substitute: In occupancies in group R-2 containing more than 20 dwelling units or sleeping units, at least two percent, but not less than one of the units shall be a type A unit. In type A unit, one in five, but not less than one of the units shall provide a roll-in shower including a permanently mounted folding shower seat. All units on a site shall be considered to determine the total number of units and the required number of type A unit. Type A units shall be dispersed among the various classes of units.

**H. Section 1108 - Special Occupancies.** Add new section to read as follows; **1108.2.5 - Designated aisle seats.** At least five percent, but not less than one, of the total number of aisle seats provided shall be designated aisle seats and shall be the aisle seats located closest to accessible routes. **Exception:** Designated aisle seats are not required in team or player seating serving areas of sport activity. Section 1108.2.5.1 - **Location.** At least one of each four required designated aisle seats shall be located not more than two rows from an accessible route serving such seats. See this section of the IBC except **1108.4.1.4 - Employee Work Stations.** See this section of the IBC except delete the last sentence of this section without substitution.

**I. Section 1109 - Other Features and Facilities.** See this section of the IBC except as provided below.

- (1) **1109.2 - Toilet and Bathing Facilities.** See this section of the IBC except.

(a) Insert the following sentence at the end of Section 1109.2: when 20 or more fixtures of any type are installed in an *accessible* toilet room or bathing room, at least two of that type shall be accessible.

(b) Add the following provision to the exceptions to Section 1109.2: Exception 6: toilet fixtures and bathing facilities that are in excess of those required by the minimum number of plumbing fixtures pursuant to the New Mexico construction codes and located in private restricted areas in other than government owned or leased facilities.

(c) with respect to construction of any new restroom in a place of public accommodation as defined in 14.5.2 NMAC, see 14.7.2.45 NMAC, Baby Changing Facilities.

(2) **Section 1109.7:** Add the following: limited-use/limited-application elevators may be used to access spaces or areas that have five or fewer occupants.

- (3) **Section 1109.8 - Lifts:** Delete Item 5 without substitution.

**J. Section 1110.4.15 - Play Areas.** Add this section: play areas containing play components designed and constructed for children shall be accessible and be located on an accessible route.



**K. Section 1111 - Signage.** See this section of the IBC except as provided below.**(1)** Amend Section 1111.1 - Items.

**(a)** 1.1 *Accessible* parking spaces shall be identified by a sign centrally located at the head of each parking space.

**(b)** 1.2 Van accessible parking spaces shall have an additional sign mounted below the international symbol of access identifying the space as “van accessible”. **Exception:** Where all the accessible parking spaces comply with the standards for van accessible parking spaces.

**(2)** **Section 1111.1:** Add the following exception, Item #4: **Exception:** entrances to individual dwelling units and sleeping units.

**(3)** **Section 1110.3:** Add the following new provision at the end of Section 1110.3:

**(a)** 7 accessible parking spaces required by Section 1106 shall provide pavement markings in compliance with the following Sections 7.1 and 7.2;

**(b)** 7.1 accessible parking spaces shall be identified by the international symbol of accessibility; a clearly visible depiction of the symbol shall be painted in blue on the pavement surface, except where the total number of parking spaces provided is four or less;

**(c)** 7.2 the access aisle shall be clearly marked by diagonal, blue pavement striping;

**(d)** 7.3 at the rear of striped access aisle state “NO PARKING”; lettering shall be one-foot-high minimum and two inches wide minimum.

[14.7.2.19 NMAC - Rp, 14.7.2.19 NMAC, 11/15/2016]

**14.7.2.20 CHAPTER 12 - INTERIOR ENVIRONMENT:** See this chapter of the IBC.

[14.7.2.20 NMAC - Rp, 14.7.2.20 NMAC, 11/15/2016]

**14.7.2.21 CHAPTER 13 - ENERGY EFFICIENCY:** Delete this chapter of the IBC and see the 2009 New Mexico Energy Conservation Code.

[14.7.2.21 NMAC - Rp, 14.7.2.21 NMAC, 11/15/2016]

**14.7.2.22 CHAPTER 14 - EXTERIOR WALLS:** See this chapter of the IBC.

[14.7.2.22 NMAC - Rp, 14.7.2.22 NMAC, 11/15/2016]

**14.7.2.23 CHAPTER 15 - ROOF ASSEMBLIES AND ROOFTOP STRUCTURES:****A. Section 1501 - General.** See this section of the IBC.

**B. Section 1502.1 - Definitions.** See this section of the IBC except that the following definitions are amended as indicated.

**(1)** “**Roof replacement**” is amended to read: The process of removing the existing roof covering to the structural roof deck, repairing any substrate, and installing a new roof covering.

**(2)** “**Positive roof drainage**” is amended to read: The drainage condition in which consideration has been made for all loading deflections of the roof deck, and the additional slope has been provided to ensure drainage of the roof within 48 hours of precipitation. Drainage has occurred when no more than one-half inch of standing water remains after 48 hours of precipitation in normal drying conditions.

**C. Section 1503 - Weather Protection.** See this section of the IBC and add the following new section: **1503.3.1 - Plastered Parapets** shall require a seamless but permeable waterproof cover or weather barrier, capping the entire parapet and wrapping over each side. The cover shall extend past any break from the vertical a minimum of four inches on the wall side. On the roof side, the cover shall properly lap any rising roof felts or membranes and be properly sealed. A layer of expanded metal lath shall be installed over the cover before plaster or stucco is applied. The lath shall extend past any break from the vertical on the wall side a minimum of five inches and on the roof side, the same distance as the cover below, allowing for plaster stops or seals. No penetrating fasteners are allowed on the horizontal surface of parapets.

**D. Sections 1503 through 1505.** See these sections of the IBC.**E. Section 1506 - Materials.** See this section of the IBC and add the following new sections.

**(1)** **Section 1506.4 - Loose Granular Fill.** Pumice and other granular fill type materials are not permitted in roofing assemblies.

**(2)** **Section 1506.5 - Roof Deck Transitions.** Where roof sheathing is overlapped to create “crickets” or valleys to canals, taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

(3) **Section 1506.6 - Canales/Scuppers.** All canales and scuppers must have a metal pan lining extending not less than six inches (152 mm) past the inside of the parapet and not less than six inches (152 mm) from each side of the canale or scupper opening. All canales and scuppers must have positive drainage.

**F. Sections 1507 through 1509.** See these sections of the IBC.

**G. Section 1510 – Rooftop Structures.**

**H. Section 1511 - Reroofing.**

(1) **1511.1 and 1511.2.** See these sections of the IBC.

(2) **1511.3 - Recovering versus Replacing.** Delete the first three lines of the text of this section and substitute the following: “New roof coverings shall not be installed without first removing existing roof coverings down to the structural roof deck where any of the following conditions occur:” and add a new Subsection 4 as follows: where pumice or other granular fill are present, existing roofing and granular fill must be removed prior to re-roofing.

(3) **1511.4 through 1511.6.** See these sections of the IBC.

**I. Section 1512 - Photovoltaic Panels and Modules.**

[14.7.2.23 NMAC - Rp, 14.7.2.23 NMAC, 11/15/2016]

**14.7.2.24 CHAPTER 16 - STRUCTURAL DESIGN:** See this chapter of the IBC.

[14.7.2.24 NMAC - Rp, 14.7.2.24 NMAC, 11/15/2016]

**14.7.2.25 CHAPTER 17 - SPECIAL INSPECTIONS AND TESTS:** See this chapter of the IBC except as provided below.

**A. Section 1705.3 - Concrete Construction.** See this section of the IBC except:

(1) delete Subsection 2 and substitute: continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock;

(2) delete Subsection 3 and substitute: nonstructural concrete slabs supported directly on the ground, except pre-stressed slabs-on-grade;

(3) delete Subsection 4.

**B. Section 1705.4 - Masonry Construction.** See this section of the IBC except delete Exception 2.

[14.7.2.25 NMAC - Rp, 14.7.2.25 NMAC, 11/15/2016]

**14.7.2.26 CHAPTER 18 - SOILS AND FOUNDATIONS:** See this chapter of the IBC except as follows:

**A. Section 1805.2 - Dampproofing.** Amend this paragraph as follows: Where hydrostatic pressure will not occur as determined by Section 1803.5.4, Floors and Walls, for other than wood foundation systems, shall be dampproofed in accordance with this section: “when required by a geotechnical investigation, design professional, or the building official, floors shall be dampproofed in accordance with this section.”

**B. Section 1805.4 - Subsoil Drainage System.** Amend this paragraph as follows: delete “when required by a geotechnical investigation, design professional, or the building official” and add the following dampproofing shall be provided and a base course shall be installed under the floor and a drain installed around the foundation perimeter. A subsoil drainage system designed and constructed in accordance with Section 1805.1.3 shall be deemed adequate for lowering the ground-water table.

**C. Section 1809.7 Prescriptive Footings for Light-frame Construction.** Delete the text and footnotes in Table 1809.7 and replace with the following:

<b>TABLE 1809.7</b>		
<b>PRESCRIPTIVE FOOTINGS SUPPORTING WALLS OF LIGHT-FRAME CONSTRUCTION</b> <sup>a, b, c, d, e</sup>		
<b>NUMBER OF FLOORS SUPPORTED BY THE FOOTING</b> <sup>f</sup>	<b>WIDTH OF FOOTING (inches)</b>	<b>THICKNESS OF FOOTING (inches)</b>
1	16	8
For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm. a. Depth of footings shall be in accordance with Section 1809.4. b. The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing. c. Interior stud-bearing walls shall be permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than six feet on center. d. See Section 1908 for additional requirements for concrete footings of structures assigned to seismic design category C, D, E or F. e. For thickness of foundation walls, see Section 1807.1.6.		

f. Footings supporting roof only shall be as required for supporting one floor.
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[14.7.2.26 NMAC - Rp, 14.7.2.26 NMAC, 11/15/2016]

**14.7.2.27 CHAPTER 19 - CONCRETE:** See this chapter of the IBC.

[14.7.2.27 NMAC - Rp, 14.7.2.27 NMAC, 11/15/2016]

**14.7.2.28 CHAPTER 20 - ALUMINUM:** See this chapter of the IBC.

[14.7.2.28 NMAC -Rp, 14.7.2.28 NMAC, 11/15/2016]

**14.7.2.29 CHAPTER 21 - MASONRY:** See this chapter of the IBC except as provided below. **Section 2111.4.1 and 2113.4. Anchorage.** Delete these sections of the IBC and substitute: two three-sixteenth-inch by one-inch (4.8 mm by 25.4mm) straps shall be embedded a minimum of 12 inches (305 mm) into the chimney with a 180-degree bend with a six-inch (152 mm) extension around the vertical reinforcing bars in the outer face of the chimney. Each strap shall be fastened to the structural framework of the building with two one-half-inch (12.7 mm) diameter bolts per strap. Where the joists do not head into the chimney, the anchor strap shall be connected to two-inch by four-inch (51 mm by 102 mm) ties crossing a minimum of four joists. The ties shall be connected to each joist with two 16d nails. As an alternative to the two-inch by four-inch (51 mm by 102 mm) ties, each anchor strap shall be connected to the structural framework by two one-half-inch (12.7 mm) diameter bolts in an approved manner.

[14.7.2.29 NMAC - Rp, 14.7.2.29 NMAC, 11/15/2016]

**14.7.2.30 CHAPTER 22 - STEEL:** See this chapter of the IBC.

[14.7.2.30 NMAC - Rp, 14.7.2.30 NMAC, 11/15/2016]

**14.7.2.31 CHAPTER 23 - WOOD:** See this chapter of the IBC except as provided below.**A. Section 2301 through 2307.** See these sections of the IBC.**B. Section 2308.7.6 - Framing Around Openings.** See this section of the IBC except delete the first sentence and substitute: Trimmer and header joists shall be of sufficient size to support the load.**C. Section 2308.4.5 - Joints Supporting Bearing Partitions.** See this section of the IBC except delete the first sentence and substitute: bearing partitions parallel to joists shall be supported on beams, girders, built-up joists of sufficient size to carry the load, walls or other bearing partitions.

[14.7.2.31 NMAC - Rp, 14.7.2.31 NMAC, 11/15/2016]

**14.7.2.32 CHAPTER 24 - GLASS AND GLAZING:** See this chapter of the IBC except that Section 2403 is amended as set forth below.**A. Section 2403.1 - Identification.** Delete the first paragraph of this section of the IBC and substitute: each pane shall bear the manufacturer's label designating the type and thickness of the glass or glazing material. The identification shall not be omitted unless approved by the building official. The building official is authorized to require an affidavit from the glazing contractor certifying that each light is glazed in accordance with approved construction documents that comply with the provisions of this chapter. Safety glazing shall be identified in accordance with Section 2406.3.**B. Section 2403.2 - Glass Supports.** Delete this section of the IBC and substitute: where one or more sides of any pane of glass is not firmly supported, or is subject to unusual load conditions, detailed construction documents, detailed shop drawings and analysis or test data assuring safe performance for the specific installation shall be submitted when required by the building official.

[14.7.2.32 NMAC - Rp, 14.7.2.32 NMAC, 11/15/2016]

**14.7.2.33 CHAPTER 25 - GYPSUM BOARD, GYPSUM PANEL PRODUCTS AND PLASTER:** See this chapter of the IBC except as provided below.**A. Section 2510.6 - Weather - Resistant Barrier.** See also Sections 1403.2, 1405.3 and 1503.2.**B. Section 2512.1.1 - On Grade Floor Slab.** Delete the text of this section and substitute with the following: on wood framed or steel stud construction with an on-grade concrete floor slab system, approved acrylic based exterior plaster systems and acrylic based color coats shall be applied in such a manner as to cover but not to extend below, the lath, paper and screed. When a cement plaster stucco and cement plaster color coat is installed, and no perimeter insulation is on the exterior of a concrete or masonry foundation, the color coat shall terminate not

further than six inches (153 mm) below finished grade. All excess plaster shall be removed from the site and no drip screeds shall comply with ASTM C 1063.

**C. Section 2512.1.2 - Weep Screeds.** See this section of the IBC.

**D. Add new section to the IBC. Section 2512.1.3 - Plaster to Roof Separation.** A reglet and weep screed or equivalent metal flashing shall be applied where all stucco wall surfaces terminate at a roof. [14.7.2.33 NMAC - Rp, 14.7.2.33 NMAC, 11/15/2016]

**14.7.2.34 CHAPTER 26 - PLASTIC:** See this chapter of the IBC.

[14.7.2.34 NMAC - Rp, 14.7.2.34 NMAC, 11/15/2016]

**14.7.2.35 CHAPTER 27 - ELECTRICAL:** Delete this chapter of the IBC and see the NMEC except as provided below.

**A. Section 2701 - General.**

(1) **2701.1 - Scope.** Delete the text of this section of the IBC and substitute: electrical systems, including emergency and standby power systems, and electrical equipment, appliances, fixtures, fittings and appurtenances thereto, shall be installed, altered, repaired, replaced, maintained, tested and designed pursuant to the provisions of the NMEC.

(2) All references in the IBC to the international electrical code are deemed references to the NMEC.

**B. Section 2702 - Emergency and Standby Power Systems.** Where required.

(1) **2702.1 - Installation** (delete this section of the IBC).

(2) **2702.1.1 - Stationary Generators** (delete this section of the IBC).

(3) **2702.1.2 - Electrical** (delete this section of the IBC).

(4) **2702.1.3 - Load Transfer** (delete this section of the IBC).

(5) **2702.1.4 - Load Duration** (delete this section of the IBC).

(6) **2702.1.5 - Uninterruptable Power Source** (delete this section of the IBC).

(7) **2702.1.6 - Interchangeability** (delete this section of the IBC).

(8) **2702.1.7 - Group I-2 Occupancies** see this section of the IBC.

(a) **2702.2 - Where Required.** See this section of the IBC.

(b) **2702.2.1 - Emergency Alarm Systems.** See Section 415.5 of the IBC.

(c) **2702.2.2 - Elevators and Platform Lifts.** See this section of the IBC.

(d) **2702.2.3 - Emergency Responder Radio Coverage Systems.** See International

Fire Code.

(e) **2702.2.4 - Emergency Voice/Alarm Communication Systems.** See Section

9075.2.5 of the IBC.

(f) **2702.2.5 - Exit Signs.** See Section 1013.6.6 of the IBC

(g) **2702.2.6 - Group I-2 Occupancies.** See Section 407.10 of the IBC.

(h) **2702.2.7 - Group I-3 Occupancies.** See Section 408.4.2 of the IBC.

(i) **2702.2.8 - Hazardous Materials.** See this section of the International Fire

Code.

(j) **2702.2.9 - High-Rise Buildings.** See Sections 403.4.8 and 403.4.8.3 of the

IBC.

(k) **2702.10 - Horizontal Sliding Doors.** See Section 1010.1.4.3 of the IBC

(l) **2702.2.11 - Means of Egress Illumination.** See Section 1008.3 of the IBC.

(m) **2702.2.12 - Membrane Structures.** See Section 3102.8.2 of the IBC.

(n) **2702.2.1 - Pyrophoric Materials.** See International Fire Code.

(o) **2702.2.14 - Semiconductor Fabrication Facilities.** See Section 415.11.10 of

the IBC.

(p) **2702.2.15 - Smoke Control System.** See Sections 404.7, 909.11, 909.20.6, and

909.21.5 of the IBC.

(q) **2702.2.16 - Underground Buildings.** See Section 405 of the IBC.

(r) **2702.3 - Critical Circuits.** See this section of the IBC.

(s) **2702.4 - Maintenance.** See this section of the IBC.

[14.7.2.35 NMAC - Rp, 14.7.2.35 NMAC, 11/15/2016]

**14.7.2.36 CHAPTER 28 - MECHANICAL SYSTEMS:** Delete this chapter of the IBC and see the

NMMC.

[14.7.2.36 NMAC - Rp, 14.7.2.36 NMAC, 11/15/2016]

**14.7.2.37 CHAPTER 29 - PLUMBING SYSTEMS:**

**A. Section 2901 - General.**

(1) **2901.1 Scope.** Delete the text of this section of the IBC and substitute the following provision: Plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system, shall be installed, altered, repaired, replaced, maintained, tested and designed pursuant to the provisions of the NMPC.

(2) **2901.2.** All references in Chapter 29 of the IBC to the International Plumbing Code are deemed references to the NMPC.

**B. Section 2902 - Minimum Plumbing Facilities.**

(1) **2902.1 - Minimum Number of Fixtures.** See this section of the IBC and add the following language to the end of the first paragraph: urinals may be substituted for up to fifty percent of the maximum number of water closets in other than A or E occupancies; in A and E occupancies, urinals may be substituted for up to sixty-seven percent of the maximum number of water closets.

(a) **Table 2902.1 - Minimum Number of Required Plumbing Facilities.** See this table in the IBC.

(b) **2902.1.1 - Fixture Calculations.** See this section of the IBC.

(2) **2902.2 to 2902.6** See these sections of the IBC.

[14.7.2.37 NMAC - Rp, 14.7.2.37 NMAC, 11/15/2016]

**14.7.2.38 CHAPTER 30 - ELEVATORS AND CONVEYING SYSTEMS:** See this chapter of the IBC.

[14.7.2.38 NMAC - Rp, 14.7.2.38 NMAC, 11/15/2016]

**14.7.2.39 CHAPTER 31 - SPECIAL CONSTRUCTION:** See this chapter of the IBC.

[14.7.2.39 NMAC - Rp, 14.7.2.39 NMAC, 11/15/2016]

**14.7.2.40 CHAPTER 32 - ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY:** See this chapter of the IBC.

[14.7.2.40 NMAC - Rp, 14.7.2.40 NMAC, 11/15/2016]

**14.7.2.41 CHAPTER 33 - SAFEGUARDS DURING CONSTRUCTION:** See this chapter of the IBC.

[14.7.2.41 NMAC - Rp, 14.7.2.41 NMAC, 11/15/2016]

**14.7.2.42 CHAPTER 34 - EXISTING STRUCTURES:** Delete this chapter of the IBC and see the NMEBC.

[14.7.2.42 NMAC - Rp, 14.7.2.42 NMAC, 11/15/2016]

**14.7.2.43 CHAPTER 35 - REFERENCED STANDARDS:** See this chapter of the IBC.

[14.7.2.43 NMAC - Rp, 14.7.2.43 NMAC, 11/15/2016]

**14.7.2.44 APPENDIX E - SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS:**

**A. E101 - General.** See this section of the IBC.

**B. E102 - Definitions.** See this section of the IBC and add the following definition: **children's use** means spaces and elements specifically designed for use primarily by people 12 years old and younger.

**C. E103 - Accessible Route.** See this section of the IBC.

**D. E104 - Special Occupancies.** See this section of the IBC.

**E. E105 - Other Features and Facilities.** See this section of the IBC except delete Subsection E105.1.

**F. E106 - Telephones.** See this section of the IBC.

**G. E107 - Signage.** See this section of the IBC except delete Subsection E107.1.

**H. E108 through E110.** See these sections of the IBC.

**I. E111 - Children's Accessible Elements.** Add children's accessibility table as shown below.

<b>TABLE E111 CHILDREN'S ACCESSIBLE ELEMENTS TABLE</b> <b>This is provided as a comprehensive reference guide to children's standards within NMBC-2015 and ANSI A117.1-2009</b>				
Element	Children's Requirements			
<b>Children's use definition</b>	<b>ANSI-2009 Section 106.</b> <b>Children's use:</b> Spaces and elements specifically designed for use primarily by people 12 years old and younger.			
<b>Scoping</b>	<b>E112 - Children's Standards.</b> The technical requirements in the main body of the 2015 International Building Code are based on adult dimensions and anthropometrics. This section contains technical requirements based on children's dimensions and anthropometrics in addition to those in ICC ANSI - A117.1 2009.			
<b>Scoping</b>	<b>E112.1.</b> The predominant use of an element (rather than a building or facility) shall guide the determination of whether to use specifications for adults or children for that element. If children are the primary users of the element, children's specifications shall be applied.			
<b>Scoping</b>	<b>E112.2 - Children's Accessible Elements.</b> When children are the primary users of a building or facility (such as day care centers, schools, children's areas of libraries, etc.), the accessibility standards shall correspond to the children's provisions of this section.			
Element	Details	Ages 3 and 4 Pre-K	Ages 5 through 8 K through 2 <sup>nd</sup> grade	Ages 9 through 12 3 <sup>rd</sup> through 6 <sup>th</sup> grade
<b>Forward or Side Reach Range</b> <i>See 2010 ADA Advisory 308.1 and modify as shown to right</i>	High maximum	36 in (915 mm)	40 in (1015 mm)	44 in (1120 mm)
	Low minimum	20 in (510 mm)	18 in (455 mm)	16 in (405 mm)
<b>Ramps</b> <i>See ANSI 405 and modify as shown to right</i>	Slope	1 :16	1 :16	1 :16
	Clear Width between handrails for single wheelchair	44" min (118 mm)	44" min (118 mm)	44" min (118 mm)
	Clear Width between handrails for two wheelchairs	88" min. (2236 mm)	88" min. (2236 mm)	88" min. (2236 mm)
	Rise for any ramp run	20 inches maximum.	20 inches maximum.	20 inches maximum.
	Handrails <i>See ANSI-505</i>	"34" – "38" 865 mm – 965 mm)	"34" – "38" 865 mm – 965 mm)	"34" – "38" 865 mm – 965 mm)
Element	Details	Ages 3 and 4 Pre-K	Ages 5 through 8 K through 2 <sup>nd</sup> grade	Ages 9 through 12 3 <sup>rd</sup> through 6 <sup>th</sup> grade
<b>Drinking fountains and water coolers</b> <i>See ANSI 602 and modify as shown to right</i> <i>See IBC-2015 section 1109.5.2 Exception 2</i>	Spout outlet height for children's wheelchair access <i>See ANSI 602.2 Exception 2</i>	30" max. (760 mm)	30" max. (760 mm)	30" max. (760 mm)
	Spout outlet for standing person <i>See ANSI 602.4</i>	36 in. 43 in. (915 mm – 1090 mm)	Same	Same
<b>Water closets for Toilet Rooms,</b>	Centerline <i>See ANSI 604.11.2</i>	12" max. (305 mm)	12"-15" (305-380 mm)	15"-18" (380-455 mm)

<b>Wheelchair Stalls, and Ambulatory Stalls</b> <i>See ANSI 604.11 and 604.1</i> <i>See IBC-2015 section 1109.2</i> <i>Exception 7</i>	Clearance <i>See ANSI 604.11.3 and 604.3</i>	60" (1525 mm) wide by 56" (1420 mm) min. deep	60" (1525 mm) wide by 56" (1420 mm) min. deep	60" (1525 mm) wide by 56" (1420 mm) min. deep
<b>Water closets for Toilet Rooms, Wheelchair Stalls, and Ambulatory Stalls</b> <i>See ANSI 604.11 and 604 and modify as shown to right</i>	Toilet seat height <i>See ANSI 604.11.4</i>	11"-12" (280-305 mm)	12"-15" (305-380 mm)	15"-17" (380-430 mm)
	Horizontal grab bar height to centerline <i>See ANSI 604.11.5, 604.5 and 609.4.2</i>	18"-20" (455-510 mm)	20"-25" (510-635 mm)	25"-27" (635-685 mm)
	Rear grab bar may be split or shifted <i>ANSI 604.5.2</i> <i>Exception 2 and 609.4.2</i>	18"-20" (455-510 mm)	20"-25" (510-635 mm)	25"-27" (635-685 mm)
	Vertical grab bar 18" (455mm) long <i>See ANSI 604.11.5, 604.5.1, and 609.4.2</i>	Vertical grab bar bottom is 21" (533 mm) min. - 30" (760 mm) max. above the floor	Vertical grab bar bottom is 21" (533 mm) min. - 30" (760 mm) max. above the floor	Vertical grab bar bottom is 21" (533 mm) min. - 30" (760 mm) max. above the floor
		Centerline is 34 inches (865 mm) max. - 36" (915 mm) max. from the rear wall	Centerline is 34 inches (865 mm) max. - 36" (915 mm) max. from the rear wall	Centerline is 34 inches (865 mm) max. - 36" (915 mm) max. from the rear wall
	Flush control <i>See ANSI 604.11.6</i>	36" Max. high (915mm)	36" max. high (915 mm)	36" max. high (915 mm)
<b>Element</b>	<b>Details</b>	<b>Ages 3 and 4 Pre-K</b>	<b>Ages 5 through 8 K through 2<sup>nd</sup> grade</b>	<b>Ages 9 through 12 3<sup>rd</sup> through 6<sup>th</sup> grade</b>
<b>Wheelchair water closet compartments</b> <i>See ANSI 604.11.8 and modify as shown to right</i>	Size <i>See ANSI 604.9.2</i>	60" (1525 mm) min. wide by 59" (1500 mm) deep min.	60" (1525 mm) min. wide by 59" (1500 mm) deep min.	60" (1525 mm) min. wide by 59" (1500 mm) deep min.
	Toe clearance beneath front partition and one side partition <i>See ANSI 604.9.5.2 and new Exceptions 1 &amp; 2</i>	12" (305 mm) min high and extend 6" beyond the compartment side face of partition, exclusive of partition supports	Same	Same
	Toe clearance beneath front partition and one side partition (continued)	Exception 1. Toe clearance at front partition is not required in compartment greater than 65 inches (1650 mm) in depth	Same	Same

		2.Toe Clearance at side partition is not required in compartment greater than 66 inches (1675 mm) in width	Same	Same
<b>Ambulatory water closet compartments</b> <i>See ANSI 604.11.8, 609, and 604.5.1 and modify as shown to right</i>	Stall Size <i>See ANSI 604.10.2</i>	60”(1525 mm) long by 36” (915 mm) wide	Same	Same
	Horizontal parallel grab bars on both sidewalls 42” (1065 mm) long <i>See ANSI 609.4.2</i>	18”-20” (455-510 mm)	Same	Same
	Vertical grab bars on both sidewalls 18” (455 mm) long <i>See ANSI 609.4.2</i>	Bottom of bar 21” (535 mm) to 30” (760 mm) above floor	Same	Same
		Centerline of bar 34” (865 mm) to 36” (915 mm) from the rear wall	Same	Same
<b>Urinals</b> <i>See ANSI 605 and modify as shown to right</i>	Top of rim	14” max. (355 mm)	14” max. (355 mm)	14” max. (355 mm)
<b>Element</b>	<b>Details</b>	<b>Ages 3 and 4 Pre-K</b>	<b>Ages 5 through 8 K through 2<sup>nd</sup> grade</b>	<b>Ages 9 through 12 3<sup>rd</sup> through 6<sup>th</sup> grade</b>
<b>Lavatories and sinks</b> <i>See ANSI 606.2 and modify as shown to right</i>	Sink rim <i>See ANSI 606.2 Exception 2 and 3</i>	22” max. (559 mm)	31” max. (797 mm)	31” max. (797 mm)
	Knee clearance height <i>See ANSI 606.2 Exception 2 and 3</i>	none required with parallel approach	24” min. (610 mm)	24” min. (610 mm)
<b>Mirrors</b> <i>See ANSI 603.3 and modify as shown to right</i>	Full length mirror 60” (1525 mm) min. tall	Bottom of reflecting surface 12” (455 mm) max. above floor	Same	Same
	Mirrors over sinks	Bottom of reflecting surface 28” (710 mm) max. above floor	Bottom of reflecting surface 37” (940 mm) max. above floor	Bottom of reflecting surface 37” (940 mm) max. above floor
<b>Signage, Braille</b> <i>See ANSI 703.4 and modify as shown to right</i>	Centerline	36” (915 mm) min. 44”(1120 mm) max	Same	Same
<b>Dining surfaces and work surfaces</b> <i>See ANSI 902.5 and modify as shown to right</i>	Tops of tables and counters	26” (660 mm) min. 30” (760 mm) max.	Same	Same



<b>Benches</b> <i>See ANSI 903 903.5 Exception and modify as shown to right</i>	Top of seat	11"-17" (280-430 mm)	Same	Same
<b>Tray slides</b> <i>See ANSI 904.5.2 and modify as shown to right</i>	Top of tray slide	28" (710 mm) min. 30" (762 mm) max.	Same	Same
<b>Storage</b> <i>See ANSI 905 and modify as shown to right</i>	Frontal approach height range	20"-36" (510-915 mm)	20"-40" (510-1015 mm)	20"-44" (510-1120 mm)
	Side approach height range	20"-36" (510-915 mm)	40" max. (1015 mm)	44" max. (1120 mm)

**J. E112. See ICC A117.1-2009 Section 608.4.2 - Standard Roll-in Showers.** See this section as follows; in standard roll-in showers, the controls and hand shower shall be located on the back wall above the grab bar, 48 inches (1220 mm) maximum above the shower floor and 16 inches (405mm) minimum and 27 inches (685 mm) maximum from the end wall behind the seat. **Exception:** Additional shower controls and permanent shower heads shall not be located above the shower seat.

[14.7.2.44 NMAC - Rp, 14.7.2.44 NMAC, 11/15/2016]

#### **14.7.2.45 BABY CHANGING FACILITIES**

**A.** Construction of a new restroom, intended for use in a place of public accommodation, as defined in 14.5.2 NMAC, shall provide for at least one baby changing facility on each floor that has a public toilet facility and shall accommodate any person needing to utilize a baby changing facility, pursuant to Section 60-13-10.3 NMSA 1978.

**B.** Baby changing facilities shall be included in all required documentation including plans submitted under submittal documents pursuant to Subparagraph (b) of Paragraph (1) of Subsection A of 14.5.2 10 NMAC and shall be subject to plan review pursuant to Subsection A of 14.5.2.11 NMAC Permits, and inspections pursuant to Subsection A of 14.5.3.8 NMAC.

**C.** All requirements for baby changing facilities must be complied with in order for a certificate of occupancy to be issued or a final inspection approved, whichever is appropriate.

**D.** Baby changing facilities shall comply with the American National Standards Institute [ANSI] A117.1-2009: Section 603.5 diaper changing tables; Section 305 floor space; Section 308.2.1 unobstructed access; Chapter 7 Communication Elements and Features; Chapter 9 built in furnishings and equipment; and NMAC 14.7.2.19 (K) Section 1111, signage.

[17.7.2.45 NMAC – N, x/xx/xxxx]

#### **HISTORY OF 14.7.2 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:

GCB-NMBC-83-1, 1982 New Mexico Building Code, filing date, 2/15/1983

CID-GCB-NMBC-85-1, 1985 New Mexico Building Code, filing date, 11/19/1985

CID-GCB-NMBC-88-1, 1988 New Mexico Building Code, filing date, 01/20/1989

CID-GCB-NMBC-91-1, 1991 New Mexico Building Code, filing date, 05/04/1993

#### **History of Repealed Material:**

14 NMAC 7.2, New Mexico Building Code, filed 10/30/1998 (with the exception of material incorporated by reference which was also filed 10/30/1998), repealed 12/1/2000.

14.7.2 NMAC, 1997 New Mexico Building Code (filed 10/16/2000), repealed 7/1/2004.

14.7.2 NMAC, 2003 New Mexico Commercial Building Code (filed 5-27-2004) repealed 1/1/2008.

14.7.2 NMAC, 2006 New Mexico Commercial Building Code (filed 08-16-2007) repealed 1/28/2011.

14.7.2 NMAC, 2009 New Mexico Commercial Building Code (filed 12-28-2010) repealed 11/15/2016.

#### **Other History:**

CID-GCB-NMBC 91-1, 1991 New Mexico Building Code (filed 5/4/1993) was replaced by 14 NMAC 7.2, Housing and Construction, Building Codes General, 1997 New Mexico Building Code, effective 12/31/1998.

14 NMAC 7.2, Housing and Construction, Building Codes General, 1997 New Mexico Building Code (filed 10/30/1998) replaced by 14.7.2 NMAC, 1997 New Mexico Building Code, effective 12/1/2000.

Those applicable portions of 14.7.2 NMAC, 1997 New Mexico Building Code (filed 10/16/2000) and those applicable portions of 14 NMAC 7.3, 1997 Uniform Building Code (filed 10/30/1998) replaced by 14.7.2 NMAC, 2003 New Mexico Commercial Building Code, effective 7/1/2004.

14.7.2 NMAC, 2003 New Mexico Commercial Building Code (filed 5/27/2004) replaced by 14.7.2 NMAC, 2006 New Mexico Commercial Building Code, effective 1/1/2008.

14.7.2 NMAC, 2006 New Mexico Commercial Building Code (filed 08/16/2007) replaced by 14.7.2 NMAC, 2009 New Mexico Commercial Building Code, effective 1/28/2011.