

TITLE 14: HOUSING AND CONSTRUCTION

CHAPTER 1: HOUSING GENERAL PROVISIONS

PART 1: GENERAL PROVISIONS [REPEALED]

[This part was repealed effective July 1, 2004]

PART 2-4: [RESERVED]

PART 5: RECERTIFICATION [REPEALED]

[This part was repealed effective July 1, 2004]

CHAPTER 2: HOUSING PLANNING [RESERVED]

CHAPTER 3: HOUSING REHABILITATION AND NEW CONSTRUCTION [RESERVED]

CHAPTER 4: HOUSING FINANCING PROGRAMS [RESERVED]

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, 3/10/2022]

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, 3/10/2022]

14.5.1.3 STATUTORY AUTHORITY:

Section 60-13-9 NMSA 1978.

[14.5.1.3 NMAC - Rp, 14.5.1.3 NMAC, 3/10/2022]

14.5.1.4 DURATION:

Permanent.

[14.5.1.4 NMAC - Rp, 14.5.1.4 NMAC, 3/10/2022]

14.5.1.5 EFFECTIVE DATE:

March 10, 2022, unless a later date is cited at the end of a section.

[14.5.1.5 NMAC - Rp, 14.5.1.5 NMAC, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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 construction 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, 3/10/2022]

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 code, 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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

14.5.2.4 DURATION:

Permanent.

[14.5.2.4 NMAC - Rp, 14.5.2.4 NMAC, 3/10/2022]

14.5.2.5 EFFECTIVE DATE:

March 10, 2022, unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until 12/14/2023 permits may be

issued under either the previously adopted rule or this rule. After 12/14/2303, permits may be issued only under this rule.

[14.5.2.5 NMAC – Rp, 14.5.2.5 NMAC, 3/10/2022; A, 07/14/2023]

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, 3/10/2022]

14.5.2.7 DEFINITIONS:

See 14.5.1.7 NMAC for definitions.

[14.5.2.7 NMAC - Rp, 14.5.2.7 NMAC, 3/10/2022]

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 statute 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 Subsection K of 14.5.2.10 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 Subsection K of 14.5.2.10 NMAC. 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, 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 load 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 NMAC, 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, 3/10/2022]

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.

(4) 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.

(5) 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.

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

(7) 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.

(8) Shade cloth structures constructed for nursery or agricultural purposes that do not include services systems.

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

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

(11) Partitions not over five feet nine inches (1,753mm) in height.

B. Residential: See section R105 of the IRC except as provided below:

(1) **Section 105.2 (1)** - One-story detached accessory structures provided that the floor area does not exceed 120 square feet (18.58 m²).

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

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

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

- (6) **Section R105.2 (6)** - Delete this section of the IRC.
- (7) **Section R105.2 (7)** - See this section of the IRC.
- (8) **Section R105.2 (8)** - See this section of the IRC.
- (9) **Section R105.2 (9)** - See this section of the IRC.
- (10) **Section R105.2 (10)** - See this section of the IRC

C. Mechanical work. Refer to 14.9.2 NMAC.

D. Plumbing work. Refer to 14.8.2 NMAC.

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, 3/10/2022; A, 07/14/2023]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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 14.5.2.16 NMAC.

[14.5.2.14 NMAC - Rp, 14.5.2.14 NMAC, 3/10/2022; A, 07/14/2023]

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, 3/10/2022]

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 Subsection A of Section 60-13-23.1 NMSA 1978, or referring the violation to CID for disciplinary action.

[14.5.2.16 NMAC - Rp, 14.5.2.16 NMAC, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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 school (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 school (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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

14.5.3.2 SCOPE:

This rule applies to all contracting work performed in New Mexico after March 10, 2022, 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, 3/10/2022]

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, 3/10/2022]

14.5.3.4 DURATION:

Permanent.

[14.5.3.4 NMAC - Rp, 14.5.3.4 NMAC, 3/10/2022]

14.5.3.5 EFFECTIVE DATE:

March 10, 2022, unless a later date is cited at the end of a section.

[14.5.3.5 NMAC - Rp, 14.5.3.5 NMAC, 3/10/2022]

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, 3/10/2022]

14.5.3.7 DEFINITIONS:

See 14.5.1.7 NMAC for definitions.

[14.5.3.7 NMAC - Rp, 14.5.3.7 NMAC, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

14.5.3.14 INSPECTION AGENCIES:

A privately-operated inspection agency that satisfies the requirements of Subsection H of Section 60-13-41 NMSA 1978, 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, 3/10/2022]

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, 3/10/2022]

PART 4: ALTERNATIVE MATERIALS, METHODS AND ASSEMBLIES OF CONSTRUCTION[REPEALED]

[This part was repealed effective July 1, 2004 and replaced by that portion of 14.5.1 NMAC]

PART 5: FEES

14.5.5.1 ISSUING AGENCY:

Construction Industries Division of the Regulation and Licensing Department.

[14.5.5.1 NMAC - Rp, 14.5.5.1 NMAC, 7-1-04]

14.5.5.2 SCOPE:

This rule applies to all persons requesting services provided by the division pursuant to CILA for which CILA requires or allows fees to be charged.

[14.5.5.2 NMAC - Rp, 14.5.5.2 NMAC, 7-1-04]

14.5.5.3 STATUTORY AUTHORITY:

NMSA 1978 Sections 60-13-20, 60-13-38, 60-13-45 and 14-2-2.

[14.5.5.3 NMAC - Rp, 14.5.5.3 NMAC, 7-1-04]

14.5.5.4 DURATION:

Permanent.

[14.5.5.4 NMAC - Rp, 14.5.5.4 NMAC, 7-1-04]

14.5.5.5 EFFECTIVE DATE:

July 1, 2004, unless a later date is cited at the end of a section.

[14.5.5.5 NMAC - Rp, 14.5.5.5 NMAC, 7-1-04]

14.5.5.6 OBJECTIVE:

The purpose of this rule is to set forth fees for services provided by the division as authorized by law.

[14.5.5.6 NMAC - Rp, 14.5.5.6 NMAC, 7-1-04]

14.5.5.7 DEFINITIONS:

[Reserved.]

14.5.5.8 CONTRACTOR'S LICENSE FEES:

A. Each applicant for an initial contractor's license shall pay a non-refundable license application fee of \$30.00 in addition to any other required fees.

B. The basic fee for an initial license or for renewal of a license for the GA-98, GB-2, GB-98, GF-98, EE-98 or MM-98 classification shall be \$100.00 per year, or \$200.00 for two years, for each such classification.

C. The basic fee for an initial license or for renewal of a license in any other classification shall be \$50.00 per year, or \$100.00 for two years.

D. Each applicant for an initial license or for any additional classification shall pay a non-refundable application fee of \$30.00.

E. If an applicant takes and fails an examination for the GB-2, GB-98, EE-98 or MM-98 classification, or if he fails the business and law examination for any classification, he may request a review of such examination and shall pay a non-refundable fee of \$25.00 for each such review.

F. If an applicant takes and fails an examination twice in any classification, he may request a special review of such examination and shall pay a non-refundable fee of \$40.00 for each such review.

G. The division is authorized to increase the fees applicable to examinations required by the state pursuant to the Construction Industries Licensing Act, NMSA 1978 Section 60-13-1, et seq., by a multiplier of up to three (3) for each classification upon the approval of such fee increases by the commission.

[14.5.5.8 NMAC - Rp, 14.5.5.8 NMAC, 7-1-04]

14.5.5.9 JOURNEYMAN AND BOILER OPERATOR FEES:

A. The electrical journeyman examination shall be \$25.00, with a renewal fee of \$25.00 per year for each classification held.

B. The mechanical journeyman examination shall be \$25.00, with a renewal fee of \$25.00 per year for each classification held.

C. The boiler operator examination shall be \$25.00, with a renewal fee of \$25.00 per year.

D. The division is authorized to increase the fees applicable to examinations required by the state pursuant to the Construction Industries Licensing Act, NMSA 1978, Section 60-13-1, et seq., by a multiplier of up to three (3) for each classification upon the approval of such fee increases by the commission.

[14.5.5.9 NMAC - Rp, 14.5.5.8 NMAC, 7-1-04]

14.5.5.10 PERMIT FEES:

A. Payment required. All permit fees are due at the time of issuance of the permit. No permit or amended permit issued pursuant to 14.5.2 NMAC, Permits, shall be valid until all fees required by this rule have been received by CID or, when allowed by CID, the payment has been charged to a credit card.

B. Valuation. When required by CID for the purposes of determining a permit fee, the applicant for a permit shall provide such information as the building official or plan review official shall require in order to establish the total value of the project for which the permit is being sought. The information shall include the value of the labor and materials to be used on the project. If the information supplied is insufficient, or indicates that the value of the project is lower than the minimum value of the project derived by applying any schedule of costs established by CID, the permit shall be denied unless the applicant submits credible written estimates, of sufficient detail, to support the value asserted by the applicant. CID shall determine the ultimate valuation assigned to a project for purposes of establishing the permit fee.

[14.5.5.10 NMAC - Rp, 14.5.2.10 NMAC, 14.5.2.11 NMAC, 14.5.5.8 NMAC, 14.7.2.10 NMAC, 14 NMAC 9.2.I. 100, 14 NMAC 9.2.II.100, 7-1-04]

14.5.5.11 GENERAL CONSTRUCTION BUILDING PERMIT FEES:

A. The fee for a building permit shall be:

- (1)** \$3.00 per \$1,000.00 valuation up to \$15,000.00; and
- (2)** \$1.00 per \$1,000.00 valuation over \$15,000.00.

B. A fee of twenty (20) percent of the building permit fee shall be charged for review of the plans.

C. If a preliminary plan review is requested, a fee of fifty (50) percent of the combined building permit fee and review fee shall be charged for such preliminary review.

D. Breakdown of building permit fee.

- (1)** Plan review, 20%.
- (2)** Administrative costs, 10%.
- (3)** Inspections, 70%.

E. For commercial construction, individual discipline plan reviews shall be assessed at five (5) percent of the building permit fee.

- (1) General construction review and inspections, 5%.
- (2) Accessibility review and inspections, 5%.
- (3) Electrical review and inspections, 5%.
- (4) Mechanical/plumbing review and inspections, 5%.

F. If a pre-bid plan review is requested, a fee of fifty (50) percent of the estimated building permit fee, based on the design profession's estimated cost of the project, shall be charged for such pre-bid review.

[14.5.5.11 NMAC - Rp, 14.5.5.8 NMAC, 7-1-04]

14.5.5.12 ELECTRICAL PERMIT FEES:

The fees in this section are used as a base for determining the total fee. The permit fee will be the sum of the individual items multiplied by 1.8 or \$48.00/hr.

A. Residential.

- (1) 100 amp service or less, \$25.00
- (2) Over 100 amp through 200 amp, \$ 40.00
- (3) Over 200 amp through 320 amp, \$ 55.00
- (4) Over 320 amp through 400 amp, \$125.00
- (5) Over 400 amp, \$200.00
- (6) Plan review, \$40.00/hr. or fraction thereof

B. Commercial.

- (1) 100 amp service or less, \$ 25.00
- (2) Over 100 amp through 200 amp, \$ 40.00
- (3) Over 200 amp through 400 amp, \$125.00
- (4) Over 400 amp through 600 amp, \$150.00
- (5) Over 600 amp through 800 amp, \$200.00
- (6) Over 800 amp through 1,000 amp, \$250.00

(7) Over 1,000 amp through 2,000 amp, \$350.00

(8) Over 2,000 amp, \$500.00

C. Other.

(1) Temporary power pole, \$15.00

(2) Mobile home service, \$15.00

(3) Customer-owned distribution (not including wiring of a structure)

(a) Minimum fee, \$25.00

(b) Plus \$3.33 x number of poles or \$3.33 x per 100 feet of underground

(4) Service change only, no outlets, \$15.00

(5) Minimum inspection fee for any item not listed, \$15.00

[14.5.5.12 NMAC - Rp, 14.5.5.8 NMAC, 7-1-04; A, 05-01-10]

14.5.5.13 MECHANICAL/PLUMBING PERMIT FEES:

A. Administrative fee for any inspection, \$37.50

B. Each plumbing fixture, including backflow protection therefore, \$4.00

C. Each water distribution system, \$4.00

D. Each building sewer, \$4.00

E. Each water heater, \$4.00

F. Each water conditioner, \$6.00

G. Each evaporative cooler, \$6.00

H. Each swimming pool, \$50.00

I. Each vacuum breaker or backflow device which is not an integral part of a plumbing fixture or supply pipe thereto, \$4.00

J. Each gas piping system, \$6.00

K. Each gas appliance, \$4.00

- L.** Each gas pipe outlet, \$4.00
- M.** Re-inspection, \$37.50
- N.** Ventilation system, \$6.00
- O.** Refrigeration system, \$6.00
- P.** Central furnace duct work, \$10.00
- Q.** Each domestic hot water solar heating system, \$10.00
- R.** Each solar space heating system, \$20.00
- S.** Final certificate of approval, \$7.50
- T.** Sewage ejector/grinder, \$4.00
- U.** Grease trap/interceptor, \$4.00
- V.** Water service line, \$4.00
- W.** Gas yard line, \$4.00
- X.** Combination unit (HVAC), \$4.00
- Y.** Fan coil unit, \$4.00
- Z.** Hot water radiant heating system, \$10.00
- AA.** Chilled water distribution system, \$10.00
- BB.** Steam and condensate piping system, \$10.00
- CC.** Roof drainage system, \$10.00
- DD.** Chiller, \$10.00
- EE.** Cooling tower, \$10.00
- FF.** Commercial kitchen hood, \$10.00
- GG.** Commercial duct system, \$10.00
- HH.** Medical gas system, \$10.00

[14.5.5.13 NMAC - Rp, 14.5.5.8 NMAC, 14 NMAC 9.2.I.100, 14 NMAC 9.2.II.100, 7-1-04]

14.5.5.14 MISCELLANEOUS FEES:

A. Certificate of qualification. The fee for the issuance of a certificate of qualification shall be \$6.00, inclusive of gross receipts tax.

B. Replacement Fees.

(1) The fee for the replacement of a certificate of qualification shall be \$6.00, inclusive of gross receipts tax.

(2) The fee for the replacement of a contractor's license shall be \$6.00, inclusive of gross receipts tax.

(3) The fee for the replacement of a certificate of competence shall be \$6.00, inclusive of gross receipts tax.

(4) The fee for additional contractor's wallet cards (beyond the two initially issued) shall be \$6.00 for each such card, inclusive of gross receipts tax.

C. Photocopies. The fee for photocopies of documents shall be \$.25 per page.

D. Certified Photocopies. The fee for certified copies of documents shall be \$.50 per page.

E. Modular Approval. The fee for modular approval shall be \$5.00 per floor plan, or \$25.00, whichever is higher.

F. Manufactured Commercial Plan Review. The fee for review of plans for manufactured commercial units shall be \$50.00 for each unit.

G. Reinspections. A fee of \$80.00 for the first re-inspection shall be paid when an inspection is requested and the structure either fails the inspection, the structure is not ready for the inspection and/or the inspector is required to return for an inspection for any other reason. A fee of \$120.00 for the second or subsequent re-inspection.

H. Annual permit fees. The fee for an annual permit is \$100.00.

I. Homeowner permit fees. The following fees are in addition to the regular permit fees:

(1) The fee for a homeowner's permit for the construction of a new residence or for a major addition or remodel of an existing residence is \$200.00.

(2) The fee for a homeowner's permit for construction of a lesser nature shall be calculated pursuant to 14.5.4.11 NMAC, with a minimum fee of \$25.00.

(3) A fee of \$25.00 for either an electrical or mechanical examination required in connection with electrical or mechanical work performed by a homeowner under a homeowner's permit issued pursuant to 14.5.3 NMAC, Permits.

J. Reactivation of permit. CID may assess a fee for the reactivation of a suspended permit in an amount equal to one half (1/2) the amount of the original permit fee.

[14.5.5.14 NMAC - Rp, 14.5.5.8 NMAC, 14.7.2.10 NMAC, 14 NMAC 9.2.I 100, 14 NMAC 9.2.II 100, 7-1-04; A, 1-1-08; A, 09-02-09; A, 05-01-10]

14.5.5.15 BAD OR RETURNED CHECK FEES:

A. A charge of \$20.00 shall be made for any check that fails to clear the bank or is returned unpaid for any reason.

B. A returned check shall cause any license issued or renewed or any test scheduled as a result of such payment, to be immediately suspended until proper payment in full is received.

C. A penalty for late renewal may be assessed if a check fails to clear the bank or is returned for any reason.

[14.5.5.15 NMAC - Rp, 14.5.5.8 NMAC, 7-1-04]

14.5.5.16 REFUNDS:

[Reserved.]

PART 6: CLASSIFICATIONS AND SCOPES [REPEALED]

[This part was repealed effective July 1, 2004 and replaced by 14.6.6 NMAC]

PART 7: TECHNICAL ADVISORY COUNCILS, HEARINGS, APPEALS, SEVERABILITY [REPEALED]

[This part was repealed effective July 1, 2004 and replaced by 14.5.1 NMAC]

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.

[14.5.8.7 NMAC - N, 12/13/2014; A, 3/10/2022]

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.
- (14) Aiding and abetting unlicensed contracting.
- (15) Contract or job abandonment activity as determined by a court of competent jurisdiction.
- (16) Failure to meet and maintain requirements for crossover licensure for multidisciplinary registration, certificates or licenses.
- (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 Paragraph (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 Subparagraphs (a), (b) and (c) of 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, 3/10/2022]

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: 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, 3/10/2022]

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]

PART 9: CODE BOND DETERMINATIONS

14.5.9.1 ISSUING AGENCY:

Construction Industries Division of the Regulation and Licensing Department.

[14.5.9.1 NMAC - N, 04/30/15]

14.5.9.2 SCOPE:

This rule applies to claims against a licensee's code bond.

[14.5.9.2 NMAC - N, 04/30/15]

14.5.9.3 STATUTORY AUTHORITY:

Pursuant Section 60-13-49 NMSA 1978.

[14.5.9.3 NMAC - N, 04/30/15]

14.5.9.4 DURATION:

Permanent.

[14.5.9.4 NMAC - N, 04/30/15]

14.5.9.5 EFFECTIVE DATE:

April 30, 2015, unless a later date is cited at the end of a section.

[14.5.9.5 NMAC - N, 04/30/15]

14.5.9.6 OBJECTIVE:

To establish the process in which an indemnitee makes a claim against a licensee's code bond.

[14.5.9.6 NMAC - N, 04/30/15]

14.5.9.7 DEFINITIONS:

A. Authority having jurisdiction (AHJ): The entity with permitting authority in the political subdivision where the property is located. This may be the division or a building department of a municipality or county.

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

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

D. Certificate of uncorrected violations (CUV): means a certificate prepared by a division employee confirming that an uncorrected code violation(s) exists and that the code bond shall be used to correct the code violation(s).

E. Code violation determination report (CVD): means a report prepared by a division employee that identifies code violations that must be brought into compliance.

F. Indemnatee: means the purchaser of construction services, who is the owner or owner's agent of the improvement that is subject to the uncorrected code violation.

G. Responsible party: means the contractor that performed the work that is alleged or determined to be in violation of the code. In situations where the division is unable to determine which contractor is responsible for a code violation, the prime contractor or the contractor that pulled the permit is the responsible party.

H. Surety: means the insurance company that underwrites a contractor's license code bond and is authorized by the New Mexico department of insurance to transact business in New Mexico.

[14.5.9.7 NMAC - N, 04/30/15]

14.5.9.8 REQUIREMENTS FOR FILING A CLAIM:

A. Rights of indemnatee: The filing of a claim with the division serves to show an indemnatee established their potential right to payment on a claim within the two-year time limitation set forth in Section 60-13-49, NMSA 1978. It further serves to establish priority of claim should the licensee have more than one claim on the code bond simultaneously. Acceptance by the division of a claim does not confirm if a code violation has actually occurred, nor if the licensee was performing work within the scope of the license issued by division, does not infer any right to a payout on the claim, nor does it require a surety to hold any funds in reserve to pay a potential claim. The surety may close the claim file after a period of inactivity on the claim, but any such closure shall not serve to eliminate the right of the indemnatee to re-activate the claim upon receipt of a certificate of uncorrected code violation from the construction industries division.

B. Eligibility requirements: a request for investigation of a potential violation of a New Mexico code must meet the following minimum requirements for acceptance.

(1) The request from the indemnatee must be on a form provided by the division.

(2) The request from the indemnatee must be received by the division within two years from the date the final inspection occurred or certificate of occupancy was issued, whichever is earlier.

(3) The work performed must have been completed by a properly licensed contractor.

(4) The indemnitee must agree to allow the responsible party the opportunity to correct the alleged code violation. Failure to agree to allow the licensee access for the purpose of performing corrective work shall result in dismissal of indemnitee's claim without further investigation.

[14.5.9.8 NMAC - N, 04/30/15]

14.5.9.9 CODE VIOLATION DETERMINATIONS:

A. Determinations:

(1) CVDs will be made by a division inspector and a chief inspector will review and approve of the CVDs made by the division inspector. The division inspector's determination may be based on a municipality's or county's building department findings.

(2) If the division issues a CVD, the licensee must be afforded the opportunity to correct the code violations in the time allotted by the division before a request for a CUV can be filed with the division.

(3) Damages as a result of a code violation are not included in the corrective work for a code violation except in cases of minor demolition to gain access to perform the corrective work.

(4) Abandoned or incomplete projects are not indemnified by the code bond as these are contract issues not governed by the Construction Industries Licensing Act (CILA).

B. Appeals: A licensee may appeal one or all of the violations identified in the CVD by sending a written appeal that specifies which violation(s) is being appealed to the director within 10 calendar days of receipt of the CVD. A licensee may choose to appeal one or more violation determinations while also choosing to correct other violation determinations that the licensee does not wish to appeal. Upon the receipt of a timely written appeal, the director shall uphold or overturn the CVD within 30 calendar days. If the director upholds a CVD, the licensee may appeal the director's decision to the commission by sending a written request to the commission within 20 days of receipt of the director's decision. A timely written appeal to the commission shall be heard at the commission's next regularly scheduled meeting. The commission's decision is final and not subject to judicial review.

C. Corrected code violations: If at any time, a licensee corrects violations identified in a CVD to the satisfaction of a division inspector, the division shall administratively dismiss the code bond determination request.

[14.5.9.9 NMAC - N, 04/30/15]

14.5.9.10 CERTIFICATES OF UNCORRECTED VIOLATIONS:

A. Cause for issuance of a CUV: If a licensee refuses or fails to correct code violations listed on a CVD, whether the refusal or failure to correct occurs at the time of the initial issuance of the CVD, after multiple corrections have been attempted or after a licensee exhausts all appeal rights provided under Subsection B of 14.5.9.9 NMAC, the division shall issue a CUV to the surety as well as the indemnitee and the appropriate licensee(s).

B. Notice of CUV: The CUV shall include the following information:

- (1) name and mailing address of the surety company holding the code compliance bond at the time the licensee(s) refused to correct the code violation;
- (2) name and mailing address(es) of the licensee(s) that committed the uncorrected code violation(s);
- (3) name and mailing address of the indemnitee;
- (4) bond number for the responsible party's bond in effect at the time the licensee refused to correct the code violation(s);
- (5) all license classifications held by the licensee(s);
- (6) address of the construction project where the uncorrected code violation(s) is located;
- (7) date the certificate of occupancy was issued or the final inspection was conducted by the AHJ;
- (8) a description of each uncorrected code violation; and
- (9) the following statement: "this notice serves to inform the surety company, the indemnitee and the licensee that the specified licensee(s) has refused or failed to correct a code violation(s) and therefore the construction industries division, under Section 60-13-49 NMSA 1978, is informing the surety that the code bond must be released for the sole purpose of correcting the code violation(s) identified herein. The pay-out by the surety company is limited to the amount of the code bond, which is set by statute at \$10,000.00. If the actual costs to correct the code violation(s) exceeds \$10,000.00, the indemnitee is responsible for those costs. The requirements of the surety and indemnitee are listed under 14.5.9 NMAC. The indemnitee is also notified that the claim may be denied if they fail to meet the requirements listed in 14.5.9.10 NMAC."

C. Responsibility of indemnitee: The indemnitee is responsible for meeting the following requirements; failure to do so may result in the surety denying the claim.

(1) The indemnitee shall obtain three estimates from properly licensed contractors. The estimates shall only be based on the costs to correct the code violations listed in the CUV. If the indemnitee wishes to contract for additional work, that work must be a separate agreement, the costs of which will not be included in the estimate to repair the code violations listed in the CUV. The surety company has the option to release no more than the costs listed in the lowest of the three estimates. The indemnitee can choose any of the three contractors, or a separate properly licensed contractor not included in the three estimates, however, the indemnitee will be responsible for any costs above the amount the surety company releases.

(2) The indemnitee shall provide the three estimates to the surety company as well as the division. The division will ensure that the all three contractors are licensed and have the right license classification(s) for the work required to correct the code violations listed in the CUV. The division will notify the surety company and the indemnitee if each of the three contractors is properly licensed. If a contractor other than the three used for the original estimates is selected by the indemnitee, the indemnitee must submit that contractor's estimate to the division for verification that the contractor is licensed and possesses the necessary licensing classifications before work begins. The surety company shall release no more than the costs listed in the lowest of the three estimates.

D. Responsibility of contractor retained by indemnitee: The contractor is responsible for pulling all necessary permits and calling for inspections on the work performed.

E. Six-month time limitation to correct code violations: Once the CUV is issued, the indemnitee has a period of six months to ensure that all code violations identified in the CUV are corrected and pass inspection by the division or AHJ. Failure to meet the requirements listed in Subsection C of 14.5.9.10 NMAC in a period of six months may result in the surety denying the claim.

F. Release of the code bond: If all requirements of this section are met, the surety company shall release the amount of the bond consistent with Paragraph (1) of Subsection C of 14.5.9.10 NMAC to correct the code violations as listed in the CUV by issuing a check to the contractor that performed the corrections after the division or AHJ has confirmed that the corrections meet code. The surety company shall inform the division when the code bond is released.

[14.5.9.10 NMAC - N, 04/30/15]

14.5.9.11 DISCIPLINARY REFERRAL:

Requests for release of the code bond shall be processed before discipline when possible. After the issuance of a CUV, or if additional violations are discovered, the division will file an administrative disciplinary complaint under 14.5.8 NMAC based on the underlying code violation(s) and the matter will be submitted to the commission for

consideration of disciplinary action. Within 180 calendar days, the licensee will receive a notice of investigation (NOI).

[14.5.9.11 NMAC - N, 04/30/15]

14.5.9.12 LIMITATIONS ON CODE BONDS:

A. It is possible to have multiple violations on a single project. Only one code bond can be used to indemnify a particular code violation listed in a CUV per trade bureau jurisdiction. If there are multiple violations by multiple licensees, only the code bond belonging to the responsible party can be used to indemnify the code violation.

B. Legal fees and other related costs are not collectable from the code bond disbursements. Any disputes not covered by the code bond must be resolved through civil litigation in a court of law or by means of mediation, neither of which the division or the surety can be a party.

C. Priority on claims against a code bond is established by the person that is first in time to file a completed form provided by the division requesting a code bond determination regardless of when the work occurred.

[14.5.9.12 NMAC - N, 04/30/15]

14.5.9.13 EFFECT OF PAYMENT OF A CLAIM:

Upon receipt of notice from surety of payment of a claim against a bond, the division shall notify the licensee of the payment, and the licensee shall have 30 days to provide the division with proof of financial responsibility as required by Section 60-13-49 NMSA 1978.

[14.5.9.13 NMAC - N, 04/30/15]

CHAPTER 6: CONSTRUCTION INDUSTRIES LICENSING

PART 1: GENERAL PROVISIONS [RESERVED]

PART 2: HANDYMAN CERTIFICATE

14.6.2.1 ISSUING AGENCY:

The Construction Industries Division of the Regulation and Licensing Department.

[14.6.2.1 NMAC - Rp, 14 NMAC 6.2.1, 12-1-00]

14.6.2.2 SCOPE:

This rule applies to individuals doing work as a handyman within the State of New Mexico.

[14.6.2.2 NMAC - Rp, 14 NMAC 6.2.2, 12-1-00]

14.6.2.3 STATUTORY AUTHORITY:

Pursuant to Section 60-13-9.F. of the Construction Industries Licensing Act (NMSA 1978), the Construction Industries Division of the Regulation and Licensing Department has adopted 14.6.2 NMAC Section 60-13-9.F. provides as follows: The Division shall adopt all building codes and minimum standards as recommended by the trade bureaus and approved by the Commission so that the public welfare is protected, uniformity is promoted and conflicting provisions are avoided.

[14.6.2.3 NMAC - Rp, 14 NMAC 6.2.3, 12-1-00]

14.6.2.4 DURATION:

Permanent; until later amended, repealed or replaced.

[14.6.2.4 NMAC - Rp, 14 NMAC 6.2.4, 12-1-00]

14.6.2.5 EFFECTIVE DATE:

December 1, 2000 unless a later date is cited at the end of a Section.

[14.6.2.5 NMAC - Rp, 14 NMAC 6.2.5, 12-1-00]

14.6.2.6 OBJECTIVE:

The objective of 14.6.2 NMAC 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 a safer structure.

[14.6.2.6 NMAC - Rp, 14 NMAC 6.2.6, 12-1-00]

14.6.2.7 DEFINITIONS:

Reserved.

[14.6.2.7 NMAC - Rp, 14 NMAC 6.2.7, 12-1-00]

14.6.2.8 HANDYMAN CERTIFICATE:

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

A. The work is not part of a larger or major operation undertaken by the same individual or different contractor;

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

C. The individual files annually with the Division, on a form prescribed by the Division, a declaration substantially to the effect that he is not a contractor within the meaning of the Construction Industries Licensing Act, that the work he performs is casual, minor or inconsequential and will not include more than one undertaking or project at one time and that the total amount of such contracts, in the aggregate or singly, will not exceed seven thousand two hundred dollars (\$7,200) compensation a year.

[14.6.2.8 NMAC - Rp, 14 NMAC 6.2.8, 12-1-00]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

14.6.3.4 DURATION:

Permanent.

[14.6.3.4 NMAC - Rp, 14.6.3.4 NMAC, 3/10/2022]

14.6.3.5 EFFECTIVE DATE:

March 10, 2022, unless a later date is cited at the end of a section.

[14.6.3.5 NMAC - Rp, 14.6.3.5 NMAC, 3/10/2022]

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, 3/10/2022]

14.6.3.7 DEFINITIONS:

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

[14.6.3.7 NMAC - Rp, 14.6.3.7 NMAC, 3/10/2022]

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 remain in effect and 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, 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 Subsection 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 NMSA 1978, 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 Subsections 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.

(h) 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.

(i) 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, 3/10/2022; A, 09/1/2022]

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, 3/10/2022]

14.6.3.10 [RESERVED]

[14.6.3.10 NMAC - N, 01-01-10; Repealed, 11-01-13]

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, 2-1-06]

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, 2-1-06]

14.6.4.3 STATUTORY AUTHORITY:

NMSA 1978, Section 60-13-33, 36, 38 and 39.

[14.6.4.3 NMAC - Rp, 14.6.4.3 NMAC, 2-1-06]

14.6.4.4 DURATION:

Permanent.

[14.6.4.4 NMAC - Rp, 14.6.4.4 NMAC, 2-1-06]

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, 2-1-06]

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, 2-1-06]

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; A, 3/10/2022]

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.

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

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

(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 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.

(5) For information regarding compliance with the Parental 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.

(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.

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 10 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

(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 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.

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.

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 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.

I. Application 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 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.

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

14.6.5.4 DURATION:

Permanent.

[14.6.5.4 NMAC - Rp, 14.6.5.4 NMAC, 3/10/2022]

14.6.5.5 EFFECTIVE DATE:

March 10, 2022, unless a later date is cited at the end of a section.

[14.6.5.5 NMAC - Rp, 14.6.5.5 NMAC, 3/10/2022]

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, 3/10/2022]

14.6.5.7 DEFINITIONS:

See 14.5.1.7 NMAC for definitions.

[14.6.5.7 NMAC - Rp, 14.6.5.7 NMAC, 3/10/2022]

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 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 inspectors 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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

14.6.6.2 SCOPE:

This rule applies to any person who engages in contracting pursuant to the Construction Industries Licensing Act (CILA) Section 60-13-3NMSA 1978, in New Mexico.

[14.6.6.2 NMAC - Rp, 14.6.6.2 NMAC, 3/10/2022]

14.6.6.3 STATUTORY AUTHORITY:

Section 60-13-9 NMSA 1978.

[14.6.6.3 NMAC - Rp, 14.6.6.3 NMAC, 3/10/2022]

14.6.6.4 DURATION:

Permanent.

[14.6.6.4 NMAC - Rp, 14.6.6.4 NMAC, 3/10/2022]

14.6.6.5 EFFECTIVE DATE:

March 10, 2022, unless a later date is cited at the end of a section.

[14.6.6.5 NMAC - Rp, 14.6.6.5 NMAC, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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, 3/10/2022]

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 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 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, 3/10/2022]

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, 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 publicly 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, 3/10/2022]

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 reference 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, service or maintain gaseous or chemical based fire protection systems including carbon dioxide (CO₂), 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, 3/10/2022]

PART 7: MODULAR BUILDING STRUCTURES

14.6.7.1 ISSUING AGENCY:

The Construction Industries Division (CID) of the Regulation and Licensing Department (RLD).

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

14.6.7.2 SCOPE:

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

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

14.6.7.3 STATUTORY AUTHORITY:

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

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

14.6.7.4 DURATION:

Permanent.

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

14.6.7.5 EFFECTIVE DATE:

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

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

14.6.7.6 OBJECTIVE:

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

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

14.6.7.7 DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

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

K. "Division" means the CID of RLD.

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

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

N. "Inspection"

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

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

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

P. "Inspector"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.6.7.8 APPLICABLE CODES AND STANDARDS:

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

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

14.6.7.9 REGISTRATION FOR MODULAR MANUFACTURERS:

All manufacturers of modular products must be registered with the division.

A. Applicants for registration pursuant to this part shall submit the following:

- (1)** A division approved registration application.
- (2)** A Fee of \$300.00 per three year licensing cycle.
- (3)** Proof of the responsible individual's experience, who either owns or is employed by the modular manufacturer, to include:

(a) Commercial - four years of experience, within the last 10 years, in general building or modular building.

(b) Residential - two years of experience, within the last 10 years, in general building or modular building.

(4) Proof of authorization to conduct business in the state of New Mexico, if applicable.

(5) Proof of registration with the New Mexico taxation and revenue department.

(6) Proof of compliance with worker's compensation, if applicable.

(7) Proof of compliance with parental responsibility, if applicable.

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

(1) Must submit and maintain proof of association with an inspection agency approved by the division.

(2) A licensee must maintain their CID license in good standing in order to remain registered.

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

(1) A letter of good standing must be submitted from the manufacturer's home jurisdiction.

(2) Proof of association with an inspection agency approved by the division.

(3) A manufacturer may alternatively be licensed with a classification of either a GB-02, a GB-98 or a GS-29, "Modular Manufacturer". The registration fee for a licensee is waived in this case.

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

(1) Maintain continuing compliance with all registration requirements.

(2) Manufacturers registration issued by the division are not transferable and the registration fee is not refundable.

(3) Any change in the information submitted by an applicant for a modular registration or renewal thereof must be reported, in writing, to the division immediately but no later than 30 days after such change occurs.

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

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

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

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

F. All modular manufacturing registrants must utilize an approved third party inspection agency.

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

14.6.7.10 REGISTRATION FOR IN-PLANT INSPECTION AGENCIES:

A. Applicant for registration pursuant to this part shall submit the following:

(1) A completed and approved registration application.

(2) A fee of \$300.00.

(3) Proof of authorization to conduct business in the state of New Mexico if performing work within the state.

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

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

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

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

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

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

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

14.6.7.11 IN-PLANT INSPECTOR:

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

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

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

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

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

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

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

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

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

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

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

14.6.7.12 MODULAR PROCEDURES:

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

A. Plan review:

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

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

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

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

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

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

- (b)** mechanical: rough-in, top-out, pre-final and final in-plant inspection report;
- (c)** plumbing: rough-in, top-out, pre-final and final in-plant inspection report;
- and
- (d)** electrical: rough-in, top-out, pre-final and final in-plant inspection report.

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

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

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

(2) Compliance decal and data plate.

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

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

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

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

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

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

14.6.7.13 INSTALLATION OF MODULAR STRUCTURES:

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

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

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

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

(b) Residential modular foundations do not require a New Mexico registered engineer's or architect's seal but are subject to Subsection B of 14.5.2.10 NMAC. The division or AHJ or the plan review official may require submittal documents to be prepared and sealed by an architect, registered in accordance with the New Mexico Architectural Act, and the rules promulgated pursuant thereto, or by a professional structural engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act, and the rules promulgated pursuant thereto.

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

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

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

(a) foundation;

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

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

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

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

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

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

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

14.6.7.14 EXCEPTIONS TO MODULAR REQUIREMENTS:

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

B. One story detached accessory structures, not for habitation and used as tool or storage sheds, playhouses, and similar uses are exempt from the provisions of the modular building code provided the floor area does not exceed 120 square feet. This

exemption shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the currently adopted building or administrative codes. All work must be done in a manner that will comply with all licensing and code requirements.

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

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

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

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

14.6.7.15 PROHIBITED USES AND OCCUPANCY OF CONVERTED STRUCTURES:

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

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

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

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

14.6.7.16 DISCIPLINE:

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

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

14.6.7.17 TEMPORARY INSTALLATION:

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

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

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

14.6.7.18 MODULAR ASSEMBLED COMPONENTS:

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

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

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

CHAPTER 7: BUILDING CODES GENERAL

PART 1: GENERAL PROVISIONS [RESERVED]

PART 2: 2021 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, 7/14/2023]

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 July, 14, 2023, 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, 7/14/2023]

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, 7/14/2023]

14.7.2.4 DURATION:

Permanent.

[14.7.2.4 NMAC - Rp, 14.7.2.4 NMAC, 7/14/2023]

14.7.2.5 EFFECTIVE DATE:

July 14, 2023, unless a later date is cited at the end of a section.

[14.7.2.5 NMAC - Rp, 14.7.2.5 NMAC, 7/14/2023]

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, 7/14/2023]

14.7.2.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2021 International Building Code (IBC) as amended in 14.7.2.10 NMAC.

[14.7.2.7 NMAC - Rp, 14.7.2.7 NMAC, 7/14/2023]

14.7.2.8 ADOPTION OF THE 2021 INTERNATIONAL BUILDING CODE:

A. This rule adopts by reference the 2021 International Building Code, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2021 International Building Code.

C. This rule is to be applied in conjunction with 14.7.9 NMAC, the current adopted New Mexico Commercial Energy Conservation Code.

[14.7.2.8 NMAC - Rp, 14.7.2.8 NMAC, 7/14/2023]

14.7.2.9 CHAPTER 1 - ADMINISTRATION:

A. Section 101 - Scope and General Requirements.

(1) **Section 101.1 - Title.** Delete this section of the IBC and substitute: This code shall be known as the 2021 New Mexico Commercial Building Code (NMCBC).

(2) **Section 101.2 - Scope.** Delete this section of the IBC and see 14.7.2.2 NMAC, Scope.

(3) **Section 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

(f) **Appendix J** - Grading

(4) **Section 101.3 – Purpose.** Delete this section of the IBC and see section 14.7.2.6 NMAC, Objective.

(5) **Section 101.4 - Referenced codes.** The codes referenced in the NMCBC are:

(a) **Section 101.4.1 - Gas.** Delete this section of the IBC and substitute: the currently 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.

(b) **Section 101.4.2 - Mechanical.** Delete this section of the IBC and substitute: The currently adopted NMMC applies to the installation, repair and replacement of mechanical systems including piping systems, 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.

(c) **Section 101.4.3 - Plumbing.** Delete this section of the IBC and substitute: the currently adopted New Mexico Plumbing Code (NMPC) applies to the installation, alterations, repairs, and replacement of plumbing systems, including piping systems, 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.

(d) **Section 101.4.4 - Property maintenance.** Delete this section of the IBC.

(e) **Section 101.4.5 - Fire prevention.** Delete this section of the IBC.

(f) **Section 101.4.6 - Energy.** Delete this section of the IBC and substitute: the provisions of the current adopted New Mexico commercial energy conservation code (NMCECC) shall apply to the energy conservation aspects of general commercial construction.

B. Section 102 - Applicability. See this section of the IBC except as provided below.

(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 authorized to continue without change, except as specifically provided in this

rule, in the current 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 - Code Compliance Agency. 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 and see 14.5.2 NMAC, Permits.

F. Section 106 - Floor and Roof Design Loads. See this section of the IBC.

G. Section 107 - Construction 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 or 14.5.2 NMAC, Permits.

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 - Means 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, 7/14/2023]

14.7.2.10 CHAPTER 2 - DEFINITIONS:

See this section of the IBC except as provided below.

A. Section 201 – General. See this section of the IBC except as provided as provided below.

(1) **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 the IBC, it shall have the meaning given it in the New Mexico construction codes.

(2) **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.

B. Section 202 - Definitions. See this section of the IBC except as provided below.

(1) **Positive roof drainage.** Delete the definition in the IBC and substitute with the following: 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.

(2) **Primary entrance.** Add this definition to this section of the IBC: The entrance through which most people enter the building or facility. A building or facility may have more than one primary entrance.

(3) **Roof replacement.** Delete this definition in the IBC and substitute with the following: The process of removing the existing roof covering to the structural roof deck, repairing any substrate, and installing a new roof covering.

(4) **Standpipe System, Classes of:** See this section of the IBC and add the following: Exception: 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.

(5) **Unbalanced backfill height.** Add this definition to this section of the IBC: 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.

[14.7.2.10 NMAC - Rp, 14.7.2.10 NMAC, 7/14/2023]

14.7.2.11 CHAPTER 3 - OCCUPANCY CLASSIFICATION AND USE:

See this chapter of the IBC except as provided below.

A. Section 304 – Business Group B. See this section of the IBC except as provided below. **Section 304.1 – Business Group B.** See this section of the IBC and add the following to the list: Fire stations and police stations.

B. Section 310 – Residential Group R. See this section of the IBC except as provided below. Section 310.4.1 Care facilities within a dwelling. Delete this section of the IBC and substitute with the following: Care facilities for 12 or fewer persons receiving care that are within a single-family dwelling are permitted to comply with 14.7.3 NMAC. The requirements of the automatic sprinkler system will not be required if a primary or secondary exit are provided to a public way.

[14.7.2.11 NMAC - Rp, 14.7.2.11 NMAC, 7/14/2023; A, 1/13/2025]

14.7.2.12 CHAPTER 4 - SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE:

See this chapter of the IBC with the following exception: **For Sections 404.1 through 404.11**, 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, 7/14/2023]

14.7.2.13 CHAPTER 5 - GENERAL BUILDING HEIGHTS AND AREAS:

See this chapter of the IBC except as provided below. **Section 504 - Building Height and Number of Stories.** See this section of the IBC except as provided below.

A. Section 504.1 – General. See this section of the IBC except as provided below. Add the following section: **504.1.3 - Stair enclosure pressurization increase.** For Group R-1 and R-2 located in buildings of type VA construction equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, the maximum number of stories permitted in section 504.4 may be increased by one provided the interior exits stairways and ramps are pressurized in accordance with section 903.6.3 and 909.20. Legally required standby power shall be provided in accordance with section 909.11 and 2702.2.17 for buildings constructed in compliance with this section and shall be connected to stairway shaft pressurization equipment, elevators and lifts used for accessible means of egress (if provided), elevator hoistway pressurization equipment (if provided) and other life safety equipment as determined by the authority having jurisdiction. For the purposes of this section, legally required standby power shall comply with 2020 NEC section 701.12, options A, B, C, D, F, or G.

B. Section 504.4 - Number of stories. Delete this section and substitute with the following: The maximum numbers of stories of a building shall not exceed the limits specified in Table 504.4.

[14.7.2.13 NMAC - Rp, 14.7.2.13 NMAC, 7/14/2023]

14.7.2.14 CHAPTER 6 - TYPES OF CONSTRUCTION:

See this chapter of the IBC except as provided below. **Section 603 – Combustible Material in Types I and II Construction.** See this section of the IBC except as provided below. **Section 603.1 - Allowable materials.** Add the following exceptions to subsection 2: **Exception 28.** Stairways within individual dwelling units and stairways serving a single tenant space are permitted to be of fire-retardant wood or heavy-timber construction. In other than Group R occupancies, such stairways shall not serve as a required means of egress. **Exception 29.** Stairways complying with section 510.2, item 4 permitted to be constructed of wood above the horizontal assembly are also permitted to be constructed of wood below the horizontal assembly.

[14.7.2.14 NMAC - Rp, 14.7.2.14 NMAC, 7/14/2023]

14.7.2.15 CHAPTER 7 - FIRE AND SMOKE PROTECTION FEATURES:

See this chapter of the IBC except as provided below. **Section 708.4.2 - Fireblocks and draftstops in combustible construction.** See this section of the IBC except delete Exception 2.

[14.7.2.15 NMAC - Rp, 14.7.2.15 NMAC, 7/14/2023]

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, 7/14/2023]

14.7.2.17 CHAPTER 9 - FIRE PROTECTION SYSTEMS:

See this chapter of the IBC except as provided below.

A. Section 903 - Automatic Sprinkler Systems. See this section of the IBC except as provided below. **Section 903.2 - Where required.** See this section of the IBC except delete the exception.

B. Section 909 - Smoke Control Systems. See this section of the IBC except as provided below.

(1) **Section 909.8 - Exhaust method.** See this section of the IBC except as provided below. **Section 909.8.1 - Smoke layer.** Delete this section of the IBC and substitute with the following: 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.

(2) **Section 909.9 - Design fire.** Delete this section of the IBC and substitute with the following. 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.

[14.7.2.17 NMAC - Rp, 14.7.2.17 NMAC, 7/14/2023]

14.7.2.18 CHAPTER 10 - MEANS OF EGRESS:

See this chapter of the IBC except as provided below.

A. Section 1004 - Occupant Load. See this section of the IBC except as provided below. Table 1004.5 - Maximum floor area allowances per occupant. See this table of the IBC and amend 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 occupant".

B. Section 1010 - Doors, Gates, and Turnstiles. See this section of the IBC except as provided below.

(1) **Section 1010.1.2 - Egress door types.** See this section of the IBC except delete exception #9.

(2) **Section 1010.1.2.1 - Direction of swing.** See this section of the IBC and add the following to the end: a double-acting door shall be provided with a view panel of not less than 200 square inches (0.129 m²): 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.

(3) **Section 1010.2.14 - 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.

(4) **Section 1010.2.13 - Delayed egress.** See this section of the IBC and add the words "when approved by the building official" at the beginning of the section.

C. Section 1019 - Exit Access Stairways and Ramps. See this section of the IBC except as provided below. Add the following to the end of the section: **Section 1019.5 - Occupancies other than H and I.** In other than Group H and I occupancies, the following are required:

(1) 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 1017.1 for travel distance locations.

(2) 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 interconnected 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 1017.1 for travel distance locations.

[14.7.2.18 NMAC - Rp, 14.7.2.18 NMAC, 7/14/2023]

14.7.2.19 CHAPTER 11 - ACCESSIBILITY:

See this chapter of the IBC except as provided below.

A. Section 1102 - Compliance. See this section of the IBC except as provided below. **Section 1102.1 Design.** Delete this section of the IBC except and substitute with the following: Building and facilities shall be designed and constructed to be accessible in accordance with this chapter, Appendix E - Supplementary Accessibility Requirements, and the current adopted ICC A117.1.

B. Section 1104 - Accessible Route. See this section of the IBC except as provided below. **Section 1104.4 - Multistory buildings and facilities.** See this section of the IBC except as provided below. **Exception: 1.** Delete the exception of this section and substitute with the following: An accessible route is not required to stories, mezzanines and occupied roofs that have an area of not more than 3,000 square feet (278.7 m²) per story and are located either above and or below the accessible levels in

buildings or facilities that are less than three (3) stories. This exception shall not apply to:

(1) **Subsection 1.1** - See this section of the IBC.

(2) **Subsection 1.2** - See this section of the IBC.

(3) **Subsection 1.3** - See this section of the IBC.

(4) **Subsection 1.4** - See this section of the IBC.

(5) **Subsection 1.5** - See this section of the IBC.

C. Section 1105 - Accessible Entrances. See this section of the IBC except as provided below.

(1) **Section 1105.1 - Public Entrances.** Delete this section of the IBC and substitute with the following: In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.7, at least 60 percent of all public entrances, but not less than one primary entrance shall be accessible.

(2) **Section 1105.1.7 - Tenant spaces.** See this section of the IBC except add the following to the exceptions: **Exception 2.** Loading and service entrances that are not the only entrance to a tenant space are not required to be accessible.

D. Section 1106 - Parking and Passenger Loading Facilities. See this section of the IBC except delete table 1106.2 from the IBC and substitute with the following table:

Table 1106.2 Accessible Parking Spaces		
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

E. Section 1108 - Dwelling Units and Sleeping Units. See this section of the IBC except as provided below.

(1) **Table 1108.6.1.1 - Accessible dwelling units and sleeping units.** See this table in the IBC and add the following provision after the table. 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.

(2) **Section 1108.6.2.2 - Apartment houses, monasteries, and convents.** Delete this section of the IBC and substitute with the following: In occupancies 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 units, one in five, but not less than one of the units shall be provided with a roll-in shower including a permanently mounted folding shower seat. All Group R-2 units on a site shall be considered to determine the total number of units and the required number of type A units. Type A units shall be dispersed among the various classes of units.

F. Section 1109 - Special Occupancies. See this section of the IBC except as provided below.

(1) **Section 1109.2.5 - Designated aisle seats.** See this section of the IBC and add the following section: **Section 1109.2.5.1 - 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.

(2) **Section 1109.4.1.4 – Employee work stations.** See this section of the IBC except delete the last sentence without substitution.

G. Section 1110 - Other Features and Facilities. See this section of the IBC except as provided below.

(1) **Section 1110.2 - Toilet and bathing facilities.** See this section of the IBC except as provided below.

(a) Insert the following sentence at the end of the first paragraph: 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 language as a new paragraph: 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.

(c) Add the following to the end of the exceptions. **Exception 10:** Toilet fixtures and bathing facilities that exceed 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.

(2) **Section 1110.8 Elevators.** See this section of the IBC and add the following sentence: Limited-use or limited-application elevators may be used to access spaces or areas that have five occupants or less.

(3) **Section 1110.9 - Lifts:** Delete item 5 without substitution.

H. Section 1111 – Recreational Facilities. See this section except as provided below. **Section 1111.4.13 - Play Areas.** See this section and add the following sentence to the end of the section: Play areas containing play components designed and constructed for children shall be accessible and be located on an accessible route.

I. Section 1112 - Signage. See this section of the IBC except as provided below. **Section 1112.1 - Signs.** See this section of the IBC except as provided below. Exception: Delete this exception and substitute with the following: Where the total number of parking spaces provided is four or less, the following provisions are required:

(1) 1.1 Accessible parking spaces shall be identified by a sign centrally located at the head of each parking space.

(2) 1.2 Van accessible parking spaces shall have an additional sign mounted below the International Symbol of Accessibility identifying the space as "van accessible". **Exception:** Where all the accessible parking spaces comply with the standards for van accessible parking spaces.

(3) 1.3 Accessible parking sign shall state, "Violators will be fined and/or towed".

(4) 1.4 Accessible parking spaces shall provide pavement markings in compliance with the following sections 1.4.1 to 1.4.3.

(5) 1.4.1 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 at the rear of the space; except where the total number of parking spaces provided is four or less.

(6) 1.4.2 The access aisle shall be clearly marked by diagonal, blue pavement striping.

(7) 1.4.3 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, 7/14/2023]

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, 7/14/2023]

14.7.2.21 CHAPTER 13 - ENERGY EFFICIENCY:

Delete this chapter of the IBC and see NMAC 14.7.9, New Mexico Commercial Energy Conservation Code.

[14.7.2.21 NMAC - Rp, 14.7.2.21 NMAC, 7/14/2023]

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, 7/14/2023]

14.7.2.23 CHAPTER 15 - ROOF ASSEMBLIES AND ROOFTOP STRUCTURES:

See this chapter except as provided below:

A. Section 1503 - Weather Protection. See this section of the IBC except as provided below.

(1) **Section 1503.3 - Parapet walls.** Delete this section and replace with the following: Parapet walls shall be coped or covered in accordance with Sections 1503.3.1, 1503.3.2, and 1503.3.3. The top surface of the parapet wall shall provide positive drainage.

(2) Add the following new section: **1503.3.3 - Plastered Parapets.** 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.

B. 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 or 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.

C. Section 1512 - Reroofing. See this section of the IBC except as provided below. **Section 1512.3 – Roof recovering.** See this section of the IBC and add the following sentence to the end: New roof coverings shall not be installed without first removing existing roof coverings down to the structural roof deck. Where pumice or other granular fill are present, the material must be removed prior to installing new roof.

[14.7.2.23 NMAC - Rp, 14.7.2.23 NMAC, 7/14/2023]

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, 7/14/2023]

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 as provided below.

(1) **Subsection 2** - Delete this section of the IBC and substitute: continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock;

(2) **Subsection 3** - Delete this section of the IBC and substitute: nonstructural concrete slabs supported directly on the ground, except pre-stressed slabs-on-grade;

(3) **Subsection 4** - Delete this section of the IBC with no substitution.

B. Section 1705.4 - Masonry Construction. See this section of the IBC except delete Exception 2.

C. Section 1705.18 – Fire-resistant penetrations and joints. Delete this section of the IBC and substitute with the following: In buildings three stories or greater, in buildings to Risk Category III and IV, or in fire areas containing Group R occupancies with an occupant load greater than 200, special inspections for through-penetrations, membrane penetration firestops, fire-resistant joint systems and perimeter fire containment systems that are tested and listed in accordance with Sections 714.4.1.2, 714.5.1.2, 715.3.1 and 715.4 shall be in accordance with Section 1705.18.1 or 1705.18.2.

[14.7.2.25 NMAC - Rp, 14.7.2.25 NMAC, 7/14/2023]

14.7.2.26 CHAPTER 18 - SOILS AND FOUNDATIONS:

See this chapter of the IBC except as provided below. Section 1809 - Shallow Foundations. See this section of the IBC except as provided below.

A. Section 1809.7 - Prescriptive footings for light-frame construction. Delete this section of the IBC and substitute with the following: Where a specific design is not provided, concrete footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Table 1809.7. A turndown footing cast monolithically with the slab-on-grade may be used to support walls of light-frame construction for the number of floors outlined in Table 1809.7, provided the minimum width of the turndown footing is 12 inches and the depth meets the requirements of Sections 1809.4 and 1809.5.

B. Table 1809.7 - Delete this table and substitute with the following table:

TABLE 1809.7 PRESCRIPTIVE FOOTINGS SUPPORTING WALLS OF LIGHT-FRAME CONSTRUCTION ^{a, b, c, d, e}		
NUMBER OF FLOORS SUPPORTED BY THE FOOTING	WIDTH OF FOOTING (inches)	THICKNESS OF FOOTING (inches)
1	16	8

C. Table 1809.7 Footnotes. See this section of the IBC except delete footnote "g" with no substitution.

D. Section 1809.8 Plain concrete footings. Delete this section of the IBC and substitute with the following: The edge thickness of plain concrete footings supporting walls other than light-frame construction shall be not less than 8 inches (203MM) where placed on soil or rock.

[14.7.2.26 NMAC - Rp, 14.7.2.26 NMAC, 7/14/2023]

14.7.2.27 CHAPTER 19 - CONCRETE:

See this chapter of the IBC except as provided below.

A. Section 1906 Footings for Light-Frame Construction. Delete this section of the IBC with no substitution.

B. Section 1907 Minimum Slab Provisions. See this section of the IBC except as provided below. **Section 1907.1 General.** Delete this section and the exception and substitute with the following: The thickness of concrete floor slabs supported directly on the ground shall be not less than 3½ inches (89mm). When required by a geotechnical investigation, design professional, building official or where moisture sensitive flooring is present, a minimum A 6-mil (0.006 inch; 0.15mm) polyethylene vapor retarder with joints lapped not less than 6 inches (152mm) shall be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods or materials shall be used to retard vapor transmission through the floor slab.

[14.7.2.27 NMAC - Rp, 14.7.2.27 NMAC, 7/14/2023]

14.7.2.28 CHAPTER 20 - ALUMINUM:

See this chapter of the IBC.

[14.7.2.28 NMAC -Rp, 14.7.2.28 NMAC, 7/14/2023]

14.7.2.29 CHAPTER 21 - MASONRY:

See this chapter of the IBC except as provided below.

A. Section 2111 - Masonry Fireplaces. See this section of the IBC except as provided below. **Section 2111.5 - Seismic Anchorage.** Delete this section of the IBC and substitute with the following: 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.

B. Section 2113 - Masonry Chimneys. See this section of the IBC except as provided below. **Section 2113.4 - Anchorage.** Delete this section of the IBC and substitute with the following: 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, 7/14/2023]

14.7.2.30 CHAPTER 22 - STEEL:

See this chapter of the IBC.

[14.7.2.30 NMAC - Rp, 14.7.2.30 NMAC, 7/14/2023]

14.7.2.31 CHAPTER 23 - WOOD:

See this chapter of the IBC except as provided below. **Section 2308 - Conventional Light-Frame Construction.** See this section of the IBC except as provided below.

A. Section 2308.4.5 - Joists 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.

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.

[14.7.2.31 NMAC - Rp, 14.7.2.31 NMAC, 7/14/2023]

14.7.2.32 CHAPTER 24 - GLASS AND GLAZING:

See this chapter of the IBC except as provided below. **Section 2403 – General Requirements for Glass.** See this section of the IBC except as provided 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, 7/14/2023]

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 - Lathing and Furring for Cement Plaster (Stucco). See this section of the IBC except as provided below. **Section 2510.6 - Weather - Resistant Barrier.** Delete this section and substitute with the following: Water-resistive barriers shall be installed as required in sections, 1403.2, 1405.3, and 1503.2 and, where applied over wood-based sheathing, shall comply with section 2510.6.1 or 2510.6.2.

B. Section 2512 – Exterior Plaster. See this section of the IBC except as provided below.

(1) **Section 2512.1.1 - On Grade Floor Slab.** Delete this section of the IBC 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.

(2) **Section 2512.1.2 - Weep Screeds.** See this section of the IBC.

(3) Add the following 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, 7/14/2023]

14.7.2.34 CHAPTER 26 - PLASTIC:

See this chapter of the IBC.

[14.7.2.34 NMAC - Rp, 14.7.2.34 NMAC, 7/14/2023]

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. See this section of the IBC except as provided below.
2701.1 - Scope. Delete 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.

B. Section 2702 - Emergency and Standby Power Systems. See this section of the IBC except as provided below.

(1) **Section 2702.1 - General.** See this section of the IBC except as provided below.

(a) **Section 2702.1.1 - Stationary generators.** Delete this section of the IBC.

(b) **Section 2702.1.3 – Installation.** Delete this section of the IBC.

(c) **Section 2702.1.4 - Load transfer.** Delete this section of the IBC.

(d) **Section 2702.1.5 - Load duration.** Delete this section of the IBC.

(e) **Section 2702.1.6 - Uninterruptable power source.** Delete this section of the IBC.

(f) **Section 2702.1.7 – Interchangeability.** Delete this section of the IBC.

(2) **Section 2702.2 - Where Required.** See this section of the IBC except as provided below. Section 2702.2.5 Exhaust Systems. Delete this section of the IBC without substitution.

[14.7.2.35 NMAC - Rp, 14.7.2.35 NMAC, 7/14/2023]

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, 7/14/2023]

14.7.2.37 CHAPTER 29 - PLUMBING SYSTEMS:

Delete this chapter of the IBC and see the NMPC except as provided below.

A. Section 2901 - General. See this section of the IBC except as provided below.

(1) **Section 2901.1 Scope.** Delete this section of the IBC and substitute with the following: Plumbing systems, including piping systems, equipment, appliances, fixtures, fittings and appurtenances, and when 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) **Section 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. Section 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.

(1) **Table 2902.1 - Minimum Number of Required Plumbing Facilities.** See this table in the IBC.

(2) **Section 2902.1.1 - Fixture Calculations.** See this section of the IBC.

[14.7.2.37 NMAC - Rp, 14.7.2.37 NMAC, 7/14/2023]

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, 7/14/2023]

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, 7/14/2023]

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, 7/14/2023]

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, 7/14/2023]

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.

[14.7.2.42 NMAC - Rp, 14.7.2.42 NMAC, 7/14/2023]

14.7.2.44 APPENDIX E - SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS:

See the appendix of the IBC except as provided below.

A. E102 - Definitions. See this section of the IBC and add the following definition:
Children's use – Children's use are spaces and elements specifically designed for use primarily by occupants 12 years old and younger.

B. E105 - Other Features and Facilities. See this section of the IBC except delete Subsection E105.1.

C. E107 - Signage. See this section of the IBC except delete Subsection E107.1.

D. E111 - Children's Accessible Elements. Add children's accessibility table as shown below.

TABLE E111 CHILDREN'S ACCESSIBLE ELEMENTS TABLE This is provided as a comprehensive reference guide to children's standards within NMBC-2021 and ANSI A117.1-2017	
Element	Children's Requirements
Children's use definition	ANSI-2017Section 106. Children's use: Spaces and elements specifically designed for use primarily by people 12 years old and younger.
Scoping	E112 - Children's Standards. The technical requirements in the main body of the 2021 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 – 2017 and 2010 ADA

Scoping	E112.1. 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.			
Scoping	E112.2 - Children's Accessible Elements. 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 2nd grade	Ages 9 through 12 3rd through 6th grade
Forward or Side Reach Range <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)
Ramps <i>See ANSI 2017 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 2nd grade	Ages 9 through 12 3rd through 6th grade
Drinking fountains and water coolers <i>See ANSI - 2017 and</i>	Spout outlet height for children's wheelchair access.	30 in. - 43 in. (760 mm – 1090 mm)	30" max. (760 mm)	30" max. (760 mm)

<i>modify as shown to right. See IBC-2021 section 1110.5 Exception 2</i>	<i>See ANSI 602.2.1 Exception</i>			
	Spout outlet for standing occupant. See ANSI 602.3.2 Exception	30 in. 43 in. (760 mm – 1090 mm)	Same	Same
Water closets for Toilet Rooms, Wheelchair Stalls, and Ambulatory Stalls <i>See ANSI-2017 604.11 and 604.1 See IBC-2021 section 1110.2 Exception 9</i>	Centerline See ANSI 604.11.2	12" max. (305 mm)	12"-15" (305-380 mm)	15"-18" (380-455 mm)
	Clearance See ANSI 604.11.3 and 604.3	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
	Toilet seat height See ANSI 604.11.4	11"-12" (280-305 mm)	12"-15" (305-380 mm)	15"-17" (380-430 mm)
	Horizontal grab bar height to centerline See ANSI 604.11.5, 604.5 and 609.4.2	18"-20" (455-510 mm)	20"-25" (510-635 mm)	25"-27" (635-685 mm)
	Rear grab bar may be split or shifted. ANSI 604.5.2 Exception 2 and 609.4.2	18"-20" (455-510 mm)	20"-25" (510-635 mm)	25"-27" (635-685 mm)
	Vertical grab bar 18" (455mm) long See ANSI 604.11.5,	Vertical grab bar bottom is 21" (533 mm) min. - 30" (760 mm)	Vertical grab bar bottom is 21" (533 mm) min. - 30" (760 mm)	Vertical grab bar bottom is 21" (533 mm) min. - 30" (760 mm) max. above the floor

	604.5.1, and 609.4.2	max. above the floor Centerline is 34 inches (865 mm) max. - 36" (915 mm) max. from the rear wall	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
	Flush control See ANSI/ 604.11.6	36" Max. high (915mm)	36" max. high (915 mm)	36" max. high (915 mm)
Dispensers See ANSI- 2017 section 604.11.7	See this entire NEW section	Same	Same	Same
Element	Details	Ages 3 and 4 Pre-K	Ages 5 through 8 K through 2nd grade	Ages 9 through 12 3rd through 6th grade
Family or Assisted-Use Toilet Rooms IBC-2021 section 1110.2.1.2 Exceptions	Family or assisted-use toilet rooms shall include only one water closet. and only one lavatory. A family or assisted-use bathing room in accordance with section 1110.2.1.3 shall be considered a family or assisted-use toilet room. Exception: The following additional fixtures shall be	Same	Same	Same

	permitted in a family or assisted use toilet room: 1. A urinal 2. A child height water closet 3. A child height lavatory.			
Wheelchair water closet compartments <i>See ANSI-2017 604.11.8 and modify as shown to right.</i>	Size See ANSI/604.9.2.2	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 See ANSI/604.9.5.2	12" (305 mm) min high and extend 8" beyond the compartment side face of partition, exclusive of partition supports	Same	Same
	Toe clearance beneath front partition and one side partition. See ANSI 604.9.5.2 Exceptions 1& 2	Exception 1. Toe clearance at front partition is not required in a wheelchair accessible compartment greater than 67 inches (1700 mm) in depth	Same	Same
		2. Toe Clearance at side partition is not required in a wheelchair	Same	Same

		accessible compartment greater than 68 inches (1725 mm) in width		
Ambulatory water closet compartments See ANSI-2017 604.11.8, 604.10 and modify as shown to right	Stall Size See ANSI/604.10.2	60" (1525 mm) long by 35" (890 mm) wide	60" (1525 mm) long by 35" (890 mm) wide	60" (1525 mm) long by 35" (890 mm) wide
	Horizontal parallel grab bars on both sidewalls 42" (1065 mm) long See ANSI/604.5.1	18"-20" (455-510 mm)	Same	Same
	Vertical grab bars on both sidewalls 18" (455 mm) long See ANSI/604.5.1	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
Urinals See ANSI-2017 and modify as shown to right	Top of rim	14" max. (355 mm)	14" max. (355 mm)	14" max. (355 mm)
Element	Details	Ages 3 and 4 Pre-K	Ages 5 through 8 K through 2nd grade	Ages 9 through 12 3rd through 6th grade
Lavatories and sinks See ANSI - 2017 and modify as shown to right	Sink rim See ANSI/606.2 Exception 3 and 4	22" max. (559 mm)	31" max. (797 mm)	31" max. (797 mm)
	Knee clearance height	none required with parallel approach	24" min. (610 mm)	24" min. (610 mm)

	See ANSI 606.2 Exception 2 and 3			
Mirrors See ANSI – 2017 section 603.3 and modify as shown to right.	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
Signage, Braille See ANSI – 2017 section 703.4.5 and modify as shown to right	Centerline	36" (915 mm) min. 44" (1120 mm) max	Same	Same
Dining surfaces and work surfaces See ANSI – 2017 section 902.5 and modify as shown to right	Tops of tables and counters	26" (660 mm) min. 30" (760 mm) max.	Same	Same
Benches See ANSI- 2017 903.5 Exception and modify as shown to right	Top of seat	11"-17" (280-430 mm)	Same	Same
Tray slides See ANSI- 2017 section 904.5.2 and modify as shown to right	Top of tray slide	28" (710 mm) min. 30" (762 mm) max.	Same	Same
Storage See ANSI- 2017 section	Frontal approach height range	20"-36" (510-915 mm)	20"-40" (510-1015 mm)	20"-44" (510-1120 mm)

<i>905 and modify as shown to right</i>	Side approach height range	20"-36" (510-915 mm)	40" max. (1015 mm)	44" max. (1120 mm)
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[14.7.2.44 NMAC - Rp, 14.7.2.44 NMAC, 7/14/2023]

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) A117.1-2017: 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 Subsection K of 14.7.2.19 NMAC, Section 1111, signage.

[17.7.2.45 NMAC –Rp, 14.7.2.45 NMAC, 7/14/2023]

PART 3: 2021 NEW MEXICO RESIDENTIAL BUILDING CODE

14.7.3.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.7.3.1 NMAC - Rp, 14.7.3.1 NMAC, 7/14/2023]

14.7.3.2 SCOPE:

This rule applies to all construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of all detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress, and their accessory

structures that is performed in New Mexico on or after December 14, 2023, and 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. Any repair, alteration or addition to such building that is associated with a change of occupancy, and any construction not addressed in the NMRBC, shall be subject to and shall comply with the NMCBC.

[14.7.3.2 NMAC - Rp, 14.7.3.2 NMAC, 7/14/2023]

14.7.3.3 STATUTORY AUTHORITY:

Section 60-13-9 and 60-13-44 NMSA 1978.

[14.7.3.3 NMAC - Rp, 14.7.3.3 NMAC, 7/14/2023]

14.7.3.4 DURATION:

Permanent.

[14.7.3.4 NMAC - Rp, 14.7.3.4 NMAC, 7/14/2023]

14.7.3.5 EFFECTIVE DATE:

July 14, 2023, unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until December 14, 2023, permits may be issued under either the previously adopted rule, or this rule. After December 14, 2023, permits may be issued only under this rule.

[14.7.3.5 NMAC – Rp, 14.7.3.5 NMAC, 7/14/2023]

14.7.3.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for the general construction of residential buildings in New Mexico.

[14.7.3.6 NMAC - Rp, 14.7.3.6 NMAC, 7/14/2023]

14.7.3.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2021 International Residential Code (IRC) as amended in 14.7.3.10 NMAC.

[14.7.3.7 NMAC - Rp, 14.7.3.7 NMAC, 7/14/2023]

14.7.3.8 ADOPTION OF THE 2015 INTERNATIONAL RESIDENTIAL CODE:

A. This rule adopts by reference the 2021 International Residential Code, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2021 International Residential Code.

[14.7.3.8 NMAC - Rp, 14.7.3.8 NMAC, 7/14/2023]

14.7.3.9 CHAPTER 1 SCOPE AND ADMINISTRATION:

See this chapter of the IRC except as provided below.

A. Section R101 Scope and General Requirements.

(1) **Section R101.1 Title.** Delete this section of the IRC and substitute: This code shall be known as the 2021 New Mexico residential building code (NMRBC).

(2) **Section R101.2 Scope.** Delete this section of the IRC and see 14.7.3.2 NMAC, Scope and add the following: **Exception.** Live/work units complying with the requirements of Section 508.5 of the *International Building Code* shall be permitted to be built as one- and two-family *dwelling*s or townhouses. Automatic fire sprinkler systems required by Section 903.2.8 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904 of the *Residential Building Code*. A home office or business not utilizing hazardous materials as defined in the international building code with a work area less than 300 sq. ft. is not a live/work unit subject to the requirements of the *International Building Code*. A home office in dwelling units exceeding 3000 sq. ft. may occupy up to ten percent of the floor area.

(3) **Section R101.3 Purpose.** See 14.7.3.6 NMAC, Objective.

B. Section R102 Applicability.

(1) **Section R102.1 General.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(2) **Section R102.2 Other laws.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(3) **Section R102.3 Application of references.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(4) **Section R102.4 Referenced codes and standards.** Delete this section of the IRC and substitute the following: The codes referenced in the NMRBC are set forth below. See also 14.5.1 NMAC, General Provisions.

(a) **Electrical.** The NMEC applies to all electrical wiring as defined in Section 60-13-32 NMSA 1978. All references in the IRC to the international code council (ICC) electrical code are deemed references to the NMEC.

(b) **Gas.** The NMMC applies to "gas fittings" as that term is defined in Section 60-13-32 NMSA 1978. All references in the IRC to the international mechanical code are deemed references to the NMMC. Gas piping systems, and appliances for use with liquefied propane gas (LPG), or compressed natural gas (CNG), shall be governed by the LPG standards (Section 70-5-1 et seq. NMSA 1978, LPG and CNG Act, and the rules promulgated pursuant thereto, 19.15.4.1 through 19.15.4.24 NMAC.)

(c) **Mechanical.** The NMMC applies to the installation, repair, and replacement of mechanical systems including piping systems, equipment, appliances, fixtures, fittings, or appurtenances including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy related systems. All references in the IRC to the international mechanical code are deemed references to the NMMC.

(d) **Plumbing.** The NMPC applies to the installation, alterations, repairs, and replacement of plumbing systems, including piping systems, 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 IRC to the international plumbing code are deemed references to the NMPC.

(e) **Energy.** The NMRECC applies to all energy-efficiency-related requirements for the design and construction of buildings that are subject to the New Mexico construction codes. All references in the IRC to the international energy conservation code are deemed references to the NMRECC.

(5) **Section R102.5 Appendices.** This rule adopts the following appendices as amended herein.

(a) **Appendix AH - Patio covers.**

(b) **Appendix AJ - Existing buildings.**

(c) **Appendix AK - Sound transmission.**

(d) **Appendix AM – Home day care R – 3 occupancy.**

(e) **Appendix AR – Light straw clay construction.**

(f) **Appendix AS – Strawbale construction.**

(g) **Appendix AQ – Tiny Houses.**

(6) **Section R102.6 Partial invalidity.** Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

(7) **Section R102.7 Existing structures.** See this section, and Subsection R102.7.1, Additions, Alterations or Repairs, of the IRC, except that the references to the International Property Maintenance Code and the International Fire Code are deleted.

C. Section R103 Department of Building Safety. Delete this section of the IRC.

D. Section R104 Duties and Powers of the Building Official. Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

E. Section R105 Permits. Delete this section of the IRC and see 14.5.2 NMAC, Permits.

F. Section R106 Construction Documents. Delete this provision of the IRC and see 14.5.2 NMAC, Permits.

G. Section R107 Temporary Structures and Uses. Delete this section of the IRC and see 14.5.2 NMAC, Permits.

H. Section R108 Fees. Delete this section of the IRC and see 14.5.5 NMAC, Fees.

I. Section R109 Inspections. Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

J. Section R110 Certificate of Occupancy. Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

K. Section R111 Service Utilities. Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

L. Section R112 Board of Appeals. Delete this section of the IRC and see 14.5.1 NMAC, General Provisions.

M. Section R113 Violations. Delete this section of the IRC and see CILA 60-13-1 et seq., and 14.5.3 NMAC, Inspections.

N. Section R114 Stop Work Order. Delete this section of the IRC and see 14.5.3 NMAC, Inspections.

[14.7.3.9 NMAC – Rp, 14.7.3.9 NMAC, 7/14/2023; A, 1/13/2025]

14.7.3.10 CHAPTER 2 - DEFINITIONS:

See this chapter of the IRC except as provided below.

A. Section R201 General. See this section in the IRC except as provided below.
Section - R201.3 Terms defined in other codes. Delete this section of the IRC and

substitute the following: Defined terms not listed in this rule shall have the meanings given in 14.5.1.7 NMAC, General Provisions, and in the other New Mexico codes.

B. Section R202 Definitions.

- (1) **Building official.** Delete this definition and see 14.5.1 NMAC, General Provisions.
- (2) **Decorative coating.** A single coat of plaster, cementitious or other approved material applied to a concrete or masonry surface for cosmetic purposes only.
- (3) **Design professional and registered design professional.** Delete these definitions and see 14.5.1 NMAC, General Provisions.
- (4) **Earthen building materials** has the meaning given in 14.7.4 NMAC, New Mexico Earthen Building Materials Code.
- (5) **Exterior finish coating** means a single coat of plaster, cementitious or other approved material applied to a concrete or masonry surface for cosmetic purposes only.
- (6) **ICC** means the international code council.
- (7) **Manufactured home.** Delete this definition from the IRC.
- (8) **Unbalanced backfill height** is 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, retaining wall or the interior finished 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 finished ground level to the top of the interior concrete slab.

[14.7.3.10 NMAC - Rp, 14.7.3.10 NMAC, 7/14/2023]

14.7.3.11 CHAPTER 3 - BUILDING PLANNING:

See this chapter of the IRC except as provided below.

A. Section R301 Design criteria. See this section of the IRC except as provided below:

- (1) **Section R301.2 Climatic and geographic design criteria.** Amend footnote "f" as follows: The authority having jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1 or information from the U.S.G.S. software "Design Values for Buildings" found online.

(2) **Section 301.2.2 Seismic provisions.** Add the following sentence to the end: **Exception:** Buildings in which earthen building materials form the bearing wall system located in seismic design categories A, B, C, Do and D₁ are exempt from the seismic requirements of this code.

(3) **Section R301.2.2.1 Determination of seismic design category.** Add the following text at the end of the section: or information from the U.S.G.S. software "Design Values for Buildings" found online.

B. Section R302 Fire-Resistant Construction. See this section of the IRC except as provided below.

(1) **Section R302.1 Exterior.** See this section of the IRC except as follows: Add the following exception: **Exception 6.** Exterior walls will read as follows: Where zoning or perpetual, platted, and recorded easements create a non-buildable minimum fire separation distance of at least 10 feet between structures on adjacent properties. The "one hour" "fire resistive" rating shall not apply on the underside of the projections that project a maximum of 24 inches.

(2) **Table R302.1(1) Exterior walls.** Delete this table in the IRC without substitution.

(3) **Table R302.1(2) Exterior walls – Dwellings with Fire Sprinklers.** Delete the title of this table in the IRC and substitute with following: **Table R302.1 (1) Exterior walls.**

(4) Add a new subsection as follows: **Section R302.1.1 Zero lot line separation.** Where perpetual, platted, and recorded easements create a non-buildable minimum fire separation distance of at least six feet between structures on adjacent properties, the one-hour fire-resistive rating shall not apply.

(5) **Section R302.2 Townhouses.** Add the following sentence to the beginning of the exception: The following exception applies if the *townhouse* has an automatic residential fire sprinkler system.

(6) **Section R302.2.2 Common Walls.** Delete the text "Chapters 34 through 43" from the second to the last sentence and replace with current adopted electrical code.

(7) **Section R302.6 Dwelling-garage fire separation required.** Delete the text of this section and substitute with the following: The garage shall be separated as required by Table 302.6. Attachment of gypsum board shall comply with Table R702.3.5. Openings in these walls shall be regulated by section R302.5. The wall separation provisions of Table R302.6 shall not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

(8) **Table R302.6 Dwelling-garage separation.** Delete the text of table R302.6 and replace with the following:

Table R302.6 DWELLING-GARAGE SEPARATION	
SEPARATION	MATERIAL
From the residence and attics	Not less than five-eighth-inch Type X gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage	Not less than five-eighth-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than five-eighth-inch gypsum board or equivalent
Garages located less than three feet from a dwelling unit on the same lot	Not less than five-eighth-inch gypsum board or equivalent

(9) **Section R302.13 Fire protection of floors.** Delete the text of this section without substitution.

C. Section R303 Light, Ventilation, and Heating. See this section of the IRC except as provided below. **Section R303.4 Mechanical ventilation.** Delete this section and substitute with the following: The dwelling unit ventilation shall be in accordance with 14.9.2 NMAC.

D. Section R309 Garages and Carports. See this section of the IRC except as provided below. Section R309.1 Garages and carports. Delete the text of this section of the IRC and substitute with the following: Garage floor surfaces shall be of approved noncombustible material. The area of floor used for parking of automobiles or other vehicles shall be sloped to a minimum of one percent to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway. The approach apron shall be recessed a minimum of three-fourths inch at the vehicle doorways to prevent entry of storm water into the garage.

E. Section R311 Means of Egress. See this section of the IRC except as provided below.

(1) **Section R311.7 Stairways.** See this section of the IRC except as provided below.

(2) **Section R311.7.5 Stair treads and risers.** Stair treads and risers shall meet the requirements of this section. For the purposes of this section, dimensions and dimensioned surfaces shall be exclusive of carpets, rugs, or runners.

(a) **Section R311.7.5.1 Risers.** Delete this section and substitute with the following: The riser height shall be not more than eight inches (203mm). The riser shall

be measured vertically between the leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths inches (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the openings located more than 30 inches (762 mm), as measured vertically, to the floor or grade below do not permit the passage of a four-inch-diameter (102 mm) sphere. Exceptions: (1) The opening between adjacent treads is not limited on spiral stairways. (2) The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

(b) **Section R311.7.5.2 Treads.** Delete this section of the IRC and substitute with the following: The tread depth shall be not less than nine inches (229mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than three-eighths inch (9.5 mm).

F. Section R312 Guards and Window Fall Protection. See this section of the IRC except as provided below. **Section R312.1.1 Where required.** Delete this section of the IRC and substitute with the following: Guards shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps, and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below. Insect screening shall not be considered as a guard.

G. Section R313 Automatic Fire Sprinkler Systems. See this section of the IRC except as provided below.

(1) **Section R313.1 Townhouse automatic fire sprinkler systems.** Delete this section and the exception and substitute with the following: Automatic-fire sprinklers systems in townhouses and one- and two-family dwellings are not required when the units are not more than three stories above grade plane in height and that have separate means of egress and their accessory structures.

(2) **Section 313.2 One- and two- family dwellings automatic fire system systems.** Delete this section of the IRC without substitution.

H. Section R320 Accessibility. Delete the text of this section and see Section 310.5 of the IBC.

I. Section R326 Swimming Pools. Delete the text of this section and see 14.7.3.24 NMAC.

[14.7.3.11 NMAC - Rp, 14.7.3.11 NMAC, 7/14/2023]

14.7.3.12 CHAPTER 4 - FOUNDATIONS:

See this chapter of the IRC except as provided below. **Section R403 Footings.** See this section of the IRC except as provided below.

A. Section R403.1.3.2 Masonry stem walls with concrete footings. See this section of the IRC and add the following sentence to the end of the section. Where the slabs-on-ground are cast monolithically and rigid insulation is used as a forming material, a minimum of one and one-half inch rigid insulation shall be used. Where sandy, silty sand or sandy gravel soils are present, rigid insulation shall not be used as a forming material. Forms must be constructed to prevent the possibility of failure or collapse. Forms shall be constructed and maintained so that the finished concrete complies with Section R401.2.

B. Section R403.1.4 Minimum depth. Delete the text of this section and substitute with the following: All exterior footings shall be placed at least 12 inches (305 mm) below grade. Where applicable, the depth of footings shall also conform to Sections R403.1.4.1 and R403.1.4.2.

[14.7.3.12 NMAC - Rp, 14.7.3.12 NMAC, 7/14/2023]

14.7.3.13 CHAPTER 5 - FLOORS:

See this chapter of the IRC.

[14.7.3.13 NMAC - Rp, 14.7.3.13 NMAC, 7/14/2023]

14.7.3.14 CHAPTER 6 - WALL CONSTRUCTION:

See this chapter of the IRC except as provided below. **Section R602 Wood Wall Framing.** See this section of the IRC except as provided below.

A. Section R602.3 Design and construction. Add the following to this section: Structural wall sheathing shall be fastened directly to structural framing members and plywood, or oriented strand board shall have a one-eighth inch space at panel edge and end joints.

(1) **Section R602.3.1 Stud size, height and spacing.** See this section of the IRC except delete exception number two.

(2) **Section R602.3.4 Bottom (sole) plate.** Delete this section and replace with the following: Studs shall have full bearing on a nominal two-by (51 mm) or larger plate or sill having a width at least equal to the width of the studs. Two-inch (51 mm) by six-inch (152 mm) or wider exterior wall bottom or sill plates may be cantilevered a maximum of one and one-half (38 mm) inches from concrete slab-on-grade to accommodate slab-on-grade perimeter insulation if the remaining bearing is sufficient to carry the structural load. Anchor bolts shall be placed a minimum of two inches from the exterior edge of the concrete. Two inch by four inch or wider exterior wall bottom or

sill plates may be cantilevered a maximum of half inches from concrete slab-on-grade to accommodate slab-on-grade perimeter insulation if the remaining bearing is sufficient to carry the structural load. Anchor bolts shall be placed a minimum of two inches from the exterior edge of the concrete.

B. Figure R602.7.2 Rim board header construction: Figure detail is required except the following language shall be deleted: "where bearing distance is less than one and one-half inches"

C. Section R602.12 Simplified wall bracing. See this section of the IRC except as provided below: Note number 3. Delete 10 feet and replace with 12 feet.

D. Section R602.12.1 Circumscribed rectangle. Delete this section and replace with the following: Braced wall line spacing shall be required per section R602.10.1.3. When interior braced wall lines are required per Table R602.10.1.3, the required braced wall panels for the interior shall be per section R602.10.4.

E. Section R609.4.1 Garage door labeling. Delete section without substitution.

[14.7.3.14 NMAC - Rp, 14.7.3.14 NMAC, 7/14/2023]

14.7.3.15 CHAPTER 7 - WALL COVERING:

See this chapter of the IRC except as provided below.

A. Section R702.7 Vapor retarders. See this section of the IRC except as follows: Vapor retarder materials shall be classified in accordance with Table R702.7(1). A vapor retarder shall be provided on the interior side of frame walls of the class indicated in Table R702.7(2), including compliance with Table R702.7(3) or R702.7(4) where applicable. An approved design using accepted engineering practice for hygrothermal analysis shall be permitted as an alternative. The climate zone shall be determined in accordance with the Climate Zone Chart in 14.7.6 NMAC, New Mexico Residential Energy Conservation Code.

B. Section R703 Exterior covering. See this section of the IRC except as follows.

(1) **Section R703.7.2 Plaster.** Insert the following at the end of the second paragraph: Plastering with Portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete, pressure-preservative treated wood, or decay-resistant wood as specified in Section R317.1 or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1 (1). On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied to cover, but not extend below, lath, paper, and screed. All residual plaster or stucco material that accumulates at the base of the wall shall be

removed before it is allowed to cure and no horizontal plaster or stucco material shall remain on the adjacent grade, footing, footing trench or, when provided, weep screed. All residual stucco material shall be removed from roof surfaces and roof substrates before it is allowed to cure. The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3). Exception: Exterior plaster may be continued below the weep screed to below grade provided there is a complete break in the drainage plane of the building at the location of the horizontal weep screed. Weep holes in the screed shall not be plugged during the application of plaster materials used to cover foundation insulation.

(2) **Section R703.7.2.1 Weep screeds.** Delete the text of this section of the IRC and substitute with the following: When an approved acrylic based exterior finish stucco system or acrylic based color coat is applied, a minimum 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage), corrosion-resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of three half inches (89 mm) shall be provided at or below the foundation plate line on exterior stud wall in accordance with ASTM C 926. The weep screed shall be placed a minimum of four inches (51mm) above the earth or half inch 13 mm above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall lap the attachment flange of the weep screed. Weep screeds are not required under covered porches or covered patios.

(3) **Section R703.7.3 Water-resistive barriers.** Delete this section of the IRC and substitute with the following: Water-resistive barriers shall be installed as required in Section R703.2 and where applied over wood-based sheathing, shall include a water-resistive vapor-permeable barrier with performance at least equivalent to two layers of Grade D paper. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than two inches (51mm). Where vertical joints occur, the material and or felt shall be lapped not less than six inches (152mm).

[14.7.3.15 NMAC - Rp, 14.7.3.15 NMAC, 7/14/2023]

14.7.3.16 CHAPTER 8 - ROOF-CEILING CONSTRUCTION:

See this chapter of the IRC except as provided below. **Section R802.1.3 Structural log members.** See this section of the IRC and add the following section: **Section R802.1.3.1 Vigas.** Vigas shall be installed in accordance with Table R802.1.3.1.

[14.7.3.16 NMAC - Rp, 14.7.3.16 NMAC, 7/14/2023]

14.7.3.17 CHAPTER 9 - ROOF ASSEMBLIES:

See this chapter of the IRC except as provided below.

A. Section R903 Weather Protection. See this section of the IRC except as provided below.

(1) **Section R903.2.1 Locations.** See this section of the IRC and the following to the end of the section: Approved reglets or an approved flashing shall be installed at wall and roof intersections, wherever there is a change in roof slope or direction and around roof openings. Where flashing is of metal, the metal shall be corrosion resistant with a thickness of not less than 0.019 inch (0.5 mm) (No. 26 galvanized sheet).

(2) **Section R903.3 Coping.** Delete the text of this section and substitute with the following: 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 furred 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.

B. Section R904 Materials. See this section of the IRC except add the following new section: Section R904.5 Loose granular fill. Pumice and other granular fill type materials are not permitted in roof assemblies.

C. Section R905 Requirements for Roof Coverings. See this section of the IRC except add the following new sections.

(1) **Section R905.9 Built-up roofs.** See this section of the IRC except add the following sections:

(a) **Section R905.9.4 Roof deck transitions.** Where roof sheathing is overlapped to create drainage "crickets" or valleys to canales, taper board, or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

(b) **Section R905.9.5 Canales and scuppers.** All canales and scuppers must have a metal pan lining extending six inches minimum past the inside of the parapet and six inches minimum to each side of the canale or scupper opening. All canales or scuppers must have positive drainage.

(2) **Section R905.11 Modified bitumen roofing.** See this section of the IRC except add the following section: **Section R905.11.4 Roof deck transitions.** Where roof sheathing is overlapped to create drainage "cricket" or valleys to canales, taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

(3) **Section R905.12 Thermoset single-ply roofing.** See this section of the IRC except add the following section: **Section R905.12.4 Roof deck transitions.** Where roof sheathing is overlapped to create drainage "crickets" or valleys to canales,

taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

(4) **Section R905.13 Thermoplastic single-ply roofing.** See this section of the IRC except add the following section: **Section R905.13.4 Roof deck transitions.** Where roof sheathing is overlapped to create drainage "crickets" or valleys to canales, taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

D. Section R908 Reroofing. See this section of the IRC except as provided below. **Section R908.3 Roof Replacement.** Delete the text of this section and substitute with the following: New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

(1) The existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

(2) The existing roof covering is wood shake, slate, clay, cement, or asbestos-cement tile.

(3) The existing roof has two or more applications of any type of roof covering.

(4) Where pumice or other granular fill are present, the material must be removed prior to installing a new roof.

[14.7.3.17 NMAC - Rp, 14.7.3.17 NMAC, 7/14/2023]

14.7.3.18 CHAPTER 10 - CHIMNEYS AND FIREPLACES:

See this chapter of the IRC.

[14.7.3.18 NMAC - Rp, 14.7.3.18 NMAC, 7/14/2023]

14.7.3.19 CHAPTER 11 - ENERGY EFFICIENCY:

Delete this chapter of the IRC and see 14.7.6 NMAC.

[14.7.3.19 NMAC - Rp, 14.7.3.19 NMAC, 7/14/2023]

14.7.3.20 CHAPTERS 12 THROUGH 23 - MECHANICAL:

Delete these chapters of the IRC and see 14.9.2 NMAC.

[14.7.3.20 NMAC - Rp, 14.7.3.20 NMAC, 7/14/2023]

14.7.3.21 CHAPTER 24 - FUEL GAS:

Delete this chapter of the IRC and see 14.9.2 NMAC.

[14.7.3.21 NMAC - Rp, 14.7.3.21 NMAC, 7/14/2023]

14.7.3.22 CHAPTERS 25 THROUGH 33 - PLUMBING:

Delete these chapters of the IRC and see the 14.8.2 NMAC.

[14.7.3.22 NMAC - Rp, 14.7.3.22 NMAC, 7/14/2023]

14.7.3.23 CHAPTERS 34 THROUGH 43 - ELECTRICAL:

Delete these chapters of the IRC and see the 14.10.4 NMAC.

[14.7.3.23 NMAC - Rp, 14.7.3.23 NMAC, 7/14/2023]

14.7.3.24 CHAPTER 44 REFERENCED STANDARDS:

See this section of the IRC.

[14.7.3.24 NMAC - Rp, 14.7.3.24 NMAC, 7/14/2023]

14.7.3.25 CHAPTER 45 SWIMMING POOLS:

A. Section R4501.1 General. The provisions of this chapter shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwellings.

B. Section R4501.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1) of the IRC, including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Sections R4201.2.1 or R4201.2.2. of the IRC. **Exception:** Pools located in riverine flood hazard areas which are outside of designated floodways.

C. Section R4501.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the building official, which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

D. Section R4501.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than one foot (305 mm) at any point within the jurisdiction.

E. Section R4502.1 Definitions. For the purposes of these requirements, the terms used shall be defined as follows.

- (1) **Above ground/on-ground pool.** See "Swimming pool."
- (2) **Barrier.** A fence, wall, building wall or combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.
- (3) **Hot tub.** See "Swimming pool."
- (4) **In-ground pool.** See "Swimming pool."
- (5) **Residential.** That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.
- (6) **Spa, non-potable.** See "Swimming pool."
- (7) **Spa, portable.** A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.
- (8) **Swimming pool.** Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, and spas.
- (9) **Swimming pool, indoor.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.
- (10) **Swimming pool, outdoor.** Any swimming pool which is not an indoor pool.

F. Section R4503.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in section R4208 of the IRC.

G. Section R4503.2 Above-ground and on-ground pools. Aboveground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section R4208 of the IRC.

H. Section R4503.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2 (1) of the IRC, pools in coastal high hazard areas shall be designed and constructed in conformance with ASCE 24.

I. Section R4504.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3.

J. Section R4504.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6.

K. Section R4505.1 Barrier Requirements. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

L. Section R4505.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

(1) The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (102 mm).

(2) Openings in the barrier shall not allow passage of a four-inch-diameter (102 mm) sphere.

(3) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed thirteen-fourth inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed thirteen-fourth inches (44 mm) in width.

(5) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed thirteen-fourth inches (44 mm) in width.

(6) Maximum mesh size for chain link fences shall be a twenty-one fourth-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than thirteen-fourth inches (44 mm).

(7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than thirteen-fourth inches (44 mm).

(8) Access gates shall comply with the requirements of Section R4205.2 of the IRC, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

(a) 8.1. The release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate; and

(b) 8.2. The gate and barrier shall have no opening larger than half-inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

(9) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

(a) 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or

(b) 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

(c) 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

(10) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:

(a) 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

(b) 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section R4205.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

M. Section R4505.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section R4205.2 of the IRC, Item 9.

N. Section R4505.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment, or similar objects from being used to climb them.

O. Section R4505.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section R4507, shall be exempt from the provisions of this section.

P. Section R4506 Entrapment Protection for Swimming Pool and Spa. General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

Q. Section R4507 Abbreviations:

(1) **ANSI** - American national standards institute; 11 West 42nd Street; New York, NY 10036.

(2) **APSP** - Association of pool and spa professionals.

(3) **NSPI** - National spa and pool institute; 2111 Eisenhower Avenue; Alexandria, VA 22314.

(4) **ASCE** - American society of civil engineers; 1801 Alexander Bell Drive; Reston, VA 98411-0700.

(5) **ASTM** - ASTM International; 100 Barr Harbor Drive; West Conshohocken, PA 19428.

(6) **UL** - Underwriters laboratories; inc. 333 Pfingsten Road; Northbrook, IL 60062-2096.

R. Section R4508 Standards:

(1) **ANSI/NSPI-3-99** Standard for Permanently Installed Residential Spas R4204.1.

(2) **ANSI/NSPI-4-99** Standard for Above-ground/On-ground Residential Swimming Pools R4203.2.

(3) **ANSI/NSPI-5-2003** Standard for Residential In-ground Swimming Pools R4203.1.

(4) **ANSI/NSPI-6-99** Standard for Residential Portable Spas R4204.2.

(5) **ANSI/APSP-7-06** Standard for Suction Entrapment avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins R4206.

(6) **ASCE/SEI-24-05** Flood Resistant Design and Construction R4203.3.

(7) **ASTM F 1346-91** (2003) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs R4205.2, R4205.5 of the IRC.

(8) **UL 2017-2000** Standard for General-purpose Signaling Devices and Systems-with Revisions through June 2004 R4205.2 of the IRC.

[14.7.3.25 NMAC - Rp, 14.7.3.25 NMAC, 7/14/2023]

14.7.3.26 APPENDIX J - EXISTING BUILDINGS AND STRUCTURES:

See this section of the IRC except as provided below: **Section AJ102 Compliance.** See this section of the IRC except add the following new section: **Section AJ102.4.5 Compliance.** When alterations are made to the exterior stud framed walls of existing bedrooms and exterior wall framing adjoining the window is exposed, then the replacement window shall be made to comply with section R310 of the IRC. When repairs are made to the exterior stud framed walls of existing bedrooms and exterior wall framing adjoining the window is exposed, then the replacement window shall be made to comply with section R310 of the IRC.

[14.7.3.26 NMAC - Rp, 14.7.3.26 NMAC, 7/14/2023]

14.7.3.27 APPENDIX AM HOME DAY CARE – R3 OCCUPANCY:

See this section of the IRC except as provided below. Section AM103 Means of egress. See this section of the IRC except as provided below. Section AM 103.1 Exits required. Delete this section of the IRC and substitute with the following: If the occupant load of the residence is more than 12, including those who are residents, during the time of operation of the day care, two exits are required from the ground level story.

[14.7.3.27 NMAC – Rp, 14.7.3.27 NMAC, 7/14/2023; A, 1/13/2025]

14.7.3.28 APPENDIX AQ TINY HOUSES:

Delete this section of the IRC and substitute with the following sections.

A. Section AQ101 General. Section AQ101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and placed on a permanent foundation. Tiny houses shall comply with this code except as otherwise stated in this appendix. Tiny

houses constructed in New Mexico or constructed outside New Mexico and transported into New Mexico shall be inspected to comply with New Mexico Residential Code requirements for in-state or out of state production of dwelling units. This shall include Appendix Q of the New Mexico Residential Code. Tiny houses constructed on a chassis with permanent axle shall be considered recreational vehicles and shall meet codes for and be licensed as recreational vehicles so long as the axle remains in place. If axles are removed and the unit placed on supports (foundation) the unit must comply with code requirements for tiny houses placed on a permanent foundation. Tiny houses placed upon a permanent foundation shall be constructed to comply with New Mexico Building Residential Codes including Appendix AQ (Tiny Houses) of the IRC.

B. Section AQ102 Definitions. Section AQ102.1 General Definitions. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the IRC for general definitions.

(1) **Emergency egress.** A skylight, roof window, or other emergency egress opening designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

(2) **Landing platform.** A landing measuring two treads deep and two risers tall, provided as the top step of a stairway or ladder accessing a loft.

(3) **Loft.** A floor level located more than 30 inches (762 mm) directly above the main floor and open to the main floor on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space. The total area of all lofts shall not exceed 40 percent of the floor area.

(4) **Tiny house.** A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts and does not include recreational vehicles.

C. Section AQ103 Ceiling height. AQ103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting, and other obstructions. Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

D. Section AQ104 Lofts.

(1) **Section AQ104.1 Minimum loft area and dimensions.** Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

(a) **Section AQ104.1.1 Minimum area.** Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

(b) **Section AQ104.1.2 Minimum dimensions.** Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

(c) **Section AQ104.1.3 Height effect on loft area.** Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

(2) **Section AQ104.2 Loft access.** The access to and primary egress from lofts shall be any type described in Sections AQ104.2.1 through AV104.2.4.

(a) **Section AQ104.2.1 Stairways.** Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

(i) **Section AQ104.2.1.1 Width.** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

(ii) **Section AQ104.2.1.2 Headroom.** The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm) as measured vertically from a sloped line connecting the tread or landing platform nosings in the middle of their width.

(iii) **Section AQ104.2.1.3 Treads and risers.** Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas: (a) The tread depth shall be 20 inches (508 mm) minus $\frac{4}{3}$ of the riser height. (b) The riser height shall be 15 inches (381 mm) minus $\frac{3}{4}$ of the tread depth.

(iv) **Section AQ104.2.1.4 Landing platforms.** The top tread and riser of stairways or ladders accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) at the point where the stairway or ladder meets the loft.

(v) **Section AQ104.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.

(vi) **Section AQ104.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R312.1.

(b) **Section AQ104.2.2 Ladders.** Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2, including the requirements for handrails in section

R311.7.8, and R308.4.6 glazing adjacent to stairs and ramps, and shall be permanently attached to the loft structure by a device that prevents movement during use. Attachment shall not be accomplished by use of toenails or nails subject to withdrawal.

(i) **Section AQ104.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm) and rungs shall be spaced with 10 inches (254mm) minimum to 14 inches (356mm) maximum spacing between rungs. Floor decking of lofts accessed by ladders shall be no more than 8½ feet above the main level floor. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

(ii) **Section AQ104.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

(c) **Section AQ104.2.3 Alternating tread devices.** Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

(d) **Section AQ104.2.4 Ships ladders.** Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

(e) **Section AQ104.2.5 Loft Guards.** Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

E. Section AQ105 Emergency escape and rescue openings: AQ105.1 General. Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings including lofts of 35 square feet or greater. Egress roof access windows in lofts shall be deemed to meet the requirements of Section R310 when installed with the bottom of their opening no more than 44 inches (1118 mm) above the loft floor.

[14.7.3.28 NMAC - Rp, 14.7.3.28 NMAC, 7/14/2023; A, 1/13/2025]

14.7.3.29 APPENDIX AS STRAWBALE CONSTRUCTION:

See this section of the IRC except as provided below. Section AS101 General. See this section of the IRC and add the following sections.

A. Section AS101.3 Construction Documents. Construction documents detailing the structural design of the structure shall be prepared by a licensed New Mexico architect or structural engineer. The architect or engineer stamp must be affixed to each page of the plans detailing construction of the structure with the design professionals signature and date affixed over each stamp.

B. Section AS101.4 Certificate of Occupancy. Prior to issuance of a certificate of occupancy by the construction industries division, an inspection report must be provided to the general construction inspector by the licensed New Mexico architect or structural engineer. The report shall attest to the building's structural integrity and conformance with the permitted drawings.

[14.7.3.29 NMAC - N, 1/13/2025]

PART 4: 2021 NEW MEXICO EARTHEN BUILDING MATERIALS CODE

14.7.4.1 ISSUING AGENCY:

Construction Industries Division of the Regulation and Licensing Department.

[14.7.4.1 NMAC - Rp, 14.7.4.1 NMAC, 11/15/2016]

14.7.4.2 SCOPE:

This rule applies to all earthen building materials contracting work performed in New Mexico on or after November 15, 2016, 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.

[14.7.4.2 NMAC - Rp, 14.7.4.2 NMAC, 11/15/2016]

14.7.4.3 STATUTORY AUTHORITY:

Section 60-13-9 and 60-13-44 NMSA 1978.

[14.7.4.3 NMAC - Rp, 14.7.4.3 NMAC, 11/15/2016]

14.7.4.4 DURATION:

Permanent.

[14.7.4.4 NMAC - Rp, 14.7.4.4 NMAC, 11/15/2016]

14.7.4.5 EFFECTIVE DATE:

November 15, 2016, unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until December 14, 2023, permits may be issued under either the previously adopted rule, or this rule. After December 14, 2023, permits may be issued only under this rule.

[14.7.4.5 NMAC – Rp, 14.7.4.5 NMAC, 11/15/2016; A, 07/14/2023]

14.7.4.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for earthen building materials construction in New Mexico.

[14.7.4.6 NMAC - Rp, 14.7.4.6 NMAC, 11/15/2016]

14.7.4.7 DEFINITIONS:

A. Amended soil means improving an unqualified soil to a qualified state with the addition of other soils or amendments.

B. Amendments means additive elements to soil, such as lime, Portland cement, fly ash, etc. which are "dry-mixed" into the main soil body as a percentage of total weight to achieve stabilization.

C. Buttress means a projecting structure providing lateral support to a wall. The buttress shall be incorporated into the foundation and wall system. (Refer to figure 1 of the earthen building figures supplement).

D. CEB means compressed earth block.

E. Count Rumford fireplace means a fireplace with a typically square opening with coved sides and a shallow firebox depth of at least 12 inches, but no shallower than one third of the width of the firebox. The fireback is vertical and does not slant forward. The throat is located at least two inches above the lintel and is a nozzle, rounded or streamlined so as to preserve laminar flow of the dilution air through the throat and with a cross-sectional area large enough to insure the elimination of all products of combustion.

F. Keyway means a groove on the vertical rammed earth wall surface for interlocking purposes. (Refer to figure 3 of the earthen building figures supplement).

G. Lift means a course of rammed earth, placed within the forms, and then compacted.

H. Nailer means any material rammed into the wall that serves as an attachment device. (Refer to figure 4 of the earthen building figures supplement).

I. Optimum moisture means sufficient water (generally no more than ten percent) mixed into the soil to attain sufficient compaction.

J. PSI means pounds per square inch.

K. Qualified soil means any soil, or mixture of soils, that attains 300 psi compression strength and attains 50 psi. modulus of rupture.

L. Rammed earth means qualified soil that is mechanically or manually consolidated to full compaction.

M. Round-cap nails means fasteners that include nails or screws in combination with caps of at least three-fourths inches diameter or three-fourths inch square.

N. Stabilization, stabilized means qualified soils that pass the wet strength test under American society for testing and materials (ASTM) D1633-00 or contain a minimum of six percent Portland cement by weight. Stabilization is achieved through the use of amendments.

O. Wet strength compression test means an approved testing laboratory process in which a fully cured rammed earth cylinder is completely submerged in water a minimum of four hours according to ASTM D1633-00, then subjected to a compression test.

[14.7.4.7 NMAC - Rp, 14.7.4.7 NMAC, 11/15/2016; A, 07/14/2023]

14.7.4.8 EARTHEN BUILDING MATERIALS:

A. General. The provisions of 14.7.4 NMAC, shall control the design and construction of one- and two-family dwellings in which earthen building materials form the bearing wall system.

B. Allowable wall heights for earthen structures. All earthen structures whether adobe, burned adobe, compressed earth block, rammed earth or terrón, shall conform to table 1. For purposes of using table 1, height is defined as the distance from the top of the slab or top of stem wall to the underside of the bond beam.

Table 1 ALLOWABLE WALL HEIGHTS FOR EARTHEN STRUCTURES					
Maximum Sds	Wall Thickness	Maximum Height	Maximum Sds	Wall Thickness	Maximum Height
.25	10	120"	.3	10	120"
	12	128		12	128
	14	144		14	144
	16	144		16	144
	18	144		18	144
	24	144		24	144
.35	10	120"	.4	10	120"
	12	128		12	128
	14	144		14	144
	16	144		16	144
	18	144		18	144
	24	144		24	144
	10	104"		10	96"

.45	12	128	.5	12	112
	14	144		14	136
	16	144		16	144
	18	144		18	144
	24	144		24	144
This table is based on two story maximum, one and two family residential with seismic soil site class D1.					
NOTE: Sds can also be referred to in the IRC Section R301.2.2.1 determination of seismic design category.					

[14.7.4.8 NMAC - Rp, 14.7.4.8 NMAC, 11/15/2016; A, 07/14/2023]

14.7.4.9 ADOBE CONSTRUCTION:

A. General. Adobe shall not be used in any building more than two stories in height. The maximum height of every wall of adobe block without lateral support is specified in 14.7.4.8 NMAC, Table 1. The height of the wall is defined as the distance from the top of the slab or top of stem wall to the underside of the bond beam. The maximum height of exterior walls, which are laterally supported with those supports located no more than 24 feet apart, are as defined in 14.7.4.8 NMAC, Table 1. The bottom story of a two-story is allowed a minimum thickness of 14 inches with the upper story allowed a thickness of 10 inches providing the structure meets the provisions of 14.7.4.8 NMAC, Table 1.

B. Fireplaces. Adobe or masonry fireplaces and chimneys in adobe structures shall comply with 14.7.3.18 NMAC. They shall be integrated into adjacent adobe walls during construction or secured to them by suitable steel ladder reinforcement or reinforcing rods.

C. Count Rumford fireplaces. Count Rumford fireplaces are allowed as provided in 14.7.3.18 NMAC.

D. Soil. Soil for use in adobe blocks should have a mixture of coarse sand, sand, silt and clay, naturally occurring, or amended with sand or straw, that will make a sun-dried block without serious warping or cracking. The best way to determine the fitness of a soil is to make sample blocks and allow them to dry in the open, protected from moisture. Then test as specified by Subsections C and D of 14.7.4.11 NMAC. The soil shall not contain more than two percent soluble salts.

E. Passive solar structures. Passive solar structures incorporating the use of solar mass walls (trombes), direct gain arrays or sunspaces (greenhouses) as defined by the passive solar heating worksheet, dated September, 2021 and prepared by the state of New Mexico energy, minerals and natural resources department, are allowed.

[14.7.4.9 NMAC - A, 14.7.4.9 NMAC, 07/14/2023]

14.7.4.10 CLASSES OF ADOBE:

A. Stabilized adobe. The term "stabilized" is defined to mean water-resistant adobe made of soil to which certain admixtures are added in the manufacturing process in order to limit water absorption into the adobe. Exterior walls constructed of stabilized mortar and adobe requires no additional protection. Cement stucco or other waterproof coating is not required. The test required is that a dried four inch cube cut from a sample unit shall not gain more than two and a half percent in weight when placed upon a constantly water-saturated porous surface for seven days. An adobe unit that meets this specification shall be considered "stabilized."

B. Unstabilized adobe. Unstabilized or "natural" adobes are adobes that do not meet the water absorption specifications indicated in Subsection A of 14.7.4.10 NMAC above. Use of unstabilized adobes is prohibited within four inches of the finished floor grade. Stabilized adobe or waterproof masonry units and mortar may be used for the first four inches above finished floor.

C. Terrón. The term "terrón" shall refer to a cut sod brick. Their use is permitted if units are dry and the wall design is in conformance with this code.

D. Burned adobe. The term "burned adobe" shall refer to mud adobe bricks that have been cured by low-temperature kiln firing. This type of adobe is not generally dense enough to be "frost-proof" and may deteriorate with seasonal freeze-thaw cycles. Its use for exterior locations is discouraged in climate zones with daily freeze-thaw cycles.

[14.7.4.10 NMAC - Rp, 14.7.4.10 NMAC, 11/15/2016; A, 07/14/2023]

14.7.4.11 PROPERTIES, SAMPLING AND TESTING:

A. General. Each of the tests prescribed in this section shall be applied to sample units selected at random at a ratio of five units per 25,000 bricks to be used or at the discretion of the building official.

B. Shrinkage cracks. Shrinkage cracks are allowed, providing that these cracks do not jeopardize the structural integrity of the blocks.

C. Compressive strength.

(1) Cured units shall have an average minimum compressive strength of 300 pounds per square inch when tested. One sample out of five may have a compressive strength of not less than 250 psi.

(2) The adobe block shall be tested in the flat position. The length of the test unit must be a minimum of twice the width. The surfaces must be smooth. The test unit shall be subjected to a uniform compressive load that is gradually increased at a rate of

500 psi/minute until failure occurs. A true platen should be used in the testing machine, along with swivel head to accommodate nonparallel bearing surfaces. The compressive strength is defined as P/A , where P = load and A = area of compression surface.

D. Modulus of rupture. Cured units shall average 50 psi in modulus of rupture when tested according to the following procedures. A cured unit shall be laid over two-inch diameter cylindrical supports two inches from each end and extending across the full width of the unit. A cylinder two inches in diameter shall be laid midway between and parallel to the supports. Load shall be applied to the cylinder at a rate of 500 psi/minute until rupture occurs. The modulus of rupture is equal to: $3PL/2bt^2$ (P =rupture load in pounds, L =span between supports, b =width of block, t =thickness of block).

E. Mortar. The use of earth mortar is allowed if the earth mortar material is of the same type as the adobe blocks. Conventional lime/sand/cement mortars of types M, S, and N are also allowed. Mortar "bedding" joints shall be fully grouted, with partially open "head" joints allowable if the surface is to be plastered. All joints shall be lapped at least twenty-five percent of the visible block length.

F. Use. No adobe shall be laid in the wall until fully cured. Adobes shall be laid in level courses so that the top of any course shall be at the same height above the stem around the structure.

G. Foundations. Adobes may not be used for foundations or basement walls. All adobe walls, except as noted, shall have a continuous footing at least eight inches thick and not less than two inches wider on each side that supports the foundation stem walls above. All foundation stem walls that support adobe units shall extend to an elevation not less than six inches above the finish grade. Foundation stem walls shall be at least as thick as the adobe walls they support. Alternative foundation systems must be approved by the building official.

H. Bond beams. All bearing walls shall be topped with a continuous bond beam (except patio walls less than six feet high above stem). All bond beam construction shall be in accordance with accepted engineering practices.

I. Concrete bond beam. Concrete bond beams shall be a minimum of six inches high by 10 inches wide for walls up to 14 inches thick. Where adobe walls are wider than one course, two-thirds of each visible course top shall be covered by the concrete bond beam. All concrete bond beams shall be reinforced with a minimum of two no. 4 reinforcing rods at each floor and ceiling plate line.

J. Wood bond beam. Wood bond beams shall be a minimum of six inches deep by 10 inches wide for walls up to 14 inches thick. Where adobe walls are wider than one course, two-thirds of each visible course top shall be covered by a wood bond beam and the roof load shall be distributed over both bond beams. Wood bond beams may be solid in the six-inch dimension, or may be built up by applying layers of lumber. Ends of wood bond beams are to be lapped a minimum of the width of the wall and fully

nailed. No wood layer shall be less than one inch nominal thickness. The building official shall approve all wooden bond beams for walls wider than 14 inches.

K. Lintels. Lintels of wood or concrete are allowed. When an engineer's drawing and seal is not provided, all lintels shall conform to Table 2 or 3 below. The required bearing of any lintel shall not be reduced by a splayed or angled window or door opening.

L. Wood lintels. When an engineer's drawing and seal is not provided for lintels, all wood lintels shall conform to Table 2 and have a fiber stress rating of at least 850 psi.

Table 2 ADOBE WALL WOOD LINTEL SCHEDULE				
MINIMUM FIBER STRESS 850 psi				
Wall Width	Max. Span	Size	Bearing length on earth wall	Load Capacity
10"	4'-0"	10" x 6"	12"	860 PLF
	6'-0"	10" x 8"	12"	1020 PLF
	8'-0"	10" x 10"	18"	1150 PLF
	10'-0"	10" x 12"	24"	1000 PLF
	12'-0"	10" x 14"	24"	1000 PLF
12"	4'-0"	10" x 6"	12"	860 PLF
	6'-0"	10" x 8"	12"	1020 PLF
	8'-0"	10" x 10"	18"	1150 PLF
	10'-0"	10" x 12"	24"	1000 PLF
	12'-0"	10" x 14"	24"	1000 PLF
14"	4'-0"	12" x 6"	12"	950 PLF
	6'-0"	12" x 8"	12"	1150 PLF
	8'-0"	12" x 10"	18"	1300 PLF
	10'-0"	12" x 12"	24"	1300 PLF
	12'-0"	12" x 14"	24"	1200 PLF

M. Concrete lintels. When an engineer's drawing and seal is not provided for lintels, all concrete lintels shall conform to table 3 and have a minimum strength of 3000 psi.

Table 3 ADOBE WALL CONCRETE LINTEL SCHEDULE				MIN. 3000 psi
Maximum Span	Minimum depth*	Reinforcing	Maximum Capacity per linear foot	Bearing length on earth wall
Less than 6' - 0"	8"	2 - # 4	1500 lbs.	12"
6' - 0" to 10'-0"	12"	3 - # 5	1500 lbs.	18"

11' - 0" to 16' - 0"	16"	3 - # 6	1500 lbs.	24"
* SIZE Wall width X depth of lintel				

N. Anchorage. Roof and floor structures will be suitably anchored to bond beams. Wood joists, vigas or beams shall be attached to the wood or concrete bond beams with adequate metal fasteners. Door and window bucks shall be secured to the adobe wall with adequate metal fasteners. "Gringo blocks" or wood nailers, placed in the adobe walls as they are laid up, are allowed. Wood and metal partitions may be secured to nailing blocks laid up in the adobe wall or by other approved methods.

O. Plastering.

(1) Portland-based stucco or lime-based plaster used over insulation board or foam shall follow Subsection P of 14.7.4.11 NMAC.

(2) Unstabilized, uninsulated exterior adobe walls can be protected with plasters or stuccos with a minimum thickness of seven-eighths inch, if adequate roof, parapet, canal, and window flashing is provided.

(3) Portland-based plaster covering unstabilized, adobe walls must be reinforced with self-furring metal wire mesh, minimum 17 gauge by one and one-half inches openings, securely attached to the exterior adobe wall surface by nails or staples with a minimum penetration of one and one-half inches. Such mesh fasteners shall have a maximum spacing 16 inches from each other. Wood surfaces or areas of dissimilar materials to be covered with Portland-based plaster must be protected from moisture with asphalt felt, covered with expanded metal lath, securely attached to the adobe wall.

(4) Type S hydrated lime stuccos covering unstabilized adobe walls are allowed providing that adobe head joints are left partially open as provided by Subsection E of 14.7.4.11 NMAC. Lime-based stuccos do not require a wire mesh cover except when used over wood or dissimilar materials in which case the surface must be protected from moisture with asphalt felt, covered with expanded metal lath.

(5) Other plasters or coatings are allowed providing they do not constitute a vapor barrier. Interior gypsum or clay plasters may be applied directly to the wall, provided that adobe head joints have been left partially open. Expanded metal lath shall be used around window and door openings. If desired, exterior adobe walls may be protected with clay plaster. Alternative plastering or coating systems shall be submitted for approval by the building official.

P. Wall insulation.

(1) Insulating boards or foams not exceeding two inches in thickness may be adhered to the exterior of the adobe wall. When insulation board is used, round-cap

nails shall attach it to the adobe wall, with nails placed to avoid bed joints between courses. Cap nails shall have a maximum spacing of 16 inches from each other. Additionally, cap nails shall secure the rigid insulation boards around their perimeter edges, with nails spaced no less than two inches apart. All cap nails shall penetrate a minimum of two inches into the adobe wall. Insulating boards or foams shall not be used to form architectural shapes exceeding two inches in thickness.

(2) Insulations exceeding two inches in thickness may be used providing they do not form a vapor barrier. Their weight shall be supported by the stem wall below and contained within vertical furring strips, securely attached to the adobe wall. A sectional, scaled drawing for the proposed insulation scheme must be submitted for review by the building official.

Q. Parapets.

(1) **Plastered parapets**, whether of adobe or frame construction, shall require a seamless impermeable waterproof cover or weather barrier, capping the entire parapet and wrapping over each side. The cover shall extend past the bond beam 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 the bond beam 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.

(2) **Exposed parapets** of adobe shall be laid in level courses of fully stabilized block and mortar. Bed and head joints shall be fully grouted and tightly tooled. Bedding joints at bond beams and around vents and canales shall be fully grouted and tightly tooled. The horizontal top of exposed adobe parapets shall be covered with a minimum three-fourths inch layer of fully stabilized mortar, troweled to conform with the parapet. Waterproof sealers are allowed, providing they are permeable. Other parapet covers, such as flagstone, Spanish mission tile or cement mortar are allowed providing they are securely attached to the parapet. A scaled, sectional drawing shall be provided to the building official showing the attachment scheme.

[14.7.4.11 NMAC - Rp, 14.7.4.11 NMAC, 11/15/2016; A, 07/14/2023]

14.7.4.12 RAMMED EARTH CONSTRUCTION:

A. General. The following provisions shall apply.

(1) Rammed earth shall not be used in any building more than two stories in height. The height of every wall of rammed earth without lateral support is specified in Table 1 of 14.7.4.8 NMAC. The height of the wall is defined as the distance from the top of the slab or top of stem wall to the underside of the bond beam.

(2) Exterior rammed earth walls shall be a minimum of 18 inches in thickness. Exception: Exterior walls that are also designed as solar mass walls (trombe) as defined by the passive solar heating worksheet, dated June 2004 and prepared by the state of New Mexico energy, minerals and natural resources department, are allowed and shall be minimum thickness of 10 inches, not to exceed two inches. They shall be fully attached to or integrated with any adjacent structural wall and topped with a bond beam that fully attaches them to the bond beam of any adjacent structural wall as described in 14.7.4.17 NMAC.

(3) Interior rammed earth walls shall be a minimum of two inches in thickness.

(4) The first lift of rammed earth walls shall be of stabilized rammed earth or minimum 2500 psi concrete, rising not less than three and one half inches above finish floor level. Unstabilized rammed earth walls must be covered to prevent infiltration of moisture from the top of the wall at the end of each workday and prior to wet weather conditions, whether the walls are contained within forms or not.

(5) Fully stabilized rammed earth walls may be left unprotected from the elements.

(6) In no case shall a rammed earth wall be reduced in thickness with back to back channels or nailers. Channels or nailers rammed on both sides of a running wall shall not be opposite each other to avoid an hourglass configuration in the wall section. Channels or nailers on both sides of a running wall shall be separated from each other vertically at a distance no less than the rammed earth wall thickness. (Refer to Figure 4 of the earthen building figures supplement).

(7) An architect or engineer registered in the state of New Mexico shall design and seal structural portions of two-story residential rammed earth construction documents.

(8) The general construction of the building shall comply with all provisions of the 2001 New Mexico Residential Building Code (NMRBC), unless otherwise provided for in this rule.

(9) Passive solar structures incorporating the use of solar mass walls (trombe), direct gain arrays or sunspaces (greenhouses) as defined by the passive solar heating worksheet, dated June 2004 and prepared by the state of New Mexico energy, minerals and natural resources department, are allowed.

B. Fireplaces. Adobe or masonry fireplaces and chimneys in rammed earth structures shall comply with 14.7.3.18 NMAC. They shall be integrated into adjacent rammed earth walls during construction or secured to them by suitable steel ladder reinforcement or reinforcing rods.

C. Count Rumford fireplaces. Count Rumford fireplaces are allowed as provided in 14.7.3.18 NMAC.

D. Stop work. The building inspector shall have the authority to issue a "stop work" order if the provisions of this section are not complied with.

E. Lateral support. Lateral support shall occur at intervals not to exceed 24 feet. Rammed earth walls 18 inches to less than 24 inches thick shall be laterally supported with any one or combination of the following: a rammed earth wall of bond beam height that intersects the running wall with at least 60 degrees of support (refer to a Figure 5 of the earthen building figures supplement); an adobe wall of bond beam height and at least 10 inches in width that intersects with and attaches to the running wall with at least 60 degrees of support (refer to Figure 5 of the earthen building figures supplement); a minimum 20 gauge steel frame or wood frame wall of full height that intersects with and attaches to the running wall with 90 degrees of support, that is properly cross-braced or sheathed (refer to Figure 6 of the earthen building figures supplement); a buttress configuration that intersects the running wall at 90 degrees, of adobe or rammed earth. The buttress base must project a minimum of three feet (or thirty-three percent of the wall height) from the running wall and support at least seventy-five percent of the total wall height (refer to Figure 7 of the earthen building figures supplement). The thickness of a rammed earth buttress shall be at least 18 inches. The thickness of an adobe buttress shall be a minimum 14 inches. Rammed earth walls greater than 24 inches in thickness are self-buttressing and do not require lateral support provided their design adheres to Table 1 of 14.7.4.8 NMAC and the other applicable provisions of this rule.

F. Openings. Door and window openings shall be designed such that the opening shall not be any closer to an outside corner of the structure as follows.

(1) In rammed earth walls 18 inches to less than 24 inches thick, openings shall not be located within three feet of any corner of the structure. (Refer to Figure 8 of the earthen building figures supplement). Exception: Openings may be located within three feet of any corner provided a buttress extending at least three feet from the structure supports the corner. A continuous footing below and a continuous bond beam above shall be provided across such openings.

(2) Rammed earth walls greater than 24 inches thick are self-buttressing, with no special consideration for placement of openings within the area of the wall.

G. Piers. Rammed earth piers supporting openings shall measure no less than three square feet in area and no dimension shall be less than 18 inches. (Refer to Figures 9-A and 9-B of the earthen building figures supplement).

[14.7.4.12 NMAC - Rp, 14.7.4.12 NMAC, 11/15/2016; A, 07/14/2023]

14.7.4.13 FOUNDATIONS:

A. General. Foundation construction shall comply with applicable provisions of the 2009 New Mexico Residential Building Code, and the following: a minimum of three continuous #4 reinforcing rods are required in concrete footings supporting rammed earth walls. Footings shall be a minimum of 10 inches in thickness. Concrete footings and concrete stem walls supporting rammed earth walls shall be a minimum of 2500 psi. Stem walls shall be the full width of the wall supported above or wider to receive forming systems. Stem walls shall rise above exterior grade a minimum of six inches.

B. Perimeter insulation. For the purposes of placement of perimeter insulation, rammed earth walls may overhang the bearing surface up to the thickness of the perimeter insulation, but in no case greater than two inches.

C. Keyway. A key way shall be provided where the rammed earth wall meets the foundation system. The keyway shall be established at the top of the stem a minimum of two inches deep by six inches wide formed at the time of the pour, and shall run continuously around the structure to include any intersecting rammed earth wall sections. The rammed earth wall shall be fully rammed into this keyway (refer to Figure 2 of the earthen building figures supplement). Exception: Placement of vertical reinforcing rods extending a minimum two inches into the rammed earth wall. The vertical rods shall be minimum #4, imbedded into the concrete and spaced 48 inches on center, maximum.

D. Concrete grade beam. Rubble filled foundation trench designs with a reinforced concrete grade beam above are allowed to support rammed earth wall construction. An architect or engineer registered in the state of New Mexico shall certify the grade beam/rubble-filled trench design portion.

[14.7.4.13 NMAC - Rp, 14.7.4.13 NMAC, 11/15/2016]

14.7.4.14 RAMMED EARTH SOIL SPECIFICATIONS:

A. General. The soil shall not contain rock more than one and one-half inch in diameter. The soil shall not contain clay lumps more than one-half inch in diameter. The soil shall be free of all organic matter. The soil shall not contain more than two percent soluble salts.

B. Soil compressive strength. Prior to the start of construction, fully-cured rammed earth soil samples shall be tested at an approved testing laboratory for compressive strength. The ultimate compressive strength of all rammed earth soil, stabilized or non-stabilized, shall be a minimum 300 psi. The compressive strength report shall be submitted with the permit application. This report may be waived if the builder provides certification of compliance. The certification must be dated within one year of the date on the application for the building permit. Samples tested shall be representative of soil to be used on the project for which the permit application is submitted.

C. Stabilized rammed earth soil. The following shall apply to stabilization of rammed earth soil: Asphalt emulsion may not be used for stabilization of rammed earth soil. Thorough mixing of additives to the soil may be achieved by any method that assures a complete blending to a uniform color and texture. Stabilized soil is suitable soil that contains six percent or more Portland cement by weight or that passes ASTM D1633-00. Samples tested shall be representative of soil to be used on the project for which the permit application is submitted. The compressive strength report shall be submitted with the permit application. Laboratory testing shall indicate rammed earth samples attained a minimum of 200 psi after seven days. If a different soil is provided at any time during construction, it must meet the minimum requirements outlined above, prior to use in the structure.

D. Unstabilized rammed earth soil. Unstabilized rammed earth soil is that containing less than six percent Portland cement by weight or that fails to pass ASTM D1633-00. The exterior of such walls shall be protected with approved stucco systems or other method approved by the building official. Refer to 14.7.4.19 NMAC for weather-resistive barrier requirements.

E. Amended soil. The following guidelines shall apply when amending soils to attain a qualified soil. Soil shall not contain rock greater than one and one-half inch in diameter. Soil shall not contain clay lumps greater than one-half inch diameter. Soil shall be free of organic matter. Soil shall not contain more than two percent soluble salts. Soils to be mixed shall be sufficiently dry to blend completely to one uniform color and texture. The amended soil shall be tested prior to use as per Subsection B of 14.7.4.14 NMAC.

F. Forming systems. The forming system shall be adequate to contain the material under compaction. It shall be properly plumbed and braced to withstand the soil pressures as well as construction activity on and around it.

G. Placement of material, compaction and curing.

(1) No amount of Portland cement stabilized soil will be mixed that will not be placed in the wall system within 60 minutes of its preparation.

(2) Lifts of prepared soil shall be placed in the forms in relatively even layers not to exceed eight inches in depth. Each lift shall then be rammed to full compaction.

(3) Optimum moisture content as determined to meet minimum compressive strength shall be maintained for stabilized and unstabilized walls.

(4) Work will progress, lift-by-lift, until the work approaches bond beam height.

(5) Forms may be stripped immediately after ramming is completed for a section of wall, providing ramming of adjacent sections does not affect the structural integrity of completed walls.

(6) Portland cement stabilized walls not in forms shall be lightly spray-cured with water at least five spaced times during daylight hours. This procedure shall continue for at least three days starting from the time that the wall is exposed to the elements. Exception: Rammed earth walls left in forms three or more days shall not require water-spray curing.

H. Placement of attachment materials.

(1) **Nailers:** Nailers incorporated into the rammed earth wall shall be installed as follows (Refer to Figure 4 of the earthen building figures supplement); the rammed earth wall shall not be reduced in thickness with back-to-back nailers. To avoid an hourglass configuration in the wall section, nailers on either side of a running wall shall not be opposite each other. Nailers on either side of a running wall shall be separated from each other vertically a distance not less than the rammed earth wall thickness. Nailers shall be placed onto the wall such that the narrow dimension of the nailer is exposed on the face of the wall prior to ramming. Nailers shall be cured and sealed against moisture penetration prior to installation in forms. The nailers shall not extend the full depth of the wall. Box wood nailers are not allowed. (Refer to Figure 11 of the earthen building figures supplement). The nailer shall be no more than two inches by four inches by its length.

(2) **Channels:** Channels may be incorporated into the rammed earth wall as follows (Refer to Figure 2 of the earthen building figures supplement); to avoid an hourglass configuration in the wall section, channels on either side of a running wall shall not be opposite each other. (Refer to Figure 4 of the earthen building figures supplement). Channels shall be no more than two inches by four inches by their length in dimension. Vertical channels shall not be placed closer than two inches to a rammed earth wall finished edge or corner.

[14.7.4.14 NMAC - Rp, 14.7.4.14 NMAC, 11/15/2016]

14.7.4.15 NICHOS OR OTHER SHAPED VOIDS:

A. General. The depth of voids shall not exceed eight inches. The width of the void shall be as defined in Subsections B and C of 14.7.4.15 NMAC below.

B. Voids in stabilized rammed earth walls. Voids shall not exceed two feet in width. Voids greater than two feet in width require a lintel or half-circle arched opening. Refer to 14.7.4.18 NMAC for lintel requirements.

C. Voids in unstabilized rammed earth walls. Voids shall not exceed one foot in width. Voids greater than one foot in width require a lintel or half-circle arched opening of stabilized rammed earth material. Refer to 14.7.4.18 NMAC for lintel requirements.

[14.7.4.15 NMAC - Rp, 14.7.4.15 NMAC, 11/15/2016]

14.7.4.16 ATTACHMENTS AND CONNECTIONS:

A. General. Attachment and connection methods of alternate wall construction to rammed earth walls are described as follows. The building official may approve other attachment and connection methods. In no case shall two wall types be butted to each other without consideration for attachment or connection.

B. Attachment of a rammed earth wall to a rammed earth wall. A keyway, at least six inches wide by three inches deep shall be formed vertically at the center of the wall section from stem top to underside of bond beam. The connecting wall shall be rammed into the keyway. (Refer to Figure 3 of the earthen building figures supplement).

C. Attachment of a load-bearing adobe wall to a rammed earth wall. Where adobe is deployed as an interior wall that will be incorporated into the rammed earth wall for lateral support, the adobe shall measure a minimum of 10 inches in thickness. Steel ladder reinforcement shall be rammed into the wall at the intersection with the adobe wall. The reinforcement may be bent against the forms during the ramming process. After ramming is complete and forms removed, the reinforcement shall be incorporated into the adjoining adobe coursing, every four courses minimum. (Refer to Figure 12 of the earthen building figures supplement). As an alternative, a keyway, not to exceed the depth of the adobe wall, nor one-third the depth of the rammed earth wall, shall be formed into the rammed earth wall. The adobe shall be incorporated into the keyway. (Refer to Figure 13 of the earthen building figures supplement).

D. Attachment of a loadbearing wood or steel frame wall to a rammed earth wall. A half-inch minimum diameter anchor bolt with four inch hook, set in a linear vertical pattern, a maximum of 24 inches on-center. The anchor bolt shall be embedded at least two inches into the earth wall with the threaded end protruding sufficiently to pass through and attach the adjoining vertical wall stud. The washer and nut shall be tightened just prior to sheathing the frame wall. As an alternative, 18 gauge by two inch minimum galvanized strap tie, grouted into the concrete bond beam (or secured to the wood bond beam or wood top plate), securely nailed to the top plate of the frame wall. The remainder of the vertical stud shall be attached to the rammed earth wall with 30D nails or screws embedded a minimum of three inches into the adjacent wall at eight inches on center vertically. (Refer to Figure 14 of the earthen building figures supplement).

E. Attachment of a door or window unit to a rammed earth wall. The unit shall be attached to nailers within the opening or nailed or screwed directly into the rammed earth wall. The nail or screw shall penetrate at least three inches into the rammed earth wall. Heavier units may utilize stronger attachments, such as anchor bolts, T-bolts, steel pins, etc., embedded into the rammed earth wall.

F. Attachment of foam or rigid insulation to a rammed earth wall. Insulating boards or foams not exceeding two inches in thickness may be adhered to the exterior of the rammed earth wall. When insulation board is used, round-cap nails, capped

concrete nails or capped screws shall attach it to the rammed earth wall . Cap nails or screws shall have a maximum spacing of 16 inches from each other. Additionally, cap nails or screws shall secure the insulation boards around their perimeter edges with nails or screws spaced no less than two inches apart. All cap nails or screws shall penetrate a minimum of two inches into the rammed earth wall. All insulation fasteners shall be corrosion resistant. Insulating boards or foams shall not be used to form architectural shapes exceeding two inches in thickness.

G. Attachment of cabinetry to a rammed earth wall. Deck screws shall penetrate a minimum of three inches through cabinetry and into a nailer, eight inches on center maximum, or; deck screws with a least three inch minimum penetration through cabinetry and into the rammed earth wall. Screws shall be placed horizontally, eight inches on center maximum, on the top and bottom of cabinetry. As an alternative, all-thread rods or other attachment devices, suitable for attachment of cabinetry through the rammed earth wall.

H. Attachment of concrete bond beam to a rammed earth wall. Number four reinforcing bar shall be driven into the uncured wall top. The reinforcing bar shall be set at a maximum 20 degree angle along both edges of the wall, staggered no more than 24 inches on-center and no closer than four inches from the exterior faces of the wall. The reinforcing bar shall extend a minimum of two inches into the rammed earth wall and four inches into the concrete bond beam. (Refer to Figure 16 of the earthen building figures supplement).

I. Attachment of wood bond beam to a rammed earth wall. One-half inch anchor bolts with four inch base hooks shall be rammed into the wall. The bolts shall be staggered a maximum of 48 inches on-center along both edges of the wall, staggered no closer than six inches from the exterior faces of the wall. The bolt shall extend a minimum of 18 inches into the rammed earth wall.

[14.7.4.16 NMAC - Rp, 14.7.4.16 NMAC, 11/15/2016]

14.7.4.17 BOND BEAMS:

A. General. The bond beam shall be secured to the rammed earth wall. Refer to Subsections H and I of 14.7.4.16 NMAC above. Bond beams may be of wood or concrete construction. Bond beams shall measure six inches nominal depth and extend the full width of the wall. Exception: The bond beam width may be reduced as follows: Two inches maximum in an 18 to less than 24 inch thick rammed earth wall, or three inches maximum in a rammed earth wall 24 inches or greater in thickness. Bond beams must be continuous, running the full perimeter of the structure. Interior rammed earth or adobe walls shall be incorporated into the bond beam. Varying height bond beams shall extend into the adjoining rammed earth wall one-half the thickness of the adjoining rammed earth wall. The concrete bond beam may secure anchoring and strapping devices.

B. Wood bond beam construction. In addition to the general requirements of Subsection A of 14.7.4.17 NMAC, wood bond beams may be constructed as approved by the building official. Light wood bond beam construction may be utilized as shown in Figure 10 of the earthen building figures supplement.

C. Concrete bond beam construction. In addition to the general requirements of Subsection A of 14.7.4.17 NMAC, concrete bond beams shall be constructed of minimum 2500 psi concrete and shall contain steel reinforcement as follows: For 18 to less than 24 inch thick rammed earth wall construction, a minimum of two continuous number four reinforcing rods shall be used. For walls equal to or greater than 24 inches in thickness, a minimum of two continuous number five reinforcing rods shall be used. Provide two inch minimum reinforcement concrete cover over all horizontal reinforcing rods. Concrete bond beams may be used to secure anchoring and strapping devices.

D. Concrete bond beam cold joints. Concrete bond beam cold joints are limited to corners of perpendicular intersections with other structural, full-height walls. Cold joints shall be tied into the adjoining bond beam with three number four reinforcing rods. The reinforcement shall extend a minimum of 24 inches into both portions of the concrete bond beam.

[14.7.4.17 NMAC - Rp, 14.7.4.17 NMAC, 11/15/2016]

14.7.4.18 LINTELS OVER OPENINGS:

A. General. All openings require a lintel or semi-circular arch over the opening. All lintels, whether of wood or concrete shall bear a minimum of two inches into the length of the wall. Exception: nichos and other shaped voids as defined in 14.7.4.15 NMAC.

B. Bearing limitations. Lintels shall bear a minimum of two inches beyond coved, splayed or rounded bearing portions of openings that are less than the full width of the wall. (Refer to Figure 15 of the earthen building figures supplement).

C. Lintels over openings in stabilized rammed earth walls. Openings less than 2four inches in width shall not require a lintel or semi-circular arched opening. Openings greater than 2four inches in width require lintels as defined in Table 4.

Table 4 Concrete Lintels Over Openings in Rammed Earth Walls (1)					
Wall width	Lintel span	Lintel depth	Reinforcement (2)	Reinforcement Concrete Cover (3)	Uniform Load
18"	24"	6"	3- #4 @ 4"o.c.	3" minimum concrete cover on all sides	1000 PLF
	36"	6"	3- #4 @ 4"o.c.		
	48"	6"	3- #4 @ 4"o.c.		
	60"	6"	3- #4 @ 4"o.c.		
	72"	8"	3- #5 @ 4"o.c.		
	84"	8"	3- #5 @ 4"o.c.		

	96"	8"	3- #5 @ 4"o.c.		
20"	24"	6"	3- #4 @ 4"o.c.	4" minimum concrete cover on all sides	1350 PLF
	36"	6"	3- #4 @ 4"o.c.		
	48"	6"	3- #4 @ 4"o.c.		
	60"	6"	3- #4 @ 4"o.c.		
	72"	8"	3- #5 @ 4"o.c.		
	84"	8"	3- #5 @ 4"o.c.		
	96"	10"	3- #5 @ 4"o.c.		
	22"	24"	6"		
36"		6"	3- #4 @ 5"o.c.		
48"		6"	3- #4 @ 5"o.c.		
60"		6"	3- #4 @ 5"o.c.		
72"		8"	3- #5 @ 5"o.c.		
84"		10"	3- #5 @ 5"o.c.		
96"		10"	3- #5 @ 5"o.c.		
24"	24"	6"	3- #4 @ 6"o.c.	3" minimum concrete cover on all sides	2000 PLF
	36"	6"	3- #4 @ 6"o.c.		
	48"	6"	3- #4 @ 6"o.c.		
	60"	6"	3- #4 @ 6"o.c.		
	72"	8"	3- #5 @ 6"o.c.		
	84"	10"	3- #5 @ 6"o.c.		
	96"	12"	3- #5 @ 6"o.c.		
1. 3000 psi minimum concrete at approximately 28 days.					
2. Grade 40 steel reinforcement minimum.					
3. Steel reinforcement at mid-depth of lintel.					

[14.7.4.18 NMAC - Rp, 14.7.4.18 NMAC, 11/15/2016]

14.7.4.19 WEATHER RESISTIVE BARRIERS:

A. General. Stabilized rammed earth walls do not require a weather-resistive barrier or an approved exterior finish. Unstabilized rammed earth walls require a weather-resistive barrier and approved exterior finish. When a vapor barrier is installed over the rammed earth wall, it shall not be installed on both sides of a rammed earth wall system. Exception: On the top and sides of a parapet wall.

B. Moisture barrier locations. A moisture barrier shall protect rammed earth walls adjacent to bath and shower enclosures. A moisture barrier shall protect rammed earth walls at window sills, the top of the parapet, or other exterior wall portions exposed to the elements. A moisture barrier installed over an exposed parapet top of a rammed earth wall shall lap a minimum of six inches down both sides of the parapet top.

[14.7.4.19 NMAC - Rp, 14.7.4.19 NMAC, 11/15/2016]

14.7.4.20 LATH AND PLASTER:

A. General. When non-cementitious plasters are applied directly to the rammed earth wall surface, the surface shall be scored or sandblasted prior to the application of the plaster. Rammed earth walls must cure to a depth of four inches minimum prior to application of an approved exterior finish.

B. Lath. Where rammed earth walls have a plaster finish, metal lath shall be installed around interior and exterior wall openings and over dissimilar materials.

C. Exterior plaster. In unstabilized rammed earth walls, stucco netting shall be installed and cementitious plaster shall have a minimum seven-eighths inch finished thickness, unless an elastomeric "color coat" is used, then it shall have a minimum base coat of five-eighths inch. Applications shall follow the material manufacturers' specifications.

[14.7.4.20 NMAC - Rp, 14.7.4.20 NMAC, 11/15/2016]

14.7.4.21 PLUMBING:

A. General. Code compliant plumbing systems may be rammed into the wall system, either vertically or horizontally, provided that such plumbing material is of sufficient strength to withstand the ramming pressures without any rupture or collapse.

B. Plumbing system installation. Installations shall not reduce the width of the rammed earth wall by more than one-third. Prior to ramming, a minimum five inch earth cover is provided over any horizontal pipe.

[14.7.4.21 NMAC - Rp, 14.7.4.21 NMAC, 11/15/2016]

14.7.4.22 ELECTRICAL:

A. Electrical system installation. Electrical wiring shall pass through a channel or conduit. Approved rigid or flexible electrical conduit shall withstand ramming pressures without damage or collapse. Electrical wiring within a channel shall be covered a minimum of one and one-fourth inches. Prior to ramming, a minimum five inch earth cover shall be provided over any horizontal pipe.

B. UF cable installation. UF cable may not be rammed within the rammed earth wall. Exception: UF cable installed within an approved conduit or channel. In a channel installation, UF cable must be covered a minimum of one and one-fourth inches with plaster, adobe or similar finish.

C. Electrical box installation. Plastic electrical boxes shall not be rammed within the rammed earth wall. Exception: plastic electrical boxes installed in a channel installation.

[14.7.4.22 NMAC - Rp, 14.7.4.22 NMAC, 11/15/2016]

14.7.4.23 COMPRESSED EARTH BLOCK CONSTRUCTION (CEB):

A. General. Compressed earth block shall not be used in any building more than two stories in height. The height of every wall of compressed earth block without lateral support shall be defined in Table 1 of Subsection B of 14.7.4.8 NMAC. The height of the wall is defined as the distance from the top of the slab or top of stem wall to the underside of the bond beam. Heights for exterior walls, which are laterally supported with those supports located no more than 24 feet apart, are defined in Table 1 of Subsection B of 14.7.4.8 NMAC. The bottom story of a two-story is allowed a minimum thickness of 14 inches with the upper story allowed a thickness of 10 inches, providing the structure meets the provisions of Table 1 of Subsection B of 14.7.4.8 NMAC. Passive solar structures incorporating the use of solar mass walls (trombe), direct gain arrays or sunspaces (greenhouses) as defined by the passive solar heating worksheet, dated June 2004 and prepared by the state of New Mexico energy, minerals and natural resources department, are allowed.

B. Fireplaces. Adobe or masonry fireplaces and chimneys in compressed earth block structures shall comply with 14.7.3.18 NMAC. They shall be integrated into adjacent compressed earth block walls during construction or secured to them by suitable steel ladder reinforcement or reinforcing rods.

C. Count Rumford fireplaces. Count Rumford fireplaces are allowed as designated in 14.7.3.18 NMAC.

D. Stop work. The building inspector shall have the authority to issue a "stop work" order if the provisions of this section are not complied with.

E. Stabilized compressed earth blocks. The term "stabilized" is defined to mean a block with certain admixtures that retains minimum strength requirements as specified in Subsection J of 14.7.4.23 NMAC after saturation in water. Saturation is defined as a minimum 4 hours of submersion in water as defined in ASTM D1633-00.

F. Unstabilized compressed earth blocks. Unstabilized blocks are defined as not meeting the minimum strength requirements as defined in Subsection J of 14.7.4.23 NMAC after saturation in water. Use of unstabilized compressed earth blocks is prohibited within four inches of the finished floor grade. Stabilized compressed earth blocks, poured concrete, or waterproof masonry units and mortar may be used for the first four inches above floor grade.

G. Materials. The material must be a mineral soil with the aggregate content not exceeding one inch in diameter. The material shall not contain more than two percent soluble salts.

H. Testing. Each of the tests prescribed in this section shall be applied to sample units selected at random of five units per building project prior to construction. Test may be waived if block manufacturer provides certification of compliance. The certification must be dated within one year of the date on the application for the building permit.

I. Shrinkage cracks. Shrinkage cracks are allowed, providing that these cracks do not jeopardize the structural integrity of the blocks.

J. Compressive strength. Cured units shall have a minimum compressive strength of 300 pounds per square inch when tested. The compressed earth block shall be tested in the flat position. The length of the test unit must be a minimum of twice the width. The surfaces must be smooth. The test unit shall be subjected to a uniform compressive load that is gradually increased at a rate of 500 psi/minute until failure occurs. A true platen should be used in the testing machine, along with swivel head to accommodate nonparallel bearing surfaces. The compressive strength is defined as P/A , where P = load and A - area of compression surface.

K. Modulus of rupture. Units shall have a minimum compressive strength of 50 pounds per square inch in modulus of rupture when tested according to the following procedures: A cured unit shall be laid over two-inch diameter cylindrical supports two inches from each end and extending across the full width of the unit. A cylinder two inches in diameter shall be laid midway between and parallel to the supports. Load shall be applied to the cylinder at a rate of 500 psi/minute until rupture occurs. The modulus of rupture is equal to: $3PL/2bt^2$ (P = rupture load in pounds, L = span between supports, b = width of block, t = thickness of block).

[14.7.4.23 NMAC - Rp, 14.7.4.23 NMAC, 11/15/2016]

14.7.4.24 MORTAR:

A. General. The use of earth mortar is allowed if the earth mortar material is compatible with the compressed earth blocks. Conventional lime/sand/cement mortars of Types M, S, and N are also allowed. Mortar "bedding" joints shall be fully grouted. Head joint mortar is not required provided that the blocks are initially laid in contact. Partially open "head" joints are allowed if the surface is to be plastered. All joints shall be lapped at least twenty-five percent of the visible block length.

B. Slip mortars. Liquid mud slip mortar is allowed, providing it is made of a compatible soil that is screened to eliminate aggregate larger than one-eighth inch in diameter. Water may be substituted for slip or other mortars, providing adequate adhesion is demonstrated.

C. Stacking. "Dry stacking" of compressed earth blocks is allowed providing that adequate adhesion is demonstrated, the wall is to be stuccoed or plastered and the wall is not less than 10 inches in thickness.

D. Use. Compressed earth block may be cured prior to use or laid directly from the press into the wall in an uncured state. Compressed earth block shall be laid in level courses so that the top of any course shall be at the same height above the stem around the structure.

E. Foundations. Compressed earth blocks may not be used for foundations or basement walls.

F. Footings. All compressed earth block walls shall have a continuous footing at least 10 inches thick. The footing width must be a minimum of thirty-three percent greater than the wall width, but not less than two inches on each side. The stem wall must be centered on the footing.

G. Stem walls. All stem walls that support CEB units shall extend to an elevation not less than eight inches above the exterior finish grade. Stem walls shall be as thick as the exterior wall. Where perimeter insulation is used, a variance is allowed for the stem wall width to be two inches smaller than the width of the CEB wall it supports.

H. Concrete grade beam. Rubble-filled foundation trench designs with a reinforced concrete grade beam above are allowed to support CEB construction. An architect or engineer registered in the state of New Mexico shall certify the grade beam/rubble-filled trench design portion. Other alternative foundation systems must be approved by the building official.

[14.7.4.24 NMAC - Rp, 14.7.4.24 NMAC, 11/15/2016]

14.7.4.25 BOND BEAMS:

A. General. All bearing walls shall be topped with a continuous bond beam (except patio walls less than six feet high above stem). All bond beam construction shall be in accordance with accepted engineering practices.

B. Concrete bond beam. Concrete bond beams shall be a minimum of six inches high by 10 inches wide for walls up to 14 inches thick. Where CEB walls are wider than one course, two-thirds of each visible course top shall be covered by the concrete bond beam. All concrete bond beams shall be reinforced with a minimum of two no. 4 reinforcing rods at each floor and ceiling plate line.

C. Wood bond beam. Wood bond beams shall be a minimum of six inches deep by 10 inches wide for walls up to 14 inches thick. Where CEB walls are wider than one course, two-thirds of each visible course top shall be covered by a wood bond beam and the roof load shall be distributed over both bond beams. Wood bond beams may be solid in the six inch dimension, or may be built up by applying layers of lumber. Ends of wood bond beams are to be lapped in minimum of the width of the wall and fully nailed. Galvanized metal straps or perforated metal straps, 18 gauge minimum and two inches long, may be used to join the ends of wood bond beam members. Full nailing of straps

is required. No wood layer shall be less than one inch nominal thickness. The building official shall approve all wooden bond beams for walls wider than 14 inches.

[14.7.4.25 NMAC - Rp, 14.7.4.25 NMAC, 11/15/2016]

14.7.4.26 LINTELS:

A. General. Lintels of wood or concrete are allowed. The bearing length of any lintel shall not be reduced by an angled or splayed window or door opening. Other lintel designs are accepted providing that engineering is submitted for review by the building official.

B. Wood lintels. When an engineer's drawing and seal is not provided for lintels, all wood lintels shall conform to Table 5 and have a fiber stress rating of at least 850 psi.

Table 5 CEB WALL WOOD LINTEL SCHEDULE				
MINIMUM FIBER STRESS 850 PSI				
Wall Width	Max. Span	Size	Bearing length on earth wall	Load Capacity
10"	4'-0"	10" x 6"	12"	860 PLF
	6'-0"	10" x 8"	12"	1020 PLF
	8'-0"	10" x 10"	18"	1150 PLF
	10'-0"	10" x 12"	24"	1000 PLF
	12'-0"	10" x 14"	24"	1000 PLF
12"	4'-0"	10" x 6"	12"	860 PLF
	6'-0"	10" x 8"	12"	1020 PLF
	8'-0"	10" x 10"	18"	1150 PLF
	10'-0"	10" x 12"	24"	1000 PLF
	12'-0"	10" x 14"	24"	1000 PLF
14"	4'-0"	12" x 6"	12"	950 PLF
	6'-0"	12" x 8"	12"	1150 PLF
	8'-0"	12" x 10"	18"	1300 PLF
	10'-0"	12" x 12"	24"	1300 PLF
	12'-0"	12" x 14"	24"	1200 PLF

C. Concrete lintels. When an engineer's drawing and seal is not provided for lintels, all concrete lintels shall conform to table 6 and have a minimum strength of 3000 psi.

Table 6 CEB WALL CONCRETE LINTEL SCHEDULE				
MIN. 3000 psi				
Maximum Span	Minimum depth*	Reinforcing	Maximum Capacity per linear foot	Bearing length on earth wall

Less than 6' - 0"	8"	2 - # 4	1500 lbs.	12"
6' - 0" to 10' - 0"	12"	3 - # 5	1500 lbs.	18"
11' - 0" to 16' - 0"	16"	3 - # 6	1500 lbs.	24"
* SIZE Wall width X depth of lintel				

[14.7.4.26 NMAC - Rp, 14.7.4.26 NMAC, 11/15/2016]

14.7.4.27 ATTACHMENTS AND CONNECTIONS:

Amend the following provision as follows.

A. Insulating boards or foams. Insulating boards or foams not exceeding two inches in thickness may be adhered to the exterior of the CEB wall. When insulation board is used, round-cap nails shall attach it to the CEB wall with nails placed to avoid bed joints between courses. Cap nails shall have a maximum spacing of 16 inches from each other. Additionally, cap nails shall secure the rigid insulation boards around their perimeter edges, with nails spaced no less than two inches apart. All cap nails shall penetrate a minimum of two inches into the CEB wall. Insulating boards or foams shall not be used to form architectural shapes exceeding two inches in thickness.

B. Insulations exceeding two inches in thickness. Insulations exceeding two inches in thickness may be used providing they do not form a vapor barrier. Their weight shall be supported by the stem wall below and contained within vertical furring strips, securely attached to the CEB wall. A sectional, scaled drawing for the proposed insulation scheme must be submitted for review by the building official.

[14.7.4.27 NMAC - Rp, 14.7.4.27 NMAC, 11/15/2016]

14.7.4.28 PLASTERING:

A. Plasters and stuccos applied to uninsulated, unstabilized walls. Unstabilized, uninsulated exterior CEB walls can be protected with plasters or stuccos with a minimum thickness of seven-eighths inch, if adequate roof, parapet, canal, and window flashing is provided.

(1) Portland-based plaster must be reinforced with self-furring metal wire mesh, minimum 17 gauge by one and one-half inch openings, securely attached to the exterior CEB wall surface by nails or staples with a minimum penetration of one and one-half inches. Such mesh fasteners shall have a maximum spacing 16 inches from each other. Wood surfaces or areas of dissimilar materials to be covered with Portland-based plaster must be protected from moisture with asphalt felt, covered with expanded metal lath, securely attached to the CEB wall.

(2) Type S hydrated lime stuccos are allowed providing that CEB head joints are left partially open as provided by Subsection A of 14.7.4.24 NMAC. Lime-based stuccos do not require a wire mesh cover except when used over wood or dissimilar materials in which case the surface must be protected from moisture with asphalt felt, covered with expanded metal lath.

B. Plasters and stuccos applied over foam or board insulations. Portland-based plasters or lime-based stuccos used over insulation board or foam shall follow Subsection A of 14.7.4.27 NMAC.

C. Other Protective coatings or plasters. Coatings other than Portland-based plaster or lime-based stucco are allowed providing they do not constitute a vapor barrier. Interior gypsum or mud plasters may be applied directly to the wall, provided that CEB head joints have been left partially open. Expanded metal lath shall be used around window and door openings. If desired, exterior adobe walls may be protected with mud plaster. Alternative plastering or coating systems shall be submitted for approval by the building official.

[14.7.4.28 NMAC - Rp, 14.7.4.28 NMAC, 11/15/2016]

14.7.4.29 PARAPETS:

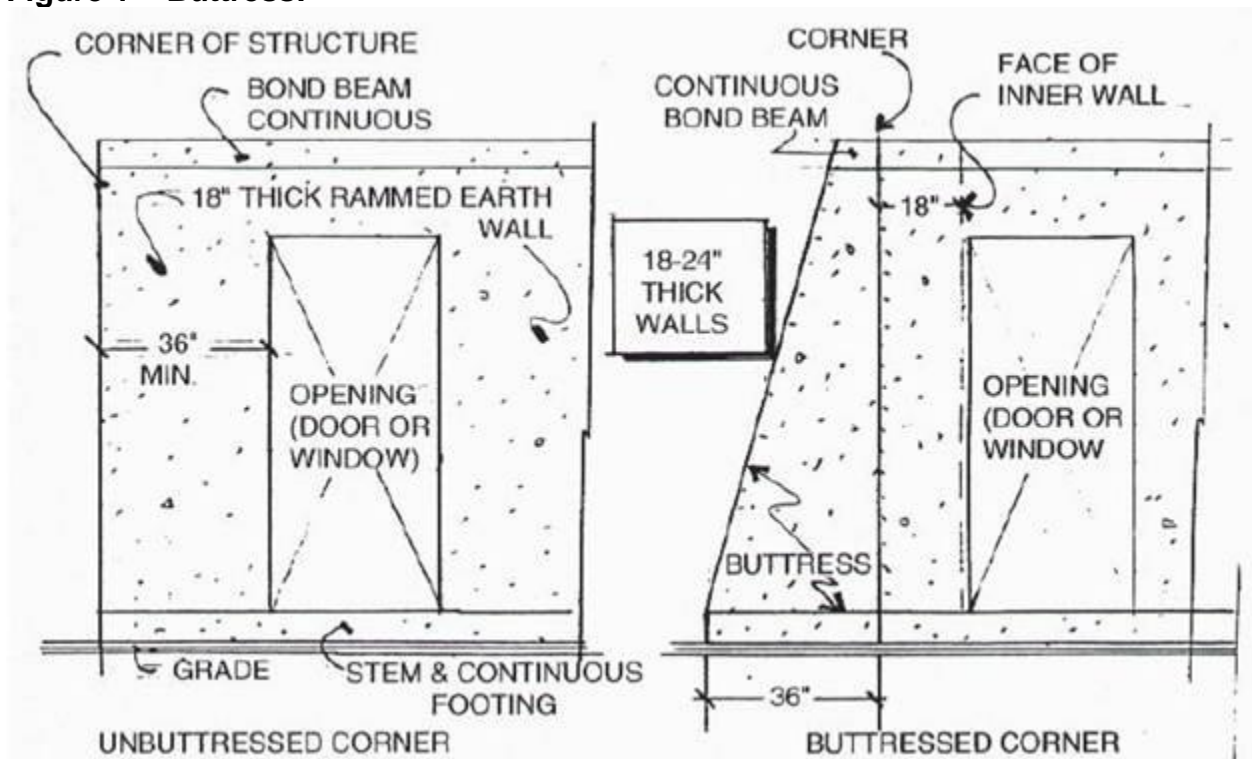
A. Plastered parapets, whether of CEB or frame construction, shall require a seamless but permeable waterproof cover or weather barrier, capping the entire parapet and wrapping over each side. The cover shall extend past the bond beam a minimum of four inches on the wall side. On the roof side, the cover 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 the bond beam 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.

B. Exposed parapets of CEB shall be laid in level courses of fully stabilized block and mortar. Bed and head joints shall be fully grouted and tightly tooled. Bedding joints at bond beams and around vents and canals shall be fully grouted and tightly tooled. The horizontal top of exposed CEB parapets shall be covered with a minimum three-fourths inch layer of fully stabilized mortar, troweled to conform to the parapet. Water proof sealers are allowed, providing they are permeable. Other parapet covers, such as flagstone, Spanish mission tile or cement mortar are allowed providing they are securely attached to the parapet. A scaled, sectional drawing shall be provided to the building official showing the attachment scheme.

[14.7.4.29 NMAC - Rp, 14.7.4.29 NMAC, 11/15/2016]

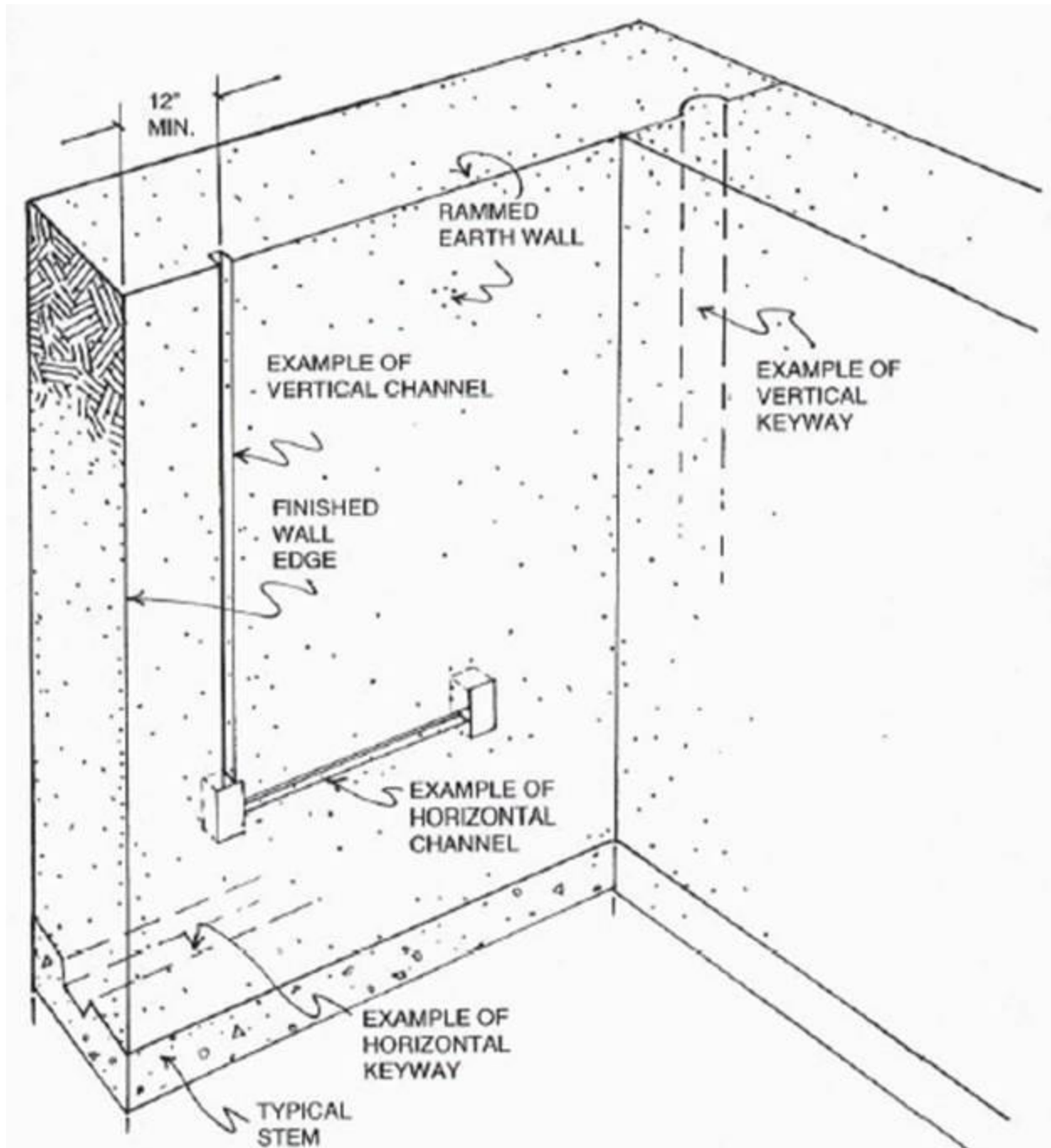
14.7.4.30 FIGURE 1 – BUTTRESS:

Figure 1 – Buttress:



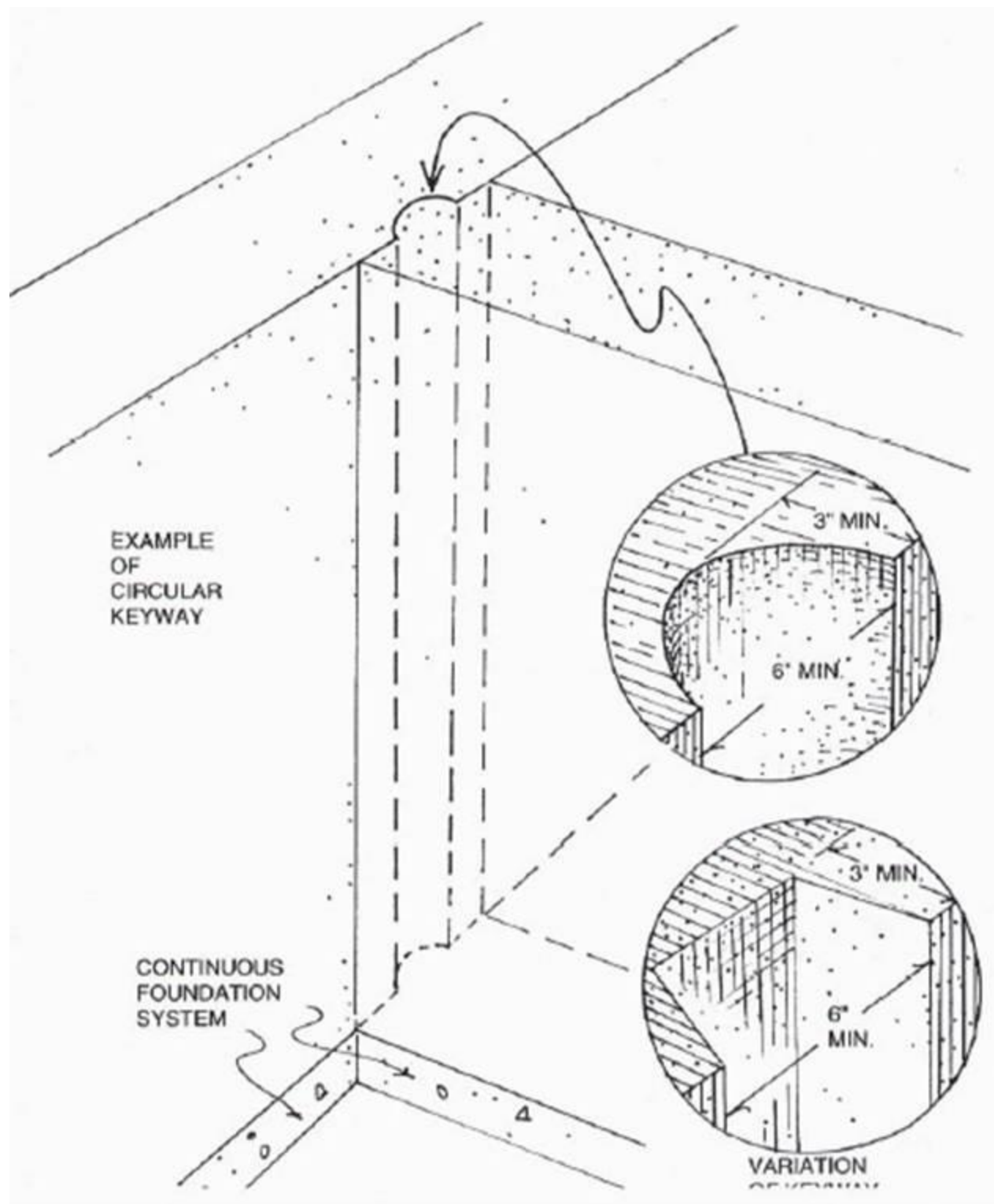
[14.7.4.30 NMAC - Rp, 14.7.4.30 NMAC, 11/15/2016]

14.7.4.31 FIGURE 2 – CHANNEL:



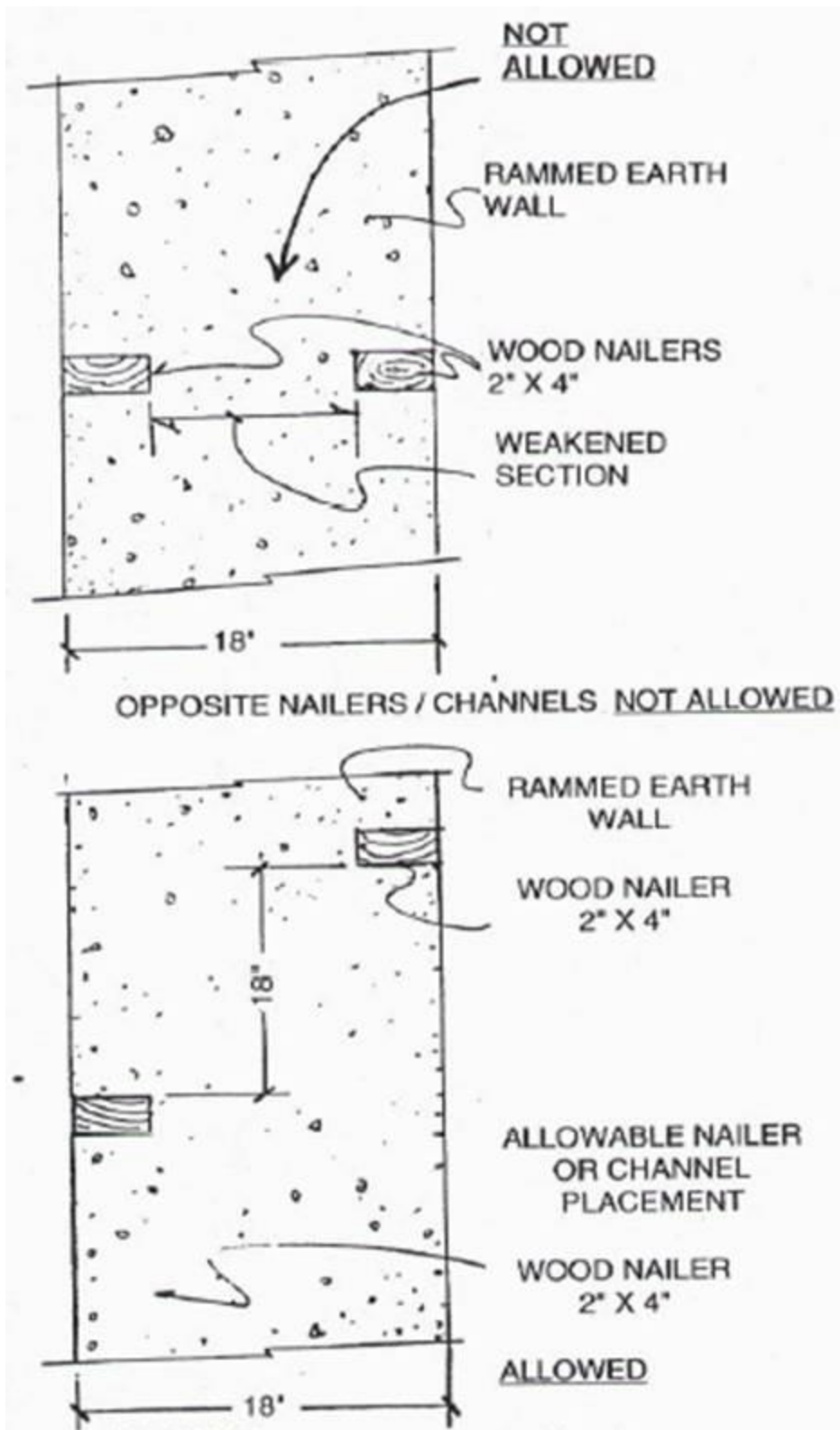
[14.7.4.31 NMAC - Rp, 14.7.4.31 NMAC, 11/15/2016]

14.7.4.32 FIGURE 3 – KEYWAY:



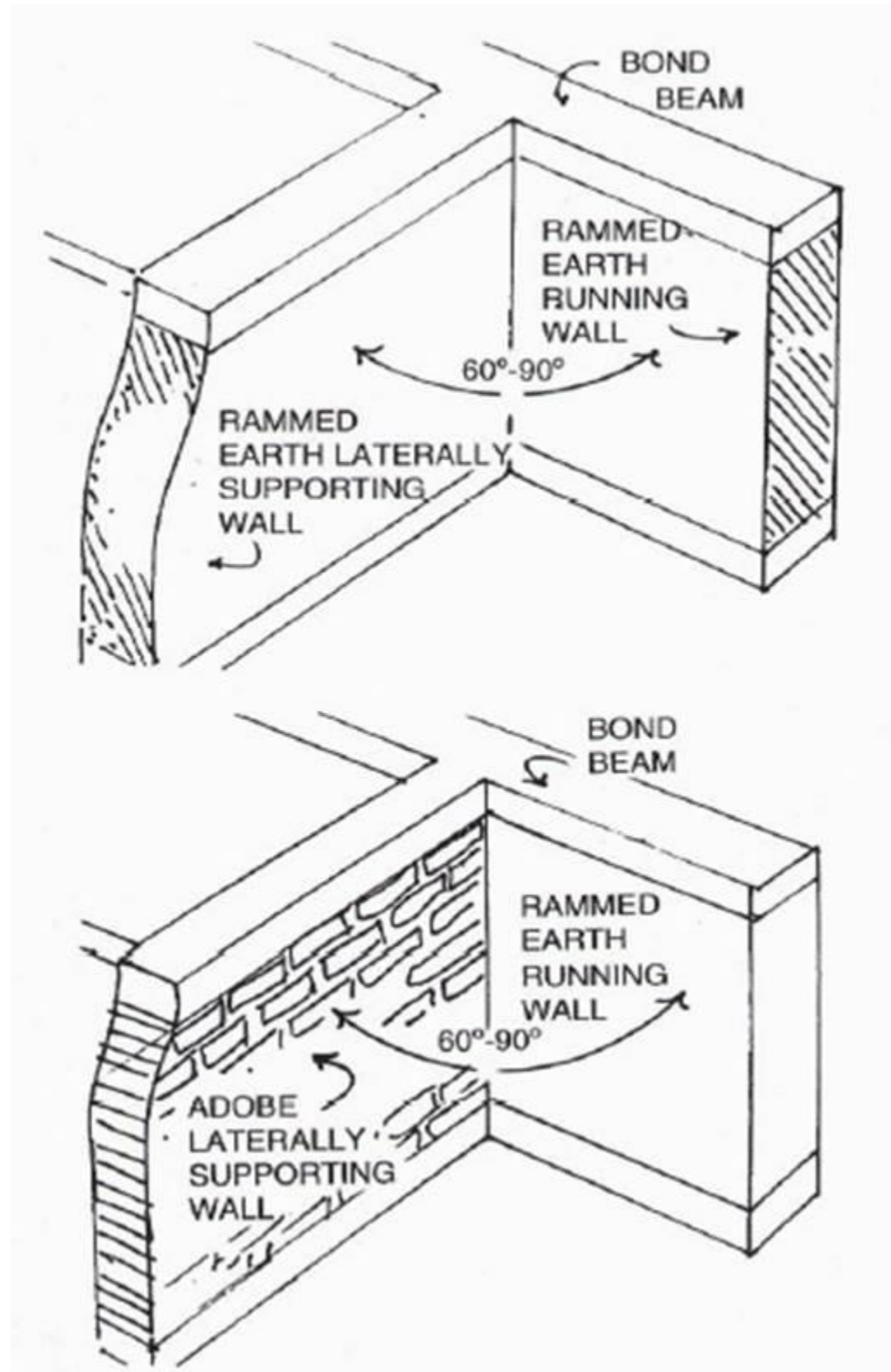
[14.7.4.32 NMAC - Rp, 14.7.4.32 NMAC, 11/15/2016]

14.7.4.33 FIGURE 4 - NAILER:



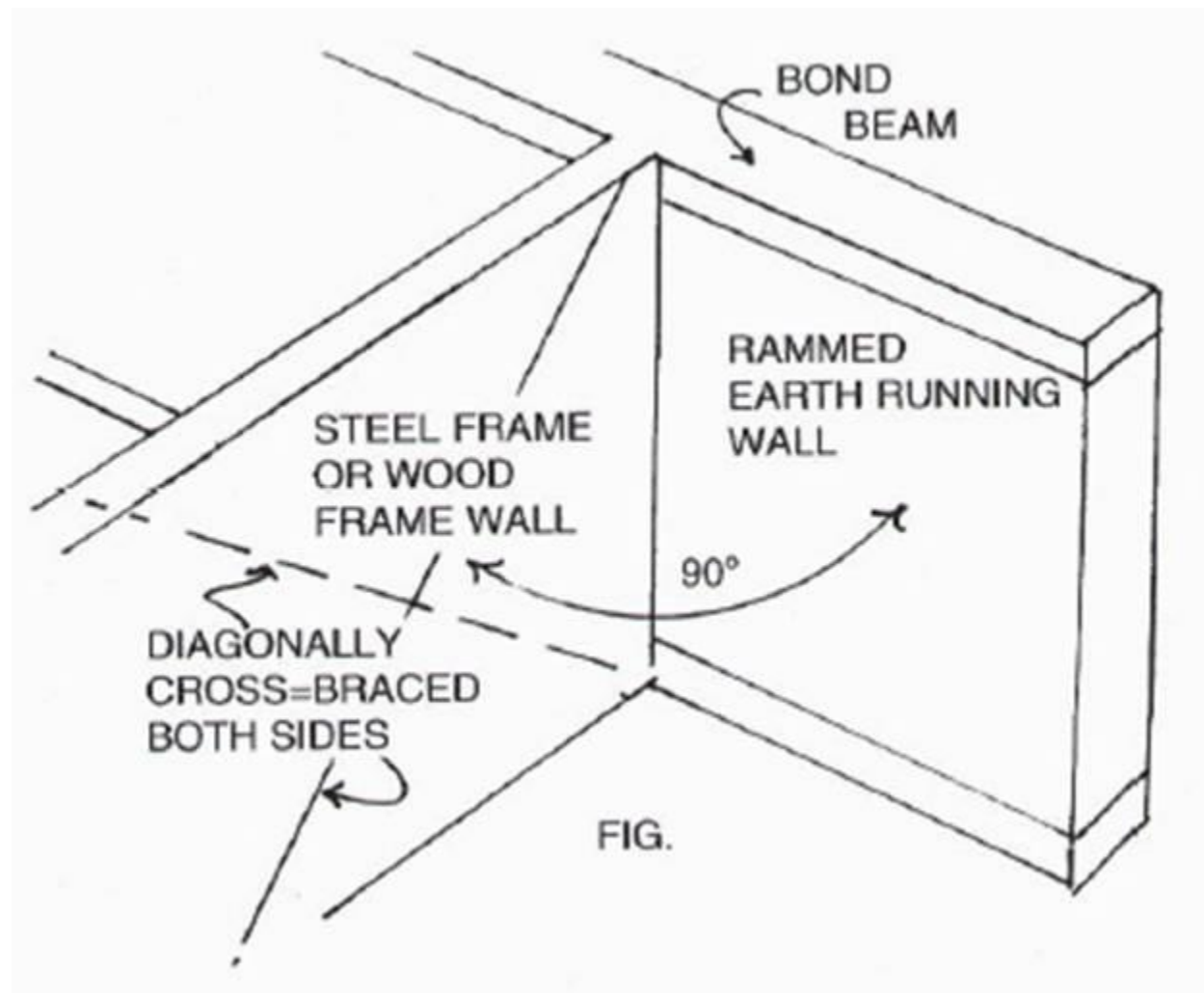
[14.7.4.33 NMAC - Rp, 14.7.4.33 NMAC, 11/15/2016]

14.7.4.34 FIGURE 5 - LATERAL SUPPORT:



[14.7.4.34 NMAC - Rp, 14.7.4.34 NMAC, 11/15/2016]

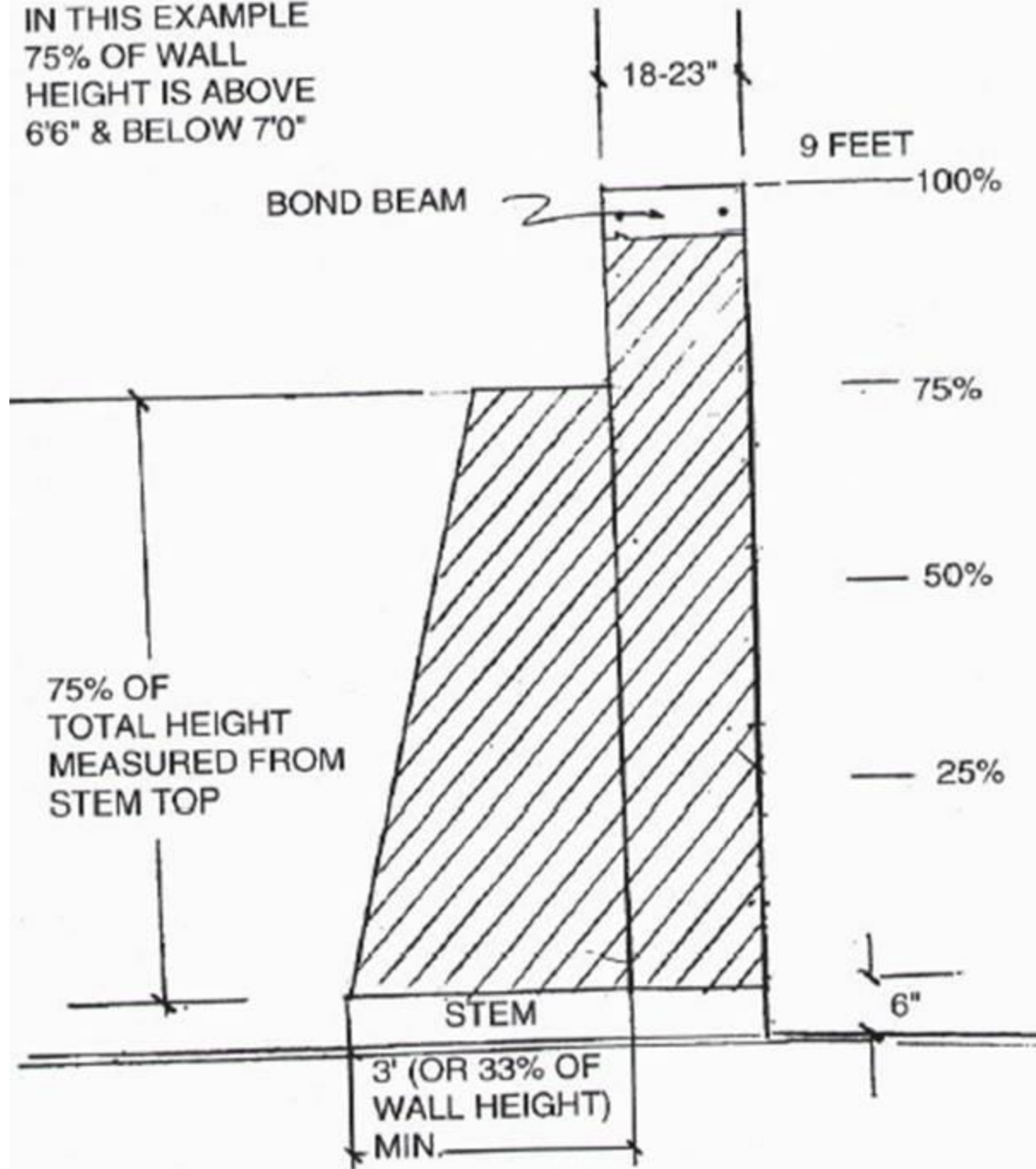
14.7.4.35 FIGURE 6 - LATERAL SUPPORT:



[14.7.4.35 NMAC - Rp, 14.7.4.35 NMAC, 11/15/2016]

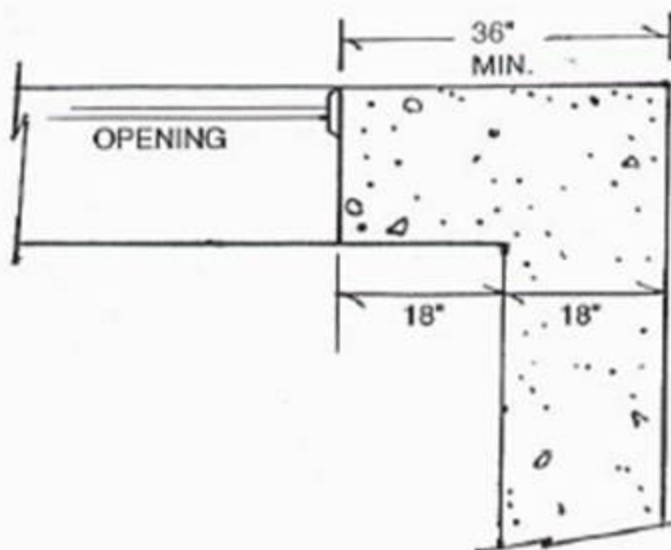
14.7.4.36 FIGURE 7 - LATERAL SUPPORT:

IN THIS EXAMPLE
75% OF WALL
HEIGHT IS ABOVE
6'6" & BELOW 7'0"



[14.7.4.36 NMAC - Rp, 14.7.4.36 NMAC, 11/15/2016]

14.7.4.37 FIGURE 8 - OPENINGS:

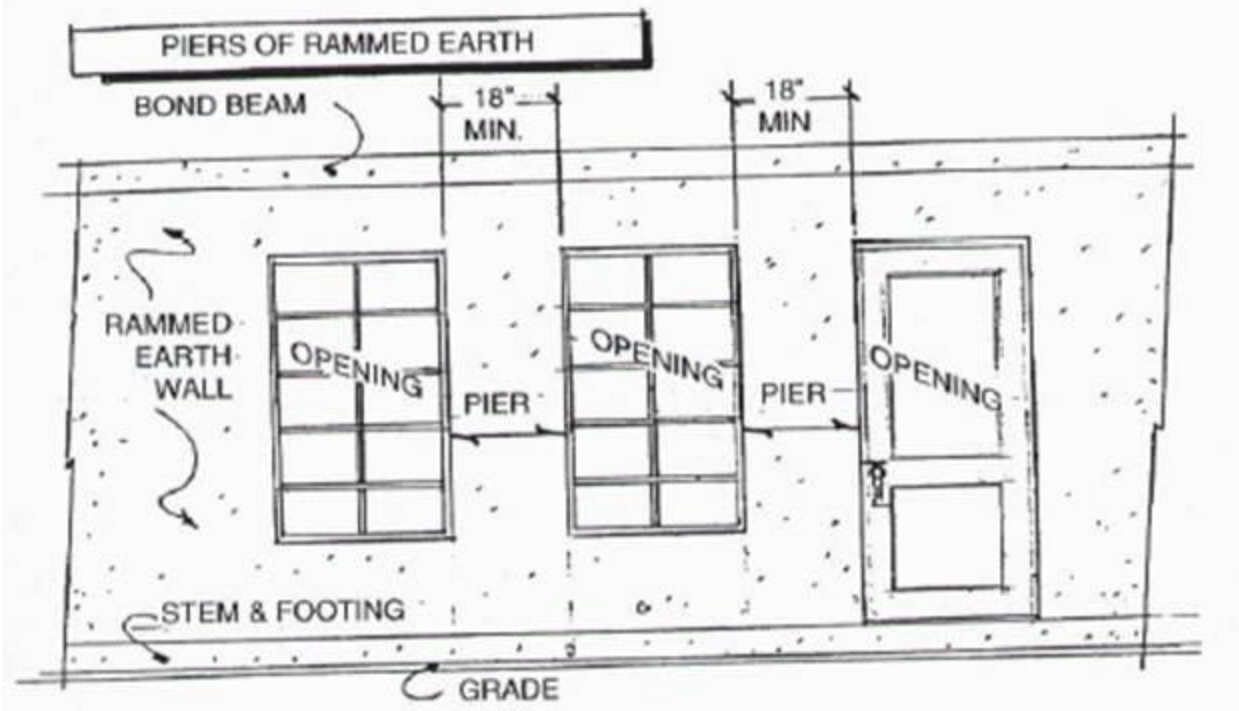


THE MINIMUM DISTANCE MEASURED FROM THE
EDGE OF ANY OPENING TO THE NEAREST
CORNER, PLUS THE ADJOINING WALL THICKNESS
SHALL NOT BE LESS THAN 36 INCHES



[14.7.4.37 NMAC - Rp, 14.7.4.37 NMAC, 11/15/2016]

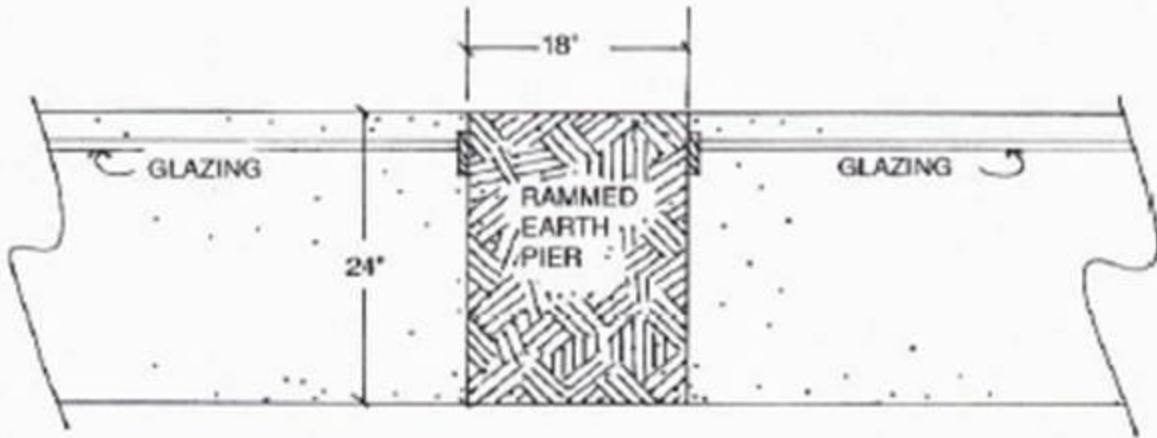
14.7.4.38 FIGURE 9 - A PIERS:



[14.7.4.38 NMAC - Rp, 14.7.4.38 NMAC, 11/15/2016]

14.7.4.39 FIGURE 9 - B PIERS:

EXAMPLE OF
RECTANGULAR TYPE PIER



PLAN VIEW

EXAMPLE
SHOWN:

18" = 1.5'
24" = 2.0'

THUS, 1.5 X 2.0 = 3.0 SQUARE FEET MIN.

EXAMPLE OF
ROUND TYPE PIER

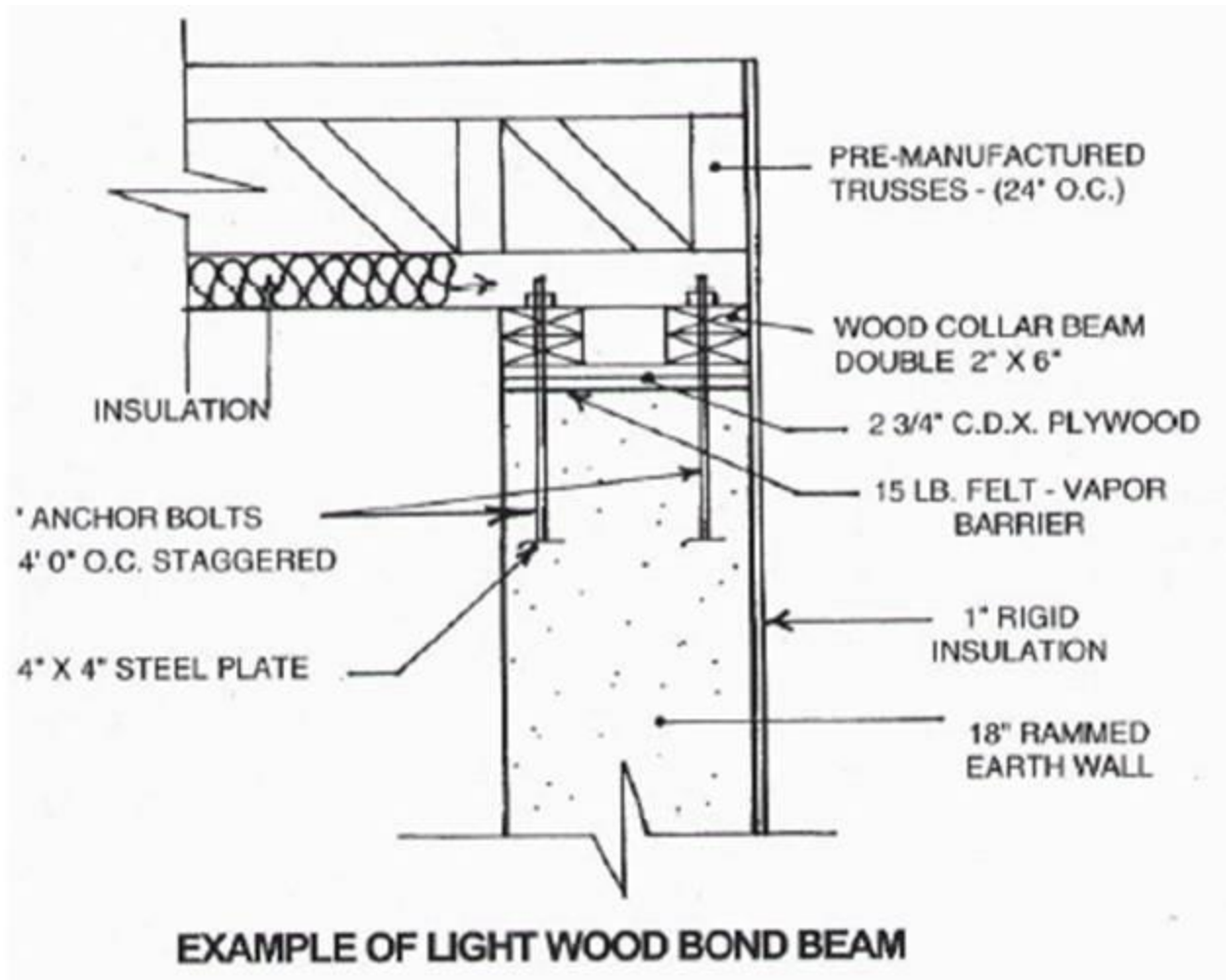


PLAN VIEW

EXAMPLE
SHOWN: AREA = πR^2 OR,
3.14 X 12 OR 3.14 X 144
452 SQ. INCHES = OK
(432 SQ. IN. = 3.0 SQ. FEET)

[14.7.4.39 NMAC - Rp, 14.7.4.39 NMAC, 11/15/2016]

14.7.4.40 FIGURE 10 - WOOD BOND BEAM CONSTRUCTION:



[14.7.4.40 NMAC - Rp, 14.7.4.40 NMAC, 11/15/2016]

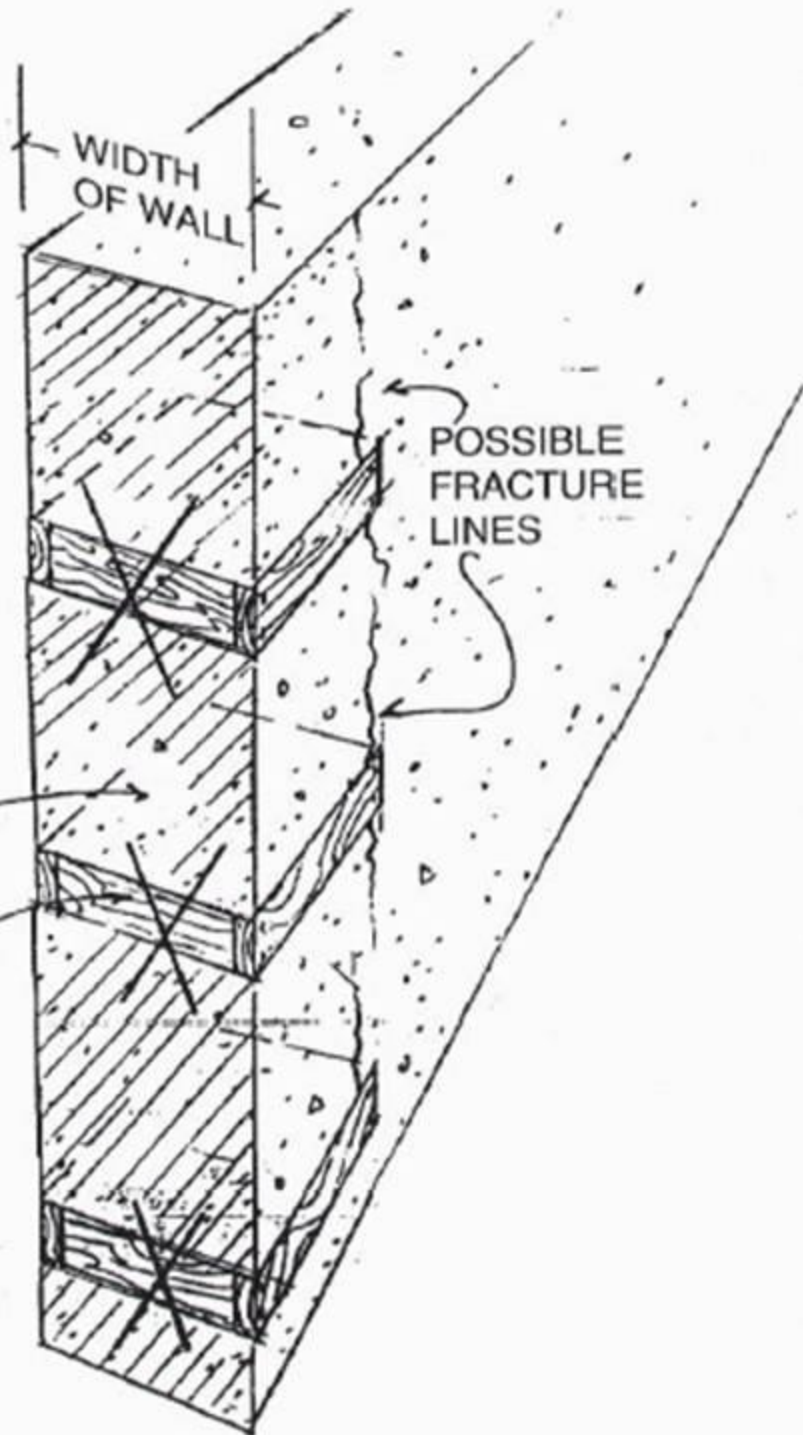
14.7.4.41 FIGURE 11 - PLACEMENT OF ATTACHED MATERIALS:

NO BOX WOOD
NAILERS
THRU WALL

NOT TO SCALE

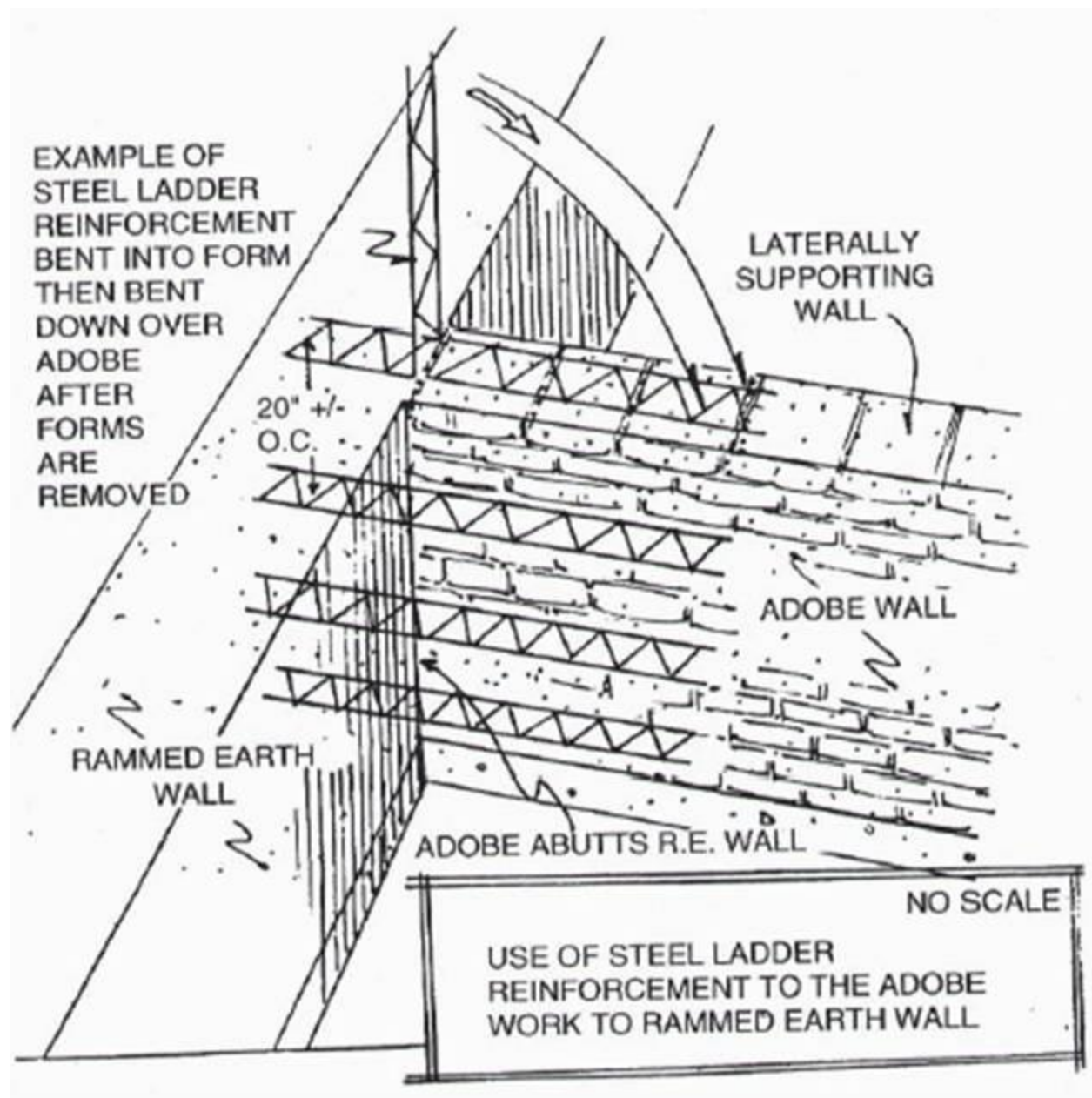
DANGER OF
SWELLING &
SETTING UP
FRACTURE
LINE AT DOOR &
WINDOW
OPENINGS

EDGE OF
OPENING
WOOD NAILER



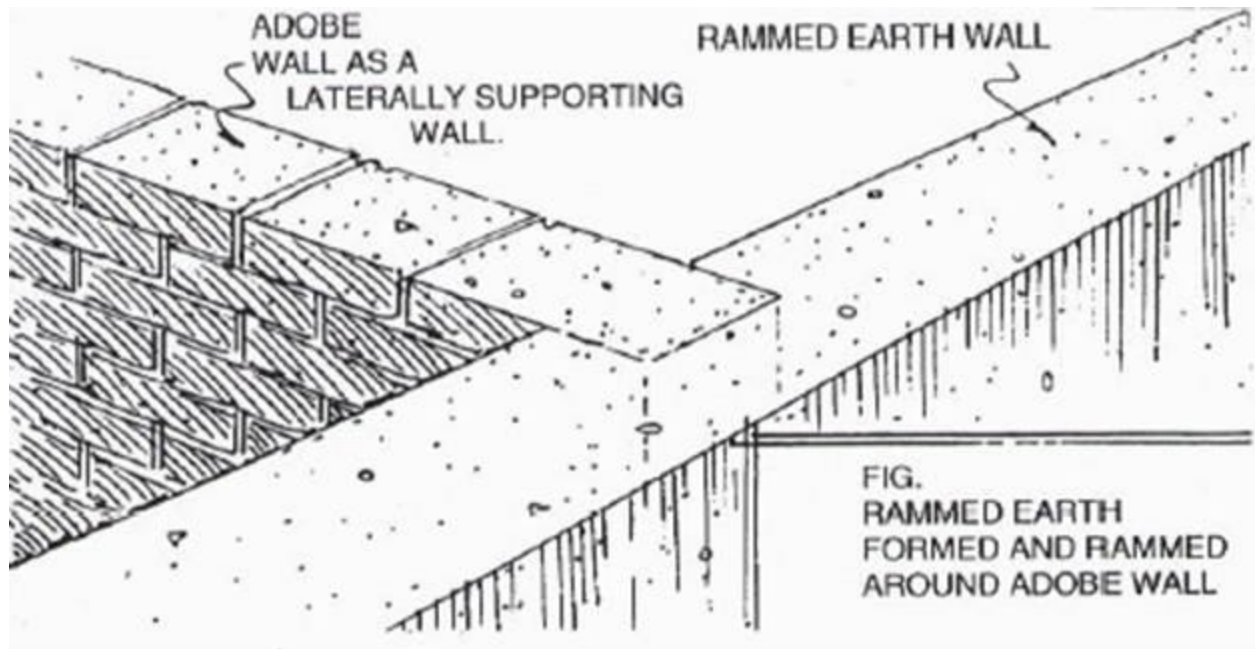
[14.7.4.41 NMAC - Rp, 14.7.4.41 NMAC, 11/15/2016]

14.7.4.42 FIGURE 12 - ATTACHMENT OF AN ADOBE WALL TO A RAMMED EARTH WALL:



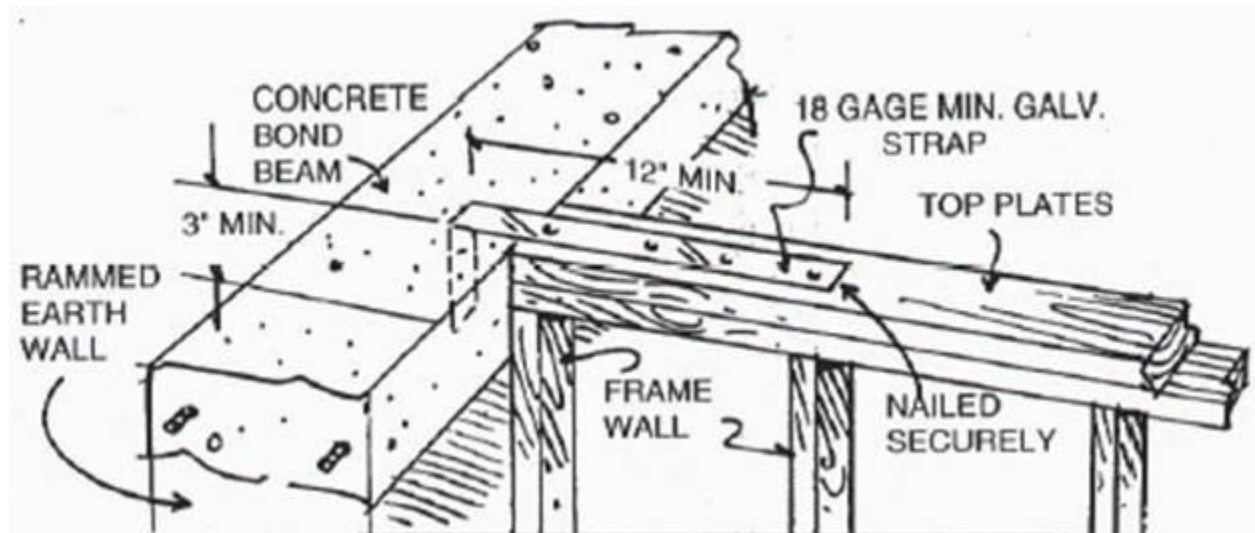
[14.7.4.42 NMAC - Rp, 14.7.4.42 NMAC, 11/15/2016]

14.7.4.43 FIGURE 13 - ATTACHMENT OF AN ADOBE WALL TO A RAMMED EARTH WALL:



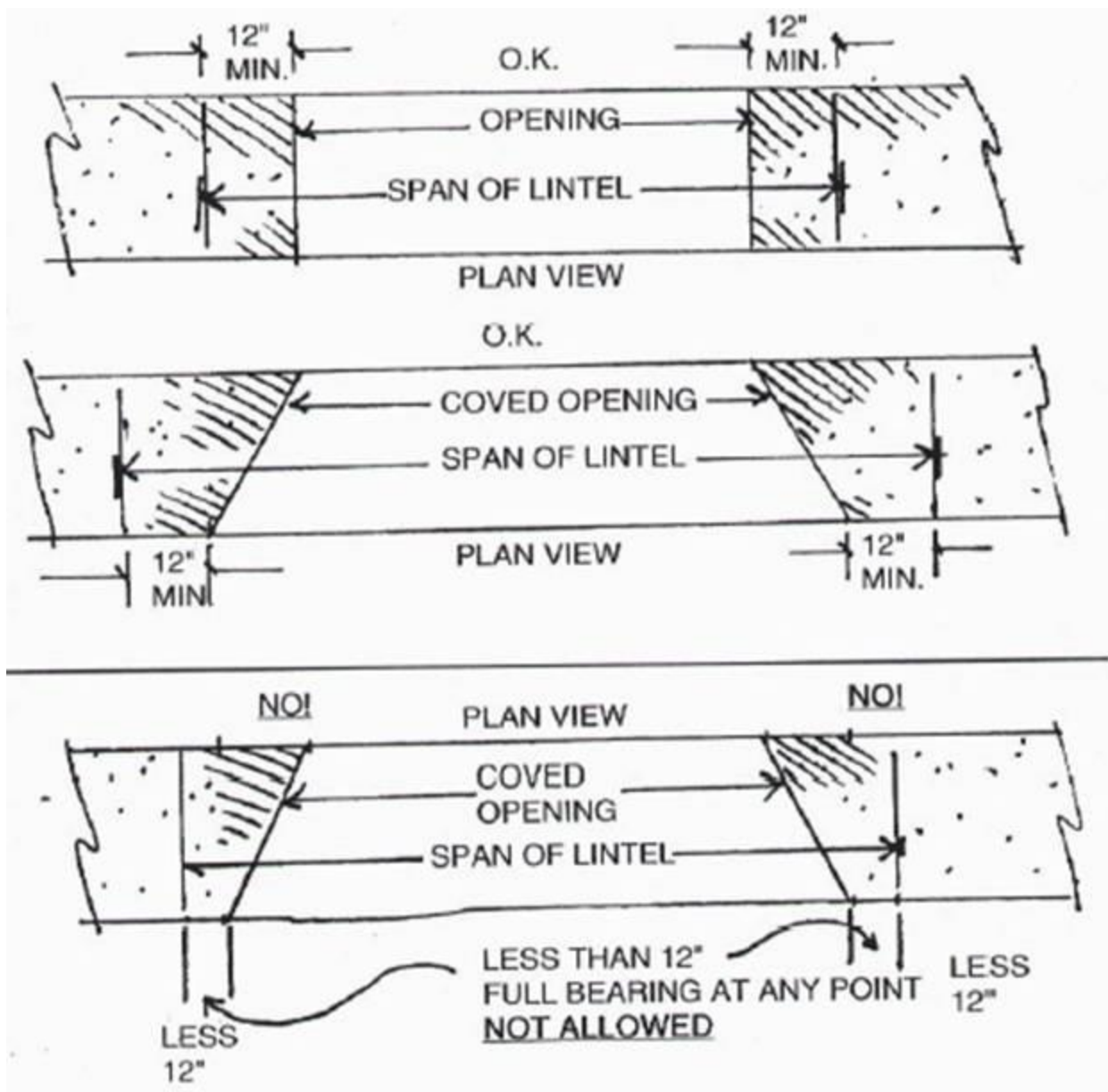
[14.7.4.43 NMAC - Rp, 14.7.4.43 NMAC, 11/15/2016]

14.7.4.44 FIGURE 14 -ATTACHMENT OF A LOAD BEARING WOOD OR STEEL FRAME WALL TO A RAMMED EARTH WALL:



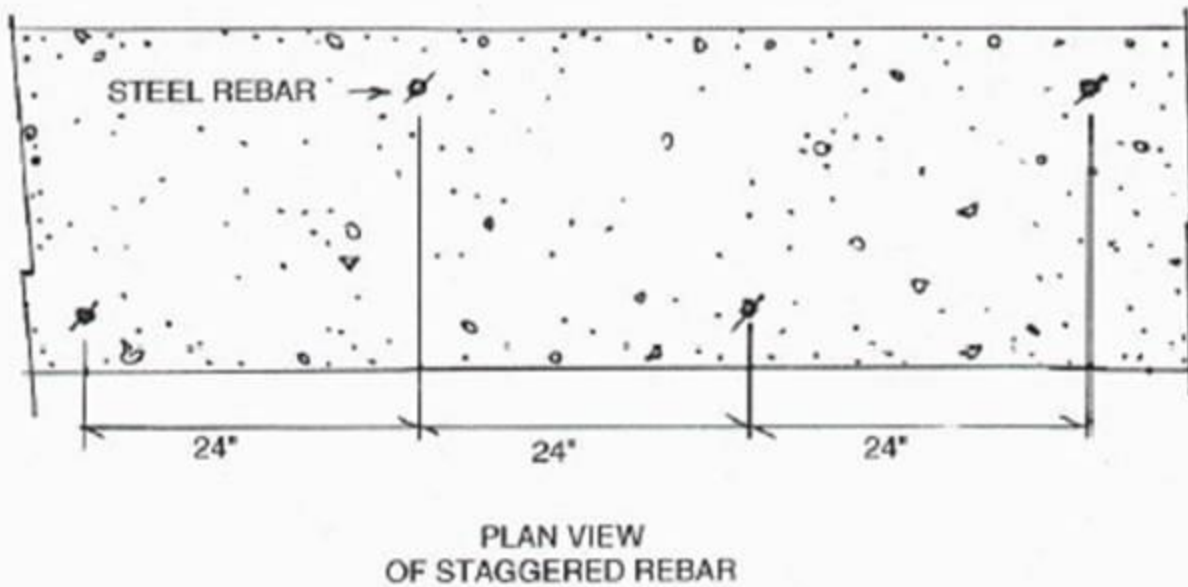
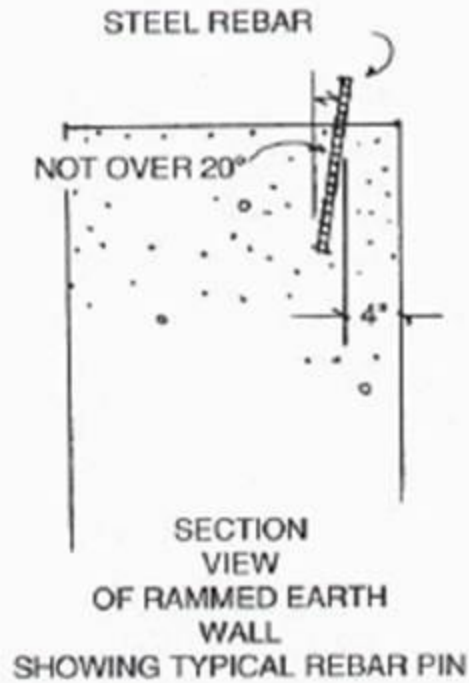
[14.7.4.44 NMAC - Rp, 14.7.4.44 NMAC, 11/15/2016]

14.7.4.45 FIGURE 15 - BEARING LIMITATIONS:



[14.7.4.45 NMAC - Rp, 14.7.4.45 NMAC, 11/15/2016]

14.7.4.46 FIGURE 16 - ATTACHMENT OF A CONCRETE BOND BEAM TO A RAMMED EARTH WALL:



[14.7.4.46 NMAC - Rp, 14.7.4.46 NMAC, 11/15/2016]

PART 5: 2009 NEW MEXICO NON-LOAD BEARING BALED STRAW CONSTRUCTION BUILDING STANDARDS [REPEALED]

[This part was repealed on November 15, 2016.]

PART 6: 2021 NEW MEXICO RESIDENTIAL ENERGY CONSERVATION CODE

14.7.6.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.7.6.1 NMAC - Rp, 14.7.6.1 NMAC, 1/30/2024]

14.7.6.2 SCOPE:

This rule applies to all residential contracting work performed in New Mexico on or after January 30, 2024, 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.

[14.7.6.2 NMAC - Rp, 14.7.6.2 NMAC, 1/30/2024]

14.7.6.3 STATUTORY AUTHORITY:

Sections 60-13-9 and 60-13-44 NMSA 1978.

[14.7.6.3 NMAC - Rp, 14.7.6.3 NMAC, 1/30/2024]

14.7.6.4 DURATION:

Permanent.

[14.7.6.4 NMAC - Rp, 14.7.6.4 NMAC, 1/30/2024]

14.7.6.5 EFFECTIVE DATE:

January 30, 2024, unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until month July 30, 2024, permits may be issued under either the previously-adopted rule, or this rule. After month July 30, 2024, permits may be issued only under this rule.

[14.7.6.5 NMAC - Rp, 14.7.6.5 NMAC, 1/30/2024]

14.7.6.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for energy conservation for residential construction in New Mexico.

[14.7.6.6 NMAC - Rp, 14.7.6.6 NMAC, 1/30/2024]

14.7.6.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the IECC as amended in 14.7.6.10 NMAC.

[14.7.6.7 NMAC - Rp, 14.7.6.7 NMAC, 1/30/2024]

14.7.6.8 ADOPTION OF THE 2021 NEW MEXICO RESIDENTIAL ENERGY CONSERVATION CODE:

A. This rule adopts by reference the 2021 international energy conservation code (IECC), as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2021 international residential energy conservation code.

C. This rule is to be applied to each of the following New Mexico building codes, including the NMRBC, NMEBC, NMPC, NMMC and the NMEC.

[14.7.6.8 NMAC - Rp, 14.7.6.8 NMAC, 1/30/2024]

14.7.6.9 CHAPTER 1 [RE] SCOPE AND ADMINISTRATION:

See this chapter of the IECC except as provided below.

A. Section R101 Scope and general requirements.

(1) Section R101.1 Title. Delete this section of the IECC and substitute with the following: This rule shall be known as 14.7.6 NMAC, the 2021 New Mexico Residential Energy Conservation Code (NMRECC).

(2) Section R101.2 Scope. Delete this section of the IECC and see 14.7.6.2 NMAC, Scope.

(3) Section R101.3 Intent. Delete this section of the IECC and see 14.7.6.6 NMAC, Objective.

(4) Section R101.5.1 Compliance materials. Delete this section of the IECC and substitute with the following: The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code, including but not limited to ResCheck, and worksheet or trade-off sheets from the New Mexico energy conservation code residential applications manual, issued by the New Mexico department of energy, minerals, and natural resources.

B. Section R103 Construction Documents. See this section of the IECC except as provided below.

(1) Section R103.1 General. Delete this section of the IECC and see 14.5.2 NMAC, Permits

(2) Section R103.2 Information on construction documents. See this section of the IECC and 14.5.2 NMAC, Permits.

(3) Section R103.3 Examination of documents. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

(4) Section R103.4 Amended construction documents. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

(5) Section R103.5 Retention of construction documents. Delete this section of the IECC and see 1.21.2 NMAC, Retention and Disposition of Public Records.

C. Section R104 Fees. Delete this section of the IECC and see 14.5.5 NMAC, Fees.

D. Section R105 Inspections. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

E. Section R106 Notice of approval. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

F. Section R107 Validity. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

G. Section R108 Referenced standards. Delete this section of the IECC and substitute with the following: All references to the international residential code shall be deemed references to 14.7.3 NMAC, the New Mexico residential building code (NMRBC). All references to the international plumbing code shall be deemed references to 14.8.2 NMAC, the New Mexico plumbing code (NMPC). All references to the international mechanical code shall be deemed references to 14.9.2 NMAC, the New Mexico mechanical code (NMMC). All references to the IEC or international electrical code shall be deemed references to 14.10.4 NMAC, the New Mexico electrical code (NMEC). All references to the international energy conservation code shall be deemed references to 14.7.6 NMAC, the New Mexico residential energy conservation code (NMRECC). All references to the international fuel gas code are deemed references to the NMMC or the 19.15.40 NMAC LP gas standards, and sections 70-5-1 through 70-5-23 NMSA 1978.

H. Section R109 Stop work order. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

I. Section R110 Means of appeals. Delete this section of the IECC and see 14.5.1 NMAC, General Provisions.

[14.7.6.9 NMAC - Rp, 14.7.6.9 NMAC, 1/30/2024]

14.7.6.10 CHAPTER 2 [RE] DEFINITIONS:

See this chapter of the IECC except as provided below.

A. Section R201.1 Scope. See this section of the IECC and add the following: If the same term is defined in the New Mexico construction codes and in the IECC, the term shall have the meaning given it in the New Mexico construction codes.

B. Section R201.3 Terms defined in other codes. Delete this section of the IECC and substitute with the following: Terms that are not defined in this code but are defined in the NMRBC, NMMC, NMPC, NMEC, or any other New Mexico building code shall have the meanings ascribed to them in those codes.

C. Section R202 General definitions. See this section of the IECC except as provided below.

(1) NMRECC means 2021 New Mexico Residential Energy Conservation Code.

(2) NMRBC means 14.7.3 NMAC, current adopted New Mexico Residential Building Code.

(3) NMPC means current adopted 14.8.2 NMAC, New Mexico Plumbing Code.

(4) NMMC means 14.9.2 NMAC, NMMC current adopted New Mexico Mechanical Code.

(5) NMEC means 14.10.4 NMAC, NMEC current adopted New Mexico Electrical code.

(6) **RESCHECK.** A document describing the overall efficiency of the insulation of a building which works by performing a simple U-factor x Area (UA) calculation for each building assembly to determine the overall UA of a building. The UA of the proposed project building is compared to the code requirements.

(7) **RESNET Software.** Is an approved software program to meet the performance requirements of the IECC.

(8) ASTM. Means the American society for testing and materials, an international standards organization that develops and publishes voluntary consensus building technical standards for a wide range of materials utilized in construction.

(9) HERS. Means the home energy rating system index and is the industry standard by which home energy efficiency is measured. It is also the nationally recognized system for inspecting and calculating home energy performance.

(10) Electric vehicle (EV). Add the following definition to the IECC: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, EVSE, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles that have a second source of motive power. Off-road, self-propelled electric mobile equipment such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like are not considered electric vehicles.

(11) Electric vehicle supply equipment (EVSE). Add the following definition to the IECC: Equipment for plug-in power transfer including the ungrounded, grounded and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personal protection system and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(12) Unconditioned space. Add the following definition to the IECC: Space within a building that is not mechanically heated or cooled and is outside the building thermal envelope.

(13) Vapor retarder class. Add the following definition to the IECC: A measure of a material or assembly's ability to limit the amount of moisture that passes through that material or assembly. Vapor retarder class shall be defined using the desiccant method of ASTM E96 as follows:

- (a) class I: 0.1 perm or less;
- (b) class II: > 0.1 perm ≤1.0 perm;
- (c) class III: > 1.0 perm ≤10 perm.

[14.7.6.10 NMAC - Rp, 14.7.6.10 NMAC, 1/30/2024]

14.7.6.11 CHAPTER 3 [RE] GENERAL REQUIREMENTS:

See this chapter of the IECC except as provided below.

A. Section R301 Climate zones. See this Chapter of the IECC except as provided below.

B. Section R301.1 General. Delete this section of the IECC and substitute with the following: The table below in conjunction with Table 301.3(2) shall be used to determine the applicable requirements for chapter 4. Locations not listed in the table below shall use either Table 301.1, Section 301.3, or the building official may designate a climate zone consistent with the elevation, HDD & CDD from the table below.

C. Table 301.2 New Mexico Climate Zones Based on Heating and Cooling Degree Days. Add the following table to the IECC.

Table 301.2 New Mexico Climate Zones Based on Heating and Cooling Degree Days					
City	County	Elev. (feet)	Heating Degree Days (HDD) 65°F Day	Cooling Degree Days (CDD) 50°F Day	Climate Zone
Abiquiu Dam	Rio Arriba	6380	5872		5B
Angel Fire	Colfax	8406	9769	195	7B
Alamogordo	Otero	4350	3053	5309	3B
Albuquerque	Bernalillo	5312	4332	4462	4B
Artesia	Eddy	3380	3366	5374	3B
Aztec Ruins	San Juan	5644	5757		5B
Belen	Valencia	4800	4432	5012	3B
Bernalillo	Sandoval	5052	4782	4138	4B
Bloomfield	San Juan	5456	5490		5B
Bosque del Apache	Socorro	4520	3916	5012	3B
Carlsbad	Eddy	3295	2813	5997	3B
Carrizozo	Lincoln	5438	4234	3631	4B
Cedar Crest	Bernalillo	6581	5703		5B
Chaco Canyon	San Juan	6200	6137		5B
Chama	Rio Arriba	7871	8254		6B
Clayton	Union	5056	5150	3170	4B
Cloudcroft	Otero	8801	7205		6B
Clovis	Curry	4268	4033	4252	4B
Corona	Valencia	6690	5389	3631	4B
Cuba	Sandoval	7035	7122		5B
Deming	Luna	4305	3347	5292	3B
Dulce	Rio Arriba	6793	7979		6B
Eagle Nest	Colfax	8262	9254		7B
Edgewood	Santa Fe	6649	6146		5B
Espanola	Rio Arriba	5643	5641		5B
Farmington	San Juan	5395	5747		5B
Fence Lake	Cibola	7055	6396		5B

Fort Sumner	De Baca	4032	3799	4616	3B
Gallup	McKinley	6465	6207		5B
Glenwood	Catron	4725	3632	4427	4B
Grants	Cibola	6460	6143		5B
Hatch	Dona Ana	4052	3270	5904	3B
Hobbs	Lea	3622	2954	5181	3B
Jemez Springs	Sandoval	6198	5260	2059	4B
Las Cruces	Dona Ana	4000	3223	5904	3B
Las Vegas	San Miguel	6424	5738		5B
Lordsburg	Hidalgo	4250	3213	5210	3B
Los Alamos	Los Alamos	7320	6381		5B
Los Lunas	Valencia	4856	4725	4462	4B
Magdalena	Socorro	6572	5074	2093	4B
Mescalero	Otero	6611	5540		5B
Moriarty	Torrance	6220	4735	3786	4B
Mosquero	Harding	5485	5209	3631	4B
Mountainair	Torrance	6520	5558		5B
Organ	Dona Ana	5245	3215	4919	3B
Placitas	Sandoval	5955	4917	3701	4B
Portales	Roosevelt	4006	3845	4347	4B
Raton	Colfax	6680	6001		5B
Red River	Taos	8671	8742	179	7B
Reserve	Catron	5847	5483		5B
Rio Rancho	Sandoval	5282	4880	3949	4B
Roswell	Chaves	3573	3565	5505	3B
Ruidoso	Lincoln	6920	6309		5B
Sandia Crest	Bernalillo	10680	10034		7B
Sandia Park	Bernalillo	7077	7510		6B
Santa Fe	Santa Fe	7260	6001		5B
Santa Rosa	Guadalupe	4620	3749	4714	3B
Shiprock	San Juan	4892	5475		5B
Silver City	Grant	5895	4438	3975	4B
Socorro	Socorro	4603	3984	5147	3B
Springer	Colfax	5797	5653		5B
Taos	Taos	6967	6827		5B
Taos Ski Valley	Taos	9321	9769		7B
Tatum	Lea	3999	3680	4721	3B
Thoreau	McKinley	7200	5789		5B
Tierra Amarilla	Rio Arriba	7425	7901		6B
Tijeras	Bernalillo	6322	6338		5B
Tohatchi	McKinley	6447	5418		5B
Truth or Consequences	Sierra	4245	3394	5103	3B
Tucumcari	Quay	4096	3767	4429	4B

Tularosa	Otero	4508	3056	5130	3B
Zuni	McKinley	6293	5742		5B

[14.7.6.11 NMAC - Rp, 14.7.6.11 NMAC, 1/30/2024]

14.7.6.12 CHAPTER 4 [RE] RESIDENTIAL ENERGY EFFICIENCY:

See this Chapter of the IECC except as provided below.

A. Section R401 General. See this section of the IECC except as provided below.

(1) Section R401.2 Application. Delete this section of the IECC and substitute with the following: Residential buildings shall comply with one of the following sections: R401.2.1, R401.2.2, R401.2.3, or 401.2.4. Exception: Additions, alterations, repairs, and changes of occupancy to existing buildings complying with Chapter 5.

(2) Section R401.2.4 Tropical climate region option. Delete this section of the IECC and substitute with the following: Code programs recognized by the state of New Mexico. Programs such as build green New Mexico, LEED-H, or other programs approved under IECC section 102.1.1.

(3) Section R401.2.5 Additional energy efficiency. Delete this section of the IECC.

(4) Section R401.3 Certificate. Delete this section of the IECC.

B. Section R402 Building thermal envelope. See this section of the IECC except as provided below.

(1) Table 402.1.2 Maximum assembly U-factors and fenestration requirements. See this table in the IECC except as provided below.

(a) See this table in the IECC except in the ceiling U-Factor column change 0.026 to 0.028 in climate zone 3.

(b) See this table in the IECC except in the ceiling U-Factor column change 0.024 to 0.026 in climate zones 4 except marine, 5 and marine 4, 6, 7 and 8.

(2) Table 402.1.3 Insulation minimum R-values and fenestration requirements by component. See this table in the IECC except as provided below.

(a) See this table in the IECC except in the ceiling R-value column change 49 to 38 in climate zone 3.

(b) See this table in the IECC except in the ceiling R-value column change 60 to 49 in climate zones 4 except marine, 5 and marine 4, 6, 7 and 8.

(c) See this table in the IECC except in the slab R-value and depth column change 10ci, 4ft to 10ci, 2ft in climate zones 4 except marine, 5 and marine 4.

(3) Section 402.4 Air leakage. See this section of the IECC except as provided below.

(a) Section 402.4.1.2 Testing. See this section of the IECC except delete the last paragraph of the section and substitute with the following: Mechanical ventilation shall be provided in accordance with chapter 4 of the uniform mechanical code, as applicable, or with other approved means of ventilation.

(b) Section R402.4.1.4 Visual inspection option. Add the following section to the IECC: Building envelope tightness, and insulation installation shall be considered acceptable with the items listed in table 402.1.2 or table 402.1.3 applicable to the method of construction. It shall be field verified by the code official as part of the inspection process, and the builder or an energy rater may also field verify using the state of New Mexico acceptable processes. Acceptable processes include but are not limited to the following: construction industries division thermal bypass visual inspection checklist, a thermal bypass certification or checklist from a HERS rater, a build green NM checklist, or an energy star program checklist from the New Mexico energy, minerals, and natural resources department.

(c) R402.4.1.5 Based on census. Add the following section to the IECC: Based on census rural urban mapping the following areas will be required to comply with R402.4.1 building thermal envelope, R402.4.1.2 testing, and R403.3.5 Duct testing: San Juan County, Sandoval County, Santa Fe County, Bernalillo County, Torrance County, and Dona Ana County.

(d) R402.4.1.5 State of New Mexico Thermal Bypass Inspection Checklist and Duct Sealing Visual Inspection Checklist. Add the following section to the IECC: In accordance with sections R402.4.1, R402.4.1.2 and R403.3.5 the thermal bypass inspection checklist and duct sealing visual inspection checklist will be provided at the time of issuance of building permit or can also be accessed at www.rld.nm.gov/construction-industries/ under forms and applications.

C. Section R403 Systems. See this section of the IECC except as provided below.

(1) Section R403.1.1 Programmable thermostat. See this section of the IECC except add the following exceptions to the end of the section:

(a) When a water circulation system is utilized to heat and/or cool the residence, no programmable set-back thermostat is required.

(b) Where the home is registered in a performance-based certification program, the requirements for a programmable thermostat shall be waived.

(c) Where approved alternative methods of construction and/or materials are being used, programmable thermostats may be omitted.

(2) Section R403.3.5 Duct testing. See this section of the IECC and add the following to the methods: 3. Duct sealing shall be considered in compliance with R403.3.5 when field inspected by the code official and verified by the builder or an energy rater using the state of New Mexico duct sealing visual inspection checklist which can be accessed at www.rld.nm.gov/construction-industries.

(3) Section R403.4 Mechanical system piping insulation. See this section of the IECC and add the following exception: In-floor radiant heating or cooling systems do not require insulation.

D. Section R404 Electrical power and lighting systems. See this section of the IECC except as provided below.

(1) Section R404.4 Electric vehicle power transfer infrastructure. Add this section to the IECC. New residential automobile parking spaces for residential buildings shall be provided with electric vehicle power transfer infrastructure in accordance with Section R404.4.1 and Section R404.4.2.

(2) Section R404.4.1 Quantity for single- and two-family dwellings. Add this section to the IECC. New one- and two-family dwellings and townhouses as defined in 14.7.3 NMAC with a designated attached or detached garage or other onsite private parking provided adjacent to the dwelling unit shall be provided with the following:

(a) One electrical receptable box

(b) 8 ga. wiring from receptable box to a 50-amp circuit breaker in the electrical panel

(c) The circuit breaker in the electrical panel and the receptable box shall be marked "For future electrical vehicle charging equipment".

(3) Section R404.4.2 Quantity for residential buildings with R-2, R-3, R-4 Occupancy classifications. Add this section to the IECC. New R-2, R-3, and R-4 buildings that are three stories or less above grade plane shall comply with Section C405.13 of the NMCECC.

E. Section R408 Additional efficiency package options. See this section of the IECC except as provided below.

(1) Section R408.1 Scope. Delete this section of the IECC and substitute with the following: This section establishes additional efficiency package options.

(2) Section R408.2 Additional efficiency package options. Delete this section of the IECC and substitute with the following: Additional efficiency package options are set forth in Sections R408.2.1 through R408.2.10.

(a) Section R408.2.1 Enhanced envelope performance option. See this section of the IECC.

(b) Section R408.2.2 More efficient HVAC equipment performance option. See this section of the IECC.

(c) Section R408.2.3 Reduced energy use in service water-heating option. See this section of the IECC.

(d) Section R408.2.4 More efficient duct thermal distribution system option. See this section of the IECC.

(e) Section R408.2.5 Improved air sealing and efficient ventilation system option. See this section of the IECC.

(f) Section R408.2.6 Electric readiness. Add this section to the IECC.

Water heaters, household clothes dryers, and cooking appliances that use fuel gas or liquid fuel shall comply with the requirements of Sections R408.2.7 through R408.2.10.

(g) Section R408.2.7 Cooking appliances. Add this section to the IECC. A dedicated branch circuit with a rating not less than 240-volts, 40-amperes shall be installed and terminate within three feet (304 mm) of conventional cooking tops, conventional ovens or cooking appliances combining both. Exception: Cooking appliances not installed in an individual dwelling unit.

(h) Section R408.2.8 Household clothes dryers. Add this section to the IECC. A dedicated branch circuit with a rating not less than 240-volts, 30-amperes shall be installed and terminate within three feet (304 mm) of each household clothes dryer. Exception: Clothes dryers not installed in an individual dwelling unit.

(i) Section R408.2.9 Domestic hot water heaters. Add this section to the IECC. A dedicated branch circuit with a rating not less than either 240-volts, 30-amperes or 120V, 20-amperes shall be installed and terminate within three feet (304 mm) of each domestic hot water heater. Exception: Water heaters serving multiple dwelling units serving an R-2 occupancy.

(j) Section R408.2.10 Electrification-ready circuits. Add this section to the IECC. The unused conductors required by sections R408.2.6 through R408.2.9 shall be labeled with the word appropriate to the appliance terminus. Capacity for the circuits required by Sections R408.2.6 through R408.2.9 shall be included in the load calculations of the original installation.

[14.7.6.12 NMAC - Rp, 14.7.6.12 NMAC, 1/30/2024]

14.7.6.13 CHAPTER 5 [RE] EXISTING BUILDINGS:

See this Chapter of the IECC.

[14.7.6.13 NMAC - Rp 14.7.6.13 NMAC, 1/30/2024]

14.7.6.14 CHAPTER 6 [RE] REFERENCED STANDARDS:

See this Chapter of the IECC.

[14.7.6.14 NMAC - Rp 14.7.6.14 NMAC, 1/30/2024]

PART 7: 2021 NEW MEXICO EXISTING BUILDING CODE

14.7.7.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.7.7.1 NMAC - Rp, 14.7.7.1 NMAC, 7/14/2023]

14.7.7.2 SCOPE:

This rule applies to contracting performed on existing buildings in New Mexico, but not contracting performed on detached one- and two-family dwellings or townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures, on or after July 14, 2023, 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, with the following exceptions:

A. Electrical. Electrical wiring as defined in Section 60-13-32 NMSA 1978, including installation, repair, alteration, change of occupancy, addition and relocation of existing buildings shall be in accordance with 14.10.4 NMAC, the current adopted New Mexico electrical code (NMEC).

B. Mechanical. All mechanical work, including installation, repair, alteration, change of occupancy, addition and relocation, on existing buildings shall be in accordance with 14.9.2 NMAC, the current adopted New Mexico mechanical code (NMMC).

C. Plumbing. All plumbing work, including installation, repair, alteration, change of occupancy, addition and relocation, on existing buildings shall be in accordance with 14.8.2 NMAC, the current adopted New Mexico plumbing code (NMPC).

D. LP gas. All liquid petroleum and compressed natural gas work, including installation, repair, alteration, change of occupancy, addition, and relocation, on existing buildings shall be in accordance with 14.9.2 NMAC or 19.15.40 NMAC.

[14.7.7.2 NMAC - Rp, 14.7.7.2 NMAC, 7/14/2023]

14.7.7.3 STATUTORY AUTHORITY:

Section 60-13-9 NMSA 1978.

[14.7.7.3 NMAC - Rp, 14.7.7.3 NMAC, 7/14/2023]

14.7.7.4 DURATION:

Permanent.

[14.7.7.4 NMAC - Rp, 14.7.7.4 NMAC, 7/14/2023]

14.7.7.5 EFFECTIVE DATE:

July 14, 2023, unless a later date is cited at the end of a section.

[From the date of publication of this rule in the New Mexico register, until December 14, 2023, permits may be issued under either the previously adopted rule, or this rule. After December 14, 2023, permits may be issued only under this rule.]

[14.7.7.5 NMAC - Rp, 14.7.7.5 NMAC, 7/14/2023]

14.7.7.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for construction work performed on existing buildings in New Mexico.

[14.7.7.6 NMAC - Rp, 14.7.7.6 NMAC, 7/14/2023]

14.7.7.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions, and chapter 2 of the IEBC as amended in 14.7.7.10 NMAC.

[14.7.7.7 NMAC - Rp, 14.7.7.7 NMAC, 7/14/2023]

14.7.7.8 ADOPTION OF THE 2021 NEW MEXICO EXISTING BUILDING CODE:

A. This rule adopts by reference, and amends, the 2021 international existing building code.

B. In this rule, each provision is numbered to correspond with the numbering of the 2021 international existing building code.

[14.7.7.8 NMAC - Rp, 14.7.7.8 NMAC, 7/14/2023]

14.7.7.9 CHAPTER 1 SCOPE AND ADMINISTRATION:

A. Section 101 Scope and General Requirements. See this section of the IEBC except as provided below.

(1) **Section 101.1 Title.** Delete this section of the IEBC and substitute: This code shall be known as the 2021 New Mexico existing building code.

(2) **Section 101.2 Scope.** Delete this section of the IEBC and see 14.7.7.2 NMAC, Scope.

(3) **Section 101.3 Purpose.** Delete this section of the IEBC and see 14.7.7.6 NMAC, Objective.

(4) **Section 101.4 Applicability.** Delete this section of the IEBC and substitute: The legal occupancy of any structure existing on the effective date of this rule shall be permitted to continue without change, except as is specifically provided otherwise in this rule, in the 2021 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.

(5) **Section 101.5 Safeguards during construction.** Delete this section of the IEBC.

(6) **Section 101.6 Appendices.** Delete this section of the IEBC and substitute: This rule adopts Appendices A and B of the IEBC as they may be amended herein.

(7) **Section 101.7 Correction of violations of other codes.** Delete this section of the IEBC.

B. Section 102 Applicability. See this section of the IEBC except as provided below.

(1) **Section 102.1 General.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

(2) **Section 102.2 Other laws.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

(3) **Section 102.3 Application of references.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

(4) **Section 102.4 Referenced codes.** Delete this section of the IEBC and substitute with the following: All references in the IEBC to the international building code shall be deemed references to 14.7.2 NMAC, the current adopted New Mexico commercial building code (NMCBC). All references to the international residential code shall be deemed references to 14.7.3 NMAC, the current adopted New Mexico residential building code (NMRBC). All references to the international plumbing code shall be deemed references to 14.8.2 NMAC. All references to the international mechanical code shall be deemed references to 14.9.2 NMAC. All references to the international electrical code shall be deemed references to 14.10.4 NMAC. All references to the international energy conservation code shall be deemed references to 14.7.6 NMAC and 14.7.9 NMAC. All references to the international fuel gas code are deemed references to 14.9.2 NMAC or 19.15.40 NMAC.

(5) **Section 102.5 Partial invalidity.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

C. Section 103 Code Compliance Agency. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

D. Section 104 Duties and Powers of the Code Official. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

E. Section 105 Permits. Delete this section of the IEBC and see 14.5.2 NMAC, Permits.

F. Section 106 Construction Documents. Delete this section of the IEBC and see 14.5.2 NMAC, Permits.

G. Section 107 Temporary Structures and Uses. Delete this section of the IEBC and see 14.5.2 NMAC, Permits.

H. Section 108 Fees. Delete this section of the IEBC and see 14.5.5 NMAC, Fees.

I. Section 109 Inspections. Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.

J. Section 110 Certificate of Occupancy. Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.

K. Section 111 Service Utilities. Delete this section of the IEBC and see 14.5.2 NMAC, Permits; 14.5.1, General Provisions and NMSA 1978, section 60-13-42.

L. Section 112 Means of Appeals. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

M. Section 113 Violations. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

N. Section 114 Stop Work Order. Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.

O. Section 115 Unsafe Structures and Equipment. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

P. Section 116 Emergency Measures. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

Q. Section 117 Demolition. Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.

[14.7.7.9 NMAC - Rp, 14.7.7.9 NMAC, 7/14/2023]

14.7.7.10 CHAPTER 2 - DEFINITIONS:

See this chapter of the IEBC except as provided below.

A. Section 201.1 Scope. See this section of the IEBC and add the following: if the same term is defined in the New Mexico construction codes and in the IEBC, the term 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 IEBC and substitute: If a term is not defined in this code but 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 General Definitions. See this section of the IEBC except as follows. Code Official. Delete this definition in the IEBC and substitute with the following: The CID general construction bureau chief.

[14.7.7.10 NMAC - Rp, 14.7.7.10 NMAC, 7/14/2023]

14.7.7.11 CHAPTER 3 - PROVISIONS FOR ALL COMPLIANCE METHODS:

See this chapter of the IEBC.

[14.7.7.11 NMAC - Rp, 14.7.7.11 NMAC, 7/14/2023]

14.7.7.12 CHAPTER 4 REPAIRS:

See this chapter of the IEBC.

[14.7.7.12 NMAC - Rp, 14.7.7.12 NMAC, 7/14/2023]

14.7.7.13 CHAPTER 5 PRESCRIPTIVE COMPLIANCE METHOD:

See this chapter of the IEBC.

[14.7.7.13 NMAC - Rp, 14.7.7.13 NMAC, 7/14/2023]

14.7.7.14 CHAPTER 6 CLASSIFICATION OF WORK:

See this chapter of the IEBC.

[14.7.7.14 NMAC - Rp, 14.7.7.14 NMAC, 7/14/2023]

14.7.7.15 CHAPTER 7 ALTERATIONS - LEVEL 1:

See this chapter of the IEBC except as provided below.

A. Section 701 General. See this section of the IEBC.

B. Section 702 Building Elements and Materials. See this section of the IEBC except make the following change to **Section 702.7 Materials and methods**. Delete the text of this section of the IEBC and substitute: all new work shall comply with materials and methods requirements in the New Mexico construction codes (See Subsection L of 14.5.1.7 NMAC).

[14.7.7.15 NMAC - Rp, 14.7.7.15 NMAC, 7/14/2023]

14.7.7.16 CHAPTER 8 - ALTERATIONS - LEVEL 2:

See this chapter of the IEBC.

[14.7.7.16 NMAC - Rp, 14.7.7.16 NMAC, 7/14/2023]

14.7.7.17 CHAPTER 9 - ALTERATIONS - LEVEL 3:

See this chapter of the IEBC.

[14.7.7.17 NMAC - Rp, 14.7.7.17 NMAC, 7/14/2023]

14.7.7.18 CHAPTER 10 - CHANGE OF OCCUPANCY:

See this chapter of the IEBC.

[14.7.7.18 NMAC - Rp, 14.7.7.18 NMAC, 7/14/2023]

14.7.7.19 CHAPTER 11 - ADDITIONS:

See this chapter of the IEBC.

[14.7.7.19 NMAC - Rp, 14.7.7.19 NMAC, 7/14/2023]

14.7.7.20 CHAPTER 12 - HISTORIC BUILDINGS:

See this chapter of the IEBC.

[14.7.7.20 NMAC - Rp, 14.7.7.20 NMAC, 7/14/2023]

14.7.7.21 CHAPTER 13 - RELOCATED OR MOVED BUILDINGS:

See this chapter of the IEBC except as follows: **Section 1301.1.1 Compliance with other codes.** Delete the text of this section and substitute with the following: Buildings that are evaluated in accordance with this section shall comply with the New Mexico construction codes (See Subsection L of 14.5.1.7 NMAC).

[14.7.7.21 NMAC - Rp, 14.7.7.21 NMAC, 7/14/2023]

14.7.7.22 CHAPTER 14 - PERFORMANCE COMPLIANCE METHODS:

See this chapter of the IEBC except provided below. **Section 1401.2 Conformance.** See this section of the IEBC except delete the words "as determined by the International Fire Code and the International Property Maintenance Code."

[14.7.7.22 NMAC - Rp, 14.7.7.22 NMAC, 7/14/2023]

14.7.7.23 CHAPTER 15 - CONSTRUCTION SAFEGUARDS:

See this chapter of the IEBC.

[14.7.7.23 NMAC - Rp, 14.7.7.22, NMAC, 11/15/2016]

14.7.7.24 CHAPTER 16 - REFERENCED STANDARDS:

See this chapter of the IEBC.

[14.7.7.24 NMAC - Rp, 14.7.7.24 NMAC, 7/14/2023]

PART 8: 2021 NEW MEXICO HISTORIC EARTHEN BUILDINGS

14.7.8.1 ISSUING AGENCY:

Construction Industries Division of the Regulation and Licensing Department.

[14.7.8.1 NMAC - Rp, 14.7.8.1 NMAC, 11/15/2016]

14.7.8.2 SCOPE:

This rule applies to all historic earthen buildings contracting work performed in New Mexico on or after December 14, 2023 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.

[14.7.8.2 NMAC – Rp, 14.7.8.2 NMAC, 11/15/2016; A, 07/14/2023]

14.7.8.3 STATUTORY AUTHORITY:

Section 60-13-9 and 60-13-44 NMSA 1978.

[14.7.8.3 NMAC - Rp, 14.7.8.3 NMAC, 11/15/2016]

14.7.8.4 DURATION:

Permanent.

[14.7.8.4 NMAC - Rp, 14.7.8.4 NMAC, 11/15/2016]

14.7.8.5 EFFECTIVE DATE:

November 15, 2016, unless a later date is cited at the end of a section.

[From the date of publication of this rule in the New Mexico register, until December 14, 2023, permits may be issued under either the previously adopted rule, or this rule. After December 14, 2023, permits may be issued only under this rule.]

[14.7.8.5 NMAC - Rp, 14.7.8.5 NMAC, 11/15/2016; A, 07/14/2023]

14.7.8.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for historic earthen buildings in New Mexico.

[14.7.8.6 NMAC - Rp, 14.7.8.6 NMAC, 11/15/2016]

14.7.8.7 DEFINITIONS:

A. Alteration. As used in this chapter, alteration applies to those changes necessary to return a historic earthen building to a documented or physically evidenced historic condition. Alterations that are not necessary to return a building to a

documented historic condition or that involve more than fifty percent of the aggregate area of the building shall comply with the applicable provisions of 14.7.7 NMAC.

B. Dangerous. Any building or structure or any individual member with any of the structural conditions or defects described below shall be deemed dangerous.

(1) The stress in a member or portion thereof due to all factored dead and live loads is more than one and one third the nominal strength allowed in the applicable New Mexico Building Code for new buildings of similar structure purpose, or location.

(2) Any portion, member, or appurtenance likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons.

(3) Any portion of a building, or any member, appurtenance, or ornamentation on the exterior, is not of sufficient strength or stability, or is not anchored, attached, or fastened in place, so as to be capable of resisting a wind pressure of two thirds of that specified in the applicable New Mexico Building Code for new buildings of similar structure, purpose, or location without exceeding the nominal strength permitted in the applicable New Mexico Building Code for such buildings.

(4) The building, or any portion of the building, is likely to collapse partially or completely because of dilapidation, deterioration, or decay; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; damage due to fire, earthquake, wind, or flood; or any other similar cause.

(5) The exterior wall or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

C. Qualified historic earthen building. Any earthen building or structure that is (1) listed in the *national register of historic places* or the *state register of cultural properties*; (2) designated as a historic building or structure by a state or local register, inventory, or survey; (3) certified as a contributing resource within a national or state register listed, or locally designated historic district; or (4) a building or structure that is certified, in writing by the state historic preservation office, as being eligible for listing in the *national register of historic places* or the *state register of cultural properties* either individually or as a contributing building to a historic district.

D. Registered design professional. An architect or an engineer registered or licensed in the state of New Mexico.

E. Repair. Renewal, renovation, or rehabilitation of an existing building or structure for the purpose of its continued use.

[14.7.8.7 NMAC - Rp, 14.7.8.7 NMAC, 11/15/2016; A, 07/14/2023]

14.7.8.8 ENERGY CONSERVATION:

General. Historic earthen buildings undergoing repairs, alterations, or change of occupancy are not required to comply with 14.7.6 NMAC or 14.7.9 NMAC.

[14.7.8.8 NMAC - Rp, 14.7.8.8 NMAC, 11/15/2016; A, 07/14/2023]

14.7.8.9 ROOF DRAINAGE AND MOISTURE CONTENT OF WALLS:

A. General. Historic earthen buildings undergoing repairs, alterations, or change of occupancy shall comply with this section.

B. Report. The roof drainage and the moisture content of the walls of a historic earthen building undergoing repair, alteration, or change of occupancy shall be investigated and evaluated in a written report that shall be filed with the code official. The report shall identify where the roof drainage system is deficient and what actions are necessary to correct those deficiencies. When deemed necessary by the code official, such report shall be prepared by a registered design professional.

[14.7.8.9 NMAC - Rp, 14.7.8.9 NMAC, 11/15/2016]

14.7.8.10 REPAIRS:

A. General. Repairs to any portion of a historic earthen building shall be permitted with original or like materials and original methods of construction, subject to the provisions of this chapter.

B. Dangerous buildings. When a historic earthen building is determined to be dangerous, as defined herein, no work shall be required except as necessary to correct the identified unsafe condition(s).

C. Replacement. Replacement of existing or missing features using original materials shall be permitted. Partial replacement for repairs that match the original in configuration, height, and size shall be permitted. Such replacements shall not be required to meet the materials and methods requirements for new construction.

D. Replacement glazing. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of 14.7.2 NMAC and 14.7.3 NMAC.

E. Exterior and interior finishes. The use of historic exterior or interior finishes may be continued provided that the materials and their methods of application are specified in a report or plan and presented to the code official. When deemed necessary by the code official, such report or plan shall be prepared by a registered design professional.

[14.7.8.10 NMAC - Rp, 14.7.8.10 NMAC, 11/15/2016; A, 07/14/2023]

14.7.8.11 ALTERATIONS:

General. In addition to the provisions of this part, alterations to a historic earthen building shall comply with 14.7.7 NMAC.

[14.7.8.11 NMAC - Rp, 14.7.8.11 NMAC, 11/15/2016; A, 07/14/2023]

14.7.8.12 CHANGE OF OCCUPANCY:

General. In addition to the provisions of this part, historic earthen buildings undergoing a change of occupancy shall comply with 14.7.7 NMAC.

[14.7.8.12 NMAC - Rp, 14.7.8.12 NMAC, 11/15/2016; A, 07/14/2023]

14.7.8.13 STRUCTURAL:

A. General. Historic earthen buildings undergoing repairs, alterations, or a change of occupancy shall comply with the applicable provisions of this section.

B. Intent. It is the intent of this section to preserve the integrity of qualified historic earthen buildings while providing a reasonable level of safety for the building users.

C. Report. The structural condition of a historic earthen building undergoing repairs, alterations, or change of occupancy shall be investigated and evaluated in a written report that shall be filed with the code official. When deemed necessary by the code official, the report shall be prepared by a registered design professional.

D. Unsafe structural elements. Where it is determined that a component or a portion of a building or structure is dangerous, as defined herein, and is in need of repair, strengthening, or replacement, only that specific component or portion shall be required to be repaired, strengthened, or replaced.

E. Reduction of strength. Alterations shall not reduce the structural strength or stability of the building, structure, or any member thereof.

F. Repairs and alterations. Where the report finds that the majority of the existing building is in sound structural condition and capable of supporting the use for which it is intended, structural repairs and alterations shall be permitted with original or like materials and original methods of construction, subject to the provisions of this section.

G. Roofs. Earthen roofs may be repaired and their use continued where the structural report indicates that the supporting structure will adequately support the earthen material load and any additional materials introduced for repair to the earthen roof. A plan specifying materials used to repair an earthen roof and the method of application of such materials shall be prepared by a registered design professional and presented to the code official. **Exception.** Subject to the approval of the code official, the requirement for a plan prepared by a registered design professional may be waived

for minor repairs where the structural report indicates adequate support and where the repairs continue the use of the existing historic material and construction details, and where any drainage deficiencies have been corrected.

H. Bond beams.

(1) When a wall is being replaced or is in need of substantial repair, and the existing building has no bond beam, provisions shall be made for adequately distributing any concentrated loads from the roof structure into the wall. When deemed necessary by the code official, such provisions shall be detailed by a registered design professional.

(2) Where the original roof structure is removed from more than fifty percent of the aggregate area of the building, a continuous bond beam shall be provided in accordance with the requirements of this code for new construction.

I. Walls. Walls that are being reconstructed or replaced shall be constructed in accordance with the maximum height-to-thickness ratios specified in Table A1-G of 14.7.7 NMAC. Minor repairs and infills may be constructed in a manner similar to the original walls without conforming to the requirements of Table A1-G.

J. Foundations. Foundations constructed of historic materials may be repaired and their use continued when a design prepared by a registered design professional is provided to the code official and any deficiencies in the roof drainage system have been corrected. **Exception.** Subject to the approval of the code official, the requirement for a design prepared by a registered design professional may be waived for minor repairs to otherwise sound foundations.

K. Change of occupancy. A change of occupancy to a historic earthen building shall be allowed to comply with the provisions of this section for repairs and alterations subject to the conditions listed below. A change of occupancy not meeting these conditions shall comply with 14.7.7 NMAC.

(1) The calculated occupant load of the new use does not exceed 299.

(2) The change of occupancy does not result in the building being placed in a higher seismic, wind, or occupancy category based upon Table 1604.5 of 14.7.2 NMAC.

(3) The change of occupancy does not result in an increase of more than five percent in uniform or concentrated loads based on Tables 1607.1 of 14.7.2 NMAC. **Exception.** The code official is authorized to accept existing floors and approve operational controls that limit the live loads on such floors.

[14.7.8.13 NMAC - Rp, 14.7.8.13 NMAC, 11/15/2016; A, 07/14/2023]

PART 9: 2021 NEW MEXICO COMMERCIAL ENERGY CONSERVATION CODE

14.7.9.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.7.9.1 NMAC – Rp, 14.7.9.1 NMAC, 1/30/2024]

14.7.9.2 SCOPE:

This rule applies to all commercial contracting work performed in New Mexico on or after January 30, 2024, 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.

[14.7.9.2 NMAC – Rp, 14.7.9.2 NMAC, 1/30/2024]

14.7.9.3 STATUTORY AUTHORITY:

Sections 60-13-9 and 60-13-44 NMSA 1978.

[14.7.9.3 NMAC – Rp, 14.7.9.3 NMAC, 1/30/2024]

14.7.9.4 DURATION:

Permanent.

[14.7.9.4 NMAC - Rp, 14.7.9.4 NMAC, 1/30/2024]

14.7.9.5 EFFECTIVE DATE:

January 30, 2024, unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until month July 30, 2024 permits may be issued under either the previously-adopted rule, or this rule. After month July 30, 2024, permits may be issued only under this rule.

[14.7.9.5 NMAC – Rp, 14.7.9.5 NMAC, 1/30/2024]

14.7.9.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for energy conservation for commercial construction in New Mexico.

[14.7.9.6 NMAC – Rp, 14.7.9.6 NMAC, 1/30/2024]

14.7.9.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 [CE] of the IECC as amended in 14.7.6.10 NMAC.

[14.7.9.7 NMAC – Rp, 14.7.9.7 NMAC, 1/30/2024]

14.7.9.8 ADOPTION OF THE 2021 NEW MEXICO COMMERCIAL ENERGY CONSERVATION CODE:

A. This rule adopts by reference the 2021 international energy conservation code (IECC) as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2021 international energy conservation code.

C. This rule is to be applied where appropriate to each of the following New Mexico building codes, including the NMCBC, NMEBC, NMPC, NMMC and the NMEC.

[14.7.9.8 NMAC – Rp, 14.7.9.8 NMAC, 1/30/2024]

14.7.9.9 CHAPTER 1 [CE] SCOPE AND ADMINISTRATION:

See this chapter of the IECC except as provided below.

A. Section C101 Scope and general requirements.

(1) Section C101.1 Title. Delete this section of the IECC and substitute: This rule shall be known as 14.7.6 NMAC, the 2021 New Mexico Commercial Energy Conservation Code (NMCECC).

(2) Section C101.2 Scope. Delete this section of the IECC and see 14.7.9.2 NMAC, Scope.

(3) Section C101.3 Intent. Delete this section of the IECC and see 14.7.9.6 NMAC, Objective.

(4) Section C101.5.1 Compliance materials. Delete this section of the IECC and substitute with the following: The code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code, including but not limited to ComCheck, and worksheet or trade-off sheets from the New Mexico energy conservation code commercial applications manual issued by the New Mexico department of energy, minerals, and natural resources.

B. Section C102 Alternative Materials, Design and Methods of Construction and Equipment. See this section of the IECC.

C. Section C103 Construction documents. See this section of the IECC except as provided below.

(1) Section C103.1 General. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

(2) Section C103.2 Information on construction documents. See this section of the IECC and 14.5.2 NMAC, Permits.

(3) Section C103.3 Examination of documents. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

(4) Section C103.4 Amended construction documents. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

(5) Section C103.5 Retention of construction documents. Delete this section of the IECC and see 1.21.2 NMAC, Retention and Disposition of Public Records.

(6) Section C103.6 Building documentation and closeout submittal requirements. Delete section and substitute with the following: The construction documents shall specify that the documents described in this section be provided to the building owner or owner's authorized agent.

D. Section C104 Fees. Delete this section of the IECC and see 14.5.5 NMAC, Fees.

E. Section C105 Inspections. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

F. Section C106 Notice of approval. Delete this section of the IECC and see 14.5.2 NMAC, Inspections.

G. Section C107 Validity. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

H. Section C108 Referenced standards. Delete this section of the IECC and substitute with the following: All references in the IECC to the international building code shall be deemed references to 14.7.2 NMAC, the New Mexico Commercial Building Code (NMCBC). All references to the international plumbing code shall be deemed references to 14.8.2 NMAC, the New Mexico Plumbing Code (NMPC). All references to the international mechanical code shall be deemed references to 14.9.2 NMAC, the New Mexico Mechanical Code (NMMC). All references to the IEC or international electrical code shall be deemed references to 14.10.4 NMAC, the New Mexico Electrical Code (NMEC). All references to the international energy conservation code shall be deemed references to 14.7.9 NMAC, the New Mexico Commercial Energy

Conservation Code (NMCECC). All references to the international fuel gas code are deemed references to the NMMC or the LP gas standards found at 19.15.40 NMAC, and Sections 70-5-1 through 70-5-23 NMSA 1978.

I. Section C109 Stop work order. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

J. Section C110 Board of appeals. Delete this section of the IECC and See 14.5.1 NMAC, General Provisions.

[14.7.9.9 NMAC – Rp, 14.7.9.9 NMAC, 1/30/2024]

14.7.9.10 CHAPTER 2 [CE] DEFINITIONS:

See this chapter of the IECC except for as provided below.

A. Section C201.1 Scope. See this section of the IECC and add the following: If the same term is defined in the New Mexico construction codes and in the IECC, the term shall have the meaning given it in the New Mexico construction codes.

B. Section C201.3 Terms defined in other codes. Delete this section of the IECC and substitute with the following: Terms that are not defined in this code but are defined in the NMCBC, NMEBC, NMMC, NMPC, NMEC, or any other New Mexico building code shall have the meanings ascribed to them in those codes.

C. Section C202 General definitions. See this section of the IECC and add the following definitions:

(1) NMCECC means 2021 New Mexico Commercial Energy Conservation Code.

(2) NMCBC means 14.7.3 NMAC, the current adopted New Mexico Commercial Building Code.

(3) NMEBC means 14.7.7 NMAC, the current adopted New Mexico Existing Building Code.

(4) NMPC mean 14.8.2 NMAC, the current adopted New Mexico Plumbing Code.

(5) NMMC means 14.9.2 NMAC, the current adopted New Mexico Mechanical Code.

(6) NMEC means 14.10.4 NMAC, the current adopted New Mexico Electrical Code.

(7) COMCHECK is the U.S. Department of Energy commercial energy compliance software tool that determines whether a new commercial building meets the requirements of IECC prescriptive based paths or ASHRAE Standard 90.1.

(8) ASTM means the American society for testing and materials, is an international standards organization that develops and publishes voluntary consensus technical standards for a wide range of materials utilized in construction.

(9) Electric vehicle (EV). Add the following definition to the IECC: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, EVSE, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles that have a second source of motive power. Off-road, self-propelled electric mobile equipment such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like are not considered electric vehicles.

(10) Electric vehicle capable space (EV Capable Space). Add the following definition to the IECC: An automobile parking space provided with electrical infrastructure, such as, but not limited to, raceways, cables, enclosures, electrical capacity, and electrical distribution equipment space, necessary for connection to EVSE.

(11) Electric vehicle supply equipment (EVSE). Add the following definition to the IECC: Equipment for plug-in power transfer including the ungrounded, grounded and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personal protection system and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(12) Unconditioned space. Add the following definition to the IECC: Space within building that is not mechanically heated or cooled and is outside the building thermal envelope.

(13) Vapor retarder class. Add the following definition to the IECC: A measure of a material or assembly's ability to limit the amount of moisture that passes through that material or assembly. Vapor retarder class shall be defined using the desiccant method of ASTM E96 as follows:

- (a) class I: 0.1 perm or less;
- (b) class II: > 0.1 perm ≤1.0 perm;
- (c) class III: > 1.0 perm ≤10 perm.

[14.7.9.10 NMAC – Rp, 14.7.9.10 NMAC, 1/30/2024]

14.7.9.11 CHAPTER C301 - CLIMATE ZONES:

See this chapter of the IECC except as provided below.

A. Section C301 Climate zones. See this section of the IECC except as provided below.

Section C301.1 General. Delete this section of the IECC and substitute with the following: Climate zones from table C301.2 in conjunction with table C301.3(2) shall be used to determine the applicable requirements for Chapter 4. Locations not listed in the table below shall use either table C301.1 or figure C301.1, section C301.3 or the building official may designate a climate zone consistent with the elevation, HDD, and CDD from table C301.2.

B. Table C301.2 New Mexico Climate Zones Based on Heating and Cooling Degree Days. Add the following table to the IECC.

Table 301.2 New Mexico Climate Zones Based on Heating and Cooling Degree Days					
City	County	Elev. (feet)	Heating Degree Days (HDD) 65°F Day	Cooling Degree Days (CDD) 50°F Day	Climate Zone
Abiquiu Dam	Rio Arriba	6380	5872		5B
Angel Fire	Colfax	8406	9769	195	7B
Alamogordo	Otero	4350	3053	5309	3B
Albuquerque	Bernalillo	5312	4332	4462	4B
Artesia	Eddy	3380	3366	5374	3B
Aztec Ruins	San Juan	5644	5757		5B
Belen	Valencia	4800	4432	5012	3B
Bernalillo	Sandoval	5052	4782	4138	4B
Bloomfield	San Juan	5456	5490		5B
Bosque del Apache	Socorro	4520	3916	5012	3B
Carlsbad	Eddy	3295	2813	5997	3B
Carrizozo	Lincoln	5438	4234	3631	4B
Cedar Crest	Bernalillo	6581	5703		5B
Chaco Canyon	San Juan	6200	6137		5B
Chama	Rio Arriba	7871	8254		6B
Clayton	Union	5056	5150	3170	4B
Cloudcroft	Otero	8801	7205		6B
Clovis	Curry	4268	4033	4252	4B
Corona	Valencia	6690	5389	3631	4B
Cuba	Sandoval	7035	7122		5B
Deming	Luna	4305	3347	5292	3B

Dulce	Rio Arriba	6793	7979		6B
Eagle Nest	Colfax	8262	9254		7B
Edgewood	Santa Fe	6649	6146		5B
Espanola	Rio Arriba	5643	5641		5B
Farmington	San Juan	5395	5747		5B
Fence Lake	Cibola	7055	6396		5B
Fort Sumner	De Baca	4032	3799	4616	3B
Gallup	McKinley	6465	6207		5B
Glenwood	Catron	4725	3632	4427	4B
Grants	Cibola	6460	6143		5B
Hatch	Dona Ana	4052	3270	5904	3B
Hobbs	Lea	3622	2954	5181	3B
Jemez Springs	Sandoval	6198	5260	2059	4B
Las Cruces	Dona Ana	4000	3223	5904	3B
Las Vegas	San Miguel	6424	5738		5B
Lordsburg	Hidalgo	4250	3213	5210	3B
Los Alamos	Los Alamos	7320	6381		5B
Los Lunas	Valencia	4856	4725	4462	4B
Magdalena	Socorro	6572	5074	2093	4B
Mescalero	Otero	6611	5540		5B
Moriarty	Torrance	6220	4735	3786	4B
Mosquero	Harding	5485	5209	3631	4B
Mountainair	Torrance	6520	5558		5B
Organ	Dona Ana	5245	3215	4919	3B
Placitas	Sandoval	5955	4917	3701	4B
Portales	Roosevelt	4006	3845	4347	4B
Raton	Colfax	6680	6001		5B
Red River	Taos	8671	8742	179	7B
Reserve	Catron	5847	5483		5B
Rio Rancho	Sandoval	5282	4880	3949	4B
Roswell	Chaves	3573	3565	5505	3B
Ruidoso	Lincoln	6920	6309		5B
Sandia Crest	Bernalillo	10680	10034		7B
Sandia Park	Bernalillo	7077	7510		6B
Santa Fe	Santa Fe	7260	6001		5B
Santa Rosa	Guadalupe	4620	3749	4714	3B
Shiprock	San Juan	4892	5475		5B
Silver City	Grant	5895	4438	3975	4B
Socorro	Socorro	4603	3984	5147	3B
Springer	Colfax	5797	5653		5B
Taos	Taos	6967	6827		5B
Taos Ski Valley	Taos	9321	9769		7B
Tatum	Lea	3999	3680	4721	3B

Thoreau	McKinley	7200	5789		5B
Tierra Amarilla	Rio Arriba	7425	7901		6B
Tijeras	Bernalillo	6322	6338		5B
Tohatchi	McKinley	6447	5418		5B
Truth or Consequences	Sierra	4245	3394	5103	3B
Tucumcari	Quay	4096	3767	4429	4B
Tularosa	Otero	4508	3056	5130	3B
Zuni	McKinley	6293	5742		5B

[14.7.9.11 NMAC – Rp, 14.7.9.11 NMAC 1/30/2024]

14.7.9.12 CHAPTER 4 [CE] COMMERCIAL ENERGY EFFICIENCY:

See this Chapter of the IECC except as provided below.

A. Section C401 General. See this section of the IECC except as provided below. Section C401.3 Thermal envelope certificate. Delete this section of the IECC.

B. Section C402 Building envelope requirements. See this section of the IECC except as provided below. Section C402.4.2.1 Lighting controls in toplit daylight zones. Delete this section of the IECC without substitution.

C. Section 403 Building mechanical systems. See this section of the IECC except as provided below. Section C403.7.1 Demand control ventilation. See this section of the IECC except delete "Table 403.3.1.1 of the International mechanical code" and replace with "Table 402.1 of the uniform mechanical code" wherever referenced in this section.

D. Section 405 Electrical power and lighting systems. See this section of the IECC except as provided below.

(1) Section C405.2.4.3 Toplit zone. Delete this section of the IECC.

(2) Section C405.6 Dwelling electrical meter. Delete this section of the IECC and substitute with the following: Each dwelling unit located in an apartment house, live/work unit, or vacation time share property with an R-2 occupancy shall have a separate electrical meter.

(3) Section C405.10 Voltage drop. Delete this section of the IECC.

(4) Section C405.13 Electric vehicle power transfer infrastructure. Add this section to the IECC. Parking facilities shall be provided with electric vehicle power transfer infrastructure in accordance with design requirements and Sections C405.13.1 through C405.13.6.

(a) Section C405.13.1 Quantity. Add this section to the IECC. The number of required EV spaces and EV capable spaces shall be determined in accordance with this section and Table C405.13.1 based on the total number of automobile parking spaces and shall be rounded up to the nearest whole number. For R-2 buildings, the table requirements shall be based on the total number of dwelling units or the total number of automobile parking spaces, whichever is less.

(i) Where more than one parking facility is provided on a building site, the number of required automobile parking spaces required to have EV power transfer infrastructure shall be calculated separately for each parking facility.

(ii) Where one shared parking facility serves multiple building occupancies, the required number of spaces shall be determined proportionally based on the floor area of each building occupancy.

(iii) Installed EVSE spaces that exceed the minimum requirements of this section may be used to meet minimum requirements for EV capable spaces.

(iv) Requirements for a Group S-2 parking garage shall be determined by the occupancies served by that parking garage. Where new automobile spaces do not serve specific occupancies, the values for Group S-2 parking garage in Table C405.13.1 shall be used.

Exception: Parking facilities, serving occupancies other than R-2 with fewer than 10 automobile parking spaces.

(b) Table C405.13.1 Required EV Power Transfer Infrastructure. Add this table to the IECC.

TABLE C405.13.1 REQUIRED EV POWER TRANSFER INFRASTRUCTURE

Occupancy	EVSE Spaces	*EV Capable Spaces
Group A	5%	10%
Group B	5%	5%
Group E	5%	5%
Group F	2%	5%
Group H	1%	0%
Group I	5%	10%
Group M	5%	10%
Group R-1	5%	15%
Group R-2	5%	15%
Group R-3 and R-4	2%	5%
Group S exclusive of Parking Garages	1%	0%

Group S-2 Parking Garages	5%	10%
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*EV Capable Spaces are in addition to the required EVSE Spaces.

(c) Section C405.13.2 EV Capable Spaces. Add this section to the IECC. Each EV capable space used to meet the requirements of section C405.13.1 shall comply with the following:

(i) A continuous raceway or cable assembly shall be installed between an enclosure or outlet located within 6 feet (914 mm) of the first EV capable space it serves and electrical distribution equipment.

(ii) EV capable space raceway or cable assembly may be installed to a point at an island or median in the parking lot to provide future EV spaces without being required to provide each space with an EV capable space.

(iii) Installed raceway or cable assembly shall be sized and rated to supply a minimum circuit capacity in accordance with Section C405.13.5.

(iv) The electrical distribution equipment to which the raceway or cable assembly connects shall have dedicated overcurrent protection device space and electrical capacity to supply a calculated load in accordance with Section C405.13.5.

(v) The enclosure or outlet and the electrical distribution equipment directory shall be marked: "For electric vehicle supply equipment (EVSE)".

(vi) Accessible parking shall be in accordance with section 1107 of the IBC.

(d) Section C405.13.3 EVSE Spaces. Add this section to the IECC. An installed EVSE with multiple output connections shall be permitted to serve multiple EVSE spaces. Each EVSE installed to meet the requirements of section C405.13.1, serving either a single EVSE space or multiple EVSE spaces, shall comply with the following:

(i) Have a minimum system and circuit capacity in accordance with section C405.13.5.

(ii) Have a nameplate rating of not less than 6.2kW.

(iii) Be located within 6 feet (914 mm) of each EVSE space it serves.

(iv) Be installed in accordance with Section C405.13.6.

(v) The EVSE space shall be in a location that will not obstruct a public walkway when the EVSE is being utilized by a user.

(vi) Accessible parking shall be in accordance with section 1107 of the IBC.

(e) Section C405.13.4 System and circuit capacity. Add this section to the IECC. The system and circuit capacity shall comply with C405.14.5.1 and C405.14.5.2.

(f) Section C405.13.4.1 System capacity. Add this section to the IECC. The electrical distribution equipment supplying the branch circuit(s) serving each EV capable space and EVSE space shall comply with one of the following:

(i) Have a calculated load of 7.2 kVA or the nameplate rating of the equipment, whichever is larger, for each EV capable space and EVSE space.

(ii) Meets the requirements of section C405.13.5.3.1.

(g) Section C405.13.4.2 Circuit Capacity. Add this section to the IECC. The branch circuit serving each EV capable space and EVSE space shall comply with one of the following:

(i) Have a rated capacity of not less than 50 amperes or the nameplate rating of the equipment, whichever is greater.

(ii) Meets the requirements of section C405.13.5.3.2.

(h) Section C405.14.4.3 System and circuit capacity management. Add this section to the IECC. Where system and circuit capacity management are selected in section C405.13.5.1(2) or section C405.13.5.2(2), the installation shall comply with sections C405.13.4.3.1 and C405.13.4.3.2.

(i) Section C405.13.4.3.1 System capacity management. Add this section to the IECC. The maximum equipment load on the electrical distribution equipment supplying the branch circuits(s) serving EV capable spaces and EVSE spaces controlled by an energy management system shall be the maximum load permitted by the energy management system, but not less than 3.3 kVA per space.

(j) Section C405.13.4.3.2 Circuit Capacity Management. Add this section to the IECC. Each branch circuit serving multiple EVSE spaces or EV capable spaces controlled by an energy management system shall comply with one of the following:

(i) Have a minimum capacity of 25 amperes per space.

(ii) Have a minimum capacity of 20 amperes per space for R-2 occupancy type.

(k) C405.13.5 EVSE Installation. EVSE shall be installed in accordance with NFPA 70 and shall be listed and labeled in accordance with UL 2202 or UL 2594.

D. Section C408 Maintenance Information and System Commissioning. See this section of the IECC except as provided below.

(1) Section C408.2 Mechanical systems and service water-heating systems commissioning and completion requirements. Delete this section of the IECC and substitute with the following: Prior to the final mechanical and plumbing inspections, the registered design professional or approved agency, shall provide evidence of mechanical systems commissioning and completion in accordance with the provisions of this section. Construction document notes shall clearly indicate provisions for commissioning requirements in accordance with this section and are permitted to refer to specifications for further requirements. Copies of all documentation shall be given to the building owner or owners authorized agent.

Exceptions: The following systems are exempt:

(a) Mechanical systems and service water heater systems in buildings where the total mechanical equipment capacity is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water-heating and space-heating capacity.

(b) Systems included in Section C403.5 that serve individual dwelling units and sleeping units.

(2) Section C408.2.4 Preliminary commissioning report. See this section of the IECC.

(3) Figure C408.2.4 Commissioning compliance checklist. Delete this figure from the IECC and substitute with the following figure:

FIGURE C408.2.4

COMMISSIONING COMPLIANCE CHECKLIST

Project Information: _____

Project Name: _____

Project Address: _____

Commissioning Authority: _____

Commissioning Plan (Section C408.2.1)

[] Commissioning Plan was used during construction and includes all items required by Section C408.2.1

[] Systems Adjusting and Balancing shall be completed per plans and specifications.

[] HVAC Equipment Functional Testing shall be completed per plans and specifications.

[] HVAC Controls Functional Testing shall be completed per plans and specifications.

[] Economizer Functional Testing shall be completed per plans and specifications.

[] Lighting Controls Functional Testing shall be completed per plans and specifications.

[] Service Water Heating System Functional Testing shall be completed per plans and specifications.

[] Manual, record documents and training shall be completed per plans and specifications.

[] Preliminary Commissioning Report shall be submitted to the owner and includes all items required by Section C408.2.4.

[] The above-referenced items are scheduled to be provided on:

I, the commissioning provider, do hereby certify that I am providing the owner or owner's representative with documentation as to the mechanical, service water heating and lighting systems commissioning in accordance with the 2021 IECC.

Signature of Commissioning Provider

Date

Signature of Building Owner/Owner's Representative

Date

(4) Section C408.2.4.1 Acceptance of report. Delete section without substitution.

(5) Section C408.2.4.2 Copy of report. Delete section without substitution.

(6) Section C408.2.5 Documentation requirements. Delete this section of the IECC and substitute with the following: The construction documents shall specify that the documents described in this section be provided to the building owner or owner's authorized agent.

(7) Section C408.3 Functional testing of lighting controls. See this section of the IECC except as provided below. Section C408.3.2 Documentation Requirements. Delete this section of the IECC and substitute with the following: The construction documents shall specify that the documents described in this section be provided to the building owner or owner's authorized agent.

[14.7.6.12 NMAC – Rp, 14.7.9.12 NMAC, 1/30/2024]

14.7.9.13 CHAPTER 5 EXISTING BUILDINGS:

See this Chapter of the IECC.

[14.7.9.13 NMAC – Rp, 14.7.9.13 NMAC, 1/30/2024]

14.7.9.14 CHAPTER 6 REFERENCED STANDARDS:

See this Chapter of the IECC.

[14.7.9.14 NMAC – Rp, 14.7.9.14 NMAC, 1/30/2024]

CHAPTER 8: PLUMBING CODES

PART 1: GENERAL PROVISIONS [RESERVED]

PART 2: 2021 NEW MEXICO PLUMBING CODE

14.8.2.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.8.2.1 NMAC - Rp, 14.8.2.1 NMAC, 05/15/2018]

14.8.2.2 SCOPE:

This rule applies to all contracting work performed in New Mexico on or after May 15, 2018, 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.

[14.8.2.2 NMAC - Rp, 14.8.2.2 NMAC, 05/15/2018]

14.8.2.3 STATUTORY AUTHORITY:

Section 60-13-9, 60-13-44, 60-13-45, 60-13-46 and 60-13-47 NMSA 1978.

[14.8.2.3 NMAC - Rp, 14.8.2.3 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.4 DURATION:

Permanent.

[14.8.2.4 NMAC - Rp, 14.8.2.4 NMAC, 05/15/2018]

14.8.2.5 EFFECTIVE DATE:

May 15, 2018 unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until September 10, 2022 permits may be issued under either the previously adopted rule, or this rule. After September 10, 2022, permits may be issued only under this rule.

[14.8.2.5 NMAC - Rp, 14.8.2.5 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for all plumbing, as defined in CILA Section 60-12-32 NMSA 1978, in New Mexico.

[14.8.2.6 NMAC - Rp, 14.8.2.6 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2021 Uniform Plumbing Code (UPC) as amended in 14.8.2.10 NMAC.

[14.8.2.7 NMAC - Rp, 14.8.2.7 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.8 ADOPTION OF THE 2021 UNIFORM PLUMBING CODE:

A. This rule adopts by reference the 2021 UPC and all appendices, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2021 UPC.

C. This rule shall apply in conjunction with the provisions of all applicable New Mexico construction codes, laws and standards.

[14.8.2.8 NMAC - Rp, 14.8.2.8 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.9 CHAPTER 1 ADMINISTRATION:

See this chapter of the UPC except as provided below.

A. 101.0 General.

(1) 101.1 Title. Delete this section of the UPC and substitute: This code shall be known as the New Mexico Plumbing Code (NMPC).

(2) 101.2 Scope. Delete this section of the UPC and see 14.8.2.2 NMAC.

(3) 101.3 Purpose. Delete this section of the UPC and see 14.8.2.6 NMAC.

(4) 101.4 Unconstitutional. Delete this section of the UPC and see the Construction Industries Licensing Act (CILA) and its rules.

(5) 101.5 Validity. Delete this section of the UPC and see CILA and its rules.

B. 102.0 Applicability. See this section of this chapter of the UPC except as provided below.

(1) 102.1 Conflicts between codes. Delete this section of the UPC and see Subsection H of Section 60-13-44 NMSA 1978 and 14.5.1.9 NMAC.

(2) 102.2 Existing installations. See Subsections C and H of Section 60-13-44 NMSA 1978 and 14.7.7 NMAC.

(3) 102.3 Maintenance. Delete this section of the UPC and see 14.5.2 NMAC and 14.6.6 NMAC.

(4) 102.8 Appendices. Delete this section of the UPC and see 14.8.2.27 NMAC.

C. 103.0 Duties and powers of the authority having jurisdiction.

(1) 103.1 General. Delete this section of the UPC and see CILA and 14.8.2.10 NMAC.

(2) 103.2 Liability. Delete this section of the UPC and see CILA Section 60-13-26 NMSA 1987.

(3) 103.3 Applications and permits. Delete this section of the UPC and see 14.5.2 NMAC.

(4) 103.4 Right of entry. Delete this section of the UPC and see CILA Section 60-13-42 NMSA 1978.

D. 104.0 Permits.

- (1) 104.1 Permits required. Delete this section of the UPC. See 14.5.2 NMAC.
- (2) 104.2 Exempt work. See CILA Subsection B of Section 60-13-45 NMSA 1978, and this section of the UPC.
- (3) 104.3 Application for permit. Delete this section of the UPC. See 14.5.2 NMAC.
- (4) 104.4 Permit issuance. Delete this section of the UPC. See 14.5.2 NMAC.
- (5) 104.5 Fees. Delete this section of the UPC and see 14.5.5 NMAC.

E. 105.0 Inspections and testing. Delete these sections and see 14.5.3 NMAC.

F. 106.0 Violations and penalties. Delete this section of the UPC and see CILA Section 60-13-1 through 60-13-59 NMSA 1978, 14.5.8 NMAC and 14.5.3 NMAC.

[14.8.2.9 NMAC - Rp, 14.8.2.9 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.10 CHAPTER 2 DEFINITIONS:

See this chapter of the UPC except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the CID and the mechanical-plumbing trade bureau chief for adoption, enactment, interpretation and enforcement of the state adopted plumbing code as the minimum requirement in the state.

B. 214.0 Listing agency. See this definition in the UPC and CILA Subsection B of Section 60-13-44 NMSA 1978.

[14.8.2.10 NMAC - Rp, 14.8.2.10 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.11 CHAPTER 3 GENERAL REGULATIONS:

See this chapter of the UPC except as provided below.

A. 301.3 Alternate materials and methods of construction equivalency. Delete this section of the UPC and see 14.5.1.9 and 14.5.1.11 NMAC.

B. 301.5 Alternative engineered design. See this section of the UPC except as provided below.

(1) 301.5.1 Permit application. Delete this section of the UPC and see 14.5.2 NMAC.

(2) 301.5.2 Technical data. See this section of the UPC and Subsection H of 14.5.2.10 NMAC.

(3) 301.5.3 Design documents. See this section of the UPC and 14.5.2.10 NMAC.

(4) 301.5.4 Design approval. Delete this section of the UPC and see 14.5.2.10 NMAC.

(5) 301.5.5 Design review. Delete this section of the UPC and see 14.5.2.10 NMAC.

(6) 301.5.6 Inspection and testing. Delete this section of the UPC and see 14.5.2 NMAC and 14.5.3 NMAC.

[14.8.2.11 NMAC - Rp, 14.8.2.11 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.12 CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS:

See this chapter of the UPC except as provided below.

A. 403.0 Accessible plumbing facilities. See this section of the UPC except as provided below.

(1) 403.1 General. Delete this section of the UPC and see Chapter 29, Plumbing Systems and 14.7.2.44 NMAC, Appendix E –Supplementary Accessibility Requirements.

(2) 403.2 Fixtures and fixture fittings for persons with disabilities. Delete this section of the UPC and see 14.7.2.44 NMAC, Appendix E, Supplementary Accessibility Requirements.

B. 405.0 Prohibited fixtures. See this section of the UPC except as follows:

405.3 Miscellaneous fixtures. See this section of the UPC and add the following: "the authority having jurisdiction reserves the right to require the contractor to install water and drain lines to be used for installation of a flush-type toilet should the chemical-dry toilet fail.

C. 415.0 Drinking fountains. See this section of the UPC with the following exception noted below and see 14.7.2 NMAC.

415.2 Drinking fountain alternatives. Delete this section of the UPC and see 14.7.2.44 NMAC.

D. 422.0 Minimum number of required fixtures. See this section of the UPC except as provided below.

(1) 422.1 Fixture count. Delete this section of the UPC and see 14.7.2.37 NMAC.

(2) 422.2 Separate facilities. Delete this section of the UPC.

(3) 422.3 Fixture requirements for special occupancies. Delete this section of the UPC and see 14.7.2 NMAC and 14.7.3 NMAC.

(4) 422.4 Toilet facilities serving employees and customers. Delete this section of the UPC and see Subsection I of 14.7.2.19 and 14.7.2.44 NMAC.

(5) 422.5 Toilet facilities for workers. Delete this section of the UPC and see Subsection I of 14.7.2.19 and 14.7.2.44 NMAC.

E. Table 422.1 Minimum plumbing facilities. Delete this table of the UPC and see 14.7.2.37 NMAC.

[14.8.2.12 NMAC - Rp, 14.8.2.12 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.13 CHAPTER 5 WATER HEATERS:

See this chapter of the UPC except as provided below.

A. 501.0 General. 501.1 Applicability. See this section of the UPC except delete the following sentence: "The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 501.1(2)."

B. 507.13 Installation in residential garages. At the end of the last sentence delete the following text: "unless listed as flammable vapor ignition resistant".

C. 508.3 Appliances on roofs. 508.3.1 Access. See this section of the UPC except after the words "in height" add the following: "except those designated as R-3 occupancies."

D. 510.2.20 Chimneys and vents. See this chapter of the UPC except delete the following language: "Where vents extend outdoors above the roof more than 5 feet (1524mm) higher than required by Table 509.6.1, and where vents terminate in accordance with Section 509.6.1(1)(b), the outdoor portion of the vent shall be enclosed as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered."

[14.8.2.13 NMAC - Rp, 14.8.2.13 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.14 [RESERVED]

14.8.2.15 CHAPTER 6 WATER SUPPLY AND DISTRIBUTION:

See this chapter of the UPC except as follows: 612.0 Residential fire sprinkler systems. See 612.1, Where Required, and additionally reference 60-13-6 NMSA 1978, for residential sprinkler systems in one and two-family dwellings or townhouses.

[14.8.2.15 NMAC - Rp, 14.8.2.15 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.16 CHAPTER 7 SANITARY DRAINAGE PART I - DRAINAGE SYSTEMS:

See this chapter of the UPC except as provided below.

A. 704.0 Fixture connections (drainage). 704.3 Commercial Sinks. Delete the text this section of the UPC and substitute with the following: pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware washing machines, and other similar fixtures shall not be connected directly to the drainage system. Such equipment or fixtures shall be drained by means of indirect waste pipes, as defined in chapter 2 of the UPC, and all wastes drained by them shall discharge through an airgap into an open floor sink or other approved type receptor that is properly connected to the drainage system. Food waste disposal units shall be connected directly to the drainage system. A floor drain shall be provided adjacent to the disposal unit, and the disposal unit shall be connected on the sewer side of the floor drain trap, provided that no other drainage line is connected between the floor drain waste connection and the disposal unit drain. The floor drain shall be trapped and vented as required in this code.

B. 712.1 Media. See this section of the UPC except add the following text to the end: When testing during weather conditions that could result in damage to piping, adequate provisions shall be made to protect such piping from freezing.

[14.8.2.16 NMAC - Rp, 14.8.2.16 NMAC, 05/15/2018; A 3/10/2022]

14.8.2.17 CHAPTER 7 SANITARY DRAINAGE PART II - BUILDING SEWERS:

See this chapter of the UPC.

[14.8.2.17 NMAC - Rp, 14.8.2.17 NMAC, 05/15/2018]

14.8.2.18 CHAPTER 8 INDIRECT WASTES:

See this chapter of the UPC.

[14.8.2.18 NMAC - Rp, 14.8.2.18 NMAC, 05/15/2018]

14.8.2.19 CHAPTER 9 VENTS:

See this chapter of the UPC except as provided below. **906.1 Roof Termination.** See this section of the UPC except add the following to the end: "Exception: When approved by the authority having jurisdiction, a fixture or fixture branch may be permitted to be vented by the use of an approved Air Admittance Valve (AAV) in accordance with its listing when conventional venting termination methods are not available."

[14.8.2.19 NMAC - Rp, 14.8.2.19 NMAC, 05/15/2018]

14.8.2.20 CHAPTER 10 TRAPS AND INTERCEPTORS:

See this chapter of the UPC.

[14.8.2.20 NMAC - Rp, 14.8.2.20 NMAC, 05/15/2018]

14.8.2.21 CHAPTER 11 STORM DRAINAGE:

See this chapter of the UPC except as follows: 1101.6 Subsoil drains. See this section of the UPC except after the words "Subsoil drains shall be provided" in the first sentence add the following text: "as required by the NMCBC, 14.7.2 NMAC".

[14.8.2.21 NMAC - Rp, 14.8.2.21 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.22 CHAPTER 12 FUEL PIPING:

See this chapter of the UPC except as provided below.

A. 1208.6.3.2 Copper and copper alloy pipe. Delete this section of the UPC and substitute: Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1208.6.10.5 Metallic pipe fittings (including valves, strainers, filters). See this section of the UPC except delete "(3) fittings used with copper or copper alloy pipe shall be copper or copper alloy."

C. 1210.9.3 Emergency shutoff valves. See this section of the UPC except delete the following: "The emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction" and replace with the following text: "For purposes of isolation and safety, an additional approved gas shut off valve shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping system."

D. 1211.0 Electrical bonding and grounding. Delete this section of the UPC and see 14.10.4 NMAC the New Mexico electrical code (NMEC).

E. 1212.11 Liquefied petroleum gas facilities and piping. Delete this section of the UPC and substitute the following: Liquefied petroleum gas facilities shall comply with Sections 70-5-1 through 70-5-23 NMSA 1978, the LPG and CNG Act and with 19.15.40 NMAC, liquefied petroleum gas standards.

F. 12.13.3 Test pressure. See this section of the UPC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times the operating pressure of the system, but in no case shall it be tested at less than 3 psi.

[14.8.2.22 NMAC - Rp, 14.8.2.22 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.23 CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS PART I - SPECIAL REQUIREMENTS FOR HEALTH CARE FACILITIES:

[RESERVED]

[14.8.2.23 NMAC - Rp, 14.8.2.23 NMAC, 05/15/2018]

14.8.2.24 CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS PART II - MEDICAL GAS AND VACUUM SYSTEMS:

See 14.9.5 NMAC and this chapter of the UPC.

[14.8.2.24 NMAC - Rp, 14.8.2.24 NMAC, 05/15/2018; A, 3/10/2022]

14.8.2.25 CHAPTER 14 FIRESTOP PROTECTION:

See this chapter of the UPC.

[14.8.2.25 NMAC - Rp, 14.8.2.25 NMAC, 05/15/2018]

14.8.2.26 CHAPTER 15 ALTERNATE WATER SOURCES FOR NONPOTABLE APPLICATIONS:

See this chapter of the UPC.

[14.8.2.26 NMAC - Rp, 14.8.2.26 NMAC, 05/15/2018]

14.8.2.27 CHAPTER 16 NONPOTABLE RAINWATER CATCHMENT SYSTEMS:

See this chapter of the UPC.

[14.8.2.27 NMAC - Rp, 14.8.2.27 NMAC, 05/15/2018]

14.8.2.28 [RESERVED]

14.8.2.29 CHAPTER 17 REFERENCED:

See this chapter of the UPC.

[14.8.2.29 NMAC - N, 05/15/2018; A, 3/10/2022]

14.8.2.30 APPENDICES:

See this section of the UPC.

[14.8.2.30 NMAC - Rp, 14.8.2.29 NMAC, 05/15/2018]

PART 3: 2012 NEW MEXICO SWIMMING POOL, SPA AND HOT TUB CODE

14.8.3.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.8.3.1 NMAC - Rp, 14.8.3.1 NMAC, 05/01/15]

14.8.3.2 SCOPE:

This rule applies to all contracting work performed on swimming pools, spas, and hot tubs in New Mexico on or after May 1, 2015, 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.

[14.8.3.2 NMAC - Rp, 14.8.3.2 NMAC, 05/01/15]

14.8.3.3 STATUTORY AUTHORITY:

Section 60-13-9 NMSA 1978.

[14.8.3.3 NMAC - Rp, 14.8.3.3 NMAC, 05/01/15]

14.8.3.4 DURATION:

Permanent.

[14.8.3.4 NMAC - Rp, 14.8.3.4 NMAC, 05/01/15]

14.8.3.5 EFFECTIVE DATE:

May 1, 2015, unless a later date is cited at the end of a section.

[14.8.3.5 NMAC - Rp, 14.8.3.5 NMAC, 05/01/15]

14.8.3.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for the construction of swimming pools, spas and hot tubs in New Mexico.

[14.8.3.6 NMAC - Rp, 14.8.3.6 NMAC, 05/01/15]

14.8.3.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2012 Uniform Swimming Pool, Spa, and Hot Tub Code (USPSHTC) as amended by this part.

[14.8.3.7 NMAC - Rp, 14.8.3.7 NMAC, 05/01/15]

14.8.3.8 ADOPTION OF THE 2012 UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE:

A. This rule adopts, by reference, the 2012 USPSHTC, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the USPSHTC.

[14.8.3.8 NMAC - Rp, 14.8.3.8 NMAC, 05/01/15]

14.8.3.9 CHAPTER 1 ADMINISTRATION:

A. 101.0 General.

(1) 101.1 Title. Delete this section of the USPC and substitute: This code shall be known as the 2012 New Mexico Swimming Pool, Spa, and Hot Tub Code (NMSPSHTC).

(2) 101.2 Scope. Delete this section of the USPSHTC and see 14.8.3.2 NMAC.

(3) 101.3 Purpose. Delete this section of the USPSHTC substitute: The purpose of this code is to establish minimum standards for all swimming pools, spas and hot tub construction in New Mexico.

(4) 101.4 Unconstitutional. Delete this section of the USPSHTC and see 14.5.1 NMAC.

(5) 101.5 Validity. Delete this section of the USPSHTC and see 14.5.1 NMAC.

B. 102.0 Applicability.

(1) 102.1 Conflicts between codes. Delete this section of the USPSHTC and see 14.5.1 NMAC.

(2) 102.2 Existing installations. Delete this section of USPSTHC.

(3) 102.3 Maintenance. Delete this section of the USPSHTC.

C. 103.0 Duties and powers having jurisdiction

(1) 103.1 General. Delete this section of the USPSHTC and Construction Industries Licensing Act (CILA) Section 60-13-8.

(2) 103.2 Liability. Delete this section of the USPSTHC and see CILA Section 60-13-26.

(3) 103.3 Applications and permits. Delete this section of the USPSHTC and see 14.5.2 NMAC.

(4) 103.4 Right of entry. Delete this section of the USPSHTC and see CILA Section 60-13-42.

D. 104.0 Permits. Delete this section of the USPSHTC and see 14.5.2 NMAC.

E. 105.0 Inspections and testing. Delete this section of the USPSHTC and see CILA Section 60-13-1 to -59, and 14.5.3 NMAC.

F. 106.0 Violations and penalties. Delete this section of the USPSTHC and see CILA Section 60-14-1 to -59, and 14.5.3 NMAC.

G. 107.0 Board of appeals.

[14.8.3.9 NMAC - Rp, 14.8.3.9 NMAC, 05/01/15]

14.8.3.10 CHAPTER 2 DEFINITIONS:

See this chapter of the USPSHTC, except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the CID and the bureau chief of the mechanical and plumbing bureau of CID.

B. 214.0 Listing agency. See this definition in the UPC and Section 60-13-44 of the CILA.

C. 221.0 Shall. Delete this text of this definition and see Section 221.0 of the UPC.

[14.8.3.10 NMAC - Rp, 14.8.3.10 NMAC, 05/01/15]

14.8.3.11 CHAPTER 3 GENERAL REQUIREMENTS:

See this chapter of the USPSHTC except as provided below. **302.6 Alternate materials and methods equivalency.** Delete this section and see 14.8.2.11 NMAC and 14.5.1.11 NMAC.

[14.8.3.11 NMAC - Rp, 14.8.3.11 NMAC, 05/01/15]

14.8.3.12 CHAPTER 4 DESIGN, MATERIALS, AND METHODS OF CONSTRUCTION:

See this section of the USPSHTC except as provided below.

A. 403.3 Markings. Delete this section of the USPSHTC.

B. 403.4 Maximum bather load. Delete this section of the USPSHTC.

C. 404.0 Wading pools. See this section of the USPSHTC except as provided below.

(1) **404.1 General.** Delete this section of the USPSHTC.

(2) **404.2 Gates.** Delete this section of the USPSHTC.

(3) **404.5 Markings.** Delete this section of the USPSHTC.

D. 405.0 General. See this section of the USPSHTC except as provided below.

(1) **405.5 Maximum bather load.** Delete this section of the USPSHTC.

(2) **405.9 Handholds.** Delete this section of the USPSHTC.

(3) **405.10 Markings.** Delete this section of the USPSHTC.

E. 406.0 General. Delete this section of the USPSHTC.

F. 407.0 Toilet facilities. Delete this section of the USPSHTC and see NMAC 14.6.6.

G. 408.0 Access to fixtures. Delete this section of the USPSHTC and see NMAC 14.6.6.

H. 416.0 Lighting protection systems. Delete this section of the USPSHTC.

I. 417.0 Decks. Delete this section of the USPSHTC.

[14.8.3.12 NMAC - N, 05/01/15]

14.8.3.13 CHAPTER 5 WATER QUALITY:

See this section of the USPSHTC.

[14.8.3.13 NMAC - N, 05/01/15]

14.8.3.14 CHAPTER 6 EQUIPMENT:

See this section of the USPSHTC except as provided below.

A. 603.0 Electrical systems. Delete this section of the USPSHTC and see 14.10.4 NMAC.

B. 606.0 Diving equipment. Delete this section of the USPSHTC.

C. 607.0 Slides. Delete this section of the USPSHTC.

[14.8.3.14 NMAC - N, 05/01/15]

14.8.3.15 CHAPTER 7 WATER HEATING EQUIPMENT AND VENTS:

See this chapter of the USPSHTC except as provided as follows: **712.2.18 Chimneys and vents.** See this section of the USPSHTC except delete the following language: "Where vents extend outdoors above the roof more than 5 feet (1524 mm) higher than required by Table 509.6.2, and where vents terminate in accordance with Section 509.6.2(1), the outdoor portion of the vent shall be enclosed as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered."

[14.8.3.15 NMAC - Rp, 14.8.3.12 NMAC, 05/01/15]

14.8.3.16 CHAPTER 8 FUEL GAS PIPING:

See this chapter of the USPSHTC except as provided below.

A. 809.5.2.3 Copper and brass. Delete this section of the USPSHTC and substitute: Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 809.5.3.2 Copper and brass. Delete this section of the USPSHTC and substitute: Copper and brass pipe shall not be used.

C. 810.12 Electrical bonding and grounding. Delete this section of the USPSHTC and see NMAC 14.10.4.

D. 810.13 Electrical circuits. Delete this section of the USPSHTC and see 14.10.4 NMAC.

E. 810.14 Electrical connections. Delete this section of the USPSHTC and see 14.10.4 NMAC.

F. 812.0 Liquefied petroleum gas facilities and piping. Delete this section of the USPSHTC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, liquefied petroleum gas standards, and 70-5-1 to -23 NMSA 1978, liquefied and compressed gasses.

G. 813.3 Test pressure. See this section of the USPSHTC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times their operating pressure of the system, but in no case shall it be tested at less than 3 psi.

[14.8.3.16 NMAC - Rp, 14.8.3.13 NMAC, 05/01/15]

14.8.3.17 CHAPTER 9 SAFETY:

Delete this chapter of the USPSHTC.

[14.8.3.17 NMAC - N, 05/01/15]

14.8.3.18 CHAPTER 10 REFERENCED STANDARDS:

See this chapter of the USPSHTC.

[14.8.3.18 NMAC - N, 05/01/15]

14.8.3.19 APPENDICES:

See this section of the USPSHTC except delete appendix A and appendix C.

[14.8.3.19 NMAC - Rp, 14.8.3.15 NMAC, 05/01/15]

CHAPTER 9: MECHANICAL CODES

PART 1: GENERAL PROVISIONS [RESERVED]

PART 2: 2021 NEW MEXICO MECHANICAL CODE

14.9.2.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.9.2.1 NMAC - Rp, 14.9.2.1 NMAC, 05/15/2018]

14.9.2.2 SCOPE:

This rule applies to all contracting work performed in New Mexico on or after May 15, 2018, 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.

[14.9.2.2 NMAC - Rp, 14.9.2.2 NMAC, 05/15/2018]

14.9.2.3 STATUTORY AUTHORITY:

Sections 60-13-9, 60-13-44, 60-13-45, 60-13-46 and 60-13-47 NMSA 1978.

[14.9.2.3 NMAC - Rp, 14.9.2.3 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.4 DURATION:

Permanent.

[14.9.2.4 NMAC - Rp, 14.9.2.4 NMAC, 05/15/2018]

14.9.2.5 EFFECTIVE DATE:

May 15, 2018, unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until September 10, 2022, permits may be issued under either the previously adopted rule, or this rule. After September 10, 2022, permits may be issued only under this rule.

[14.9.2.5 NMAC - Rp, 14.9.2.5 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for 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 in New Mexico.

[14.9.2.6 NMAC - Rp, 14.9.2.6 NMAC, 05/15/2018]

14.9.2.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2021 Uniform Mechanical Code (UMC) as amended in 14.9.2.10 NMAC.

[14.9.2.7 NMAC - Rp, 14.9.2.7 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.8 ADOPTION OF THE 2021 UNIFORM MECHANICAL CODE:

A. This rule adopts by reference the 2021 UMC, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2021 UMC.

C. This rule shall apply in conjunction with the provisions of all applicable New Mexico construction codes, laws and standards.

[14.9.2.8 NMAC - Rp, 14.9.2.8 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.9 CHAPTER 1 ADMINISTRATION:

See this chapter of the UMC except as provided below.

A. 101.0 General.

(1) 101.1 Title Delete this section of the UMC and substitute: This code shall be known as 14.9.2 NMAC, the 2021 New Mexico Mechanical Code (NMMC).

(2) 101.2 Scope. Delete this section of the UMC and see 14.9.2.2 NMAC.

(3) 101.3 Purpose. Delete this section of the UMC and see 14.9.2.6 NMAC.

B. 102.0 Applicability. See this section of the UMC except as provided below.
102.1 Conflicts between codes. Delete this section of the UMC and see Subsection H of Section 60-13-44 NMSA 1978 and 14.5.1.9 NMAC.

C. 103.0 Duties and powers of the authority having jurisdiction.

(1) 103.1 General. Delete this section of the UMC and see Construction Industries Licensing Act (CILA).

(2) 103.2 Liability. Delete this section of the UMC and see CILA Section 60-13-26 NMSA 1978.

(3) 103.3 Applications and permits. Delete this section of the UMC and see 14.5.2 NMAC.

(4) 103.4 Right of entry. Delete this section of the UMC and see CILA Section 60-13-42 NMSA 1978.

D. 104.0 Permits. See this section of the UMC except as provided below.

(1) 104.1 Permits required. Delete this section of the UMC and see 14.5.2 NMAC.

(2) 104.2 Exempt work. See CILA Section 60-13-45 B NMSA 1978 and this section of the UMC.

(3) 104.3 Application of permit. Delete this section of the UMC and see 14.5.2 NMAC.

(4) 104.4 Permit issuance. Delete this section of the UMC and see 14.5.2 NMAC.

(5) 104.5 Fees. Delete this section of the UMC and see 14.5.5 NMAC.

E. 105.0 Inspections and testing. Delete this section of the UMC and see 14.5.3 NMAC.

F. 106.0 Violations and penalties. Delete this section of the UMC and see CILA Sections 60-13-1 through 60-13-59 NMSA 1978, and 14.5.3 NMAC.

G. 107.0 Board of appeals. Delete this section of the UMC and see 14.5.1.13 NMAC.

H. Table 104.5 Mechanical permit fees. Delete this table from the UMC and see 14.5.5 NMAC.

[14.9.2.9 NMAC - Rp, 14.9.2.9 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.10 CHAPTER 2 DEFINITIONS:

See this chapter of the UMC except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the CID and the mechanical-plumbing

trade bureau chief for adoption, enactment, interpretation and enforcement of the state adopted mechanical code as the minimum requirement in the state.

B. 214.0 Listed (Third Party Certified). See this definition in the UMC and add the following provision at the end of the definition: A manufacturer may select the independent certification organization of its choice to certify its products, provided that the certification organization has been accredited by the American national standards institute (ANSI), or another certification organization that CID has approved in writing.

C. 217.0 Occupiable Space. Delete this section and see 14.7.2 NMAC and 14.7.3 NMAC.

[14.9.2.10 NMAC - Rp, 14.9.2.10 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.11 CHAPTER 3 GENERAL REQUIREMENTS:

See this chapter of the UMC except as provided below.

A. 304.3 Access to equipment and appliances on roofs. 304.3.1 Access. See this section of the UMC except after the words "in height" add the following: except those designated as R-3 occupancies.

B. 305.1 Installation in garages. At the end of the last sentence delete the following text: "unless listed as a flammable vapor ignition resistant.

C. 305.5 Drainage Pan. See this section of the UMC except after each term "water heater" add the following: or hot-water-heating boiler.

D. 311.0 Heating and cooling air system. See this section of the UMC except as follows: 311.3 Prohibited source. See this section of the UMC except delete the text of subsection (5) and replace with the following: a closet, bathroom, laundry room, toilet room, kitchen; or where it will pick up objectionable odors, fumes, or flammable vapors.

E. 314.0 Balancing. Delete this section of the UMC and insert: Heating, ventilating, and air-conditioning systems (including hydronic systems) shall be balanced in accordance with the standards pursuant to UMC chapter 17.

[14.9.2.11 NMAC - Rp, 14.9.2.11 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.12 CHAPTER 4 VENTILATION AIR:

See this chapter of the UMC except as provided below.

A. 405.3 Bathroom Exhaust. See this section of the UMC except add the following:
Exception: Residential Occupancies with an operable window located in the same room.

B. 405.4 Kitchen Exhaust. See this section of the UMC except after the words "directly to the outdoors" add the following: unless listed for recirculation.

[14.9.2.12 NMAC - Rp, 14.9.2.12 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.13 CHAPTER 5 EXHAUST SYSTEMS:

See this chapter of the UMC except as provided below. 511.3 Makeup Air. See this section of the UMC except add the following: windows and doors shall not be used for the purpose of providing makeup air. The exhaust and makeup air systems shall be connected by an electrical interlocking switch. A device to sense continued air movement within the makeup air plenum shall be installed initiating a complete system shut-down if air-flow is interrupted.

[14.9.2.13 NMAC - Rp, 14.9.2.13 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.14 CHAPTER 6 DUCT SYSTEMS:

See this chapter of the UMC except as provided below.

A. 603.11 Underground installation. See this section of the UMC and add the following to the last sentence, "and be installed so as to support the weight of the concrete during encasement."

B. 609.0 Automatic shutoffs. 609.1 Air-moving systems and smoke detectors. See this section of the UMC and add the following to the exceptions: (6) automatic shutoffs are not required on evaporative coolers that derive all of their air from outside the building.

[14.9.2.14 NMAC - Rp, 14.9.2.14 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.15 CHAPTER 7 COMBUSTION AIR:

See this chapter of the UMC.

[14.9.2.15 NMAC - Rp, 14.9.2.15 NMAC, 05/15/2018]

14.9.2.16 CHAPTER 8 CHIMNEYS AND VENTS:

See this chapter of the UMC except as provided below. 803.1.10 Chimney and Vents. See this section of the UMC except delete the following language: "Where vents extend outdoors above the roof more than 5 feet (1524mm) higher than required by Table 802.6.1, and where vents terminate in accordance with Section 802.6.1 (1)(b), the outdoor portion of the vent shall be enclosed as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered."

[14.9.2.16 NMAC - Rp, 14.9.2.16 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.17 CHAPTER 9 INSTALLATION OF SPECIFIC APPLIANCES:

See this chapter of the UMC except as provided below. **907.2 Location.** See this section of the UMC except add the following to the end: unlisted wall furnaces shall be installed with clearances to combustible material of not less than eighteen (18) inches (460 mm).

[14.9.2.17 NMAC - Rp, 14.9.2.17 NMAC, 05/15/2018]

14.9.2.18 CHAPTER 10 BOILERS AND PRESSURE VESSELS:

See this chapter of the UMC.

[14.9.2.18 NMAC - Rp, 14.9.2.18 NMAC, 05/15/2018]

14.9.2.19 CHAPTER 11 REFRIGERATION:

See this chapter of the UMC.

[14.9.2.19 NMAC - Rp, 14.9.2.19 NMAC, 05/15/2018]

14.9.2.20 CHAPTER 12 HYDRONICS:

See this chapter of the UMC except as provided below. 1205.2 Pressure testing. See this section of the UMC except delete the first sentence and substitute: system piping shall be tested with a hydrostatic pressure or an air test of not less than 1.5 times operating pressure.

[14.9.2.20 NMAC - Rp, 14.9.2.20 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.21 CHAPTER 13 FUEL GAS PIPING:

See this chapter of the UMC except as provided below.

A. 1308.5.2.2 Copper and copper alloy pipe. Delete this section and substitute with the following: Copper and copper alloy pipe shall not be used. Aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1310.11.2 Emergency shutoff valves. See this section of the UMC except delete the following: the emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction. Add the following to the end: For purposes of isolation and safety, an additional approved gas shut off valve shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping system

C. 1311.0 Electrical bonding and grounding. Delete this section of the UMC and see subsection G of 14.10.4.11 NMAC.

D. 1312.11 Liquefied petroleum gas facilities and piping. Delete this section of the UMC and substitute the following: Liquefied petroleum gas facilities shall comply with Sections 70-5-1 through 70-5-23 NMSA 1978, the LPG and CNG Act and with 19.15.40 NMAC liquefied petroleum gas standards.

E. 1313.3 Test pressure. See this section of the UMC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times their operating pressure of the system, but in no case shall it be tested at less than 3 psi.

[14.9.2.21 NMAC - Rp, 14.9.2.21 NMAC, 05/15/2018; A, 3/10/2022]

14.9.2.22 CHAPTER 14 PROCESS PIPING:

See this chapter of the UMC.

[14.9.2.22 NMAC - Rp, 14.9.2.22 NMAC, 05/15/2018]

14.9.2.23 CHAPTER 15 SOLAR SYSTEMS:

See this chapter of the UMC.

[14.9.2.23 NMAC - Rp, 14.9.2.23 NMAC, 05/15/2018]

14.9.2.24 CHAPTER 16 STATIONARY POWER PLANTS:

See this chapter of the UMC.

[14.9.2.24 NMAC - Rp, 14.9.2.24 NMAC, 05/15/2018]

14.9.2.25 [RESERVED]

14.9.2.26 [RESERVED]

14.9.2.27 CHAPTER 17 REFERENCED STANDARDS:

See this chapter of the UMC.

[14.9.2.27 NMAC - Rp, 14.9.2.27 NMAC, 05/15/2018]

14.9.2.28 APPENDICIES:

See this section of the UMC except delete appendix A and appendix B.

[14.9.2.28 NMAC - Rp, 14.9.2.28 NMAC, 05/15/2018; A, 3/10/2022]

PART 3: 1997 UNIFORM MECHANICAL CODE

14.9.3.1 ISSUING AGENCY:

The Construction Industries Division of the Regulation and Licensing Department.

[12/31/98; Recompiled 10/01/01]

14.9.3.2 SCOPE:

A. This rule applies to all persons engaged in the construction activities, including inspectors and code enforcement officials, in the state of New Mexico.

B. 14 NMAC.9.3 [now 14.9.3 NMAC] has a broad scope, with provisions that apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, of any mechanical system for the regulation and control of any heating, ventilating, cooling or refrigeration systems, incinerators, design construction, quality of materials and providing for the issuance of permits and inspections.

[12/31/98; Recompiled 10/01/01]

14.9.3.3 STATUTORY AUTHORITY:

A. Pursuant to Section 60-13-9 (F) NMSA 1978 of the Construction Industries Licensing Act, the construction industries division of the regulation and licensing department has adopted 14 NMAC 9.3 [now 14.9.3 NMAC]. This section provides as follows: "The division shall adopt all building codes and minimum standards as recommended by the trade bureaus and approved by the commission so that the public welfare is protected, uniformity is promoted and conflicting provisions are avoided."

B. Section 60-13-44 (B) NMSA 1978 of the Construction Industries Licensing Act states: "The mechanical bureau shall recommend to the commission minimum standards for the installation of all fixtures, consumers' gas pipe, appliances and materials installed in the course of a mechanical installation. The recommendations shall be in substantial conformity with the Uniform Mechanical Code published by the international conference of building officials and the Uniform Plumbing Code published by the international association of mechanical and plumbing officials."

C. Pursuant to Section 60-13-44 (F) NMSA 1978 of the Construction Industries Licensing Act, this rule and the materials adopted pursuant to this rule set the minimum building standards for the state of New Mexico. This provision specifically states: "All political subdivisions of the state are subject to the provisions of codes adopted and approved under the Construction Industries Licensing Act. Such codes constitute the minimum requirements for codes of political subdivisions."

[12/31/98; Recompiled 10/01/01]

14.9.3.4 DURATION:

Permanent; until later amended, repealed or replaced.

[12/31/98; Recompiled 10/01/01]

14.9.3.5 EFFECTIVE DATE:

December 31, 1998, unless a later date is cited at the end of a section or paragraph.

[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

[12/31/98; Recompiled 10/01/01]

14.9.3.6 OBJECTIVE:

The objective of 14 NMAC 9.3 [now 14.9.3 NMAC] is to promote the general welfare of the people of the state 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. Further, this code is intended to provide uniformity in mechanical standards.

[12/31/98; Recompiled 10/01/01]

14.9.3.7 DEFINITIONS:

[RESERVED]

[12/31/98; Recompiled 10/01/01]

14.9.3.8 ADOPTION OF 14 NMAC 9.3 [NOW 14.9.3 NMAC]:

Adoption of the 1997 Uniform Mechanical Code (14 NMAC 9.3) [now 14.9.3 NMAC] was recommended by the mechanical bureau and formally approved by the construction industries commission on August 17, 1998 and September 25, 1998.

A. This part supersedes Rule No. MB-UMC-91-1, the 1991 Uniform Mechanical Code, filed with the state records center on July 28, 1992.

B. This part adopts by reference the 1997 Uniform Mechanical Code, except as amended by the 1997 New Mexico Plumbing and Mechanical Code at 14 NMAC 9.2 [now 14.9.2 NMAC].

C. This part shall be referred to as the 1997 Uniform Mechanical Code, and cited in short form as 14 NMAC 9.3 [now 14.9.3 NMAC].

[12/31/98; Recompiled 10/01/01]

PART 4: BOILERS

14.9.4.1 ISSUING AGENCY:

The Construction Industries Division of the Regulation and Licensing Department.

[1-1-98; 14.9.4.1 NMAC - Rn, 14 NMAC 9.4 1, 08-01-03]

14.9.4.2 SCOPE:

A. This rule applies to all individuals performing alteration, repair and installation working on boilers in the state of New Mexico.

B. These boiler rules and regulations address the following: permits, insurance requirements and inspections, licensing, licensing of boiler operators and repairmen, installers and repair organizations, the issuing of boiler certificates of inspection, authorization for alterations and enforcement by the mechanical bureau.

[1-1-98; 14.9.4.2 NMAC - Rn, 14 NMAC 9.4.2, 08-01-03]

14.9.4.3 STATUTORY AUTHORITY:

Pursuant to Section 60-13-9.(F.) of the Construction Industries Licensing Act (NMSA 1978) the construction industries division has adopted 14 NMAC 9.4 [now 14.9.4 NMAC]. Section 61-13-9. (F.), NMSA 1978 provides as follows: "The division shall adopt all building codes and minimum standards as recommended by the trade bureaus and approved by the commission so that the public welfare is protected, uniformity is promoted and conflicting provision are avoided."

[1-1-98; 14.9.4.3 NMAC - Rn, 14 NMAC 9.4.3, 08-01-03]

14.9.4.4 DURATION:

Permanent; until later amended, repealed or replaced.

[1-1-98; 14.9.4.4 NMAC - Rn, 14 NMAC 9.4.4, 08-01-03]

14.9.4.5 EFFECTIVE DATE:

January 1, 1998, unless a later date is cited at the end of a section or paragraph.

[1-1-98; 14.9.4.5 NMAC - Rn, 14 NMAC 9.4.5, 08-01-03]

14.9.4.6 OBJECTIVE:

The objective of 14 NMAC 9.4 [now 14.9.4 NMAC] 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.

[1-1-98; 14.9.4.6 NMAC - Rn, 14 NMAC 9.4.6, 08-01-03]

14.9.4.7 DEFINITIONS:

The following terms shall have the meaning indicated when used in these rules and when referenced in the various codes:

A. "Administrative authority" means the mechanical bureau, construction industries division, regulation and licensing department, state of New Mexico.

B. "Accident" means an unexpected happening which causes physical damage in excess of \$25,000.00, or injury to any person.

C. "Alter/alteration" means any change in the item described on the original manufacturer's data report which affects the pressure-containing capacity of the boiler. Nonphysical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler shall be considered an alteration. A reduction in the minimum temperature which requires additional mechanical tests shall also be considered an alteration.

D. "ANSI" means the American national standards institute, 1430 Broadway, New York, NY 10018.

E. "American petroleum institute (API)" means the American petroleum institute, 1220 L Street, NW, Washington, D.C. 20005.

F. "ASME Code" means the American society of mechanical engineers boiler and pressure vessel code as published by the society, including addenda and code cases approved by its council.

G. "Automatic boiler" when applied to any class of boilers defined below means such boiler shall be equipped with automatic controls and limit devices.

H. "Boiler" means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam is superheated, or any combination of these functions is accomplished, under pressure, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy. The term

includes a fired unit for heating and vaporizing liquids other than water where the unit is separate from the processing system and is complete within itself.

I. "Certificate of inspection" means a document issued upon a successful inspection, stating the boiler may be operated.

J. "Certificate of qualification" is a certificate issued by the construction industries division to a qualifying party.

K. "Commission" means the construction industries commission.

L. "Condemned boiler" means a boiler inspected and declared unfit for further service by the mechanical bureau chief inspector, a deputy state inspector, a special inspector or the commission.

M. "Deputy state inspector" means any state employee appointed by the mechanical bureau of the construction industries division.

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

O. "Division" means the construction industries division of the regulation and licensing department.

P. "Existing boiler" means any boiler installed in New Mexico before the adoption of these rules.

Q. "External piping" shall be considered as that piping which begins where the boiler proper terminates at the first circumferential joint for welding end connections; or the face of the first flange in bolted flanged connections; or the first threaded joint in that type of connection including the valve, if required.

R. "High pressure steam boiler" means a boiler in which steam or other vapor is generated at pressures exceeding 15 psi. (See **power steam boiler**).

S. "High temperature water boiler" means a boiler used for heating water or liquid to a pressure exceeding 160 psi or to a temperature exceeding 250 degrees F.

T. Hot-water heating boiler. See **low-pressure hot-water heating boiler**.

U. Hot-water supply boiler means a boiler with volume exceeding 120 gallons or a heat input exceeding 200,000 Btu/hr. or for operation at pressures not exceeding 160 psi and/or temperatures not exceeding 250 degrees F, and that provides hot water to be used externally to itself.

V. Inspection code means the National Board Inspection Code published by the national board of boiler and pressure vessel inspectors, 1055 Crupper Avenue,

Columbus, OH 43229, or any other code or standard adopted by Sections 60-13-1.1 or 60-13-2.R of the Construction Industries Licensing Act and LPG Act, NMSA 1978.

W. Inspection Tag means:

(1) **Yellow tag** means the boiler does not meet code requirements, has deficiencies such as a minor leak, deteriorating refractory, and missing or wrong parts, or in poor operating condition (burner calibration). A qualified inspector evaluates whether the deficiencies presently cause an unsafe condition.

(2) **Red tag** means the boiler has major leaks (water, fuel, or combustion gases); the refractory is deteriorated to the point where it could cause overheating to the unit; the safety or safety relief valve is corroded shut, the wrong type, or undersized; there are a lack of controls and safety devices; or there are improper repairs (welding, wrong parts, etc.). A qualified inspector evaluates whether deficiencies that presents danger to persons and/or property.

X. Internal inspection means an inspection made when a boiler is shut down and the handhold, manholes, or other inspection openings are opened for inspection of the interior.

Y. Jurisdiction or jurisdictional authority means any city of the United States of America or any state of the United States that has adopted and administers one or more sections of the ASME Boiler and Pressure Vessel Code as a legal requirement.

Z. Low-pressure hot-water heating boiler means a boiler in which water is heated for the purpose of supplying heat at pressures not exceeding 160 psi and temperatures not exceeding 250 degrees F.

AA. Mechanical bureau means the trade bureau responsible for performing inspections and regulating boilers in the state of New Mexico.

BB. Mechanical bureau chief inspector means the individual who administers the mechanical bureau and makes inspections and is appointed by the construction industries division director.

CC. National board means the national board of boiler and pressure vessel inspectors, whose membership is composed of the chief inspector, or other officials who hold a national board commission and are charged with the enforcement of boiler and pressure vessel inspection regulations of any political subdivision of the United States or Canada which has adopted one or more sections of the ASME Boiler and Pressure Vessel Code.

DD. National board commission means a certificate issued by the national board of boiler and pressure vessel inspectors to an individual who has passed the

national board examination, holds a valid certificate of competency and is regularly employed as an inspector by an insurance company.

EE. National board commissioned inspector means an inspector who holds a valid national board commission and is regularly employed as an inspector by an insurance company authorized to write boiler and pressure vessel insurance by the state of New Mexico. This term is considered synonymous with "special inspector". Such national board commissioned inspector is not granted the authority contained in Sections 60-13-41, 60-13-42 and 60-13-43 of the New Mexico Construction Industries Licensing Act and LPG Act, (NMSA 1978).

FF. New boiler installation means any boiler constructed, installed or re-installed and placed in operation after the adoption of these boiler rules.

GG. Operator certificate of competency means a document issued to a person who has satisfied the minimum competency requirements for boiler operators under Section 60-13-38 of the New Mexico Construction Industries Licensing Act and LPG Act, (NMSA 1978).

HH. Owner-user inspection agency means an owner or user of pressure vessels that maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements of the national board rules and acceptable to the jurisdiction wherein the owner or user is located. It is recommended that either a commissioned national board owner/user inspector or a commissioned API-510 owner/user inspector be assigned the responsibility of establishing and monitoring such agency.

II. Owner-user inspector means an inspector who holds a valid national board owner-user commission and has qualified by written examination under the laws, rules and regulations of a jurisdiction of a state of the United States or a province of Canada, and is regularly employed as an inspector by an owner-user inspection agency. Such inspector is not granted the authority contained in Sections 60-13-41, 60-13-42 or 60-13-43 of the New Mexico Construction Industries Licensing Act and LPG Act, (NMSA 1978).

JJ. Power steam boiler means a boiler in which steam or other vapor is generated at pressures exceeding 15 psi.

KK. Place of public assembly means any place where large numbers of individuals congregate (i.e., schools, hospitals, whether public or private, and other such entities). Place of public assembly shall not be construed as applying to businesses where private industry is in operation (i.e., manufacturing facilities, production facilities, dry cleaners, etc.). The rules in this document for inspections and certificates of inspection apply specifically to this definition.

LL. Publicly owned place of public assembly means the same as **place of public assembly**, except it is owned by the "public" (i.e., public schools, public hospitals, etc.). The rules for qualification and certification of boiler operators contained in Section 29 [now 14.9.4.29 NMAC] (Boiler Operator, Certificate of Competence) of these rules apply specifically to this definition.

MM. Reinstalled boiler means a boiler that has been removed from its original setting and reinstalled at the same location or at a new location.

NN. Repair means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition provided there is no deviation from the original design.

OO. Repair organization means a holder of a valid national board commission authorizing the use of the "R", "VR" or "NR" stamp; or one that is authorized by the mechanical bureau (the local jurisdiction).

PP. Second-hand boiler means a boiler that has changed ownership and location subsequent to its original installation and use.

QQ. Special inspector means an inspector who holds a national board commission and who is regularly employed by an authorized national board inspection agency authorized to insure against loss from the explosion of a boiler or pressure vessel in New Mexico. Such inspector is not granted the authority contained in Sections 60-13-41, 60-13-42 or 60-13-43 of the New Mexico Construction Industries Licensing Act and LPG Act, (NMSA 1978). Also see **national board commissioned inspector**.

[1-1-98; 14.9.4.7 NMAC - Rn, 14 NMAC 9.4.7, 08-01-03]

14.9.4.8 ADOPTED PUBLICATIONS:

The commission has adopted the following publications as the rules for construction, installation, operation, inspection, repair and alterations of all existing boilers.

A. Uniform Plumbing Code, 1991 Edition, 14 NMAC 11.3 (MB-UPC-91-1) [now 14.11.3 NMAC].

B. Uniform Mechanical Code, 1991 Edition, 14 NMAC 9.3 (MB-UMC-91-1) [now 14.9.3 NMAC].

C. NOTE: The above referenced documents are included in the edition adopted by construction industries division and the construction industries commission that is currently on file with the state records and archives center. Future editions will be adopted in the NMAC format. The NMAC reference for the Uniform Plumbing Code is 14 NMAC 11.3 (MB-UPC-91-1) [now 14 11.3 NMAC]. The NMAC reference for the Uniform Mechanical Code is 14 NMAC 9.3 (MB-UMC-91-1) [now 14.9.3 NMAC].

[1-1-98; 14.9.4.8 NMAC - Rn, 14 NMAC 9.4.8, 08-01-03]

14.9.4.9 PERMIT REQUIRED:

A. It shall be unlawful to install or reinstall any boiler without first obtaining a permit to do so from the mechanical bureau, subject to all provisions of the construction industries division rules and regulations.

B. Owner/user inspectors are not required to have permits issued for repairs, alterations or installations.

C. Each application for a boiler permit (installation and/or re-installation) may require one set of plans and specifications as determined necessary by the mechanical bureau to describe adequately the proposed installation.

D. It shall be the responsibility of the organization making the installation to provide for a permit, inspection, documentation and certification of the work and to ensure prior acceptance of the procedures for the work.

E. Emergency boiler installation may be performed during non-business hours provided a permit is requested on the next regular business day.

[1-1-98; 14.9.4.9 NMAC - Rn, 14 NMAC 9.4.9, 08-01-03]

14.9.4.10 ANNUAL PERMITS:

Section 5, 14 NMAC 5.2 [now 14.5.2.5 NMAC] (permits) of the construction industries division rules and regulations does not apply to boilers.

[1-1-98; 14.9.4.10 NMAC - Rn, 14 NMAC 9.4.10, 08-01-03]

14.9.4.11 VIOLATIONS AND PENALTIES:

Violation(s) of this code and/or the technical codes may result in one or more of the following:

A. The construction industries division may assess the licensee an administrative penalty provided under the provisions of the Construction Industries Licensing Act and the LPG Act, (NMSA 1978), or its rules and regulations.

B. The division may require a double permit fee when any work is started prior to acquiring the necessary permit as stated in the provisions of the Construction Industries Licensing Act and LPG Act, (NMSA 1978) or its rules and regulations.

C. Whenever any work is being done contrary to the provisions of these rules or the technical codes, the director may order the work stopped by notice in writing served on

a person engaged in doing or causing such work to be done, and that person shall forthwith stop such work until authorized by the director or the mechanical bureau chief to proceed with the work.

D. Pursuant to Section 6 [now 14.9.4.6 NMAC] (inspections) of the construction industries rules and regulations, failure of a licensee to call for final inspection may result in the commission assessing up to a five hundred dollar (\$500.00) penalty for each failure.

E. Pursuant to Section 6 [now 14.9.4.6 NMAC] (inspection[s]) of the construction industries division rules and regulations, failure of a licensee to cure any cited violation within 90 days may result in the commission assessing up to a two hundred fifty dollar (\$250.00) penalty for each such code violation.

F. The alteration of any safety device by a licensee may be subject to a penalty assessed by the commission.

[1-1-98; 14.9.4.11 NMAC - Rn, 14 NMAC 9.4.11, 08-01-03]

14.9.4.12 NEW CONSTRUCTION AND INSTALLATION OF BOILERS:

A. All boiler installations shall conform to minimum requirements for safety from structural and mechanical failure and excessive pressure, as established by the mechanical bureau in accordance with the ASME Boiler and Pressure Vessel Codes, Sections I, IV, and IX, with the addenda and interpretations thereto made, and the National Board of Boiler and Pressure Vessel Inspection Code.

B. All installations after the adoption of the boiler rules shall be designed, constructed, inspected and stamped in accordance with the ASME Code, as adopted herein and the latest addenda thereto, in effect. In addition, all boilers, except cast iron boilers, shall be registered with the national board of boiler and pressure vessel inspectors and be assigned a national board registration number.

C. The mechanical bureau may inspect any boiler installations in the state of New Mexico with sufficient notice to the owners/operators of such equipment. All inspections are to be conducted in accordance with the latest accepted edition of the National Board Inspection Code.

[1-1-98; 14.9.4.12 NMAC - Rn, 14 NMAC 9.4.12, 08-01-03]

14.9.4.13 EXISTING BOILERS:

A. All existing boilers shall be maintained and operated in compliance with the manufacturer's requirements and all existing codes at the time of installation. All existing boilers installed prior to 1973 shall, within two (2) years, meet the minimum

requirements of the Uniform Mechanical Code, 1973. (Reference Appendix B, Chapter 21, - Table No. 21-C.)

B. All boilers which are re-located with or without a change of ownership shall be installed in compliance with ASME as a new installation. Following such reinstallation of a boiler, a hydrostatic test in compliance with Section 27 [now 14.9.4.27 NMAC] (preparation of boilers) of these rules may be required by the state mechanical bureau chief inspector, deputy state inspector, city inspector, or an [sic] national board commissioned inspector.

C. Used boilers from within New Mexico, another state or country must be approved by the mechanical bureau. Such boilers shall bear the standard stamping of ASME and the national board registration number.

[1-1-98; 14.9.4.13 NMAC - Rn, 14 NMAC 9.4.13, 08-01-03]

14.9.4.14 EXEMPTIONS:

BOILERS NOT SUBJECT TO THE MECHANICAL BUREAU RULES AND REGULATIONS:

A. Listed and approved potable water heaters with a nominal capacity of 120 gallons or less having a heat input of 200,000 Btu/h or less used for hot-water supply at pressures of 160 psi or less and at temperatures not exceeding 250 degrees F, as regulated by the New Mexico Plumbing Code.

B. Tanks connected to sprinkler(s).

C. Portable unfired pressure vessels, which are constructed to D.O.T. and I.C.C. regulations and are used in such service.

D. Containers for liquefied petroleum gases, bulk oxygen and medical gas, which are regulated by the Fire Code or by the New Mexico LPG Act, (NMSA 1978).

E. Unfired pressure vessels having a volume of 5 cubic feet or less and operated at pressures not exceeding 250 psi.]

F. Pressure vessels used in refrigeration systems, which are regulated by the Uniform Mechanical Code.

G. Pressure tanks used in conjunction with coaxial cables, telephone cables, power cables, and other similar humidity-control systems.

H. Any boiler subjected to regular inspection by federal inspectors or licensed by federal authorities.

I. Hydronic panel heating systems as described in the Uniform Mechanical Code, Chapter 23.

J. Public utilities, rural electric cooperatives, mining process (administration facilities are NOT exempt), refinery processing, gas processing (administration facilities are NOT exempt) and lumber industries (sawmill only).

[1-1-98; 14.9.4.14 NMAC - Rn, 14 NMAC 9.4.14, 08-01-03]

14.9.4.15 CITY AND LOCAL JURISDICTION:

Cities that have adopted a boiler code in substantial compliance with the State Boiler Code may enforce the provisions of the city code within their jurisdictions.

[1-1-98; 14.9.4.15 NMAC - Rn, 14 NMAC 9.4.15, 08-01-03]

14.9.4.16 REPAIRS/ALTERATIONS OF BOILERS AND SAFETY/SAFETY RELIEF VALVES:

A. Repair organizations making repairs to boilers shall have an ASME qualified welders certificate or national board "R" stamp.

B. All repairs of boilers shall be in compliance with these rules. A report of welder repair/alteration and the completed work may be subject to the approval of the insurance company insuring the unit. The mechanical bureau may make random field site inspections.

C. Safety valves and safety relief valves shall be repaired only by organizations having a certificate of authorization code symbol stamp, ASME, "V", "HV", "UV", "NV" or a national board "VR" (repair of pressure relief valves) symbol stamp. Additionally, such repair firms when located within or doing business within the state of New Mexico shall be a New Mexico licensed contractor.

D. No repair/alteration by welding shall be made without the approval of the mechanical bureau or by a national board commissioned inspector holding a valid national board commission. If the mechanical bureau or special inspector determine a hydrostatic test is required, such test shall be applied after the repair/alteration have been completed.

E. A boiler shall be removed from service if a lap seam crack is discovered along a longitudinal riveted joint. Repairs are prohibited.

[1-1-98; 14.9.4.16 NMAC - Rn, 14 NMAC 9.4.16, 08-01-03]

14.9.4.17 ACCIDENT REPORTING:

In case of boiler accident (fire or waterside) or other serious damage to a boiler, the mechanical bureau and the insurance company shall be notified immediately by the owner/user. No parts or appurtenances shall be removed or their positions changed unless necessary for the protection of life or limb until the state or a national board commissioned inspector has made an investigation.

[1-1-98; 14.9.4.17 NMAC - Rn, 14 NMAC 9.4.17, 08-01-03]

14.9.4.18 CERTIFICATE OF COMPLIANCE/OPERATING PERMIT:

A. All boilers and steam generators as stipulated in Section 26 [now 14.9.4.26 NMAC] (Inspections and fees) of these rules shall be inspected. Upon successful inspection, a certificate of inspection shall be issued by the mechanical bureau or insurance company. Such certificate may take any format approved for use by the mechanical bureau chief.

B. If, upon making the internal and/or external inspection, the Inspector finds the boiler to be in safe working order, provided with the appurtenances necessary for safety, and properly set up, the mechanical bureau or insurance company, upon receipt of an inspection report from the Inspector, shall issue to the owner or user thereof a certificate of inspection. Upon receipt of the certificate of inspection, such owner or user may operate the boiler described in the certificate until the date of expiration unless such certificate shall be withdrawn or revoked.

C. The certificate of compliance shall state the name of the owner or user; location; manufacturer's serial number, and the national board registration number; date of inspection; date of expiration of the certificate of compliance; the maximum allowable working pressure at which the boiler may operate; name of the manufacturer; type of boiler and insurance company with the name and national board commission number of the national board commissioned inspector or mechanical bureau inspector doing the inspection.

D. The certificate of compliance operating permit or a copy shall be conspicuously placed so it can be readily identified with the boiler and must be posted in the boiler or mechanical room. The certificate of compliance operating permit for a portable boiler shall be attached to the boiler and shall be accessible at all times.

[1-1-98; 14.9.4.18 NMAC - Rn, 14 NMAC 9.4.18, 08-01-03]

14.9.4.19 OPERATION:

No individual shall engage in the occupation or trade of boiler operator at a publicly owned place of public assembly unless that person holds a certificate of competence issued by the construction industries division for the occupation or trade of boiler operator.

[1-1-98; 14.9.4.19 NMAC - Rn, 14 NMAC 9.4.19, 08-01-03]

14.9.4.20 ABSENCE FROM BOILER:

A. Constant attendance of a boiler with automatic controls is not required. However, there shall be a properly licensed individual (reference Section 29 [now 14.9.4.29 NMAC], Boiler Operator, Certificate of Competence, of these rules) responsible for the safe operation of such equipment. Such individual shall be responsible for maintaining a weekly inspection/tour log for high-pressure steam and high temperature water boilers and a weekly inspection/tour log for low-pressure hot-water heating boilers as defined in Subsections R, S, T & Z of 14.9.4.7 NMAC.

B. Any boiler that is not considered an automatic boiler and located in a publicly owned place of public assembly shall have a full-time, licensed operator. The boiler operator shall not leave the operating floor for more than 10 minutes at any one time without leaving on duty an operator with the same classification as the boiler operator.

[1-1-98; 14.9.4.20 NMAC - Rn, 14 NMAC 9.4.20, 08-01-03; A, 05-01-06]

14.9.4.21 REPORTS:

When a special inspector performs a first inspection of a boiler and finds that the boiler or any of the appurtenances thereof are in such condition that the insurance company refuses to insure such boiler, said inspection agency or said special inspector shall notify the mechanical bureau of that fact in writing, with a list describing the defects so found, within ten (10) days of the inspection date, along with a phone call within twenty-four (24) hours.

[1-1-98; 14.9.4.21 NMAC - Rn, 14 NMAC 9.4.21, 08-01-03]

14.9.4.22 BOILERS FOUND TO BE UNSAFE TO OPERATE; NON-CODE COMPLIANCE CONDITIONS:

A. If, upon inspection, a boiler is found to be in such condition that it is unsafe to operate, a RED tag or the equivalent shall be attached to the boiler and the owner or user shall have an appropriate New Mexico licensed contractor make required repairs.

B. If, upon inspection, a non-code compliance condition is noted, the special inspector may, or a representative of construction industries division may:

(1) shut the vessel down until the condition is corrected and tag the equipment with a RED tag or the equivalent; or

(2) tag the vessel with a YELLOW tag or the equivalent and allow the vessel to operate until the condition is corrected.

(3) An immediate appeal may be made if a boiler is found unsafe to the mechanical bureau before the boiler is stamped as provided in Section 21 [now 14.9.4.21 NMAC] (Reports) of these rules.

(4) The decision of the bureau to shut a vessel down may be appealed to the construction industries commission.

[1-1-98; 14.9.4.22 NMAC - Rn, 14 NMAC 9.4.22, 08-01-03]

14.9.4.23 CONDEMNED BOILERS:

A. Any boiler which comes under these rules and having been inspected and declared condemned by special inspector shall, after notifying the mechanical bureau, be stamped by the special inspector.

B. The condemnation mark shall be a series of capital X's stamped over the boiler identification number (the manufacturer's tag serial number or national board number). Additionally, stamping shall consist of capital X's stamped on the nameplate and on a conspicuous place on the boiler proper; (i.e., NMXXXXXNM, on the drum, shell, tubesheet, etc.)

C. Any person, firm, partnership or corporation using or offering for sale a condemned boiler which comes under these rules for operation within the state shall be subject to the penalty provided in Section 3 [now 14.9.4.3 NMAC] (permits/violations and penalties) of these rules.

[1-1-98; 14.9.4.23 NMAC - Rn, 14 NMAC 9.4.23, 08-01-03]

14.9.4.24 NON-CODE BOILERS:

A. Any boiler which is not constructed and stamped in accordance with the rules of the appropriate ASME Boiler Code shall not be installed or reinstalled to operate at any pressure after the adoption of these rules.

B. Any non-code boiler installed prior to the adoption of these rules and regulations may be operated after a successful inspection.

[1-1-98; 14.9.4.24 NMAC - Rn, 14 NMAC 9.4.24, 08-01-03]

14.9.4.25 INSPECTION METHODS AND FREQUENCY:

The owner or user of such inspected equipment shall be responsible for obtaining a certificate of inspection. The method and frequency of boiler inspections shall be as follows:

A. The following equipment shall be inspected internally annually. A certificate inspection may be issued with an external inspection; however, an internal inspection must be made within six (6) months of the external inspection. When the construction does not permit an internal inspection, one external inspection annually is required:

- (1) high-pressure boilers; [and]
- (2) high-pressure steam generators.

B. Every twenty-four (24) months, an external and internal inspection shall be performed on the following:

- (1) direct fire steam jacketed kettles;
- (2) low-pressure steam boiler; [and]
- (3) low-pressure hot-water heating boilers.

C. Based upon documentation regarding actual service conditions, the mechanical bureau may, at its discretion, permit variations in the inspection requirements.

D. The inspections herein required, including repair or modification shall be made by the mechanical bureau or by an [sic] special inspector.

E. If, at the discretion of the special inspector, a hydrostatic test shall be deemed necessary, the test shall be performed and the expense shall be borne by the owner or user of the boiler and the test shall be witnessed by the special inspector.

[1-1-98; 14.9.4.25 NMAC - Rn, 14 NMAC 9.4.25, 08-01-03]

14.9.4.26 INSPECTION AND CERTIFICATE FEES:

A. Any insurance company licensed to sell boiler and pressure vessel insurance in this state and insuring a boiler located in the state shall inspect such boiler so insured.

B. Such inspection shall be performed by national board commissioned inspector.

C. Equipment that has been inspected by special inspector may at any time be inspected by the state.

[1-1-98; 14.9.4.26 NMAC - Rn & A, 14 NMAC 9.4.26, 08-01-03]

14.9.4.27 PREPARATION OF BOILERS:

A. After timely notification, it shall be the responsibility of the owner or user to prepare the boiler for inspection. To prepare a boiler for internal inspection, all manhole

plates, handhold plates, washout plugs and water column connection plugs shall be removed and the waterside thoroughly washed. Furnace, combustion chambers and tubes must be thoroughly cleaned and grates of internally-fired boilers, brickwork or other insulation material shall be removed to determine the condition of the shell furnace, mud drum, heads or any covered pressure part. The chamber of the low water fuel cutoffs shall be opened and the float or probes removed.

B. Any leakage of steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve at the most convenient point or any appropriate means approved by the special inspector.

[1-1-98; 14.9.4.27 NMAC - Rn, 14 NMAC 9.4.27, 08-01-03]

14.9.4.28 REMOVABLE INSULATION:

If upon external inspection there is evidence of a leak or crack, enough of the covering of the boiler shall be removed as the inspector shall deem necessary to determine the safety of the boiler. If the covering cannot be removed at that time, the inspector may order the operation of the boiler suspended until such time as the covering can be removed and proper examination made.

[1-1-98; 14.9.4.28 NMAC - Rn, 14 NMAC 9.4.28, 08-01-03]

14.9.4.29 BOILER OPERATOR/CERTIFICATE OF COMPETENCE:

A. Pursuant to Section 60-13-38 of the New Mexico Construction Industries Licensing Act and LPG Act (NMSA 1978), the New Mexico boiler operator classifications are listed below.

(1) Classification: boiler operator trainee:

(a) Experience: entry level position.

(b) Limitations: shall not operate any devices except under the direct observation of a boiler operator.

(2) Classification: boiler operator low pressure:

(a) Experience: six months operating experience on the type(s) of plant to be licensed on, and pass the low pressure examination.

(b) Limitations: may operate steam boilers and direct-fired pressure vessels up to 15 psi, and hot water boilers up to 160 psi and/or 250 degrees F

(3) Classification: boiler operator high pressure:

(a) Experience: have at least six (6) months verifiable operating experience on the type(s) of plant to be licensed on, and pass the prescribed examination.

(b) Limitations: may operate high-pressure boilers (15 psi and greater), steam boilers and direct-fired pressure vessels up to 15 psi, and hot water boilers up to 160 psi and 250 degrees F, As per manufacture's instructions.

B. No state certificate of competence is required for a boiler operator trainee.

C. A certificate of competence is required for boiler operators.

D. In lieu of experience, alternative methods of training may be approved by the mechanical bureau chief. A certificate of competency will be issued upon successful completion of the appropriate examination.

[1-1-98; 14.9.4.29 NMAC - Rn, 14 NMAC 9.4.29, 08-01-03]

14.9.4.30 BOILERS NOT PROPERLY PREPARED:

If a boiler has not been properly prepared for inspection as provided for in these rules, the inspector may decline to make such inspection and the certificate shall be withheld until the boiler has been properly prepared and inspected.

[1-1-98; 14.9.4.30 NMAC - Rn, 14 NMAC 9.4.30, 08-01-03]

14.9.4.31 UNSAFE INSPECTION CONDITIONS:

Upon discovering any unsafe inspection conditions, it is the responsibility of the special inspector to decline such inspection and the certificate withheld until such time as the unsafe conditions have been eliminated.

[1-1-98; 14.9.4.31 NMAC - Rn, 14 NMAC 9.4.31, 08-01-03]

14.9.4.32 HYDROSTATIC TEST:

A. Whenever a boiler is subject to hydrostatic test required by these rules, the required test pressure may be at a pressure no more than the maximum allowable working pressure for the installation so tested, at the discretion of the special inspector.

B. Re-rating of a boiler shall be subject to the requirement of the National Board Inspection Code. The test pressure shall be under proper control so that in no case shall the required test pressure be exceeded by more than six (6) percent.

[1-1-98; 14.9.4.32 NMAC - Rn, 14 NMAC 9.4.32, 08-01-03]

14.9.4.33 EMERGENCY EXITS:

A. Boilers shall be so located and so equipped that egress is provided to permit safe and quick escape of any person in case of emergency; this shall include suitable and sufficient permanent stairs or ladders from boiler tops and elevated appurtenances and appliances which are located more than eight (8) feet above the floor, walkway or platform nearest thereto, except water columns and gauge glasses.

B. Water columns or gauge glasses which are located over ten (10) feet above the floor or a walkway shall be provided with a suitable platform beneath them, which need not be provided with a permanent means of egress.

[1-1-98; 14.9.4.33 NMAC - Rn, 14 NMAC 9.4.33, 08-01-03]

14.9.4.34 REPAIRS BY STATE INSPECTORS PROHIBITED:

Boiler inspectors shall not make any of the repairs they order to boilers.

[1-1-98; 14.9.4.34 NMAC - Rn, 14 NMAC 9.4.34, 08-01-03]

14.9.4.35 SALES BY STATE INSPECTORS PROHIBITED:

Special inspectors shall not sell or be interested in the sale directly or indirectly of articles or accessories used in the maintenance of boilers and steam equipment, to the owners of the boilers which they inspect.

[1-1-98; 14.9.4.35 NMAC - Rn, 14 NMAC 9.4.35, 08-01-03]

14.9.4.36 NATIONAL BOARD COMMISSIONED INSPECTORS:

A. Special inspectors shall not receive any salary or expenses from the state. Special inspectors shall not be required to use the inspection tags designated in Section 7 [now 14.9.4.7 NMAC], inspection tags. Such special inspectors shall use inspection tags with equivalent information.

B. Special inspectors shall inspect all boilers covered by these rules that are located in publicly owned places of public assembly and places of public assembly and insured by their respective insurance companies, authorized national board inspection agencies. All boilers, when so inspected, shall be exempt from payment to the state for inspection fees.

C. Such special inspectors are not granted the authority contained in the New Mexico Construction Industries Licensing Act (NMSA 1978).

[1-1-98; 14.9.4.36 NMAC - Rn, 14 NMAC 9.4.36, 08-01-03]

14.9.4.37 DEPUTY STATE INSPECTORS:

Deputy state inspectors shall be responsible to the state mechanical bureau chief inspector and hold a national board boiler and pressure vessel commission, or pass a mechanical bureau deputy state inspector's examination.

[1-1-98; 14.9.4.37 NMAC - Rn, 14 NMAC 9.4.37, 08-01-03]

14.9.4.38 SAFETY APPLIANCES:

A. No person shall attempt to remove or do any work on any safety appliance prescribed by these rules while the appliance is subject to pressure.

B. Should any safety appliance be removed for repair during an outage of a boiler, it must be reinstalled and in proper working order before the object is again placed in service.

C. No person shall repair/alter any safety or safety relief valve or pressure-relief valves in any manner.

D. Pursuant to Section 3 [now 14.9.4.3 NMAC] (permits/violations and penalties) of these rules, the alteration of any safety device may be subject to a penalty assessed by the construction industries division, with approval by the construction industries commission.

[1-1-98; 14.9.4.38 NMAC - Rn, 14 NMAC 9.4.38, 08-01-03]

14.9.4.39 SEVERABILITY:

If any section, paragraph, clause or provision of these rules shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, or provisions.

[1-1-98; 14.9.4.39 NMAC - Rn, 14 NMAC 9.4.39, 08-01-03]

PART 5: MEDICAL GAS INSTALLATION AND CERTIFICATION

14.9.5.1 ISSUING AGENCY:

The Construction Industries Division of the Regulation and Licensing Department.

[14.9.5.1 NMAC - Rp, 14.9.5.1 NMAC, 11/15/2019]

14.9.5.2 SCOPE:

This rule shall apply to all individuals installing, altering, repairing, servicing, verifying, inspecting and maintaining medical gas and vacuum systems in Category 1,2 and 3 medical gas and medical vacuum piping systems in health care facilities.

[14.9.5.2 NMAC - Rp, 14.9.5.2 NMAC, 11/15/2019]

14.9.5.3 STATUTORY AUTHORITY:

Construction Industries Licensing Act (CILA) Sections 60-13-9 and 60-13-44 NMSA 1978.

[14.9.5.3 NMAC - Rp, 14.9.5.3 NMAC, 11/15/2019]

14.9.5.4 DURATION:

Permanent.

[14.9.5.4 NMAC - Rp, 14.9.5.4 NMAC, 11/15/2019]

14.9.5.5 EFFECTIVE DATE:

11/15/2019, unless a later date is cited at the end of a section.

[14.9.5.5 NMAC - Rp, 14.9.5.5 NMAC, 11/15/2019]

14.9.5.6 OBJECTIVE:

The objective of 14.9.5 NMAC is to promote the general welfare of the people of New Mexico by providing for the protection of life and property through the adoption and enforcement of the current adopted New Mexico Plumbing Code, 14.8.2 NMAC.

[14.9.5.6 NMAC - Rp, 14.9.5.6 NMAC, 11/15/2019]

14.9.5.7 DEFINITIONS:

A. "ASME" means American Society of Mechanical Engineering.

B. "ASSE" means American Society of Sanitary Engineers.

C. "Direct supervision" means reasonable oversight, inspection and evaluation of the work of a person by constant on the jobsite supervision by a certified journeyman.

D. "NFPA" means National Fire Protection Association.

E. "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.

F. "WAGD" means Waste Anesthetic Gas Disposal.

[14.9.5.7 NMAC - Rp, 14.9.5.7 NMAC, 11/15/2019]

**14.9.5.8 QUALIFICATION FOR JOURNEYMAN MEDICAL GAS
ENDORSEMENT:**

A. Medical gas and vacuum systems installations, alterations, repairs, service and maintenance shall be performed by a properly New Mexico certified journeyman plumber (JP), journeyman gasfitter (JG), journeyman plumber-gasfitter (JPG) or journeyman pipefitter (JPF) who meets the minimum requirements of the ASSE;-6010 professional qualification standard for medical gas and vacuum system installers.

B. A New Mexico journeyman medical gas endorsement may be issued by the division to a properly certified journeyman upon proof of successful completion of a division approved minimum 32-hour medical gas and vacuum systems course that meets the requirements of ASSE 6010.

C. The minimum 32-hour approved medical gas training course shall consist of two parts: (1) installer training and proctored exam, and (2) a brazing coupon sent to an independent third-party laboratory for testing pursuant to ASSE 6010, and Chapter 13 of the current adopted New Mexico plumbing code.

[14.9.5.8 NMAC - Rp, 14.9.5.8 NMAC, 11/15/2019]

14.9.5.9 [RESERVED]

14.9.5.10 RECERTIFICATION:

A. A journeyman shall take a division approved medical gas and vacuum systems re-certification training course every three years. The journeyman must also be qualified as per section IX of the ASME Boiler and Pressure Vessel Code or AWS B2.2 and maintain the brazing qualifications as per chapter 13 of the current adopted New Mexico Plumbing Code (NMPC), 14.8.2 NMAC.

B. All medical gas and vacuum system recertification courses shall be approved by the division and meet the requirements of ASSE 6010 and chapter 13 of the current adopted NMPC.

C. The approved course shall be a minimum of eight hours and is a prerequisite for the division approved proctored examination. The journeyman shall be able to provide to the division documentary proof of having successfully completed the minimum eight hour approved course.

[14.9.5.10 NMAC - Rp, 14.9.5.10 NMAC, 11/15/2019]

14.9.5.11 APPRENTICES:

An apprentice, as that term is defined in CILA Section 60-13-2 NMSA 1978, may work under the direct supervision of a validly certified journeyman, holding a JP, JG, JPG, or JPF and who also holds an active medical gas certification pursuant to this regulation and who is under the employ of a contractor validly licensed with an MM-1, MM-2, MM-4 or an MM-98. Journeyman certifications shall be issued such that the certificates parallel the mechanical and plumbing license classification numbers and scopes. The ratio of certified journeyman to unregistered apprentices must not exceed: (1) one journeyman to two unregistered apprentices on commercial or industrial work, and (2) one journeyman to three unregistered apprentices on residential work.

[14.9.5.11 NMAC - Rp, 14.9.5.11 NMAC, 11/15/2019]

14.9.5.12 STATE AND LOCAL INSPECTOR:

A. State and local building inspectors inspecting medical gas and vacuum piping systems shall be division approved certified plumbing inspectors pursuant to 14.6.5.8 NMAC and shall also meet the requirements of ASSE 6020 professional qualification standard for medical gas and vacuum system inspectors;

B. Re-certification of state and local inspectors inspecting projects containing medical gas and vacuum piping systems shall meet the requirements of ASSE 6020 and shall take a division approved medical gas and vacuum systems re-certification training course every three years.

C. The approved course shall be a minimum of eight hours and is a prerequisite for the division approved proctored examination. The inspector shall provide to the division documentary proof of having successfully completed the minimum eight hour approved course.

[14.9.5.12 NMAC - Rp, 14.9.5.16 NMAC, 11/15/2019]

14.9.5.13 ASSE CERTIFIED VERIFIER:

A. Medical gas and vacuum systems shall be verified by third-party verifiers who meet the requirements of ASSE 6030 professional qualification standard for medical gas and vacuum system verifiers and Chapter 13 of the current adopted NMPC;

B. In addition to these requirements medical gas and vacuum system verifiers may also be required to meet the inspection standards and requirements of the health care facility in which the medical gas and vacuum system is being verified;

C. Medical gas and vacuum system verifiers shall not be, or work for, the installing contractor, design professional or manufacturer or represent an equipment distributor;

D. Re-certification of medical gas and vacuum system verifiers inspecting projects containing medical gas and vacuum systems shall meet the requirements of ASSE 6030.

E. The approved course shall be a minimum of eight hours and is a prerequisite for the division approved proctored examination. The verifier shall provide to the division documentary proof of having successfully completed the minimum eight hour approved course;

[14.9.5.13 NMAC - Rp, 14.9.5.13 NMAC, 11/15/2019]

14.9.5.14 PERMITTING AND INSPECTIONS OF MEDICAL GAS INSTALLATIONS:

A. Permits required for medical gas and vacuum systems shall be pursuant to 14.5.2 NMAC.

B. Plans and document submittals for medical gas and vacuum systems shall be pursuant to 14.5.2.10 NMAC.

C. Inspections for medical gas and vacuum piping systems shall be as follows:

(1) State and local buildings inspectors shall inspect medical gas and vacuum systems pursuant to Chapter 13 of the current adopted NMPC and Subsection E of 14.5.3.9 NMAC.

(2) No state or local building inspector shall issue a final inspection for a medical gas and vacuum system project, without first receiving proper and complete documentation from the medical gas and vacuum system verifier.

(3) If there is a dispute regarding code compliance between a medical gas and vacuum system verifier and a state or local inspector, the mechanical-plumbing bureau chief of the construction industries division shall make the final determination. The mechanical-plumbing bureau chief is the ultimate authority for interpretation of the current New Mexico adopted codes.

[14.9.5.14 NMAC - Rp, 14.9.5.12 NMAC, 11/15/2019]

14.9.5.15 APPLICABLE CODES:

A. All medical gas and vacuum piping systems shall be installed in compliance with Chapter 13 of the current adopted NMPC, NFPA 99, current adopted 14.9.5 NMAC and ASSE 6000.

B. A dental office, as defined in the NFPA 99, that administers piped nitrous oxide, shall comply with the requirements for the WAGD systems as required in the current referenced NFPA 99.

[14.9.5.15 NMAC – Rp, 14.9.14 NMAC, 11/15/2019]

14.9.5.16 FAILURE TO COMPLY WITH CODE STANDARDS OR REQUIREMENTS:

All individuals installing a medical gas and vacuum system shall comply with all applicable codes, standards, rules and regulations adopted by the construction industries division, and shall be subject to possible revocation or suspension of their licenses and certificates of competence, and assessment of an administrative penalty pursuant to the CILA Sections 60-13-23 and 60-13-23.1 NMSA 1978 for failure to comply.

[14.9.5.16 NMAC - Rp, 14.9.5.15 NMAC, 11/15/2019]

PART 6: 2012 NEW MEXICO SOLAR ENERGY CODE

14.9.6.1 ISSUING AGENCY:

Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.9.6.1 NMAC - Rp, 14.9.6.1 NMAC, 05/01/15]

14.9.6.2 SCOPE:

This rule applies to all contracting work performed in New Mexico on or after May 1, 2015, 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.

[14.9.6.2 NMAC - Rp, 14.9.6.2 NMAC, 05/01/15]

14.9.6.3 STATUTORY AUTHORITY:

Section 60-13-9 and 60-13-44 NMSA 1978.

[14.9.6.3 NMAC - Rp, 14.9.6.3 NMAC, 05/01/15]

14.9.6.4 DURATION:

Permanent.

[14.9.6.4 NMAC - Rp, 14.9.6.4 NMAC, 05/01/15]

14.9.6.5 EFFECTIVE DATE:

May 1, 2015, unless a later date is cited at the end of a section.

[14.9.6.5 NMAC - Rp, 14.9.6.5 NMAC, 05/01/15]

14.9.6.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for the construction of all solar energy systems in New Mexico.

[14.9.6.6 NMAC - Rp, 14.9.6.6 NMAC, 05/01/15]

14.9.6.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2012 Uniform Solar Energy Code (USEC) as amended in 14.9.6.10 NMAC.

[14.9.6.7 NMAC - Rp, 14.9.6.7 NMAC, 05/01/15]

14.9.6.8 ADOPTION OF THE 2012 UNIFORM SOLAR ENERGY CODE:

A. This rule adopts by reference the 2012 USEC and all appendices, as amended by this rule.

B. In this rule, the internal numbering of each provision corresponds with the numbering of the 2012 USEC.

C. This rule is to be applied in conjunction with all the other 2009 New Mexico building codes, including the New Mexico plumbing code (NMPC), the New Mexico mechanical code (NMMC) the New Mexico commercial building code (NMCBC), the New Mexico residential building code (NMRBC), and the 2014 New Mexico electrical code (NMEC).

[14.9.6.8 NMAC - Rp, 14.9.6.8 NMAC, 05/01/15]

14.9.6.9 CHAPTER 1 ADMINISTRATION:

A. 101.0 General.

(1) 101.1 Title. Delete this section of the USEC and substitute: This code shall be known as the 2009 New Mexico solar energy code (NMSEC).

(2) 101.2 Scope. Delete this section of the USEC and see 14.9.6.2 NMAC.

(3) **101.3 Purpose.** Delete this section of the USEC and substitute: The purpose of this code is to establish minimum standards for all solar energy systems construction in New Mexico.

(4) **101.4 Unconstitutional** Delete this section of the USEC and see 14.5.1 NMAC.

(5) **101.5 Validity.** Delete this section of the USEC and see 14.5.1 NMAC.

B. 102.0 Applicability.

(1) **102.1 Conflicts between codes.** Delete this section of the USEC and see 14.5.1 NMAC.

(2) **102.2 Existing installation.** Delete this section of the USEC.

(3) **102.3 Maintenance.** Delete this section of the USEC.

(4) **102.8 Appendices.** All appendices in the USEC are specifically adopted except delete sections D2.2 and D2.3 from appendix D.

C. 103.0 Duties and powers of the authority having jurisdiction.

(1) **103.1 General.**

(2) **103.2 Liability.** Delete this section of the USEC and see the Construction Industries Licensing Act (CILA) Section 60-13.26.

(3) **103.3 Applications and permits.** Delete this section of the USEC and see 14.5.2 NMAC.

(4) **103.4 Right of entry.** Delete this section of the USEC and see CILA section 60-13-42.

D. 104.0 Permits.

(1) **104.1 Permits required.** Delete this section of the USEC and see 14.5.2 NMAC.

(2) **104.2 Exempt work.** Delete this section of the USEC and see 14.5.2 NMAC.

(3) **104.3 Application for permit.** Delete this section of the USEC and see 14.5.2 NMAC.

(4) **104.4 Permit issuance.** Delete this section of the USEC and see 14.5.2 NMAC.

(5) **104.5 Fees.** Delete this section of the USEC and see 14.5.5 NMAC.

E. **105.0 Inspections and testing.** Delete this section and table 104.5 of the USEC and see 14.5.3 NMAC, except for Subsection **103.5.6 reinspections**, see 14.5.5 NMAC.

F. **106.0 Violations and Penalties.** Delete this section of the USEC and see 14.5.3 NMAC.

G. **107.0 Board of appeals.**

[14.9.6.9 NMAC - Rp, 14.9.6.9 NMAC, 05/01/15]

14.9.6.10 CHAPTER 2 DEFINITIONS:

See this chapter of the USEC, except as provided below.

A. **207.0 "E" - Existing work.** Delete the text of definition and see section 102.0 of the Uniform Mechanical Code (UMC).

B. **215.0 "M" - Mechanical code.** Delete the text of this definition and see section 14.5.1 NMAC.

C. **218.0 "P".**

(1) **Plenum.** Delete the text of this definition and see the definition of this term in the UMC.

(2) **Plumbing code.** Delete the text of this definition and see section 14.5.1 NMAC.

D. **220.0 "R" - Roughing In.** See this definition in the USEC except add "electrical control wiring" after "piping" in the definition.

E. **221.0 "S" - Swimming pool code.** Delete the text of this definition and see section 14.5.1 NMAC.

[14.9.6.10 NMAC - Rp, 14.9.6.10 NMAC, 05/01/15]

14.9.6.11 CHAPTER 3 GENERAL REGULATIONS:

See this chapter of the USEC except as follows: 305.1 Dissimilar metals. See this section of the USEC except delete "of open loop systems" in the last sentence.

[14.9.6.11 NMAC - Rp, 14.9.6.11 NMAC, 05/01/15]

14.9.6.12 CHAPTER 4 PIPING:

See this chapter of the USEC except as follows: **402.1.8 Freeze protection.** See this section of the USEC except delete the first sentence and substitute with the following: No solar thermal piping containing heat transfer fluid that is capable of freezing under normal conditions shall be installed or permitted outside of a building or in an exterior wall, unless, where necessary, adequate provisions is made to protect such pipe from freezing.

[14.9.6.12 NMAC - Rp, 14.9.6.12 NMAC, 05/01/15]

14.9.6.13 CHAPTER 5 JOINTS AND CONNECTIONS:

See this chapter of the USEC.

[14.9.6.13 NMAC - Rp, 14.9.6.13 NMAC, 05/01/15]

14.9.6.14 CHAPTER 6 THERMAL STORAGE:

See this chapter of the USEC.

[14.9.6.14 NMAC - Rp, 14.9.6.14 NMAC, 05/01/15]

14.9.6.15 CHAPTER 7 COLLECTORS:

See this chapter of the USEC.

[14.9.6.15 NMAC - Rp, 14.9.6.15 NMAC, 05/01/15]

14.9.6.16 CHAPTER 8 THERMAL INSULATION:

See this chapter of the USEC.

[14.9.6.16 NMAC - Rp, 14.9.6.16 NMAC, 05/01/15]

14.9.6.17 CHAPTER 9 SOLAR THERMAL SYSTEMS FOR A SWIMMING POOL:

See this chapter of the USEC.

[14.9.6.17 NMAC - N, 05/01/15]

14.9.6.18 CHAPTER 10 ELECTRICAL:

Delete this chapter of the USEC and see 14.10.4 NMAC.

[14.9.6.18 NMAC - Rp, 14.9.6.18 NMAC, 05/01/15]

14.9.6.19 CHAPTER 11 PUMPS:

See this chapter of the USEC.

[14.9.6.19 NMAC - N, 05/01/15]

14.9.6.20 CHAPTER 12 REFERENCED STANDARDS:

See this chapter of the USEC.

[14.9.6.20 NMAC - N, 05/01/15]

14.9.6.21 APPENDICES:

See this chapter of the USEC, except delete appendix b and appendix c.

[14.9.6.21 NMAC - Rp, 14.9.6.20 NMAC, 05/01/15]

CHAPTER 10: ELECTRICAL CODES

PART 1: GENERAL PROVISIONS [RESERVED]

PART 2: [RESERVED]

PART 3: NATIONAL ELECTRICAL CODE 2002 [REPEALED]

[This part was repealed effective July 1, 2004 and replaced by 14.10.4 NMAC]

PART 4: 2020 NEW MEXICO ELECTRICAL CODE

14.10.4.1 ISSUING AGENCY:

The Construction Industries Division of the Regulation and Licensing Department (CID).

[14.10.4.1 NMAC - Rp, 14.10.4.1 NMAC, 3/28/2023]

14.10.4.2 SCOPE:

This rule applies to all contracting work performed in New Mexico on or after March 28, 2023 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.

[14.10.4.2 NMAC - Rp, 14.10.4.2 NMAC, 3/28/2023]

14.10.4.3 STATUTORY AUTHORITY:

Section 60-13-9 NMSA 1978.

[14.10.4.3 NMAC - Rp, 14.10.4.3 NMAC, 3/28/2023]

14.10.4.4 DURATION:

Permanent.

[14.10.4.4 NMAC - Rp, 14.10.4.4 NMAC, 3/28/2023]

14.10.4.5 EFFECTIVE DATE:

March 28, 2023, unless a later date is cited at the end of a section.

[14.10.4.5 NMAC - Rp, 14.10.4.5 NMAC, 14.10.4.5 NMAC - Rp, 3/28/2023]

[From the date of publication of this rule in the New Mexico Register, until September 28, 2023, permits may be issued under either the previously adopted rule, or this rule. After September 28, 2023 permits may be issued only under this rule.]

14.10.4.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for electrical wiring, as defined in CILA Section 60-13-32 NMSA 1978, in New Mexico.

[14.10.4.6 NMAC - Rp, 14.10.4.6 NMAC, 3/28/2023]

14.10.4.7 DEFINITIONS:

[RESERVED]

14.10.4.8 ADOPTION OF THE 2020 NATIONAL ELECTRICAL CODE:

A. This rule adopts by reference the 2020 National Electrical Code (NEC), as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2020 National Electrical Code.

C. This rule is to be applied in conjunction with 14.7.6 NMAC, the 2018 New Mexico Residential Energy Conservation Code and 14.7.9 NMAC, the 2018 New Mexico Commercial Energy Conservation Code.

[14.10.4.8 NMAC - Rp, 14.10.4.8 NMAC, 3/28/2023]

14.10.4.9 ADMINISTRATION AND ENFORCEMENT:

- A.** Inspectors. See 14.6.5 NMAC, Inspectors.
- B.** Disconnect orders. See CILA Section 60-13-42.
- C.** Stop orders. See 14.5.3 NMAC, Inspections.
- D.** Unsafe wiring. See 14.5.1 NMAC, General Provisions.
- E.** Electrical plan review. See 14.5.2 NMAC, Permits.
- F.** Electrical permit. See 14.5.2 NMAC, Permits.
- G.** Electrical inspections.

(1) Inspections required: See 14.5.3 NMAC, Inspections.

(2) Electrical customer-owned distribution system requirements. See 14.5.3 NMAC, Inspections.

[14.10.4.9 NMAC - Rp, 14.10.4.9 NMAC, 3/28/2023]

14.10.4.10 ARTICLE 90 INTRODUCTION:

See this article of the NEC.

[14.10.4.10 NMAC - Rp, 14.10.4.10 NMAC, 3/28/2023]

14.10.4.11 CHAPTER 1 GENERAL:

A. Article 100 - Definitions. See this article of the NEC.

B. Article 110 - Requirements for electrical installations. See this article of the NEC except as provided below.

(1) Section 110.2 Approval. See this section of the NEC and add the following:

(a) product listing and labeling - electrical wiring, equipment or material approval shall be based on listing and labeling by a nationally recognized testing laboratory recognized by the federal occupational safety and health administration;

(b) field evaluation - electrical wiring, equipment or material that is not listed and labeled, but for which a (UL) safety standard exists may be approved upon certification by a nationally recognized testing laboratory recognized by the federal

occupational safety and health administration or by a field evaluation body accredited by the international accreditation service, inc.;

(c) engineer certification - electrical wiring, equipment or material for which a (UL) safety standard does not exist may be approved upon certification by an electrical engineer licensed to practice in New Mexico; such a certification will not be valid unless based on a verification of the manufacturer's safety and performance test data for the product.

(d) engineer certification - electrical equipment assemblies that contain only nationally recognized testing laboratories (NRTL) labeled components that are not NRTL listed as an assembly may be approved upon certification by an electrical engineer licensed to practice in New Mexico; such a certification will not be valid unless based on a verification of the UL standard if applicable, NEC 110.3 and the manufacturer's safety and performance test data for the product.

(2) Section 110.21 Marking. See this section of the NEC except as provided below:

Section 110.21(A) Equipment markings. See this section of the NEC except as provided below. Section 110.21(A)(1) General. See this section of the NEC and add the following: all equipment used on circuits over 300 volts between conductors shall have a warning sign either on or adjacent to the equipment. Warning signs shall be made in accordance with ANSI Z535 environmental and safety signs. The language shall read:

(a) for voltages over 300 volts but less than 600 volts: "480 VOLTS". (Label dimensions shall be 1" x 4"); and

(b) for voltages over 600 volts and there are exposed parts: "DANGER - HIGH VOLTAGE - KEEP OUT".

(3) Section 110.26 Spaces about electrical equipment.

(a) 110.26 (A) Working space. See this section of the NEC and add the following exception: Disconnects that do not provide over-current, overload, short circuit, or ground fault protection are not required to maintain the dimensions of 110.26(A)(1), (A)(2) and (A)(3) where adequate space is not readily available and the disconnect is permanently labeled "INADEQUATE WORKING SPACE-DO NOT WORK ON WHILE ENERGIZED". The label shall be readily visible on the exterior of the disconnect.

(b) 110.26 (A)(3) Height of working space. See this section of the NEC and add the following exception: Exception No. 4: In underground water well pump enclosures, service equipment or panel boards that do not exceed 200 amperes, operating at 250 volts or less and only feeding equipment associated with the water well enclosure, shall be permitted in spaces where the headroom is less than six and one half feet (6 1/2 ft.)

but greater than five feet (5 ft.) provided the enclosure is supplied with a removable lid, that when removed would allow a minimum of six and one half feet (6 1/2 ft.) headroom.

[14.10.4.11 NMAC – Rp, 14.10.4.11 NMAC, 3/28/2023]

14.10.4.12 CHAPTER 2 WIRING AND PROTECTION:

A. Article 210. Branch circuits. See this article of the NEC except as provided below.

(1) Section 210.8 Ground-fault circuit-interrupter protection for personnel. See this section of the NEC except as provided below. Section 210.8 (F) Outdoor outlets. See this section of the NEC and add the following exception: Exception No. 2 GFCI protection shall not be required for listed HVAC equipment.

(2) Section 210.11 Branch circuits required. See this section of the NEC except as provided below.

(a) 210.11 (A) Number of branch circuits. See this section of the NEC and add: In dwelling units, branch circuits for 125-volt, 15- and 20- ampere general purpose lighting and receptacle outlets shall be limited to a maximum of ten (10) lighting and/or receptacle outlets per branch circuit. Single and duplex receptacle outlets are considered to be one receptacle outlet. Exception: Branch circuits serving only lighting loads may be calculated per article 220 of the NEC.

(b) 210.11 (C) Dwelling units. See this section of the NEC except as provided below.

(i) (1) Small appliance branch circuits. See this section of the NEC and add: not more than four (4) 20 ampere 125 volt receptacle outlets shall be connected to these circuits. Single and duplex receptacle outlets are considered to be one receptacle outlet. Exception: small appliance circuits that supply only dining area receptacles may serve not more than six (6) receptacle outlets.

(ii) (2) Laundry branch circuits. Delete the text of this section of the NEC and substitute: in addition to the number of branch circuits required by other parts of this section, at least one additional 20-ampere branch circuit shall be provided to supply the laundry receptacle outlet. Such circuits shall have no other outlets.

(3) Section 210.19 Conductors - minimum ampacity and size. See this section of the NEC except as follows: (A) Branch circuits not more than 1000 volts:

(a) General. See this section and add: conductors for branch circuits shall be sized to prevent excessive voltage drop.

(b) Branch circuits with more than one receptacle. Conductors of general-purpose branch circuits supplying more than one receptacle outlet for cord-and-plug

connected portable loads shall have an ampacity of not less than the rating of the branch circuit and shall be not less than 12 AWG CU or 10 AWG CU-CLAD.

(4) Section 210.52 Dwelling unit receptacle outlets. See this section of the NEC except as follows:

(a) Section 210.52 (A)(2) Wall space. See this section and add: Exception: free-standing cabinets designed to be used as an eating or drinking bar where stools or chairs are pulled up to a counter top which extends at least one (1) foot from the front of the cabinet, shall not be considered as wall space.

(b) Section 210.52 (C)(2) Island and peninsular countertops and work surfaces. See this section of the NEC except as follows: Section 210.52(C)(2) subsection (a) delete this subsection and replace with the following: Island countertop spaces. At least one (1) receptacle shall be installed at each island countertop space with a long dimension of 600 mm (24 in.) or greater and a short dimension of 300 mm (12in.) or greater.

(c) Section 210.52 (G) Basement, garages, and accessory buildings. See this section of the NEC and add: receptacle outlets must be installed a minimum of eighteen (18) inches above finished floor, in attached or detached garages.

(5) Section 210.70 Lighting outlets required. See this section of the NEC except as follows: Section 210.70 (A)(2) Dwelling units. See this section of the NEC and add a new subsection as follows: (d) on single family dwellings at least one wall switch, located within five (5) feet from each entrance or exit or automatic lighting control such as a motion detector shall be installed to control exterior illumination.

B. Article 215. Feeders. See this article of the NEC except as provided below: Section 215.1. Scope. See this section of the NEC and add: approved wiring methods for feeders: nonmetallic-sheathed cable types NM, NMC and NMS (Article 334) , and service entrance cable type SER (Article 338), shall be permitted to be used for feeders in dwelling units providing that the cables shall not pass through or under any other dwelling unit(s). Underground feeder and branch circuit cable type UF cable (Article 340) shall be permitted to be used underground for any occupancy, and indoors only in accordance with nonmetallic-sheathed cable (Article 334) providing that the cable shall not pass through or under any other dwelling unit(s).

C. Article 225. Outside branch circuits and feeders. See this article of the NEC except as follows.

(1) Section 225.19 Clearance from buildings for conductors of not over 1000 volts, nominal. See this section of the NEC except as follows: Section 225.19(A) Above roofs. See this section of the NEC but delete exception number two (2) in its entirety.

(2) Section 225.32 Location. Delete this section of the NEC and replace with the following: The disconnecting means shall be installed either inside or outside of the

building or structure served. The disconnecting means shall be a readily accessing location and comply with one of the following: (1) Where the disconnecting means is located outside the building or structure served, the disconnecting means enclosure shall be installed within ten (10) feet from the building or structure and visible, or on the exterior wall of the building or structure served. (2) Where the disconnecting means is installed inside the building or structure served, the disconnecting means enclosure shall be located within forty-eight (48) inches from where the feeder conductor raceway enters the building or structure.

Exception No. 1 – see this section of the NEC.

Exception No. 2 – see this section of the NEC.

Exception No. 3 – see this section of the NEC.

Exception No. 4 – see this section of the NEC.

D. Article 230. Services. See this article of the NEC except as provided below.

(1) Section 230.24 Clearances. See this section of the NEC except as provided below: (A) Above roofs. Delete exception no. 2 and exception no. 5 in their entirety.

(2) Section 230.28. Service masts as supports. See this section of the NEC and add: where a service mast is used for the support of service drop conductors, it shall be a minimum two inch (2") rigid metal conduit, intermediate metal conduit or must comply with local utility requirements.

(3) Section 230.31 Size and ampacity. See this section of the NEC except as provided below: (A) General. See this section of the NEC and add: where the underground service lateral is customer owned, the service lateral conductors shall be sized to prevent excessive voltage drop. The maximum voltage drop on the service lateral conductors shall not exceed five percent (5%). For the purpose of this calculation, the ampacity shall be based on the calculated demand load of the building or structure served. Customer owned includes all non-utility owned or operated service lateral conductors.

(4) Section 230.43. Wiring methods for 1000 volts, nominal, or less. See this section of the NEC but delete subsection (1) open wiring on insulators, and subsection (6), Electrical nonmetallic tubing (ENT).

(5) Section 230.54 Overhead service locations. See this section of the NEC and add a new section as follows: (H) overhead service support shall comply with the serving utility requirements or be at least six inch by six inch (6" x 6") pressure-treated timber or equivalent round poles (minimum 6" diameter crown) installed to a depth not less than four (4) feet below finish grade.

(6) Section 230.70 Service equipment - disconnecting means.

(a) 230.70 General. (A) Location. See this section of the NEC and add: the disconnecting means for each occupant of a multiple occupancy building shall be grouped at a common location.

(b) 230.70 General. (A) Location. (1) Readily accessible location. Delete the text of this section of the NEC and substitute:

(i) Service disconnects located outside the building or structure. Where the service disconnect is located outside of the building or structure it shall be located in a readily accessible location within 48 inches of the metering equipment. Remote service disconnects that are located not more than 10 feet from the building or structure shall be considered to be located on the building or structure.

Exception: Where metering equipment is installed at the utility transformer, the disconnecting means on the outside of the building shall be installed within 48 inches from where the service conductors emerge from the earth.

(ii) Service disconnects located inside the building or structure. Where the service disconnect is located inside of a building or structure it shall be located in a readily accessible location within 48 inches from the metering equipment or the service equipment enclosure shall be installed within 48 inches of where the service conductors penetrate the building or structure.

(7) Section 230.72 Grouping of disconnects. (A) General. See this section of the NEC and add: all building or structure disconnects of each service shall be grouped at one location and shall be separated by the least practical distance, within sight of each other and not to exceed an overall distance of fifty (50) feet.

E. Article 250 - Grounding and bonding. See this article of the NEC except as provided below.

(1) Section 250.50 Grounding electrode system. See this section of the NEC and add: on new construction, a concrete encased electrode shall be considered available and installed in compliance with NEC 250.52(A) (3). If a concrete encased electrode is not present, then at least 20 feet of 2 AWG bare copper in direct contact with the earth at a depth below the earth's surface of not less than thirty (30) inches shall be installed in a continuous trench that is at least twenty (20) feet in length, augmented with a minimum of two (2), eight (8) foot grounds rods one at each end of the 2 AWG conductor.

(2) Section 250.52 (A) Grounding electrodes. (5) Rod and pipe electrodes. See this section of the NEC but delete subsection (a) in its entirety.

(3) Section 250.53 (A) (2) See this section of the NEC and add the following exception: Exception No. 2 See this section of the NEC and add: A single grounding

electrode consisting of a rod or plate may be utilized on temporary construction services rated 200 amperes or less.

(4) Section 250.66 Size of alternating-current grounding electrode conductor.
(B) Connections to concrete-encased electrodes. See this section of the NEC and add the following to the end: The grounding electrode conductor shall not be smaller than 4 AWG copper.

(5) Section 250.104. Bonding of piping systems and exposed structural steel.
(B) Other metal piping. See this section of the NEC and add: CSST gas piping systems shall be bonded to the electrical service grounding electrode system at the point where the gas service enters the building. The bonding jumper shall not be smaller than (6) AWG copper wire.

(6) Section 250.106. Lightning protection systems. See this section of the NEC and add: Where a lightning protection system is installed, the bonding of the gas piping system shall be in accordance with NFPA 780, standard for installation of lightning protection systems.

(7) Section 250.118. Types of equipment grounding conductors. See this section of the NEC and add the following new subsection: (15) an equipment grounding conductor shall be installed in all branch circuit and feeder raceways on or above a roof. The equipment grounding conductor shall be a wire type sized in accordance with table 250.122.

[14.10.4.12 NMAC – N, 3/28/2023]

14.10.4.13 CHAPTER 3 WIRING METHODS AND MATERIALS:

A. Article 300. General requirements for wiring methods and materials. See this article of the NEC except as provided below.

(1) Section 300.6 Protection against corrosion and deterioration. See this section of the NEC except as provided below. Section 300.6 (A) Ferrous metal equipment. Delete the first sentence of this section and substitute the following language: All ferrous metal raceways, cable trays, cablebus, auxiliary gutters, cable armor, boxes, cable sheathing, cabinets, metal elbows, couplings, nipples, fittings, supports, and support hardware shall be suitably protected against corrosion inside and outside (except threads at joints) by a coating of approved corrosion-resistant material.

(2) Section 300.11 Securing and supporting. See this section of the NEC except as provided below.

(a) Section 300.11(A) Secured in place. See this section of the NEC and add: independent support wires shall be limited to support of flexible wiring methods from the

last means of support or junction box for connections within an accessible ceiling to luminaire(s) or equipment served.

(b) Section 300.11 (B) (1). Fire rated assemblies. Delete the text of this section of the NEC and substitute: the ceiling support system shall be permitted to support listed junction boxes and/or support brackets that have been tested as part of a fire-rated assembly.

(c) Section 300.11 (B) (2). Non-fire rated assemblies. Delete the text of the exception and substitute: the ceiling support system shall be permitted to support listed junction boxes and/or support brackets where installed in accordance with the ceiling system manufacturer's instructions.

(3) Section 300.14 Length of free conductors at outlets, junctions, and switch points. Delete the text of this section of the NEC and substitute: at least six (6) inches of free conductor, measured from the point in the box where it emerges from its raceway or cable sheath, shall be left at each outlet, junction, and switch point for splices or the connection of luminaire (fixtures) or devices. Where the opening of an outlet, junction, or switch point is less than eight (8) inches in any dimension, each conductor shall be long enough to extend at least six (6) inches outside of the opening.

B. Article 310. Conductors for general wiring. See this article of the NEC except as provided below. Section 310.3 Conductors. See this section of the NEC except as provided below. Section 310.3 (B) Conductor material. See this section of the NEC and add the following subsection 310.3 (B)(1) The use of aluminum current carrying conductors shall be of the AA-8000 series or equivalent and shall be limited to size 8 AWG or larger. Exception: the equipment-grounding conductor shall be limited to size 10 AWG or larger if in a listed cable assembly.

C. Article 314. Outlet, device, pull, and junction boxes; conduit bodies; fittings; and handhole enclosures. See this article of the NEC except as provided below. Section 314.27 Outlet Boxes. See this section of the NEC except as provided below. Section 314.27 (C) Boxes at ceiling-suspended (paddle) fan outlets. See this section of the NEC except add the following exception to the end of the section:

Exception No. 1 Fan boxes in habitable rooms shall not be required over islands, peninsulas, or above kitchen sinks.

D. Article 340. Underground feeder and branch circuit cable: type UF. See this article of the NEC except as provided below. Section 340.10 Part II. Installation See this section of the NEC except as provided below: Section 340.10 Uses permitted. See this section of the NEC and add the following new subsections:

(1) (7) type UF cable shall be permitted to be embedded in adobe construction;

(2) (8) type UF cable, or an approved electrical raceway shall be installed on straw bale residential construction.

E. Article 352 Rigid polyvinyl chloride conduit : Type PVC. See this article of the NEC and add the following to section 352.10 uses permitted. (F) Exposed: PVC conduit, type schedule 40 shall not be used where the raceway is exposed and under eight (8) feet from finished floor or grade.

F. Article 394 Concealed knob and tube wiring. See this article of the NEC and add the following to section 394.12 uses not permitted: concealed knob and tube wiring shall not be permitted to be installed except by special written permission from the electrical bureau.

[14.10.4.13 NMAC – N, 3/28/2023]

14.10.4.14 CHAPTER 4 EQUIPMENT FOR GENERAL USE:

Article 422 Appliances. See this article of the NEC and add the following to section 422.19. evaporative cooling units: where an evaporative cooler is installed, a listed raceway shall be installed during rough-in from the control point to the evaporative cooler location. The raceway shall contain a wire-type equipment-grounding conductor from the control point outlet box to the junction box at the unit. The equipment grounding conductor shall be sized in accordance with table 250.122.

[14.10.4.14 NMAC – N, 3/28/2023]

14.10.4.15 CHAPTER 5 SPECIAL OCCUPANCIES:

A. Article 545 Manufactured buildings and relocatable structures. See this article of the NEC except as provided below. Add the following part to the end of the article. Part III. Service and Feeders.

(1) Add the following new section: Section 545.29 For service and feeder calculations for manufactured buildings used as a relocatable structure as defined in this article, for temporary on-site offices and other temporary manufactured buildings other than dwelling units, use the table below for service and feeder calculations:

(2) Add the following new table: Table 545.29 Service and feeder factors for relocatable structures and manufactured buildings.

Number of temporary structures	Demand Factor
1	100
2	55

3	44
4	39
5	33
6	29
7-9	28
10-12	27
13-15	26
16-21	25
22-40	24
41-60	23
61 and over	22

B. Article 550 Mobile homes, manufactured homes and mobile home parks. See this article of the NEC except as provided below.

(1) Section 550.32 Service equipment. See this section of the NEC except as provided below: Section 550.32 (A) Mobile home service equipment. Delete the text of this section of the NEC and substitute the following: the mobile home service equipment shall be located adjacent to the mobile home and not mounted in or on the mobile home. The service equipment shall be located where visible from and not more than one hundred (100) feet from the exterior wall of the mobile home it serves. The service equipment shall be permitted to be located elsewhere on the premises, provided that a disconnecting means marked "suitable for use as service equipment" is located where visible from and not more than thirty (30) feet from the exterior wall of the mobile home it serves. Grounding at the disconnecting means shall be in accordance with 250.32.

(2) Section 550.32 Service equipment. See this section of the NEC and add the following new subsection. (I) Overhead services. Overhead service support shall comply with the serving utility requirements or be at least six inches by six inches (6" x 6") pressure-treated timber or equivalent round poles (minimum 6" diameter crown) installed to a depth not less than four (4) feet below finish grade.

[14.10.4.15 NMAC – N, 3/28/2023]

14.10.4.16 CHAPTER 8 COMMUNICATION SYSTEMS:

Article 800. Communications circuits. See this article of the NEC and add the following to Section 800.156: Any exterior wall penetration shall be installed in a listed raceway.

[14.10.4.16 NMAC - N, 3/28/2023]

14.10.4.17 SMOKE DETECTORS:

For smoke detectors, refer to the current adopted edition of the New Mexico residential building code. Smoke detectors installed in new single family dwellings shall be served by an individual branch circuit. When two or more smoke detectors are required in a dwelling unit, they shall be interconnected with a multi-conductor cable assembly. Location and power back-up requirement shall be in accordance with the current adopted edition of the New Mexico residential building code.

[14.10.4.17 NMAC - N, 14.10.4.12 NMAC, 3/28/2023]

14.10.4.18 ACCESSIBILITY REQUIREMENTS FOR PERSONS WITH DISABILITIES:

Electrical device installation shall comply with accessibility codes adopted for New Mexico.

[14.10.4.18 NMAC - N, 14.10.4.13 NMAC, 3/28/2023]

14.10.4.19 NIGHT SKY PROTECTION ACT:

Outdoor lighting shall comply with the Night Sky Protection Act 74-12-1 through 74-12-11 NMSA 1978.

[14.10.4.19 NMAC – N, 14.10.4.14 NMAC, 3/28/2023]

14.10.4.20 RESIDENTIAL ENERGY EFFICIENCY:

See 14.7.6 NMAC, the 2018 New Mexico residential energy conservation code.

[14.10.4.20 NMAC - N, 14.10.4.15 NMAC, 3/28/2023]

14.10.4.21 COMMERCIAL ENERGY EFFICIENCY:

See 14.7.9 NMAC, the 2018 New Mexico commercial energy conservation code.

[14.10.4.21 NMAC - N, 14.10.4.16 NMAC, 3/28/2023]

PART 5: 2012 NEW MEXICO ELECTRICAL SAFETY CODE

14.10.5.1 ISSUING AGENCY:

Construction Industries Division of the Regulation and Licensing Department.

[14.10.5.1 NMAC - Rp, 14.10.5.1 NMAC, 07-01-08]

14.10.5.2 SCOPE:

This rule applies to all contracting work performed on all customer-owned electrical distribution and transmission facilities in New Mexico, on or after July 1, 2004, that are subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by the division before that date.

[14.10.5.2 NMAC - Rp, 14.10.5.2 NMAC, 07-01-08]

14.10.5.3 STATUTORY AUTHORITY:

NMSA 1978 Section 60-13-9 and 60-13-44.

[14.10.5.3 NMAC - Rp, 14.10.5.3 NMAC, 07-01-08]

14.10.5.4 DURATION:

Permanent.

[14.10.5.4 NMAC - Rp, 14.10.5.4 NMAC, 07-01-08]

14.10.5.5 EFFECTIVE DATE:

August 1, 2014, unless a later date is cited at the end of a section.

[14.10.5.5 NMAC - Rp, 14.10.5.5 NMAC, 07-01-08; A, 08-01-14]

14.10.5.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for contracting work performed on all customer-owned electrical distribution and transmission facilities in New Mexico.

[14.10.5.6 NMAC, - Rp, 14.10.5.6 NMAC, 07-01-08]

14.10.5.7 DEFINITIONS:

[RESERVED]

14.10.5.8 ADOPTION OF THE 2012 NATIONAL ELECTRICAL SAFETY CODE:

A. This rule adopts by reference the 2012 national electrical safety code, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2012 national electrical safety code.

[14.10.5.8 NMAC - Rp, 14.10.5.8 NMAC, 07-01-08; A, 08-01-14]

14.10.5.9 SECTION 1. INTRODUCTION TO THE NATIONAL ELECTRICAL SAFETY CODE:

A. 010. Purpose. See this section of the NESC and add the following new subsections: E. Electrical customer-owned distribution systems are subject to the NMESC. 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, or maintenance. F. Any conflict between the adopted NESC and the adopted NEC, the NEC will prevail.

B. 013. Application Delete this section.

C. 014. Waiver Delete this section.

D. 016. Effective date. Delete this section of the NESC.

E. 017. Units of Measure Delete this section.

F. 214 A. 4. Delete this subsection.

G. 313 A. 4. Delete this subsection.

H. Part 4. Delete this section.

[14.10.5.9 NMAC - Rp, 14.10.5.9 NMAC, 07-01-08; A, 08-01-14]

14.10.5.10 SECTIONS 2 – 44:

See these sections of the NESC.

[14.10.5.10 NMAC - N, 07-01-08]

14.10.5.11 APPENDICES A THROUGH E:

See these sections of the NESC.

[14.10.5.11 NMAC - N, 07-01-08]

CHAPTER 11: OTHER BUILDING CODES AND STANDARDS

PART 1: GENERAL PROVISIONS [RESERVED]

PART 2: [RESERVED]

PART 3: 1997 UNIFORM PLUMBING CODE

14.11.3.1 ISSUING AGENCY:

The Construction Industries Division of the Regulation and Licensing Department.

[12-31-98; Recompiled 6/6/2002]

14.11.3.2 SCOPE:

This rule applies to all persons engaged in the construction activities, including inspectors and code enforcement officials, in the state of New Mexico. 14 NMAC 11.3 [now 14.11.3 NMAC] has a broad scope, with provisions that apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, of any plumbing system for the regulation and control design construction, quality of materials and providing for the issuance of permits and inspections.

[12-31-98; Recompiled 6/6/2002]

14.11.3.3 STATUTORY AUTHORITY:

A. Pursuant to Section 60-13-9 (F) of the Construction Industries Licensing Act, NMSA 1978, the construction industries division of the regulation and licensing department has adopted 14 NMAC 11.3 [now 14.11.3 NMAC]. This section provides as follows: "The division shall adopt all building codes and minimum standards as recommended by the trade bureaus and approved by the commission so that the public welfare is protected, uniformity is promoted and conflicting provisions are avoided."

B. Section 60-13-44 (B) of the Construction Industries Licensing Act, NMSA 1978 states: "The mechanical bureau shall recommend to the commission minimum standards for the installation of all fixtures, consumers' gas pipe, appliances and materials installed in the course of a mechanical installation. The recommendations shall be in substantial conformity with the Uniform Mechanical Code published by the international conference of building officials and the Uniform Plumbing Code published by the international association of mechanical and plumbing officials."

C. Pursuant to Section 60-13-44 (F) of the Construction Industries Licensing Act, NMSA 1978, this rule and the materials adopted pursuant to this rule set the minimum building standards for the state of New Mexico. This provision specifically states: "All political subdivisions of the state are subject to the provisions of codes adopted and approved under the Construction Industries Licensing Act. Such codes constitute the minimum requirements for codes of political subdivisions."

[12-31-98; Recompiled 6/6/2002]

14.11.3.4 DURATION:

Permanent, until later amended, repealed or replaced.

[12-31-98; Recompiled 6/6/2002]

14.11.3.5 EFFECTIVE DATE:

December 31, 1998 unless a later date is cited at the end of a section or paragraph.

[12-31-98; Recompiled 6/6/2002]

[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

14.11.3.6 OBJECTIVE:

The objective of 14 NMAC 11.3 [now 14.11.3 NMAC] is to promote the general welfare of the people of the state 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. Further, this code is intended to provide uniformity in plumbing standards.

[12-31-98; Recompiled 6/6/2002]

14.11.3.7 DEFINITIONS:

[RESERVED]

14.11.3.8 ADOPTION OF 14 NMAC 11.3 [NOW 14.11.3 NMAC]:

Adoption of the 1997 Uniform Plumbing Code (14 NMAC 11.3) [now 14.11.3 NMAC] was recommended by the mechanical bureau and formally approved by the construction industries commission on August 17, 1998.

A. This part supersedes Rule No. MB-UPC-91-1, the 1991 Uniform Plumbing Code, filed with the state records center on July 28, 1992.

B. This part adopts by reference the 1997 Uniform Plumbing Code, except as amended by the 1997 New Mexico Plumbing and Mechanical Code at 14 NMAC .9.2 [now 14.9.2 NMAC].

C. This part shall be referred to as the 1997 Uniform Plumbing Code, and cited in short form as 14 NMAC 11.3 [now 14.11.3 NMAC].

[12-31-98; Recompiled 6/6/2002]

PART 4-10: [RESERVED]

PART 11: STANDARD FOR RAMMED EARTH CONSTRUCTION [REPEALED]

[This part was repealed on November 19, 2004 and replaced by 14.7.4 NMAC]

CHAPTER 12: MANUFACTURED HOUSING

PART 1: GENERAL PROVISIONS

14.12.1.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.1.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.1.2 SCOPE:

These rules apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.

[14.12.1.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.1.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20.

[14.12.1.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.1.4 DURATION:

Permanent.

[14.12.1.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.1.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.1.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.1.6 OBJECTIVE:

The objective of 14.12.1 NMAC is to set forth the general provisions, which apply to Part 1, Part 2 and Part 4 through Part 11 of Chapter 12, and to all persons affected or regulated by Part 1, Part 2 and Part 4 through Part 11 of Chapter 12 of Title 14.

[14.12.1.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.1.7 DEFINITIONS:

All words and terms defined in the Manufactured Housing Act have the same meaning in these rules.

A. Terms starting with the letter 'A' are defined as follows.

(1) "Act" means the Manufactured Housing Act. Chapter 60, Article 14, Section 4, NMSA, 1978 is incorporated herein and made a part of these rules.

(2) "Alternative permanent foundation systems" are defined as commercially packaged systems designed by a New Mexico licensed engineer for the purpose of classifying installations as permanent.

(3) "Anchoring" is defined as those systems approved by a DAPIA. Where no DAPIA approval exists a licensed professional engineer may design a anchoring system pursuant to the manufacturer's specifications.

(a) "Tie-down" is any device designed for the purpose of securing a manufactured home to the ground.

(b) "Ground anchor" is a listed screw auger.

B. Terms starting with the letter 'B' are defined as follows. [RESERVED]

C. Terms starting with the letter 'C' are defined as follows.

(1) "Commercial unit" means any structure designed and equipped for human occupancy for industrial, professional or commercial purposes.

(2) "Committee" means the manufactured housing committee.

(3) "Customer, consumer or homeowner". These words are used interchangeably throughout these rules, they are intended to be synonymous, and they mean the purchaser, homeowner or owner of a manufactured home, including an occupant of a manufactured home subsequent to installation.

D. Terms starting with the letter 'D' are defined as follows.

(1) "DAPIA" means design approval primary inspection agencies as the term is utilized in the H.U.D. regulation, which is included in the federal preemption, on manufactured homes, and inclusive of on-site installations.

(2) "Deliver" as it applies to Section 20, means a seller's obligation shall be accomplished when a seller has completed or stands ready, willing and able to physically transport and locate the home to a buyer as specified in the purchase agreement or buyer's order and (a) the weather is not an impediment and (b) the parties responsible for preparing the installation site have acted in good faith and acted according to all relevant statutes, codes and rules. If (a) or (b) are not met, then seller will have a reasonable time to deliver the home.

(3) "Director" means the director of the manufactured housing division.

(4) "Disqualifying criminal conviction" means a conviction for a crime that is job-related for the position in question and consistent with business necessity.

(5) "Division" means the manufactured housing division of the regulation and licensing department.

(6) "Down payment" means any payment, such as consideration, a deposit of remuneration, of less than the full purchase price of the home.

E. Terms starting with the letter 'E' are defined as follows. [RESERVED]

F. Terms starting with the letter 'F' are defined as follows. "Federal preemption" is defined as The National Manufactured Housing Construction and Safety Standards Act, Title VI, 42 U.S. Code as amended, including Section 604.(d) and The Manufactured Homes Procedural and Enforcement Regulations, Part 3282, including Section 32.82.11.

(1) Section 604(d) Title VI, 42 U.S. Code is incorporated herein and made a part of these rules, as follows: "no State or political subdivision of a State shall have any authority either to establish or to continue in effect, with respect any manufactured home covered, any standard regarding construction or safety applicable to the same which is not identical to the Federal manufactured home construction standard".

(2) Section 3282.11(e) is incorporated herein and made a part of these rules, as follows: "No state or locality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of congress. The test of whether a state rule or action is valid or must give way is whether the state rule can be enforced or the action taken without impairing the federal superintendence of the manufactured home industry as established by the act".

G. Terms starting with the letter 'G' are defined as follows.

(1) "Grade level" shall be defined as the finished grade around the exterior perimeter of the manufactured home; and, which shall slope away from the home to provide positive drainage consistent with the rules and regulations.

(2) "Ground level" shall be defined only as the average surface level exposed under the home.

H. Terms starting with the letter 'H' are defined as follows. "HUD" means the United States department of housing & urban development.

I. Terms starting with the letter 'I' are defined as follows. "Installation inspection permit" shall mean a document issued by the division that shall be used to request any inspection or re-inspection of a manufactured home permanent or non-permanent foundation system, manufactured home installation, utility connection or re-inspection request.

J. Terms starting with the letter 'J' are defined as follows. [RESERVED]

K. Terms starting with the letter 'K' are defined as follows. [RESERVED]

L. Terms starting with the letter 'L' are defined as follows.

(1) "License" means a license, registration, certificate of registration, certificate, or permit.

(2) "Licensing fee" means a fee charged at the time an application for a professional or occupational license or renewal is submitted to the state agency, board or commission and any fee charged for the processing of the application for such license; "licensing fee" does not include a fee for an inspection, or a fee charged for copies of documents, replacement licenses, examination fees, or other expenses related to a professional or occupational license.

(3) "Liquidated damages" means the sum provided in a contract that a party agrees to pay if it breaches the contract, which sum is based on the good-faith effort of the parties to estimate the actual damages likely to result from a breach of contract.

(4) "Listed materials" means equipment and materials included in a list published by a nationally recognized testing laboratory that maintain periodic inspections of production of listed equipment and materials and whose listing states either that the equipment and materials meet nationally recognized standards or have been tested and found suitable for use in a specific manner and has been approved for use in a manufacturer's installation manual or an approval in writing by the division's technical advisory council (TAC).

M. Terms starting with the letter 'M' are defined as follows.

(1) "Manufacturer II" means an enterprise whose primary business is the acquisition, restoration, renovation, or similar work and resale of distressed or damaged pre-owned manufactured housing units.

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

(3) "Mobile or manufactured home installation" means all on-site work necessary for the installation of a manufactured home, including:

(a) preparation and construction of the foundation system;

(b) installation of the support piers and earthquake resistant bracing system;

(c) required connection to foundation system and support piers;

(d) skirting;

(e) connections to on-site utility terminals that are necessary for the normal operation of the home; and

(f) installation of a pressure relief valve when required.

(4) "Mudslide" means the general and temporary movement down a slope of a mass of rock or soil, artificial fill, or a combination of these materials, caused or precipitated by the accumulation of water on or under the grounds.

N. Terms starting with the letter 'N' are defined as follows.

(1) "Net listing agreement" is a prohibited employment contract in which a broker, or dealer acting as a broker, receives as a commission all monies in excess of the minimum sales price agreed upon by the broker or dealer and the listing owner.

(2) "Non-permanent foundation" shall be defined as various foundational support mechanisms or arrangements other than permanent foundation systems.

O. Terms starting with the letter 'O' are defined as follows.

(1) "One hundred year flood" means the level of flooding that will be equaled or exceeded once in one hundred (100) years and has a one percent chance of occurring each year, on the average as defined by the federal emergency management agency (F.E.M.A).

(2) "On-site utility terminal" means the consumer's load side of the on-site utility meter for gas and electric utilities, or the point of attachment or connection to the utility supplier's distribution system, for water and sewer.

P. Terms starting with the letter 'P' are defined as follows.

(1) "Perimeter enclosure" is defined as any arrangement that encloses and provides weather protection to the volume beneath the principle structure. Perimeter enclosures shall not be load bearing unless engineered to be load bearing by a licensed engineer or the manufacturer. Permanent perimeter enclosures are defined as constructed or assembled components consisting of durable materials (i.e. concrete, masonry, treated wood or other approved materials) or other materials approved by the division.

(2) "Perimeter marriage band" is defined as the covering placed over the gap that exists between the exterior, at the unit's floor level and the perimeter enclosure. The materials used shall be appropriate for the weather and designed and installed in a manner consistent with good construction and engineering standards.

(3) "Permanent foundations" are defined as constructed or assembled components consisting of durable materials (i.e. concrete, masonry, treated wood or other approved materials), and are required to be constructed on-site and shall have attachments points to anchor and stabilize the manufactured home. The design of the foundation shall be DAPIA approved or designed by a licensed professional engineer in accordance with the manufacturer's specifications.

(4) "Pre-owned home" or "pre-owned manufactured home" means a manufactured home of which title has been issued to a consumer or a manufacturer's statement of origin has been issued and a unit has been subsequently declared as real property, pursuant to New Mexico property tax laws.

(5) "Prohibited sales notice" means a printed notification, issued by the division, that a manufactured home may not be offered for sale because of violations of these rules.

Q. Terms starting with the letter 'Q' are defined as follows. [RESERVED]

R. Terms starting with the letter 'R' are defined as follows.

(1) "Regulation" means the rules of the manufactured housing division.

(2) "Real estate" means land, improvements, leaseholds and other interests in real property that are less than a fee simple ownership interest, whether tangible or intangible.

(3) "Retailer" is used interchangeably with the word "dealer" throughout these rules, these words are synonymous, and they mean "dealer" as defined pursuant to Subsection E of Section 60-14-2 NMSA 1978.

(4) "Retail installment contract" means the contract as defined in Subsection H of Section 56-1-1 NMSA 1978. The contract must conform to Section 56-1-2 NMSA 1978.

(a) Suggested examples of when a retail installment contract will be contemplated as part of the transaction: (a) chattel mortgage from a third party lender; (b) security agreement; (c) conditional sale contract; (d) contract in form of a bailment.

(b) Suggested examples of when a retail installment contract will not be contemplated as part of the transaction: (a) cash sale.

(5) "Retaining walls" are defined as a barrier with a minimum differential height of eighteen inches (18"), which retains a lateral load.

(6) "Riser" means that portion of the yardline, which protrudes through the grade level of the ground.

S. Terms starting with the letter 'S' are defined as follows. "Superintendent" means the superintendent of the regulation and licensing department.

T. Terms starting with the letter 'T' are defined as follows. [RESERVED]

U. Terms starting with the letter 'U' are defined as follows.

(1) "Unavailability of the manufacturer's installation manual" shall mean the inability to obtain such manual after undertaking a reasonable and diligent effort to obtain the same prior to the installation of a home; and includes, but is not limited to, circumstances where the customer of a used home has lost or misplaced the manual, the manufacturer is no longer in business and manuals are unavailable, or no such manual was ever printed or delivered at the time of the manufacture of a home and a photocopy of the manual could not be obtained at the manufactured housing division.

(2) "Utility" means electric, gas, water or sewer services, but does not include refuse services.

(3) "Utility supplier" means any person, park owner, municipality or public utility that supplies electricity, water, liquefied petroleum gas, natural gas or sewer service to a manufactured home.

V. Terms starting with the letter 'V' are defined as follows. "Veteran" means a person who has received an honorable discharge or separation from military service.

W. Terms starting with the letter 'W' are defined as follows. [RESERVED]

X. Terms starting with the letter 'X' are defined as follows. [RESERVED]

Y. Terms starting with the letter 'Y' are defined as follows. "Yardline" means a buried material providing utilities from the on-site utility terminal to the manufactured home.

Z. Terms starting with the letter 'Z' are defined as follows. [RESERVED]

[14.12.1.7 NMAC - Rp, 14.12.2.7 NMAC, 12/1/2010; A, 4/22/2022]

14.12.1.8 LOCAL ORDINANCES:

Ordinances of any political subdivision of New Mexico relating to gas, including natural gas, liquefied petroleum gas or synthetic natural gas; electricity; sanitary plumbing; and installation or sale of manufactured homes shall not be inconsistent with any rules, regulations, codes or standards adopted by the division pursuant to the Manufactured Housing Act.

[14.12.1.8 NMAC - N, 12-01-10]

14.12.1.9 GENERAL ADMINISTRATION:

A. Rules are adopted by the division to further define the Manufactured Housing Act and the functions of the manufactured housing committee and the division.

B. Prior to adoption of rules, amendments to rules or repeal of rules the division or committee shall hold a public hearing before the superintendent of the regulation and licensing department and the manufactured housing committee or a hearing officer designated by the superintendent and the committee.

C. As provided by the Manufactured Housing Act (Section 16-14-4 NMSA 1978), rules and regulations are subject to committee approval prior to division adoption.

D. If the division and the manufactured housing committee do not mutually agree to proposed rules, the superintendent may appoint a task force to develop mutually agreeable rules. At a minimum, the task force shall consist of the division director and two manufactured housing committee members. The superintendent may be a member of the task force.

E. The committee shall meet at least bimonthly at the call of the chairman and annually elect a chairman and vice chairman.

F. Meeting notice resolution, consistent with the Open Meetings Act (Section 10-15-1 et seq., NMSA, 1978), shall be adopted annually by the committee at a regularly scheduled committee meeting.

G. Adopted rules must be filed and published as provided by the State Rules Act (Section 14-4-1, et. seq., NMSA 1978) and shall be enforced thirty (30) days after filing as provided by the Uniform Licensing Act (Section 61-1-1, et seq., NMSA 1978).

[14.12.1.9 NMAC - N, 12-01-10]

14.12.1.10 MINIMUM CONSTRUCTION AND INSTALLATION STANDARDS:

A. The division adopts as part of these rules the following federal statutes and regulations as minimum standards for new manufactured home construction and installation:

(1) Manufactured Home Construction and Safety Standards Act of 1974, as amended by the National Manufactured Housing Improvement Act of 2000, 42 U.S.C. 5401-5426;

(2) Manufactured Home Construction and Safety Standards, 24 C.F.R. Section 3280;

(3) Manufactured Home Procedural and Enforcement Regulations, 24 C.F.R. Section 3282;

(4) Model Manufactured Home Installation Standards, 24 C.F.R. Section 3285; and the

(5) Manufactured Home Installation Program, 24 C.F.R. Section 3286.

B. All new manufactured homes manufactured or sold within New Mexico shall comply with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. Section 3280 and Section 3282, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. Section 5401- Section 5426.

C. The division adopts as part of these rules the following standards as minimum standards for used, preowned, or resold manufactured home installation:

(1) NFPA 70, national electrical code, 2008 edition, as amended, that pertains to manufactured (mobile) homes;

(2) NFPA 54, national fuel gas code, 2006 edition, as amended, that pertains to manufactured (mobile) homes;

(3) uniform plumbing code, 2006 edition, as amended, that pertains to manufactured (mobile) homes;

(4) NFPA 58, standards for the storage and handling of liquefied petroleum gases, 2008 edition, as amended, that pertains to manufactured (mobile) homes; and the

(5) uniform mechanical code, 2006 edition, as amended, that pertains to manufactured (mobile) homes.

D. Manufactured homes installed before May 19, 1988, used for nonresidential purposes are granted until May 19, 1993 to comply with the requirements for access to the handicapped. If a nonresidential manufactured home is relocated or if major modifications are made to the unit, the unit must be brought into compliance to the state requirements for access to the handicapped.

E. Any unit used for nonresidential, or commercial purposes, manufactured or installed after May 19, 1988, must be constructed to the appropriate uniform building code standards as adopted by the construction industries division of the regulation and licensing department. The construction industries division has full jurisdiction in approval and inspection of nonresidential manufactured units. None of the provisions contained in this subsection shall apply to retailers licensed by the motor vehicle division of the taxation and revenue department.

[14.12.1.10 NMAC - N, 12-01-10]

14.12.1.11 NOTICE TO THE PUBLIC:

A. Manufactures, brokers, dealers and salespersons licensed under the Manufactured Housing Act must post a "notice to the public" poster at their place of business. The poster must be located by the main door entrance or a location within full reading view of the public.

B. The poster will include the name and address of the regulation and licensing department, manufactured housing division, and will inform the consumer how and where to file a complaint in regards to any alleged violation of the New Mexico Manufactured Housing Act and rules.

C. The manufactured housing division will furnish the posters.

[14.12.1.11 NMAC - Rp, 14.12.2.8 NMAC, 12-01-10]

14.12.1.12 STANDARD OF CONDUCT:

A. Any dealer, salesperson, or broker who receives any consideration for arranging the transfer of equity or the assumption of a loan on a manufactured home shall ascertain whether such manufactured home has a lien or security interest filed on it with the motor vehicle division of the New Mexico department of taxation and revenue. Such licensee shall insure that written consent is obtained from the holder of the lien or

security interest, if any, approving the transferee's assumption of the transferor's obligation to the lien holder within ten (10) days prior to the effective date of the transfer. For purposes of this subsection, "assumption of a loan" means any substitution or attempt to substitute the responsible persons on the contract or agreement of repayment of amounts owed to a lender and includes "wraparound" agreements.

B. No licensee shall aid or abet an unlicensed person to evade the provisions of the act or these rules; knowingly combine or conspire with, or act as an agent, partner, or associate for an unlicensed person.

C. It is a violation of the Manufactured Housing Act and these rules to act outside the scope of or to misrepresent intentionally or unintentionally the scope of any license issued by the division.

D. All conditions of a sales contract signed by a dealer or broker and homeowner must be completed within ninety (90) days from the date of delivery unless otherwise signed and agreed to by both parties.

E. A copy of a purchase agreement and sales contract signed by both the licensee and purchaser are to be given to the purchaser at the time of signing or closing.

F. When a licensed dealer or licensed manufacture agrees to provide any installation in connection with the sale or lease of a mobile or manufactured home, the licensed dealer or licensed manufacture must confirm that the installer or repairman is licensed in accordance with these rules and the act. Confirmation is a copy of the current license or verification of licensure printed from the division webpage and must be retained in the customers file and be available for inspection by the division.

G. When a licensed dealer or licensed manufacture agrees to provide any foundation work in connection with the sale or lease of a mobile or manufactured home, the licensed dealer or licensed manufacture must confirm that the general building contractor (GB-2, GB-98, or GS-4) is licensed in accordance with these rules and the act. Confirmation is a copy of the current license or verification of licensure printed from the division webpage and must be retained in the customers file and be available for inspection by the division.

[14.12.1.12 NMAC - Rp, 14.12.1.11 NMAC, 12-01-10]

14.12.1.13 SUPERVISION OF LICENSEE EMPLOYEES:

A. A licensee shall adequately supervise and control employees. The failure of a licensee to undertake appropriate corrective action within a reasonable period of time after the licensee has actual knowledge of a violation of the act or these rules shall be prima facie proof of inadequate supervision and control.

B. A licensee's obligation to comply with the act and these rules shall not be altered by any contract or agreement between the licensee and his employees, agents or subcontractors.

C. Failure to adequately supervise and control employees may, after opportunity for hearing, result in a license denial, revocation or suspension.

D. A qualifying party shall provide adequate supervision and inspect all installations and endorse such inspections by personally signing an inspection permit.

[14.12.1.13 NMAC - N, 12-01-10]

14.12.1.14 CHANGE OF EMPLOYMENT, ADDRESS, NAME, OWNERSHIP OR BUSINESS ENTITY OR STRUCTURE:

A. Licenses are not transferable.

B. A licensee must notify the manufactured housing division immediately of any change in the licensee's name, business name, mailing or business address, business entity or structure, business ownership, place of business or employment.

C. Upon receipt of notice of a change of business name, the division will examine its records to determine if the proposed business name is deceptively similar to that of any other licensee and may approve the business name change if no deceptive similarities exist. The licensee shall not do business under a proposed new business name or at any new location prior to approval by the division and issuance of a new license.

[14.12.1.14 NMAC - Rp, 14.12.1.9 NMAC, 12-01-10]

14.12.1.15 ADVERTISING AND VEHICLE IDENTIFICATION:

A. The licensee's name and licensee number shall be included in advertising and on all vehicles used in conjunction with the installation and repair of manufactured homes in the licensee's business. Letters and numbers on licensee's service vehicles shall be no less than two (2) inches high.

B. This section shall not apply to manufacturers.

C. All licensees of the manufactured housing division who advertise must conform to the rules set forth by the New Mexico Unfair Trade Practices Act, Section 57-12-1 thru 57-12-22 of New Mexico Statutes and Regulation Z of the Board of Governors of the Federal Reserve System, Section 226.24 Advertising, paragraph C.

D. All licenses must include the licensees name and license number in all media advertisement.

[14.12.1.15 NMAC - Rp, 14.12.2.10 NMAC, 12-01-10]

14.12.1.16 INSPECTION OF PUBLIC RECORDS:

A. Requests for inspection of records are governed by the Inspection of Public Records Act (NMSA 1978, Section 14-2-1 et. seq.).

B. The division director shall appoint a custodian of public records. The custodian may require that a request for inspection of records be in writing and delivered or addressed to the custodian of public records, manufactured housing division, regulation and licensing department, 2550 Cerrillos Road, P.O. Box 25101, Santa Fe, New Mexico 87504. A written request shall provide the name, address, and telephone number of the person seeking access to the records and shall identify the records requested with reasonable particularity.

C. The custodian of public records, or a substitute in the custodian's absence, shall respond to all written requests for inspection of public records as provided for in the Inspection of Public Records Act and shall provide reasonable facilities to make or furnish copies of public records to persons requesting them, during usual business hours.

D. The custodian shall charge a reasonable copy fee or the regulation and licensing department standard IPRA fee, whichever is higher, and at the custodian's discretion may require such payment to be received before copies are made.

E. Nothing in this rule prevents a member of the public from making an oral request for public records and the custodian or designee providing the requested public records.

[14.12.1.16 NMAC - Rp, 14.12.2.62 NMAC, 12-01-10]

**14.12.1.17 LOCAL PLANNING, AND ZONING JURISDICTIONS OR UNITS
INSTALLED IN FLOODPLAIN OR MUDSLIDE AREAS:**

A. All installations of residential manufactured homes must comply with the Manufactured Housing Act, all rules adopted by the division and all locally adopted zoning and planning requirements.

B. Prior to delivery of a manufactured home every dealer shall have the consumer sign a document acknowledging that the consumer has been advised to check with the local governing body in the locality of the site where the home will be installed to determine flood zone area installation requirements.

[14.12.1.17 NMAC - Rp, 14.12.2.59 NMAC, 12-01-10]

14.12.1.18 SEVERABILITY:

If any section of these rules is held to be inoperative, invalid or illegal, the remaining provisions shall continue in effect and operation.

[14.12.1.18 NMAC - Rp, 14.12.2.44 NMAC, 12-01-10]

PART 2: LICENSURE REQUIREMENTS

14.12.2.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.2.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.2.2 SCOPE:

These rules and regulations apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.

[14.12.2.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.2.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20.

[14.12.2.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.2.4 DURATION:

Permanent.

[14.12.2.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.2.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.2.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.2.6 OBJECTIVE:

The objective of 14.12.2 NMAC is to set forth the classifications, requirements and documentation, which must be submitted to the manufactured housing division, for licensure under the Manufactured Housing Act.

[14.12.2.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.2.7 DEFINITIONS:

[RESERVED]

14.12.2.8 LICENSING PROCEDURES:

A. Any person or business, prior to engaging in any scope of practice regulated by the act, shall obtain a license in accordance with the act and these regulations. Licensees shall at all times display their license at their primary place of business within public view.

B. Application for any license required by these regulations shall be made on a form provided by the division. Each application shall be accompanied by the required nonrefundable fee as provided by 14.12.10 NMAC. A military service member or veteran as defined in these rules shall not be charged a licensing fee for the first three years a license issued under these rules is valid.

C. If an application is not complete, the applicant will be notified of all deficiencies within 20 days of the division's receipt. If an incomplete application is not completed within 30 days after written notification by the division, the division shall close the license application file.

D. Within 20 days of the division receiving a completed application, the applicant or his designated qualifying party shall be notified that they are eligible to take the required examination. Examinations will be administered by the division at its office in Santa Fe, New Mexico or at locations designated by the division.

E. Any occupational or professional license pursuant to these rules shall be issued as soon as practicable, but no later than 30 days after a military service member or a veteran as defined in these rules files an application and successfully passes any required examination, pays any required fees, and provides a background check if required.

F. No license shall be issued until the applicant or his designated qualifying party has passed the required examination, has tendered all fees and has posted all necessary bonds required by 14.12.4 NMAC.

G. Any applicant who has not completed an application for licensure within one year after notification that he has successfully passed the entry examination shall be required to reapply for licensure and retake the examination.

H. An application for a license under the Manufactured Housing Act shall be denied pursuant to Section 28-2-4 NMSA 1978 if the applicant has been convicted of a felony enumerated as a disqualifying criminal conviction. A conviction for any one of the

following offenses, or their equivalents in any other jurisdiction, is a disqualifying criminal conviction.

- (1) homicide;
- (2) convictions involving physical harm to a person, including assault and battery, sexual offenses;
- (3) kidnapping and human trafficking;
- (4) crimes against children and dependents, including sexual crimes or offenses, and child abuse or neglect;
- (5) arson;
- (6) property damage;
- (7) larceny and theft, including computer crimes, and unlawful taking of a motor vehicle;
- (8) crimes involving fraud, including theft of identity, and money laundering;
- (9) attempt, conspiracy, and solicitation of any disqualifying crime.

I. Any person who applies for a license or certification or renewal under these rules who is convicted of a disqualifying crime in New Mexico or any other state on or after the date of application shall notify the division within 10 days of the conviction, along with the date, crime and case number.

J. Upon denial of a license including denial based on a disqualifying criminal conviction, the applicant shall be provided notice and an opportunity to be heard pursuant to the pertinent notice and hearing provisions of the Uniform Licensing Act.

K. Any person applying for a license whose business is a corporation, limited liability company, limited partnership, limited liability partnership or general partnership must submit a certified copy of the articles of incorporation, articles of organization, certificate of registration, or statement of qualification at the time the application is filed with the division.

[14.12.2.8 NMAC - Rp, 14.12.2.24 NMAC, 12/10/2010; A, 4/22/2022]

14.12.2.9 MANUFACTURERS:

A. A manufacturer's license entitles its holder to sell or import for sale manufactured homes in New Mexico.

B. Each manufacturing plant or location shall have a qualifying party and each location shall have a separate license.

C. Each manufacturing plant is required to submit a written report to the division of all new homes shipped into or within New Mexico. The report must contain the following information: New Mexico license number and name; the serial number and H.U.D. label number assigned to the home and the name of the retailer to whom the homes are delivered. The report must be filed by the fifteenth (15th) of the month following the shipment month.

[14.12.2.9 NMAC - Rp, 14.12.2.14 NMAC, 12-01-10]

14.12.2.10 DEALERS:

A. A dealer's license entitles its holder to engage in the business of selling, exchanging, buying for resale, leasing, offering to or attempting to negotiate sales or exchanges or lease-purchases of new and pre-owned manufactured homes. A dealer may also perform all functions, which a broker is authorized to perform under the act and these regulations. Any person who in any manner acts as a dealer in the transaction of more than one manufactured home in any consecutive 12-month period is required to be licensed as a dealer.

B. Each dealer's location shall have a qualifying party and each location shall have a separate license.

C. A dealer shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where all documents directly related to the purchase, sale, trade and installation of a manufactured home within the preceding three years shall be available for inspection during normal business hours by a representative of the division. All locations in which a dealer offers manufactured homes off-site from the dealer's physical location are to be considered an extension of the dealer's lot. A post office box, secretarial service, telephone answering service, or similar entity does not constitute an actual physically established location.

D. The following provisions shall govern all transactions in which a dealer is involved in a transfer of a pre-owned manufactured home between a buyer and a seller, other than the dealer.

(1) The dealer's role is that of a fiduciary to his principal.

(2) In all such transactions which require a transfer of title, the dealer must: determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the motor vehicle division, and disclose in writing to all parties in the transaction the status of title of the home as shown by such records.

(3) All listing agreements entered into by a dealer shall disclose the percentage amount or fee to be received by the dealer upon the completion of a transaction under the terms of the listing agreement.

(4) Prior to the closing between the buyer and seller on a transaction, the dealer shall deliver to both the buyer and the seller a closing statement which shall contain, but is not limited to, the following information: the purchase price; all funds paid and to be paid by the buyer; all funds received and to be received by the seller; receipt and disposition of all other funds relevant to the transaction; the method of assumption, disposition or other treatment of existing loans on the home and liens on or security interests in the home.

E. Each dealership location must have at least one (1) licensed salesperson per location. For an individual dealer operating a single lot, the dealer's license shall meet the requirement of a salesperson license for the person to whom it is issued. A dealership operating multiple lots must have at least one (1) licensed salesperson. All persons engaged in selling manufactured homes for a dealer must be licensed with the division before engaging in the business.

F. Each dealer is required at the time of sale of a manufactured home to make a full disclosure to the buyer, concerning the disposition of the wheels, axles and hitch(es). Such disclosure must be acknowledged and signed by the purchaser.

G. If a dealership is open for business prior to receiving the appropriate license to conduct business, the division may tag each home with a "prohibit sales notice" and an inspection fee of \$60.00 will be charged to the dealer for removal of each such tag.

H. Any licensed dealership may display and offer for sale manufactured homes off-site from the dealer's physical location. All locations in which a dealer offers manufactured homes off-site from the dealer's physical location are to be considered an extension of the dealer's lot.

(1) The dealer shall notify the manufactured housing division in writing, on a form supplied by the division, of each address and location where homes off-site from the dealers physical location will be displayed and offered for sale.

(2) Each home displayed off-site from the dealer's physical location and offered for sale must display a copy of the dealer's license and a copy of the MHD compliance poster.

(3) All rules and regulations of the manufactured housing division shall apply to off-site sales locations.

I. If a dealer discharges a salesperson for any activities in violation of the MHD rules and regulations the dealer must report the discharge within 30 days to the division to investigate the potential violation.

[14.12.2.10 NMAC - Rp, 14.12.2.15 NMAC, 12-01-10]

14.12.2.11 BROKERS:

A. A manufactured home broker's license entitles its holder to engage in the functions authorized for brokers in the act. A manufactured home broker's functions are strictly limited to only pre-owned manufactured homes. Any person who in any manner engages in brokerage activities for more than one manufactured home in any consecutive 12-month period is required to be licensed as a manufactured home broker.

B. A manufactured home broker cannot negotiate any transaction involving the sale, exchange, renting or leasing of real estate unless he is licensed under the Real Estate Act of New Mexico.

C. Each manufactured home broker shall be individually licensed.

D. A manufactured home broker's role is that of a fiduciary to his principal.

E. In all transactions which require the transfer of title to a manufactured home and in which a manufactured home broker is involved the manufactured home broker must determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the motor vehicle division, and disclose in writing to all parties in the transaction the status of title of the home as shown by such records.

F. A manufactured home broker shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where all documents directly related to the purchase, sale, trade and installation of a manufactured home within the preceding three years shall be available for inspection during normal business hours by a representative of the division. Each branch office shall also maintain copies of adequate records for this same inspection purpose of all transactions handled within the branch office.

G. A manufactured home broker shall fully disclose to the consumer any ownership interest of the manufactured home broker, either direct or indirect, in the manufactured home prior to the consumer's entering into any agreement for the purchase of the home.

H. All listing agreements entered into by a manufactured home broker shall disclose the percentage amount or fee to be received by the manufactured home broker upon the completion of a transaction under the terms of the listing agreement.

I. A manufactured home broker shall not enter into a net listing agreement.

J. Upon receipt of a written offer to purchase, a manufactured home broker shall promptly deliver the written offer to purchase to the seller. Upon obtaining written acceptance of the offer to purchase, the manufactured home broker shall promptly

deliver true copies to the purchaser and seller. All terms of the transaction must be included in the written offer to purchase.

K. Before receiving a customer deposit, a manufactured home broker shall give to a purchaser an itemized statement of all approximate costs relevant to the transaction.

L. A manufactured home broker shall initiate the transfer of title on a manufactured home no later than 30 days from the completion of the transaction. A manufactured home broker shall not be responsible for title transfer if it is the responsibility of the purchaser's lienholder.

M. Prior to the closing between the buyer and seller, the manufactured home broker shall deliver to both the buyer and seller a closing statement which shall contain, but is not limited to, the following information:

- (1) the purchase price;
- (2) all funds paid and to be paid by the buyer;
- (3) all funds received and to be received by the seller;
- (4) receipt and disposition of all other funds relevant to the transaction;
- (5) the method of assumption, disposition or other treatment of existing loans on the home and liens on or security interest in the home.

N. A manufactured home broker shall not operate or provide a lot or other location where manufactured homes are displayed for consumers.

O. Each manufactured home broker branch location shall have as qualifying party, a licensed and bonded associate manufactured home broker.

P. A manufactured home broker shall not purchase a manufactured home from a financial institution licensed by the New Mexico financial institutions division or consumer for the purpose of resale.

Q. A manufactured home broker will not engage in the business of buying and selling manufactured homes.

R. Every manufactured home broker will be audited annually to ensure they are not in the business of buying or selling manufactured homes.

[14.12.2.11 NMAC - Rp, 14.12.2.16 NMAC, 12-01-10]

14.12.2.12 TEMPORARY SALESPERSON LICENSE:

A. The director may issue a one time thirty (30) day temporary sales license for individuals who have never been licensed by the division as a temporary salesperson or salesperson. A temporary salesperson license shall not be renewed.

B. A temporary salesperson's license entitles its holder to be employed, either directly or indirectly, with or without remuneration or consideration by a dealer or broker to engage in sales or lease-purchases of new and pre-owned manufactured homes through that dealership or brokerage as allowed by the employer's license.

C. Custody of license.

(1) A temporary salesperson's license shall be in the custody of the licensee's employer.

(2) A temporary salesperson shall be issued a wallet card by the division. The card shall contain the licensee's name, license number and the address of the employer.

(3) If a temporary salesperson is discharged or terminates their employment, the employer shall return the temporary salesperson's license to the division within ten (10) days of the last date of employment. The division shall immediately terminate the temporary license.

D. A temporary salesperson shall not work for, be employed by or conduct transactions for more than one dealer or broker.

E. All transactions handled by or involving a temporary salesperson must be reviewed and supervised by the employing dealer or broker. All documents prepared by the temporary salesperson, in a transaction, must be reviewed by the dealer or broker.

[14.12.2.12 NMAC - Rp, 14.12.2.12 NMAC, 12-01-10]

14.12.2.13 SALESPERSONS:

A. A salesperson's license entitles its holder to be employed, either directly or indirectly, with or without remuneration or consideration by a dealer or broker to engage in sales or lease-purchases of new and pre-owned manufactured homes through that dealership or brokerage as allowed by employer's license.

B. Each salesperson shall be licensed individually.

C. Custody of license.

(1) A salesperson's license shall be in the custody of his employer.

(2) Each salesperson shall be issued a wallet card by the division. The card shall contain the licensee's name, license number and the address of the employer.

D. Change of employment.

(1) When any salesperson is discharged or transfers his place of employment, the employer shall return the salesperson's license to the division within ten (10) days of the date of termination. The division shall place the license in an inactive status.

(2) Upon employing a salesperson whose license has been returned to the division, the division, upon notification from the new employer and the request for transfer, shall transfer the salesperson's license for the remainder of any unexpired term of such license. The division shall also issue a new wallet card.

E. A salesperson or associate broker shall not work for, be employed by or conduct transactions for more than one dealer or broker at the same time.

F. All transactions handled by or involving a salesperson must be reviewed and supervised by the employing dealer or broker. All documents prepared by the salesperson, in a transaction, must be reviewed by the dealer or broker.

G. A salesperson shall not act as a salesperson while his license is in the custody of the division.

H. A salesperson may not be licensed while there is an outstanding complaint with the manufactured housing division.

[14.12.2.13 NMAC - Rp, 14.12.2.18 NMAC, 12-01-10]

14.12.2.14 INSTALLER AND REPAIRMEN:

A. An installer's license entitles its holder to install manufactured homes for remuneration or consideration as provided for by these regulations.

B. A repairman's license entitles its holder to repair manufactured homes for remuneration or consideration as provided for by these regulations. An exception to this rule is a person(s) who makes manufacturer's warranty repairs and is employed and paid wages by a New Mexico licensed manufacturer or its designated agent. Such person(s) are not required to maintain a repairman's license.

C. Licenses for installers and repairmen shall be classified as MHD-1, MHD-2, MHD-3, MHD-3 Y and MHD-3 E.

(1) MHD-1 shall permit the holder to level ground and place piers to support a manufactured home, to attach and tighten tiedowns, to connect existing water and

sewer lines, to connect electrical cable to the home's approved existing receptacle, to install and repair skirting, and to install concrete associated with footings or foundations.

(2) MHD-2 shall permit the holder to perform all functions of an MHD-1 and to make structural repairs and alterations.

(3) MHD-3 shall permit the holder to perform all the functions of an MHD-2 and to service and repair natural gas piping and appliances, change and adjust orifices in a manufactured home prior to connection to L.P. gas, and to service and repair plumbing and electrical systems.

(4) The scope of an MHD-3 Y licensee shall be extended to install gas yardlines to manufactured homes upon acquiring an appropriate endorsement from the division.

(5) The scope of an MHD-3 E licensee shall be extended to install feeder assemblies from the on-site utility terminal to the manufactured home not to exceed 30 feet. The provisions for obtaining a separate electrical endorsement shall include a minimum of two years in the last 10 years of verifiable experience performing electrical work on manufactured homes or related equipment.

D. Structural repairs, alterations and modifications allowed by classifications MHD-2 and MHD-3 are limited to the manufactured home itself and include awnings and porches supported by the home. Any structural repair, alteration or modification outside the manufactured home, including any concrete construction other than small pads for support posts, is not included under the MHD-2 or MHD-3 classifications. Licensees must comply with provisions of the Construction Industries Licensing Act. Sections 60-13-1, et. seq., NMSA 1978, to build any structure which requires a license under that act.

E. An applicant shall provide evidence of meeting at least one of the following minimum experience requirements:

- (1)** 1,800 hours of experience installing manufactured homes;
- (2)** 3,600 hours of experience in the construction of manufactured homes;
- (3)** 3,600 hours of experience as a building construction supervisor;
- (4)** 1,800 hours as an active manufactured home installation inspector;
- (5)** completion of one year of a college program in construction-related field;

or

(6) any combination of experience or education from 1 - 5 above that totals 3,600 hours.

F. An applicant for installation license must complete 12 hours of training, at least 4 of which must consist of training on the federal installation standards and installation program. The training must be conducted by committee approved trainers who meet the requirements of 24 C.F.R. Section 3286 subpart D. The curriculum must include, at a minimum, training in the following areas:

(1) an overview of the Manufactured Home Construction and Safety Standards Act and the general regulatory structure of the HUD manufactured housing program;

(2) an overview of the manufactured home installation standards and regulations established in parts 24 C.F.R. Section 3285 and 24 C.F.R. Section 3286, and specific instruction including:

(a) preinstallation considerations;

(b) site preparation;

(c) foundations;

(d) anchorage against wind;

(e) optional features, including comfort cooling systems;

(f) ductwork and plumbing and fuel supply systems;

(g) electrical systems; and

(h) exterior and interior close-up work;

(3) an overview of the construction and safety standards and regulations found in parts 24 C.F.R. Section 3280 and 24 C.F.R. Section 3282;

(4) licensing requirements applicable to installers;

(5) installer responsibilities for correction of improper installation, including installer obligations under applicable state and HUD manufactured housing dispute resolution programs;

(6) inspection requirements and procedures;

(7) problem-reporting mechanisms;

(8) operational checks and adjustments; and

(9) penalties for any person's failure to comply with the federal or state requirements;

(10) qualified trainers must revise and modify course curriculum as needed to include, at a minimum, any relevant modifications to the federal or state act or the standards, rules and regulations, as well as to provide any training further mandated by the division and HUD.

G. An applicant for licensure must provide evidence of receiving a passing grade of 70 percent on a HUD administered or HUD approved examination.

H. An installer or repairman shall maintain a place of business, which is an actual physically, established location from which business can be conducted and where accounts and records shall be available for inspection during normal working hours by a representative of the division. A post office box, secretarial service, telephone answering service or similar entity does not constitute an actual physically established location for purposes of this subsection.

I. The division may, upon request, grant separate licensure for any person holding a valid license in the electrical or mechanical classifications issued under the Construction Industries Licensing Act (Sections 60-13-1, et. seq., NMSA 1978), as amended, and may permit such person to act in the capacity of an installer or repairman for electrical or mechanical work on a manufactured home within the scope of such license. The division may also, upon request, grant separate licensure for any person holding a valid license in the general construction classifications, including GB-2, GB-98, or GS-4 classifications issued under the Construction Industries Licensing Act (Sections 60-13-1, et. Seq., NMSA 1978), as amended, and may permit such person to act in the capacity of a contractor for work associated with the general construction license classification. A person licensed under this provision may not perform or permit the installation of a manufactured home, including installations of alternate manufactured home foundation systems. Any person requesting a license, in accordance with this provision, shall furnish proof satisfactory to the division of his status as a licensee of the construction industries division or its successor. Nothing in this provision shall be construed as a waiver of any obligation to comply with any other requirement of the Manufactured Housing Act or these regulations, including the bonding requirements of these regulations.

[14.12.2.14 NMAC - N, 12-01-10; A, 11-01-13]

PART 3: NEW MEXICO MODULAR BUILDING STRUCTURES [REPEALED]

[This part was repealed effective July 1, 2018.]

PART 4: BONDS AND TRUST ACCOUNTS

14.12.4.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.4.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.4.2 SCOPE:

These rules and regulations apply to all dealers, brokers, salesperson, manufacturers, repairman, and installers of manufactured homes in the state of New Mexico.

[14.12.4.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.4.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20.

[14.12.4.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.4.4 DURATION:

Permanent.

[14.12.4.4 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.4.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.4.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.4.6 OBJECTIVE:

The objective of 14.12.4 NMAC is to set forth the requirements for trust accounts, deposits for a manufactured home transaction, and consumer protection bonds

[14.12.4.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.4.7 DEFINITIONS:

[RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.4.8 TRUST ACCOUNTS:

A. This section shall apply only to transactions involving pre-owned manufactured homes in which the dealer or broker has no ownership interest.

B. Every dealer and broker shall maintain a trust account in a banking institution authorized to conduct business in this state.

C. All money, funds or negotiable instruments received by the dealer or broker in a pre-owned manufactured home transaction shall as soon as is practicable be deposited in the trust account and such money, funds or negotiable instruments shall remain in the trust account until the transaction is completed or otherwise terminated. Upon the completion or termination of the transaction, the dealer or broker shall account for all money, funds and negotiable instruments in accordance with these rules and shall disburse each money, funds and negotiable instruments to the parties to the transaction accordingly.

D. Every dealer and broker shall keep records of all money, funds and negotiable instruments received and deposited in the trust account, which records shall include, but are not limited to, the following information:

(1) the type and amount of money, funds or negotiable instruments received and deposited and from whom they were received;

(2) the date money, funds or negotiable instruments are received;

(3) the date of deposit;

(4) the date, amount and purpose of withdrawals;

(5) the name of the person or persons for whose account the money, funds or negotiable instruments were deposited;

(6) to whom the money, funds or negotiable instruments belong.

E. All records, accounts and funds shall be subject to inspection by the division at the dealer's or broker's place of business and at the banking institution.

F. A dealer or broker shall not deposit any money, funds or negotiable instruments in the trust account other than those required by this section. Provided however, a dealer or broker may deposit a sum of money other than trust money in the trust account in order to meet the minimum balance required by the banking institution to maintain the account and avoid service charges.

[14.12.4.8 NMAC - Rp, 14.12.2.19 NMAC, 12-01-10]

14.12.4.9 DEPOSITS:

A. Consumer deposits for a manufactured home transaction will not be collected without a bona fide purchase agreement or buyer's order signed by both buyer and seller which shall include but is not limited to: year, model, manufacturer, serial number if unit is in stock, purchase price, required deposit and financing terms of the purchase.

B. Deposits will be refunded in full if financing is denied or terms of approval are significantly different from original agreement. If the buyer fails to complete his obligation for the purchase, deposits will be refunded as follows.

(1) Deposits on units in stock will be refunded in full less all actual costs incurred by the seller, such costs to be a maximum of 5% of the purchase price.

(2) Deposits units ordered for a specific purchaser will be refunded in full, less all actual costs incurred by the seller, such costs to be a maximum of 10% of the purchase price. Seller must fully disclose that the unit will be ordered.

(3) Deposits on homes requiring repairs, upgrades, modifications or changes agreed to by both buyer and seller in writing will be refunded in full less actual costs of repairs, upgrades, modifications, or changes.

C. The timetable for refund of deposits is.

(1) Cash deposits should be refunded within one (1) business day, but in no case, later than five (5) business days after the request for refund.

(2) Check deposits should be refunded within one (1) business day after clearing the maker's bank, but in no case, later than five (5) business days, after the refund request.

(3) Deposits other than cash or check will be refunded no later than two (2) days after the refund request.

[14.12.4.9 NMAC - Rp, 14.12.2.20 NMAC, 12-01-10]

14.12.4.10 BONDS:

A. Consumer protection bonds or other security as approved by the division shall not be released by the division until all claims and complaints against the licensee have finally resolved or until two (2) years after the licensee ceased doing business in New Mexico, whichever period is later. In no case shall the division authorize the release of bonds except in accordance with 14.12.4.10 NMAC.

B. All liability on a consumer protection bond or other form of security allowed by the division shall be applicable to the bond or other security in effect as of the date of sale or service of the occurrence which gave rise to the liability. In the event that the total amount of claims against a consumer protection bond exceeds the aggregate total

amount of any bond or other form of approved security, the division may distribute the proceeds of such bond or other approved security pro rata to the claimants.

C. The committee may order the division to attach and disburse a licensee's consumer protection bond subsequent to a hearing before the committee without taking action against the licensee's license. The division may attach any licensee's consumer protection bond and indemnify a consumer for losses to the limit of the bond for damages resulting from such licensee's violation of the act or regulations or from fraud, misrepresentation, making of false promises or the refusal, failure of inability to transfer good and sufficient legal titles, as these causes are set forth and authorized in Section 60-14-6, N.M.S.A. 1978. The division, upon a finding of a violation by a licensee, may require the licensee to increase the amount of any bond. Any increase shall be in proportion to the seriousness of the offense or to the repeat nature of the licensee's violation, but shall not exceed one hundred thousand dollars (\$100,000.00) for manufacturers, fifty thousand dollars (\$50,000.00) for dealers, and brokers, twenty-five thousand dollars (\$25,000.00) for installers and repairman to include individuals granted licensure in accordance with 14.12.2.14 NMAC. The division may reduce any increased bond when satisfied that violations have been cured by appropriate corrective action and that the licensee is otherwise in good standing.

D. If reimbursement to a consumer for repairs, parts or other work is requested in a complaint the committee shall determine the reasonable value of such repairs, parts or work.

E. If a licensee does not conduct any business after issuance of his license and the posting of the applicable bond, the division, upon receipt of the satisfactory evidence that no business was conducted, and upon surrender of the license, may release the licensee's bond.

F. A corporate surety which issues a surety bond for a license may cancel the surety bond by giving sixty (60) days prior written notice to the division of such cancellation, provided, however, that no such cancellation shall be effective unless the division has approved the cancellation by appropriate signature on the notice.

G. The division shall give written notice to any corporate surety of any formal notice of contemplated disciplinary action served upon a licensee that is insured by that corporate surety.

H. Payments from a consumer protection surety bond may only be used to reimburse a consumer for actual damages incurred as a result of actions caused by a licensee. Actual damages may include, but are not limited to, repairs, parts or other work requested in a complaint, after the committee determines the reasonable value of such repairs, parts or work, and for reimbursement of deposits or down payments. The proceeds of a bond may not be used to pay punitive damages, attorney fees or costs associated with, or attributable, to pain and suffering.

[14.12.4.10 NMAC - Rp, 14.12.2.28 NMAC, 12-01-10]

14.12.4.11 MANUFACTURER'S CONSUMER PROTECTION BOND:

A. Each manufacturer or manufacturer II re-furbisher shall maintain consumer protection bonds with the division equal to the number of locations or plants shipping units into New Mexico or constructing units in New Mexico. Each bond may be satisfied by a surety bond or other security in the form and in the amount prescribed by the division with a minimum amount for each location, fifty thousand dollars (\$50,000.00) for a Manufacturer I and ten thousand dollars (\$10,000.00) for a Manufacturer II-Re-furbisher. Each surety in the form of a cash consumer protection bond shall be posted with a financial institution located in New Mexico. Out-of-state manufacturers shall submit an affidavit consenting to service of process in New Mexico in connection with all claims filed pursuant to the provisions of the act.

B. Each bond shall be indemnity for any loss sustained by any consumer as a result of:

- (1)** a violation by the manufacturer of any provision of the act or of these regulations;
- (2)** a violation of the manufacturer's written warranty;
- (3)** fraud by the manufacturer in the execution or performance of a contract;
- (4)** the misrepresentation or the making of false promises by the manufacturer, or through the advertising, the agents, or the salespersons of the manufacturer;
- (5)** refusal, failure or inability of the manufacturer to transfer good and sufficient legal title to the consumer.

[14.12.4.11 NMAC - Rp, 14.12.2.29 NMAC, 12-01-10]

14.12.4.12 DEALER'S CONSUMER PROTECTION BOND:

A. Each dealer shall maintain consumer protection bonds with the division equal to the number of locations at which the dealer does business. Each bond may be satisfied by a surety bond or other security in the form and in the amount prescribed by the division, with a minimum amount of fifty thousand dollars (\$50,000.00) for each location. Each surety in the form of cash consumer protection bond shall be posted with a financial institution located in New Mexico. Out of state dealers shall submit an affidavit consenting to service of process in New Mexico in connection with all claims filed pursuant to the provisions of the act.

B. Each bond shall be indemnity for any loss sustained by the consumer as a result of:

- (1)** a violation by the dealer of any provision of the act or of these regulations;
- (2)** fraud by the dealer in the execution or performance of a contract;
- (3)** the misrepresentation or making a false promise by the dealer, or through the advertising, the agents, or the salespersons of the dealer;
- (4)** a violation of the dealer's written warranty;
- (5)** refusal, failure or inability of the dealer to transfer good and sufficient legal title to the consumer.

[14.12.4.12 NMAC - Rp, 14.12.2.30 NMAC, 12-01-10]

14.12.4.13 INSTALLER'S OR REPAIRMAN'S CONSUMER PROTECTION BOND:

A. Each installer and each repairman to include individuals granted licensures in accordance with 14.12.2.14 NMAC shall maintain consumer protection bonds with the division. Each bond may be satisfied by a surety bond or other security in the form and in the amount prescribed by the division. The minimum bond amount shall be in an amount not less than ten thousand dollars (\$10,000). Bonds shall be presented to the division upon application for licensure and subsequently at each license renewal period. Each surety in the form of a cash consumer protection bond must be posted with a financial institution located in New Mexico. Out of state installers or repairmen to include individuals granted licensures in accordance with 14.12.2.14 NMAC shall submit an affidavit consenting to service of process in New Mexico in connection with all claims filed pursuant to the provisions of the act.

B. Each bond shall be indemnity for any loss sustained by any consumer as a result of:

- (1)** fraud by the installer or repairman to include individuals granted licensures in accordance with 14.12.2.14 NMAC in the execution or performance of a contract;
- (2)** the misrepresentation or the making of a false promise by the installer or repairman to include individuals granted licensures in accordance with 14.12.2.14 NMAC, or through the advertising, or the agents of the installer or the repairman to include individuals granted licensures in accordance with 14.12.2.14 NMAC;
- (3)** a violation of the installer's or repairman's written warranty to include individuals granted licensures in accordance with 14.12.2.14 NMAC.

[14.12.4.13 NMAC - Rp, 14.12.2.31 NMAC, 12-01-10]

14.12.4.14 BROKER'S CONSUMER PROTECTION BOND:

A. Each broker shall maintain a consumer protection bond with the division. Each bond may be satisfied by a surety bond or other security in the form and in the amount prescribed by the division, with a minimum amount of fifty thousand dollars (\$50,000.00). Each branch office shall have an associate broker with a proper license and fifty thousand dollars (\$50,000.00) consumer protection bond. Each surety in the form of a cash consumer protection bond must be posted with a financial institution located in New Mexico. Out of state brokers shall submit an affidavit consenting to service of process in New Mexico in connection with all claims filed pursuant to the provisions of the act.

B. Each bond shall be indemnity for any loss sustained by a consumer as a result of:

- (1)** a violation by the broker of any provision of the act or these regulations;
- (2)** fraud by the broker in the execution or performance of a contract;
- (3)** the misrepresentation or the making of a false promise by the broker or through the advertising, or the agents of the broker.

[14.12.4.14 NMAC - Rp, 14.12.2.32 NMAC, 12-01-10]

14.12.4.15 CONSUMER PROTECTION BOND PROCEDURES:

A. A person claiming to be injured by an alleged violation of the act or these regulations or by reason of any other cause set forth in the Manufactured Housing Act, NMSA 1978, Section 60-14-6, may file with the division a written complaint which states the name and address of the bondholder whose bond has been claimed against and includes a concise statement of the cause of the alleged injury. If it is determined by the division that the complaint is insufficient or defective, the complainant shall be promptly notified and may be permitted to amend the complaint, in the sole discretion of the division.

B. Upon receipt of a written complaint, the division shall investigate, by telephone or by in person contact, within thirty (30) days of receipt of the complaint to determine whether cause exists to investigate further. If such cause exists, an on-site inspection may be made within thirty (30) days of such determination. The on-site inspection is not mandatory. The complainant should be available to the investigator during reasonable business hours during the investigation period.

C. The division shall give written notice to the bondholder within ten (10) days of receipt of the complaint. The notice shall request correction of the violations within forty (40) days of the division's receipt of the complaint. The letter may also request investigation according to Subpart I of the Federal Manufactured Home Construction

and Safety Standards, Federal Procedural and Enforcement Regulations, which require investigation of class or re-occurrences of non-conformance to the Federal Standards.

D. Any notice or decision required pursuant to this regulation may be served either personally or by regular, or certified mail, return receipt requested, directed to the bondholder's last known address as shown by the records of the division. If the notice or decision is served personally, service shall be made in the same manner as is provided in the Rules of Civil Procedure for the New Mexico district courts. Where the notice or decision is served by certified mail, it shall be deemed to have been served on the date shown on the return receipt showing delivery, or on the date of the last attempted delivery of the notice or decision to the addressee or refusal of the addressee to accept delivery of the notice or decision.

E. If the committee determines that there is no cause for the complaint, the complaint shall be dismissed. The division shall retain all information on which the decision was based in its consumer complaint files for five (5) years after closing the case. This information should include (a) the determination; (b) who made the determination; and (c) how the determination was made.

F. If committee determines that there is cause for the complaint, the division should attempt to achieve a satisfactory resolution of the complaint through correspondence or informal conference.

G. If the committee determines that the items requested to be corrected by the complainant are the responsibility of the manufacturer, and that these items are required to be corrected under the Federal Regulations, the manufacturer will be requested to submit, in writing, a notification or correction plan to the director of the division within twenty (20) days of receipt of the request and as required under Subpart I of the federal regulations. The plan should include, but not be limited to, a list of manufactured homes affected, method of correction, content of notification notice to consumer and the requirements as detailed under Subpart I of the federal regulations. If a plan is submitted to the division, the division should approve or modify the plan and send it back to the manufacturer for remedial action in the case. If, within twenty (20) days, there does not seem to be a reoccurrence of the same deficiencies, no formal plan needs to be submitted if the division has granted waiver to the plan. The manufacturer shall have sixty (60) days to notify and correct, and an additional thirty (30) days to submit closeout reports of all action taken by the manufacturer.

H. The division may charge a re-inspection fee of sixty-five dollars (\$65.00) each time a re-inspection is performed in connection with a consumer complaint. On those consumer complaints, which the division investigates but are not prosecuted by the division, no fee will be charged. The fee, if assessed, shall be charged to the dealer, manufacturer, installer/repairman, or broker as appropriate.

I. If the complaint is not substantially resolved by the foregoing method, the division may send the complaint to the committee for bond attachment proceedings consistent with the procedure set forth herein.

J. If the matter is referred to the committee for bond revocation proceedings, the division shall serve upon the bondholder a written notice containing a statement (1) that the committee has sufficient evidence which, if not rebutted or explained, will justify the committee taking the contemplated action; (2) indicating the general nature of the evidence against the bondholder; (3) the statutes and regulations authorizing the committee to take the contemplated action; (4) that the bondholder may request a hearing on the matter within twenty (20) days after service of the notice; and (5) the rights of a person entitled to hearing as provided under the Uniform Licensing Act, Section 61-1-8 NMSA 1978.

K. If the bondholder does not mail a request for a hearing within the time and in the manner required by this section, the committee may take the action contemplated in the notice, and such action shall be final.

L. If the bondholder timely requests a hearing, the division shall notify the bondholder of the time and place of hearing, the name of the hearing officer, if any, and the statutes and regulations authorizing the committee to take the contemplated action. The notice shall set the hearing within a reasonable time after the division's receipt of the request for hearing, but in no event later than sixty (60) days thereafter.

M. The committee shall conduct the hearing, or may appoint a hearing officer to do so.

N. A bondholder may be represented by counsel, may be represented by a licensed member of his or her profession or occupation, or both; and may present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues;

O. Upon written request to another party, any party may ask to: (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing. The division and the committee have no power to force the parties to comply with such requests.

P. The party to whom such a request is made should comply with it within ten (10) days after the mailing or delivery of the request. No such request should be made less than fifteen (15) days before the hearing.

Q. The committee has the discretion to grant continuances, to take testimony or to examine witnesses. The committee may also hold conferences before or during the hearing for the settlement or simplification of the issues.

R. The division shall present the case against the bondholder.

S. The committee may admit any evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent people in the conduct of serious affairs. The committee may in its discretion exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

T. The committee may take notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within their specialized knowledge. When the committee takes notice of a fact, the bondholder should be notified either before or during the hearing of the fact so noticed and its source and shall be afforded an opportunity to contest the fact so noticed.

U. The committee members may use their experience, technical competence and specialized knowledge in the evaluation of evidence presented to them.

V. The record may be preserved by audio or video recording or both.

W. Whether conducted by the committee or by a hearing officer, after a hearing has been completed, all members who were not present throughout the hearing should familiarize themselves with the record, including the hearing officer's report, before participating in the decision.

X. A decision based on the hearing shall be made by a quorum of the committee and signed by the person designated by the committee within ninety (90) days after the hearing.

Y. Within fifteen days (15) after the decision is rendered and signed, the division shall serve upon the bondholder a copy of the written decision.

Z. If a person who has requested a hearing does not appear, and no continuance has been granted, the committee may hear the evidence of such witnesses as may have appeared, and the committee may proceed to consider the matter and dispose of it on the basis of the evidence before it. Where because of accident, sickness or other cause a person fails to request a hearing or fails to appear for a hearing which he has requested, the person may within a reasonable time apply to the committee to reopen the proceeding, and the committee upon finding sufficient cause shall immediately fix a time and place for a hearing and give the person notice as required above. At the time and place fixed, a hearing shall be held in the same manner as would have been employed if the person had appeared in response to the original notice of hearing.

AA. These procedures do not grant a statutory right of review.

[14.12.4.15 NMAC - Rp, 14.12.2.63 NMAC, 12-01-10]

PART 5: INSTALLATION REQUIREMENTS

14.12.5.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.5.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.5.2 SCOPE:

These rules and regulations apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.

[14.12.5.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.5.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.

[14.12.5.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.5.4 DURATION:

Permanent.

[14.12.5.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.5.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.5.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.5.6 OBJECTIVE:

The objective of 14.12.5 NMAC is to set forth the permitting, installation, testing and inspection requirements for the installation of new and pre-owned manufactured homes.

[14.12.5.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.5.7 DEFINITIONS:

[RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.5.8 GENERAL INSTALLATION REQUIREMENTS (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. Manufactured homes produced under the Federal Manufactured Home Construction and Safety Standards Act must be installed, including completion of all factory installed connections from the unit to the necessary utilities, by persons licensed as a manufactured home installer or repairman under the provisions of 14.12.2 NMAC.

B. No person shall install a new or pre-owned manufactured home without first obtaining a permit for installation from the manufactured housing division.

C. A homeowner may secure a permit, when the homeowner assumes responsibility and does the work on their home on a single site.

D. No utility supplier shall have a connection from a supply of electricity, water, liquefied petroleum gas, natural gas or sewer without first obtaining a permit for installation from the division.

E. No utilities shall be connected until the home is properly installed upon a permanent foundation, or a non-permanent foundation.

F. Utility connections for electricity, water, natural gas or sewer from on-site utility terminals to a new, used, or pre-owned or resold manufactured home produced under the Federal Manufactured Home Construction and Safety Standards Act shall be made according to the manufacture's installation instructions.

G. If the manufacture's installation instructions are not available for installation of a used, or pre-owned or resold manufactured home, the installation shall be made according to the regulations herein.

[14.12.5.8 NMAC - N, 12-01-10]

14.12.5.9 SITE WORK (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to new, used, or pre-owned or resold manufactured homes, unless otherwise indicated.

A. The licensee and permit holder or home owner holding a permit who is performing the work to install a new, used, pre-owned or resold manufactured home shall review the intended installation site and determine that the site is suitable for the home and that the installation will comply with all state and local requirements prior to the installation. All manufactured home sites designed for either a non-permanent

foundation or a permanent foundation must comply with the following minimum standards:

(1) sites shall have acceptable soils to withstand the stresses and load bearing elements of the manufactured home to be placed upon the site;

(2) **new units** shall comply with the soils criteria delineated by the manufacturer in the manufacturer's installation manual.

B. Sites shall be prepared in such a manner as to comply with all locally adopted zoning, planning and floodplain requirements. This standard applies to new and used, pre-owned or resold homes.

C. Permanent foundation sites shall be prepared in such a manner that positive drainage of surface water is maintained and directed away from the manufactured home and adjacent improvements. The perimeter completely around the manufactured home shall be sloped to provide positive drainage away from the home and prevent moisture accumulation under the home, unless the manufacturer's installation instructions or the local requirements for slope and drainage applies. Slope shall be one percent to the property line or for 20 feet.

D. Every manufactured home prior to installation shall have a site plan review approved by the local, county, municipal authority or state authority, if any; and, when required, shall illustrate the placement of the home on the site, the location of property lines, the zoning classification of the site, the location, type and specifications of the septic system, water utility, electrical utility and service, and the gas utility source and size, if utilized.

[14.12.5.9 NMAC - Rp, 14.12.2.60 NMAC, 12-01-10]

14.12.5.10 NON-PERMANENT FOUNDATIONS (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. Ordinances of any political subdivision of New Mexico relating to installation of manufactured homes shall not be inconsistent with any rules, regulations, codes or standards adopted by the division pursuant to the Manufactured Housing Act, including the foundation systems.

B. Perimeter enclosures.

(1) All materials to be used for a perimeter enclosure must have prior approval by the division.

(2) Material shall be installed in accordance with the material manufacturer's recommended installation instructions or in accordance with the minimum standards adopted by the division.

(3) The manufactured home's perimeter enclosure must be self-venting, and no flammable objects may be stored under the manufactured home.

(4) An access or inspection panel shall be installed in the perimeter enclosure and shall be located so that utilities and blocking may be inspected.

(5) All vents and openings shall be installed to prevent entry of rodents and direct rainfall not to exceed ¼ inch mesh.

(6) All perimeter enclosures in excess of thirty inches (30") in height must be supported vertically at least every four (4) feet or installed according to the enclosure material manufacturer's specifications.

C. Anchoring. When the manufacturer has issued required instructions for anchoring, the manufacturer's instructions shall be followed.

D. New homes. The manufacturer's installation manual shall be followed for all new homes installed within the state of New Mexico. The person(s) performing the work to install a new home shall be responsible to insure that all necessary installation permits have been obtained by the homeowner, customer or installer, to be determined in writing prior to the delivery of subject home.

E. Used, pre-owned and resales. The person(s) performing the work to install a used, preowned or resold manufactured home shall be responsible for: a) all installation permits; b) calling for inspections; and c) compliance with all locally adopted zoning, planning and floodplain ordinances and d) compliance with all minimum soil compaction criteria, slope and drainage requirements. The person(s) performing the work shall be responsible only for the work they perform. When available all units shall be installed in accordance with the manufacturer's installation manual. Requirements when the manufacturer's installation manual is not available:

(1) blocking: all piers and footings shall be installed in such a manner that the manufactured home shall be leveled;

(2) all marriage joints in multi-wide homes shall be installed to prevent air infiltration;

(3) all roofs and floor marriage joints shall be lag bolted no more than four (4') feet apart; beam support blocking must be provided.

F. Materials.

(1) Standard eight inch by eight inch by sixteen inch (8"X8"X16") hollow, concrete or concrete masonry unit (CMU), or other listed material may be used for block pier construction.

(2) Standard eight inch by four inch by sixteen inch (8"X4"X16") solid concrete or cinder blocks or other listed materials may be used for pier, top cap and footing construction.

G. Footings.

(1) Each pier shall have a footing beneath it of solid concrete or CMU or other listed material with a minimum sixteen inch by sixteen inch (16"X16") ground bearing surface four (4") inches thick.

(2) Two (2) eight inch by four inch by sixteen inch (8"X4"X16") solid blocks may be used for a footing provided they are placed together with seam between the two blocks running parallel with the frame of the manufactured home.

(3) Any concrete ribbon footings installed by the licensee shall be a minimum of six (6") inches thick by sixteen (16") inches wide and centered as closely as possible to the center of the frame members.

(4) Other listed materials which provide equivalent load bearing capacity and resistance to decay may be used, when they receive prior approval by the division.

H. Spacing.

(1) The maximum distance allowed between piers is eight (8') feet on center.

(2) Piers shall be placed within three (3') feet from each end of the manufactured home.

(3) Exceptions. If the wheel space of the manufactured home does not permit eight (8') foot blocking, additional support shall be provided at both ends of the wheel space.

I. Concrete masonry unit (CMU) piers, top caps and shims.

(1) CMU piers shall be positioned perpendicular to the frame of the manufactured home.

(2) Each CMU pier must have a minimum four (4") inch solid top cap or two (2") inch nominal wood cap which has the same perimeter dimension as the pier.

(3) A maximum of four and one-half (4-1/2") inches of wood are allowed on top of each CMU pier. Each layer of shims shall be driven from the opposite direction as

the shim below it. Concrete masonry unit's (CMU) pier heights: when the footings, CMU piers and wood exceed forty-one (41") inches in height, the CMU piers must be constructed of double tiers of interlocking blocks. When the footings, CMU piers and wood exceed forty- eight (48") inches in height, the interlocking blocks shall be filled with concrete and reinforced with four (4) three-eighths (3/8") inch rebar. When the footings, CMU piers and wood exceed sixty (60") inches in height, the pier construction must be designed by a New Mexico licensed professional engineer and submitted to the division for approval.

J. Pre-fabricated piers.

- (1) All piers shall be approved by the division prior to installation.
- (2) The spacing of piers shall be the same as for block piers.
- (3) One (1) listed, treated, sixteen inch by sixteen inch (16"X16") pad may be used with each pier as a footing.
- (4) The maximum height that a pier jack extension shall be raised is two (2") inches.
- (5) The maximum height for piers, including the footing and jack extension, is thirty-four (34") inches.
- (6) The flanges on the top of the jack extension shall be alternated.

K. Other piers: all other piers shall be pre-approved by the division prior to their use or installation.

L. Multi-wide homes shall be supported within two (2) feet of each end and ten (10') feet on center (O.C), and or on each end of any opening exceeding four (4') feet along the marriage line.

M. Perimeter support blocking on used homes shall be supported on each side of all egress doorways and on each side of any opening four (4') feet or larger to allow for proper structural support.

[14.12.5.10 NMAC - Rp, 14.12.2.56 NMAC, 12-01-10]

14.12.5.11 PERMANENT FOUNDATION SYSTEM (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. These standards are minimum state requirements and they are applicable to new and used home installations, unless expressly specified otherwise. The division may approve other permanent foundations when the manufacturer's installation manual does not make a provision for permanent foundations or is not available. Two sets of drawings submitted by a New Mexico licensed engineer or a HUD approved D.A.P.I.A engineer may be submitted to the division for review, and subsequent denial or approval along with a certificate that the engineer has contacted the home's manufacturer. No political subdivision of the state shall regulate the installation or construction standards, of a manufactured home, including foundation systems.

B. Perimeter enclosure.

(1) All materials used for a perimeter enclosure must be approved by the division.

(2) Materials shall be installed in accordance with the manufacturer's recommended installation instructions or in accordance with the minimum standards accepted by the division.

(3) The manufactured home's perimeter enclosure must be self-ventilating, and no flammable objects may be stored under the manufactured home.

(4) An access or inspection panel shall be installed in the perimeter enclosure and shall be located so that utilities and blocking may be inspected.

(5) All vents and openings shall be installed to prevent entry of rodents and direct rainfall not to exceed ¼ inch mesh.

(6) All perimeter enclosures in excess of thirty inches (30") in height must be supported vertically at least every four (4') feet or installed according to the enclosure manufacturer's specifications.

C. New home installations. The manufacturer's installation manual shall be followed for all new homes installed within the state of New Mexico. The person(s) performing the work to install a new home shall be responsible to insure that all necessary installation permits have been obtained by the homeowner, customer or installer, to be determined in writing prior to the delivery of subject home. Compliance with permanent foundation criteria, site work 14.12.5.9 NMAC, planning, and zoning, slope and drainage requirements is the sole and separate responsibility of the persons, companies or contractors performing such work.

D. Installation of used, pre-owned or resold manufactured homes. The installer of a used, pre-owned or resold manufactured home shall be responsible to insure that all necessary installation permits have been obtained by the customer, retailer or installer. Compliance with permanent foundation criteria, site work 14.12.5.9 NMAC, planning, and zoning, slope and drainage requirements is the sole and separate

responsibility of the persons, companies or contractors performing such work. The manufacturer's manual shall be kept with the subject home at all times. The installer shall use the manufacturer's installation instructions and installation manual when available.

E. Re-installed units: The following regulations shall apply to all homes being re-installed where no manufacturer's installation manual is provided.

(1) The lowest point of the frame shall be a minimum of eighteen (18") inches above the ground level under the manufactured home.

(2) The slope around the manufactured home shall provide for the control and drainage of surface water and shall be sufficient to prevent the collection of water under the home or around the perimeter of the home.

F. A minimum thirty-two inch by thirty-two inch (32"X32") access or inspection panel shall be installed a minimum of three (3") inches above grade and located to allow inspection at any time. The cover on the exterior access inspection panel must be constructed to exclude entry of vermin and water.

G. Footings and piers.

(1) The manufactured home shall be installed on ribbon footings set on the undisturbed ground not less than five and one-half (5 1/2") inches in thickness and sixteen (16") inches in width with two (2) pieces of continuous three-eighth (3/8") inch rebar or a number 10 gauge re-mesh wire installed in the footing. All footings shall be constructed of a minimum of three thousand (3000) pound concrete. All above grade footings shall be constructed with forms (wood, fiberboard, metal, plastic), used to contain poured concrete while in a plastic state. These forms must be firmly braced to withstand side pressure or settlement and to maintain design dimensions. Finished concrete surface(s) shall be smooth and level to fully accept and support pier installation(s). Forms may be removed upon sufficient hardening of concrete. The home may be placed whenever concrete is properly cured, minimum of seven (7) days.

(2) Piers shall be constructed in accordance with 14.12.5.10 NMAC of these regulations.

(3) The steel frame must be attached to the footing supporting the structure by means of a listed anchoring device at least every twelve (12) feet at a maximum and no more than two (2) feet from each end wall.

H. Ventilation:

(1) All manufactured homes shall have one (1) square foot of unrestricted venting area for every one hundred-fifty (150) square feet of enclosed floor space.

Vents shall be uniformly distributed on the two (2) opposite long- walls. At least one vent shall be located within four (4) feet of each end-wall.

(2) Vents shall be constructed and installed to exclude entry of vermin and water.

I. Alternative permanent foundation systems:

(1) Other types of permanent foundation systems designed for the purpose of classifying an installation as a permanent foundation shall be submitted on an individual basis. These require submittal of installation instructions, calculations and design layouts. All submissions shall be stamped by a New Mexico licensed engineer, and each application shall be region specific. Commercially packaged systems must submit their complete installation and design package to be kept on file with the division. It shall be the responsibility of the system proprietor to submit any updates or alterations of the system.

(2) Any installation of an alternative foundation system on a new home or any home within two years of original purchase must be installed based upon the manufacturer's written approval or be included in the manufacturer's installation manual.

[14.12.5.11 NMAC - Rp, 14.12.2.57 NMAC, 12-01-10]

14.12.5.12 RETAINING WALL (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. A retaining wall shall consist of a reinforced concrete footing and a masonry stem wall or other division approved material. Designs for retaining walls shall meet division approval and shall be submitted to the division in advance. Two sets of drawings stamped by a New Mexico licensed engineer shall be submitted to the division for review, denial or approval.

B. The retaining wall shall not be used as support for the outer edge of the manufactured home, unless called for by the manufacturer's installation instructions.

C. Retaining walls shall be constructed pursuant to the 1997 edition of the uniform building code.

[14.12.5.12 NMAC - Rp, 14.12.2.58 NMAC, 12-01-10]

14.12.5.13 INSTALLATION OF FIREPLACES AND SOLID FUEL-BURNING STOVES (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to new, used, pre-owned or resold manufactured homes, unless otherwise indicated. All solid fuel-burning factory-built fireplaces and stoves must be installed according to the manufacturer's installation instructions for use in a manufactured home and in compliance with Section 3280.709 of the H.U.D. Manufactured Housing Construction and Safety Standards. The H.U.D. standards control in the case of inconsistencies. Each installation shall be permitted and inspected.

[14.12.5.13 NMAC - Rp, 14.12.2.61 NMAC, 12-01-10]

14.12.5.14 WATER SUPPLY AND TESTING (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to the installation of new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. General requirements. All water line connections from on-site utility terminals to a manufactured home produced under the Federal Manufactured Home Construction and Safety Standards Act shall be made according to the manufacturer's installation instructions.

B. Testing procedures. The water system must be tested for leaks after completion at the site. Water supply testing shall be completed in accordance with the manufacturer's testing instructions.

C. Used, pre-owned and resales. If the manufacturer's installation and testing instructions are not available for a used or pre-owned or resold manufactured home, the following requirements apply:

(1) General requirements.

(a) All exterior openings shall be sealed to resist the entrance of rodents.

(b) All piping and fixtures provided by the installer, subject to freezing temperatures, shall be insulated or protected to prevent freezing.

(c) If a heat tape is used, it must be U.L. listed.

(2) Water connections.

(a) Piping must be of standard weight brass, galvanized wrought iron, approved CPCV, galvanized steel, grade K, L or M copper tubing or other listed materials.

(b) The size of piping shall not be less than one-half (1/2) inch I.D. tubing as listed in these regulations.

[14.12.5.14 NMAC - N, 12-01-10]

14.12.5.15 DRAINAGE SYSTEM AND TESTING (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to the installation of new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. General requirements. The drainage system connection for a manufactured home produced under the Federal Manufactured Home Construction and Safety Standards Act shall comply with the manufacturer's installation instructions.

B. Testing procedures. The drainage system must be tested for leaks after completion at the site. Drainage system testing shall be completed in accordance with the manufactures testing instructions.

C. Used, pre-owned and resales. If the manufacturer's installation or testing instructions are not available for a used or pre-owned or resold manufactured home, the following requirements apply.

(1) General requirements.

(a) All exterior openings shall be sealed to resist the entrance of rodents.

(b) All joints, connections, devices and piping in the system, downstream of traps and vents, shall be made gas-tight.

(2) Materials.

(a) Sewer hookups shall be made with cast iron pipe, or minimum scheduled forty (40) ABS OR PVC plastic pipe, or listed material.

(b) The ABS black and PVC white may be mixed provided that a listed bonding glue is used.

(c) Plastic pipe and fittings shall be joined with a listed bonding glue which shall insure a positive seal at all joints.

(d) Ninety (90) degree elbows used in making the drainage line connection shall be medium or long sweep elbows.

(3) Connection to yardline.

(a) The drainage line shall be a minimum three (3) inch I.D. pipe.

(b) All piping must be supported at least every four (4) feet by adequate anchored galvanized, or listed protected metal straps or hangers, or by blocks.

(c) The line must have a slope of at least one-quarter (1/4) inch drop per one (1) foot of horizontal run.

(d) All installations must have at least one (1) accessible clean out.

(e) Any bend in the line of one hundred eighty degrees (180) or more shall have a clean-out.

[14.12.5.15 NMAC - Rp, 14.12.2.55 NMAC, 12-01-10]

14.12.5.16 ELECTRICAL SYSTEMS, EQUIPMENT AND TESTING (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to the installation of new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. General requirements. The electrical system and equipment connection for a manufactured home produced under the Federal Manufactured Home Construction and Safety Standards Act shall comply with the manufacturer's installation instructions.

B. Testing procedures. After completion of all electrical wiring and connections, including crossovers, electrical lights, and ceiling fans, the electrical system must be tested at the site. Electrical systems and equipment testing shall be completed in accordance with the manufactures testing instructions.

C. Used, pre-owned and resales. If the manufacturer's installation instructions are not available for a used or pre-owned or resold manufactured home, the following requirements apply.

(1) General requirements.

(a) All manufactured homes shall be connected to the electrical power by means of a four (4) wire connection, with the fourth (4th) (green) wire acting as an equipment ground, grounding the home to the service pole or pedestal.

(b) No electrical power connection shall be spliced unless the splice is protected in an approved weather-tight raceway.

(c) Aluminum wire may be used in the state of New Mexico in size #2 or larger.

(i) Aluminum wire shall not be directly connected to copper wire without the use of an approved disconnect device.

(ii) Metallic gas, water, waste pipes, and air-circulating ducts on a manufactured home shall be bonded. They will be considered bonded if they are attached to the terminal on the chassis by clamps, solderless connectors, or by suitable grounding type straps.

(iii) All electrical wiring installed to an evaporative cooler must be installed in a protective conduit and the cooler must be installed in accordance to the manufacturer's listed instructions.

(iv) All electrical wiring installed to any air conditioning unit must be installed in accordance to the air conditioners manufacturer's listed instructions.

(2) Power cords.

(a) If the manufactured home is rated less than one hundred (100) AMPS and does not use an underground electrical supply, a listed power cord of the proper sizing may be installed pursuant to the manufacturer's installation manual or the national electric code (NEC).

(b) Only one (1) power cord may be connected to a manufactured home.

(c) The power cord must be a single continuous length and shall not exceed either the length requirements of the (NEC) or the rated ampacity, including voltage drop.

(d) When a power cord is used, it shall be protected at the connection by an over-load device sized pursuant to the NEC and the ampere rating of the cord.

(e) The power supply to the manufactured home shall be a feeder assembly consisting of not more than one manufactured home power-supply cord with integral molded cap.

(f) If the manufactured home has a power-supply cord, it shall be permanently attached to the distribution panelboard or to a junction box permanently connected to the distribution panelboard, with the free end terminating in an attachment plug cap.

(g) A listed clamp or the equivalent shall be provided at the distribution panelboard knock out to afford strain relief for the cord to prevent strain from being transmitted to the terminals when the power-supply cord is handled in its intended manner.

(h) The cord shall be of an approved type with four conductors, one of which shall be identified by a continuous green color or a continuous green color with one or more yellow stripes for use as the grounding conductor.

(i) Length of supply cord. The overall length of a power-supply cord, measured from the end of the cord, including bared leads, to the face of the attachment-plug cap shall not be less than 21 feet and shall not exceed 36 ½ feet.

(j) The power-supply cord shall bear the following marking: "For use with manufactured homes."

(k) The point of entrance of the feeder assembly to the manufactured home shall be in the exterior wall, floor, or roof, in the rear third section of the manufactured home.

(l) Where the cord passes through walls or floors, it shall be protected by means of conduit and bushings. The cord may be installed within the manufactured home walls, provided a continuous raceway is installed from the branch-circuit panelboard to the underside of the manufactured home floor. The raceway may be rigid conduit, electrical metallic tubing or polyethylene (PE), polyvinylchloride (PVC) or acrylonitrile-butadiene-styrene (ABS) plastic tubing having a minimum schedule forty.

(3) Underground electrical supply.

(a) Manufactured homes which are rated at one hundred (100) AMPS and over, and which use an underground electrical supply, must be connected by a permanently installed feeder circuit.

(b) All underground feeder assemblies shall meet the requirements set forth in the edition of the national electrical code currently in effect pursuant to the Construction Industries Licensing Act, and must comply with manufacturers installation manual.

(4) Overhead electrical feeder.

(a) A manufactured home may have an overhead feeder installed provided it meets the following requirements.

(b) The mast weatherhead must be installed in accordance with the instructions provided by the manufacturer and must be located on the load bearing exterior wall.

(5) Overhead electrical supply.

(a) Overhead electrical supply may only be made to a manufactured home that is installed on an approved permanent foundation and pursuant to 14.12.5.11 NMAC.

(b) The mast weatherhead must be installed in accordance with the instructions provided by the manufacturer and the NEC, and must be located on the load bearing exterior wall.

(6) All connections must be installed in accordance with the service requirements of the national electrical code, NFPA No. 70 as set forth in the edition of the national electrical code currently in effect pursuant to the Construction Industries Licensing Act.

[14.12.5.16 NMAC - Rp, 14.12.2.53 NMAC, 12-01-10]

14.12.5.17 MANUFACTURED HOME CONNECTED TO LP GAS CID NEGOTIATIONS (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to the installation of new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. Installation or repair of liquefied petroleum gas piping or appliances to or in a manufactured home shall be performed by a licensee holding a New Mexico LP gas classification issued by the liquefied petroleum gas bureau of the construction industries division of the regulation and licensing department.

B. Gas connection to an on-site utility terminal shall be performed by a licensee holding a New Mexico LP gas classification issued by the liquefied petroleum gas bureau of the construction industries division of the regulation and licensing department.

C. The licensee who signs the permit certification is responsible for checking the gas system and appliances to insure compliance with all applicable state and federal regulations.

D. All materials used for the installation, extension, alteration or repair of any gas piping system shall be new and free from defects or internal obstruction. Inferior or defective materials shall be removed and replaced with acceptable materials.

[14.12.5.17 NMAC - Rp, 14.12.2.51 NMAC, 12-01-10]

14.12.5.18 MANUFACTURED HOME CONNECTED TO NATURAL GAS (NEW OR USED; PRE-OWNED OR RESOLD):

The following requirements apply to the installation of new, used, pre-owned or resold manufactured homes, unless otherwise indicated.

A. General requirements. The fuel supply system installation and connection for a manufactured home produced under the Federal Manufactured Home Construction and Safety Standards Act shall comply with the manufacturer's installation instructions.

B. Testing procedures. The gas system must be tested for leaks after completion at the site. The fuel supply system testing shall be completed in accordance with the manufactures testing instructions.

C. Used, pre-owned and resales. If the manufacturer's installation instructions are not available for a used or pre-owned or resold manufactured home, the following requirements apply:

(1) Gas connections.

(a) No riser, inlet or gas connection or inlet gas connection shall be located beneath any manufactured home or any exit. No manufactured home shall be installed over a gas yardline.

(b) The gas inlet on the manufactured home shall protrude no more than six (6) inches from the manufactured home. The inlet shall be rigidly anchored or strapped to a structural member within six (6) inches of the point where it enters beneath the manufactured home.

(c) The gas riser shall be located within twenty-four (24) inches of the manufactured home.

(d) The size of the gas connections shall not be less than three-quarters (3/4) inch I.D. standard iron pipe size; or the connector shall be the same size as the inlet.

(e) The main gas connection shall be doped and shall be an approved flexible-type connection. Approved connectors are:

(i) flex connectors: the maximum length for flex connectors is thirty-six (36) inches; a list of approved flex connectors is maintained by the division;

(ii) black or galvanized malleable iron pipe and fittings may be used to construct a double- swing joint; this connection requires the use of elbows, unions and nipples constructed in such a manner as to allow the connection to give without breaking in all of the three (3) dimensions that a shifting unit might move; no elbows that are used in the double- swing joint shall be beneath the manufactured home;

(iii) all fittings and nipples except unions used in the gas piping system of a manufactured home must have tapered threads.

(f) Any copper tubing used for natural gas must be annealed type grade K or L, internally tinned.

(g) Gas shut off valves shall be installed on each natural gas riser at a height at not less than four (4) inches above grade. The shut-off valve shall be located

between the on-site utility terminal and the outside flexible connector of the manufactured home.

(h) All materials used for the installation, extension, alteration or repair of any gas piping system shall be new and free from defects or internal obstruction. Inferior or defective materials shall be removed and replaced with acceptable materials.

(i) Ratings of gas appliances are based on sea level operations. Appliance ratings shall be reduced at the rate of four percent (4%) for every one thousand (1,000) feet above sea level for appliances above two thousand (2,000) feet.

(2) Exterior gas piping. All gas piping beneath a manufactured home shall be adequately supported by galvanized, or equivalently protective metal straps or hangers at least every four (4) feet, except, where adequate support and protection is provided by structural members.

(a) Gas shut-off valves shall not be placed beneath a manufactured home.

(b) Any extensions or alterations made to the gas piping system for the purpose of establishing the supply inlet for connection to the riser may not reduce or restrict the gas piping size from that of the original inlet.

(c) There shall be only one point of crossover between the sections of a multi-wide manufactured home which must be readily accessible from the outside.

(d) The connector used for the crossover on multi-wide manufactured homes when gas is supplied to more than one (1) section, must be made by a listed "quick disconnect" device, which shall be designed to provide a positive seal of the supply side of the gas system when such device is separated.

(e) The crossover connection shall be of the same size as the piping with which it directly connects.

(f) When the gas riser is located on the opposite side of the manufactured home from the supply inlet, the gas piping may be run under the home in compliance with Paragraph (2) of Subsection C of 14.12.5.18 NMAC.

(g) All exterior openings shall be sealed to resist the entrance of rodents.

(3) Interior gas piping. Each gas-fired appliance must have a listed shut-off valve located within three (3) feet of the appliance and located in the same room as the gas appliance. Appliance connectors shall not exceed three (3) feet in length, except for range connectors, which shall not exceed six (6) feet in length.

(4) Bond of gas piping.

(a) Gas piping shall not be used as an electrical ground.

(b) Gas piping shall be bonded. Metallic gas piping shall be considered bonded if it is connected to the terminal on the chassis of the manufactured home by clamps, solderless connectors or by suitable ground-type straps.

(5) Pressure tests.

(a) Before the gas supply may be turned on, each manufactured home must pass a pressure test at the installation site.

(b) Before appliances are connected, the piping shall withstand a pressure test of at least six (6) inches mercury or three (3) PSI Gauge for a period of not less than ten (10) minutes without showing a drop in pressure. Pressure shall be measured with a mercury manometer, slope gauge or equivalent device calibrated to read in increments of not greater than 1/10 pound. The source of normal operating pressure shall be isolated before pressure tests are made. The temperature of the ambient air on the piping must remain constant throughout the test.

(c) After the appliances are connected, the piping system must be pressurized to not less than the pressure the supplier furnishes to the manufactured home's piping. All appliance connections shall be checked for leakage.

[14.12.5.18 NMAC - Rp, 14.12.2.47 NMAC, 14.12.2.48 NMAC, 14.12.2.49 NMAC, 14.12.2.50 NMAC & 14.12.2.52 NMAC, 12-01-10]

PART 6: WARRANTY

14.12.6.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.6.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.6.2 SCOPE:

These rules and regulations apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.

[14.12.6.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.6.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.

[14.12.6.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.6.4 DURATION:

Permanent.

[14.12.6.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.6.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.6.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.6.6 OBJECTIVE:

The objective of 14.12.6 NMAC is to adopt a requirement that dealers, repairmen and installers provide to customers' warranties on their product and work and to specify the minimum requirements for such warranties.

[14.12.6.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.6.7 DEFINITIONS:

[RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.6.8 WARRANTIES:

The following warranties shall be issued by each licensee as prescribed: If a licensee fails to correct a violation within the prescribed warranty period and the consumer has written documentation to the licensee before the expiration of the warranty, the consumer may file a written complaint with the division within a two year period from the start of the original warranty.

[14.12.6.8 NMAC - Rp, 14.12.2.33 NMAC, 12-01-10]

14.12.6.9 MANUFACTURER'S WARRANTY:

A. The manufacturer's warranty shall be set forth in a separate written document, which shall be delivered to the consumer and shall contain, but is not limited to, the following terms:

- (1)** that the manufactured home complies with the act and these regulations;

(2) that the warranty shall be in effect for a period of at least one (1) year from the date of delivery to the consumer and is not restricted to the original consumer and shall carry forward to subsequent owners during the one (1) year period;

(3) that the manufactured home is free from defects in materials and workmanship;

(4) that the manufacturer warrants all appliances and equipment installed in the manufactured home by the manufacturer to be free from defects in material and workmanship, unless the manufacturer furnishes a valid warranty from the manufacturer or dealer of the appliances and equipment warranting against any defects in materials and workmanship to the consumer for a period of at least one (1) year from date of delivery;

(5) that the manufacturer shall take appropriate corrective action, within a reasonable period of time, after the warranty violation has been communicated to the manufacturer by the division or by the consumer;

(6) that the warranty shall contain the license number, address and telephone number of the manufacturer where notices of defects or warranty violations may be given and shall also contain the H.U.D. label number, serial number and year model of the manufactured home involved;

(7) the warranty shall not be voided as long as the installation of the manufactured home conforms to these regulations.

B. Each manufacturer shall warrant repair work performed under the one-year warranty. Such repair work shall be warranted for a period of at least 90 days or until the end of the original one-year warranty, whichever is later. The warranty need not be in writing.

C. All work performed under a Manufacturer II license must be warranted against defects in materials and workmanship for a period of at least six (6) months.

[14.12.6.9 NMAC - Rp, 14.12.2.34 NMAC, 12-01-10]

14.12.6.10 DEALER'S WARRANTY:

(New homes only).

A. The dealer's warranty shall be set forth in a separate written document which shall be delivered to the consumer on or before the date of delivery of the manufactured home to the consumer and shall contain, but is not limited to, the following term:

(1) that all changes, additions, or alterations made to the manufactured home by the dealer are free from defects in materials and workmanship; and that all

appliances and equipment installed by the dealer are free from defects in materials and workmanship unless the dealer furnishes a valid written warranty from the manufacturer or dealer of the appliances and equipment to the consumer warranting against any defect in materials or workmanship to the consumer for a period of time customary in the industry for a warranty for the particular appliance or equipment;

(2) that all warranties shall be in effect for a period of at least one (1) year from the date of delivery to the consumer and is not restricted to the original consumer and shall carry forward to subsequent owners during the one (1) year period;

(3) that the dealer shall take appropriate corrective action within a reasonable period of time after the warranty violation has been communicated to the dealer by the division or by the consumer;

(4) that the warranty shall contain the license number, address and telephone number of the dealer where notice of defects or warranty violations may be given and shall also contain the H.U.D. label number, serial number and year model of the manufactured home involved.

B. Each dealer shall warrant repair work on changes, additions or alterations made or authorized by the dealer performed under the one-year warranty. Such repair work shall be warranted for a period of at least 90 days or until the end of the original one - year warranty, whichever is later. This warranty need not be in writing.

[14.12.6.10 NMAC - Rp, 14.12.2.35 NMAC, 12-01-10]

14.12.6.11 INSTALLER'S AND REPAIRMAN'S WARRANTY:

A. Installers and repairmen of manufactured homes must each provide the consumer at the time of installation or repair with a written warranty which shall contain, but is not limited to, the following terms:

(1) that all services performed by the installer or repairman have been performed in compliance with the act and these regulations;

(2) that all labor and materials furnished by the installer for blocking and leveling the manufactured home are free from defects in materials and workmanship for ninety (90) days from the date of installations; re-leveling required as a result of ground settling or site conditions does not fall within the scope of this warranty.

(3) that any installation or repair, appliance or accessory sold by the installer or the repairman to the consumer other than blocking and leveling are free from defects in materials and workmanship unless the installer or repairman shall provide the consumer with a valid written warranty from the maker or dealer of the materials, appliances or accessory warranting against any defect in the materials or workmanship

for a period of time customary in the industry for a warranty for the particular appliance, equipment or material;

(4) that the installer or repairman shall take the appropriate corrective action within a reasonable period of time after a warranty violation has been communicated to the installer or repairman by the division or the consumer;

(5) that the warranty shall contain the license number, address and telephone number of the installer or repairman where notice of defects and warranty violations may be given and shall also contain the H.U.D. label number, if applicable, and serial number of the manufactured home involved.

B. Each installer and repairman shall warrant against defects in materials or workmanship and all repair work performed by him under the warranty required in this section. Such repair work shall be warranted for a period of at least 90 days or until the end of the original warranty, whichever is later. This warranty need not be in writing.

[14.12.6.11 NMAC - Rp, 14.12.2.36 NMAC, 12-01-10]

PART 7: REPAIRS [RESERVED]

PART 8: RENEWAL AND CONTINUING EDUCATION

14.12.8.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.8.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.8.2 SCOPE:

These rules and regulations apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.

[14.12.8.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.8.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.

[14.12.8.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.8.4 DURATION:

Permanent.

[14.12.8.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.8.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.8.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.8.6 OBJECTIVE:

The objective of 14.12.8 NMAC is to set forth the license renewal and continuing education requirements for individuals licensed under the Manufactured Housing Act and these regulations.

[14.12.7.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.8.7 DEFINITIONS:

[RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.8.8 RENEWALS:

A. Each license shall be renewed annually during its anniversary month. The division shall mail a renewal notice to each current licensee at least 30 days prior to the expiration date of the license.

B. Renewal notices will be mailed to the last known address on file with the division. It is the responsibility of the licensee to keep the division informed of any changes in address.

C. The licensee is responsible for renewing his license. Failure to receive the renewal notice shall not relieve the licensee of the responsibility of renewing his license before the expiration date.

D. The filing date of a renewal application shall be the date the envelope is postmarked or, if hand delivered, the date the renewal application is received by the division.

E. The division shall allow a 30-day grace period after a license has expired for a licensee to renew without penalty. After the 30-day grace period the licensee must pay a late renewal fee equal to one dollar (\$1.00) for each day, up to 30 days, that has

elapsed since the 30-day grace period and thereafter for a fee equal to twice the amount of the annual license fee.

F. A renewal application for a license under the Manufactured Housing Act shall be denied pursuant to Section 28-2-4 NMSA 1978 if the applicant has been convicted of a felony enumerated as a disqualifying criminal conviction as defined in these rules.

G. Any person who applies for renewal of a license or certification under these rules who is convicted of a disqualifying crime in New Mexico or any other state on or after the date of any renewal application shall notify the division within 10 days of the conviction, along with the date, crime, and case number.

H. If a license is expired for one-year following the expiration date the license shall be cancelled and the licensee must re-apply for licensure, which includes taking and passing any required examination.

I. Renewal of any occupational or professional license pursuant to these rules shall be issued as soon as practicable, but no later than 30 days after a military service member or a veteran as defined in these rules files an application and successfully passes any required examination, pays any required fees, and provides a background check if required.

J. Upon denial of a renewal for a license including denial based on a disqualifying criminal conviction, the applicant shall be provided notice and an opportunity to be heard pursuant to the pertinent notice and hearing provisions of the Uniform Licensing Act.

K. A military service member or veteran as defined in these rules shall not be charged a licensing fee for the first three years a license issued under these rules is valid.

[14.12.8.8 NMAC - Rp, 14.12.2.26 NMAC, 12/01/2010; A, 4/22/2022]

14.12.8.9 INACTIVE LICENSE:

A. A licensee can submit a written request to the division that a license be placed in inactive status. The licensee must surrender his license certificate to the division and submit a written statement indicating that no work will be performed under the inactive license during the period that the license is in inactive status.

B. Regulations pertaining to renewal of any license or to bonding requirements shall apply to any license during the period the license is in inactive status.

C. Inactive status of a license shall not affect any pending investigation or disciplinary action against a licensee.

[14.12.8.9 NMAC - Rp, 14.12.2.27 NMAC, 12-01-10]

14.12.8.10 CONTINUING EDUCATION:

In order to qualify for annual renewal of an installer or repairman license, the licensee must provide evidence of completing 3 hours of division approved continuing education.

[14.12.8.10 NMAC - N, 12-01-10]

PART 9: INSPECTIONS

14.12.9.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.9.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.9.2 SCOPE:

These rules and regulations apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.

[14.12.9.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.9.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.

[14.12.9.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.9.4 DURATION:

Permanent.

[14.12.9.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.9.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.9.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.9.6 OBJECTIVE:

The objective of 14.12.9 NMAC is to set forth the standard to determine habitability pre-owned manufactured homes, the requirements to auction pre-owned manufactured homes and manufactured housing division inspections.

[14.12.9.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.9.7 DEFINITIONS:

[RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.9.8 HABITABILITY:

The following regulations apply only to pre-owned manufactured homes for the purpose of resale.

A. For purposes of this regulation or other laws of this state the term "habitable" as applied to manufactured housing is limited to and means that there are no known structural defects, damage or deterioration to the home which creates a dangerous or unsafe situation or condition and all plumbing, heating and electrical systems are in safe working order at the time of delivery.

B. Any home offered for resale that is not suitable for human habitation must be clearly marked, as such, with a posted sign not less than 18" x 12" with letters not smaller than one inch high. Also, all purchase agreements or contracts of sale must reflect that the consumer purchased the home "As Is - Not Suitable for Human Habitation".

[14.12.9.8 NMAC - N, 12-01-10]

14.12.9.9 AUCTIONS:

A. All pre-owned homes to be sold at an auction must meet the requirements as set forth in 14.12.9.8 NMAC of these regulations.

B. All homes to be auctioned will be sold through a bona fide manufactured home dealer licensed by the manufactured housing division.

C. All homes to be auctioned must be at the auction location one working day before the auction and the division must be notified in writing of all homes to be auctioned at least 5 days before the auction.

D. All documentation will be ready to transfer ownership at completion of sale.

E. The division will inspect each home and documents on each home to be auctioned.

F. All pre-owned homes to be auctioned must have affixed a pre-owned label as referred to in Subsection M of 14.12.10.8 NMAC of these regulations.

G. Any home not in compliance with these regulations will be posted with "Prohibited Sales Notice". Upon compliance to the regulation a fee of \$60.00 will be paid for removal of notice prohibiting the sale.

H. Only licensed manufactured home dealers may purchase manufactured homes at an auction.

[14.12.9.9 NMAC - Rp, 14.12.2.23 NMAC, 12-01-10]

14.12.9.10 INSPECTIONS:

Pursuant to the Manufactured Housing Act, division inspectors are authorized to conduct inspections, re-inspections or investigations of any section or component of a manufactured home, its installation, set-up or utility connection.

[14.12.9.10 NMAC - Rp, 14.12.2.37 NMAC, 12-01-10]

14.12.9.11 GENERAL:

A. An inspector may enter, at any reasonable time, any licensee's premises where manufactured homes are manufactured and inspect any documents and records required to be maintained under the act and these regulations.

B. An inspector may enter, at any reasonable time, any licensee's premises where manufactured homes are sold, or offered for sale, and inspect any purchase agreement or sales contract pertaining to a sales transaction.

C. An inspector may enter any licensee's location during normal working hours to inspect new or pre-owned manufactured homes for compliance with the act and these regulations.

D. An inspector shall, upon discovery of license violations or other violations which may constitute an immediate danger to the health and safety of a consumer, issue a notice of violation to the licensee describing the violation. A manufactured home, which contains violations, shall be conspicuously tagged with a "Prohibited Sales Notice".

E. Upon notification from the licensee that license violations or other violations in a manufactured home have been corrected, and upon inspection and verification of appropriate correction, including payment of the inspection fee for removal of a

"Prohibited Sales Notice" by the division, the division shall authorize the removal of the "Prohibited Sales Notice".

F. The division may grant written approval to transfer locations of any manufactured home bearing a "Prohibited Sales Notice" upon receipt of a written request from the licensee or owner indicating the purpose of the relocation and the relocation address.

G. Any inspector may order or cause the immediate discontinuance of natural gas, LP gas, electrical or other service to a manufactured home determined to be dangerous to life or property because of any defect, faulty design, incorrect installation or other deficiency in any manufactured home or component, appliance, part or service equipment in a manufactured home, connected to a manufactured home or provided for service to the manufactured home.

(1) The inspector shall notify the homeowner or current occupant of the discontinuance of service or intention to discontinue service and shall also notify the public utility or other entity providing the service.

(2) The inspector may order the correction of any defect or incorrect installation and shall issue a notice to the owner or current occupant of the manufactured home outlining the corrections to be made in order to meet the requirements of these regulations and the H.U.D. standards.

(3) If the defects or incorrect installation are caused by a licensee of the division, the inspector shall issue a notice to such licensee outlining the corrections to be made in order to meet the requirements of these regulations and the H.U.D. standards. The inspector shall order the licensee to make such corrections within a specified period of time. The licensee shall notify the inspector of the completion of the corrections in order that they may be inspected. The licensee shall perform any additional corrections ordered by the inspector if the inspected corrections are insufficient to correct the defects. Failure by a licensee to comply with any order of an inspector under this regulation shall be grounds for disciplinary action.

(4) The inspector shall attach a notice to the manufactured home, which shall state that the particular service to the home has been discontinued by order of the inspector and shall detail the reasons for the discontinuance.

(5) Service to the manufactured home shall not be restored until authorized by the inspector after all necessary corrections have been made.

H. All manufactured homes that have been re-manufactured or reconstructed must be permitted and inspected before being offered for sale. All utilities in the home must pass the tests as outlined in the Federal Manufactured Housing Construction and Safety Standards.

I. The division has the right jointly with the appropriate utility company to condemn a manufactured home that is found to be a fire hazard, or which constitutes a hazard to health and safety of a person residing in the state of New Mexico.

J. If the division finds a licensee or its qualifying party to be in violation of this regulation, the licensee must correct the violation at its own expense to the satisfaction of the division.

[14.12.9.11 NMAC - Rp, 14.12.2.38 NMAC, 12-01-10]

14.12.9.12 REQUESTED INSPECTIONS:

A request for inspection, of a manufactured home, may be made by HUD or by an SAA, any licensee, financial institution or manufactured home homeowner, in which they have a substantial interest.

[14.12.9.12 NMAC - Rp, 14.12.2.39 NMAC, 12-01-10]

14.12.9.13 INSTALLATION INSPECTIONS:

A. The division shall inspect each installation of a manufactured home.

B. The division shall issue a notice of violation to the licensee responsible for the violation whenever a manufactured home contains a violation of the installation requirements pursuant to regulations. The notice shall include a description of each violation.

C. Upon correction of any violation the licensee responsible for the correction of the violation shall pay the re-inspection fee and request a re-inspection of the manufactured home.

D. Upon receipt of an inspection request, the division shall inspect the manufactured home and shall post notice of any continuing violation.

E. All materials used in the installation of all manufactured homes shall be listed materials or have prior written approval of the division.

[14.12.9.13 NMAC - Rp, 14.12.2.40 NMAC, 12/1/2010; A, 1/1/2025]

14.12.9.14 INSPECTION PERMITS:

A. No manufactured home shall be installed in New Mexico unless the dealer, installer, or homeowner, if authorized, has obtained an installation permit or a combined installation and permanent foundation inspection permit from the division.

B. Installation inspection permits shall include the name and license number of each licensee performing installation work and the consumer's name and address. Names and license numbers of licensee shall be included on the permit at the time of final inspection. Incomplete or inaccurate permits shall be considered an inspection failure and will be subject to re-inspection. When the consumer's address is a post office box or rural route, a map showing the current location shall be included. Unlicensed homeowners performing work on their own principal residential property must perform all the work themselves, or must employ or contract division approved licensees, to perform said work. The unlicensed homeowner shall execute a document, prepared by the division, acknowledging their understanding and expertise, pursuant to federal and New Mexico installation rules, regulations, standards, including the manufacturer's installation and site engineering requirements; and, shall assume all legal liability for any work performed, or under the supervision or contract of said homeowner. The unlicensed homeowner shall assume all responsible for compliance with all local and state requirements, codes and inspection requirements.

C. Installation inspection permits shall be returned to the division in accordance with the instructions on the permit. Upon final inspection, inspectors shall certify on the permit, or upon any inspection report, that the manufactured home meets the minimum standards for use and occupancy provided for by the act and these regulations.

D. Permits are valid one hundred eighty (180) days from the date of issuance. A time extension may be granted by the division for delay occasioned by weather conditions or with inspections involving a home that is being re-manufactured or installed on a permanent foundation.

E. An installation permit must be issued with each new or pre-owned manufactured home to be installed in the state of New Mexico.

F. Upon a written request the division may issue a \$15.00 permit for any alteration, modification or repair of a manufactured home or any component part of a manufactured home except warranty work, which is performed under a previous permit and installation.

G. Any system or structural modification work done under the manufacturer II license must be permitted and inspected.

H. If a manufactured home installation is made without a permit, the homeowner, dealer or installer will be subject to a fine of a double permit fee.

I. The division may assess a re-inspection fee against any person found to be in violation of this regulation.

J. Upon a written request the division may issue a \$15.00 permit for an existing installation when the home is converting from LP Gas to natural gas or natural gas to LP gas.

K. Permit must be affixed to the window closest to the front exterior door in a weather resistant container. The container shall be affixed to the exterior of the window for access to all licensee's and division inspection.

L. The use of digital, electronic or hard copy photographs prior to pouring concrete in foundation related work may be permitted when the installer, to include individuals granted licensures in accordance with 14.12.2.14 NMAC adhere to the following.

(1) The images shall render site specific landmarks in which the inspector is able to identify said work with relation to subject site. These land marks may be mountains, hills, surrounding parcel improvements or other subjects that link the subject site to the landmark.

(2) The images render specific placement of required rebar, thickness and size of forms and placement of anchors within concrete. The installer or contractor shall make every effort to display the subject site in the best possible manner.

(3) The installer or contractor may not proceed or conduct said concrete associated work without the prior approval of the division inspector.

[14.12.9.14 NMAC - Rp, 14.12.2.41 NMAC, 12-01-10]

PART 10: FEES

14.12.10.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.10.1 NMAC - Rp, 14.12.2.1 NMAC, 12/01/2010]

14.12.10.2 SCOPE:

These rules and regulations apply to all manufacturers, dealers, brokers, salesman, installers, repairman, contractors, and purchasers of manufactured homes in the state of New Mexico.

[14.12.10.2 NMAC - Rp, 14.12.2.2 NMAC, 12/01/2010]

14.12.10.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.

[14.12.10.3 NMAC - Rp, 14.12.2.3 NMAC, 12/01/2010]

14.12.10.4 DURATION:

Permanent.

[14.12.10.4 NMAC - Rp, 14.12.2.4 NMAC, 12/01/2010]

14.12.10.5 EFFECTIVE DATE:

December 1, 2010 unless a later date is cited at the end of a section.

[14.12.10.5 NMAC - Rp, 14.12.2.5 NMAC, 12/01/2010]

14.12.10.6 OBJECTIVE:

The objective of 14.12.10 NMAC is to set forth fees for the manufactured housing division.

[14.12.10.6 NMAC - Rp, 14.12.2.6 NMAC, 12/01/2010]

14.12.10.7 DEFINITIONS:

[RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.10.8 FEES:

A. Fees shall not be refunded, except that upon written request, the director shall have the discretion to refund any fees.

B. Examination fee is fifty dollars (\$50).

C. Annual license fees.

(1) A military service member or veteran as defined in these rules shall not be charged a licensing fee for the first three years a license issued under these rules is valid.

(2) Manufacturer I: five hundred dollars (\$500).

(3) Manufacturer II-re-furbisher: four hundred dollars (\$400).

(4) Dealer: two hundred dollars (\$200).

(5) Installer and repairman: two hundred dollars (\$200).

(6) Salesperson: fifty dollars (\$50).

(7) Broker: two hundred dollars (\$200).

(8) Associate broker: fifty dollars (\$50).

D. Re-inspection fee(s): sixty five dollars (\$65).

E. Inspection Permits: sixty five dollars (\$65). The permit will be for the installation, permanent foundation and utility connections.

F. Transfer of salesperson's license: twenty-five dollars (\$25).

G. Re-issuance of qualifying party certificate from one business to another: twenty-five dollars (\$25).

H. Manufacturer II-re-furbisher inspection permit: one hundred and twenty dollars (\$120).

I. Contractors and journeyman licensed by the construction industries division performing work on manufactured homes shall be registered with the manufactured housing division (MHD) and pay an annual registration fee of one hundred dollars (\$100) per licensee and post with MHD an installer's or repairman's consumer protection bond, pursuant to 14.12.4.13 NMAC.

J. Addition of a qualifying party to an existing license: twenty-five dollars (\$25).

K. Bad or returned checks:

(1) An additional charge of twenty (\$20) shall be made for any check, which fails to clear or is returned for any reason.

(2) Such returned checks shall cause any license issued, renewed or test scheduled as the result of such payment to be immediately suspended until proper payment in full is received.

L. Consumer complaint inspections: sixty five dollars (\$65) for each inspection. Inspections shall be paid by the installer/repairman, dealer, manufacturer or broker, as appropriate.

M. Pre-owned label: forty dollars (\$40).

N. Change of a licensee's name, address or license status: twenty-five dollars (\$25).

O. Inspection fee for removal of a "Prohibited Sales Notice" by the division: sixty dollars (\$60).

P. Requested inspection: sixty five dollars (\$65).

Q. Manufacturer's supervision or compliance monitoring, pursuant to an amount approved by HUD.

R. Alteration, modification, or repair fee: fifteen dollars (\$15).

S. Conversion fee: fifteen dollars (\$15).

[14.12.10.8 NMAC - Rp, 14.12.2.25 NMAC, 12/01/2010; A, 11/15/2017; A, 4/22/2022]

PART 11: DISCIPLINE

14.12.11.1 ISSUING AGENCY:

The Manufactured Housing Division of the Regulation and Licensing Department.

[14.12.11.1 NMAC - Rp, 14.12.2.1 NMAC, 12-01-10]

14.12.11.2 SCOPE:

These rules and regulations apply to all licensed manufacturers, dealers, brokers, salesman, installers, repairman, and contractors, and unlicensed manufacturers, dealers, brokers, salesman, installers, repairman, and contractors required by the Manufactured Housing Act to be licensed by the manufactured housing division.

[14.12.11.2 NMAC - Rp, 14.12.2.2 NMAC, 12-01-10]

14.12.11.3 STATUTORY AUTHORITY:

These rules are promulgated pursuant to the Manufactured Housing Act, Sections 60-14-1 through 60-14-20 NMSA 1978.

[14.12.11.3 NMAC - Rp, 14.12.2.3 NMAC, 12-01-10]

14.12.11.4 DURATION:

Permanent.

[14.12.11.4 NMAC - Rp, 14.12.2.4 NMAC, 12-01-10]

14.12.11.5 EFFECTIVE DATE:

12-01-10 unless a later date is cited at the end of a section.

[14.12.11.5 NMAC - Rp, 14.12.2.5 NMAC, 12-01-10]

14.12.11.6 OBJECTIVE:

The objective of 14.12.11 NMAC is to set forth the disciplinary process for licensees under the Manufactured Housing Act and division rules.

[14.12.11.6 NMAC - Rp, 14.12.2.6 NMAC, 12-01-10]

14.12.11.7 DEFINITIONS:

[RESERVED]

[Refer to 14.12.1.7 NMAC]

14.12.11.8 COMPLAINTS AND HEARINGS:

A. A person claiming to be injured by an alleged violation of the Act or these regulations or by reason of any other cause set forth in Section 60-14-6, NMSA 1978, may file with the division a written complaint which shall state the name and address of the licensee against whom the complaint is made and shall include a concise statement of the alleged violation. If it is determined by the division that the complaint is insufficient or defective, the complainant shall be promptly notified and permitted to amend the complaint.

B. Upon receipt of a written complaint, the division shall investigate by telephone or by personal contacts within 30 days of receipt of the complaint the alleged violation to determine whether cause exists to investigate further. If such cause exists, an on-site inspection will be made within 30 days of such determination. The consumer shall make himself available during reasonable business hours within the prescribed 30 days.

(1) The division shall contact the licensee by mail and request correction of the violations within 40 day's of receipt of the complaint. The letter may also request investigation according to Subpart I of the Federal Manufactured Home Construction and Safety Standards, Federal Procedural and Enforcement Regulations, which require investigation of class or re-occurrences of non-conformances to the federal standards.

(2) Following this initial 40 day period, if it is determined that there is no cause for the complaint, the complaint shall be dismissed. The division shall also place all information in their consumer complaint files for five years after closing of the case. This information shall include:

- (a) the determination;
- (b) who made the determination; and
- (c) how the determination was made.

(3) If the committee determines that there is cause for the complaint, the division shall attempt to achieve a satisfactory resolution of the complaint through

correspondence or informal conference. All resolutions are pending final approval of the committee.

(4) If the committee determines that the items requested to be corrected by the complainant are the responsibility of the manufacturer, and that these items are required to be corrected under the federal regulations, the manufacturer will be requested to submit a notification and correction plan to the director of the manufactured housing division within 20 days of receipt of the letter and as required under Subpart I of the federal regulations. If, within 20 days and there does not seem to be a reoccurrence of the same deficiencies, no formal plan needs to be submitted if the division has granted waiver to the plan. If a plan is submitted to the division, the division shall approve or modify the plan and send it back to the manufacturer for remedial action. The plan shall include, but not be limited to, a list of manufactured homes affected, method of correction, content of notification notice to consumer and the requirements as detailed under Subpart I of the federal regulations. The manufacturer shall have 60 days to notify and correct and an additional 30 days to submit closeout reports of all action taken by the manufacturer in the case.

C. The discovery by the committee or the division that an applicant for a license or permit or renewal of a license or permit under these rules has a disqualifying criminal conviction as defined herein and has failed to disclose this fact on the application, or failed to inform the division within 10 days of conviction shall be grounds for discipline under this rule.

D. If the complaint is not completely resolved by the foregoing method, the committee may proceed with formal disciplinary action in accordance with the Uniform Licensing Act, Sections 61-1-1, et seq., N.M.S.A. 1978, as amended, and the division may conduct further inspections or investigations.

E. The division will charge a re-inspection fee each time a re-inspection is performed on a home that is involved in a consumer complaint. Those consumer complaints that the division investigates that are dismissed by the committee, no fee will be charged. The fee shall be charged to the dealer, manufacturer, installer/repairman, or broker as appropriate.

[14.12.11.8 NMAC - Rp, 14.12.2.42 NMAC, 12/01/2010; A, 4/22/2022]

14.12.11.9 SUSPENSION AND REVOCATION:

A. Hearings on suspensions or revocations of licenses on grounds enumerated in the Act and these regulations shall be conducted in accordance with the Uniform Licensing Act. (Section 61-1-1 et seq., NMSA 1978, as amended.).

B. Following a committee action to suspend or revoke a licensee's license, all homes must be tagged with a "Prohibited Sales Notice." The inspection fee for the

removal of a "Prohibited Sales Notice" by the division shall be sixty dollars (\$60.00), except when waived by the director of the division.

C. Any person that has had their license suspended or revoked or bond attached that acted as the qualifying party cannot be re-licensed until all outstanding complaints are final and closed. They must also post a consumer protection bond with the division in the amount of \$100,000.00. They cannot be an employee of any licensee of the manufactured housing division until all complaints are final and closed.

[14.12.11.9 NMAC - Rp, 14.12.2.43 NMAC, 12-01-10]

14.12.11.10 UNLICENSED ACTIVITY:

When a person or business entity conducts business in any area requiring licensure, he/she must cease all activities until he/she is licensed and complies with all provisions of the act and these regulations. Failure to cease all activity by a person or business entity will subject such person or business entity to all penalties pursuant to the act and these regulations.

[14.12.11.10 NMAC - Rp, 14.12.2.64 NMAC, 12-01-10]

14.12.11.11 LICENSES VOIDED OR CANCELED BY OPERATION OF LAW:

A. When a license has been suspended, canceled, has not been renewed during the 30 day grace period, or is otherwise voided by operation of law, the licensee cannot work until he/she receives a new license, or until his/her license is properly reinstated as active, pursuant to the requirements of the act and these regulations.

B. Any licensee working while his/her license has been suspended, canceled, has not been renewed during the 30 day grace period, or otherwise voided by operation of law shall be guilty of unlicensed activity. Such, a licensee must resolve any and all unlicensed activity charges pursuant to the requirements of the act and these regulations before obtaining a new license, or renewing, or otherwise reactivating his/her license or certificate of competence.

[14.12.11.11 NMAC - Rp, 14.12.2.65 NMAC, 12-01-10]

CHAPTER 13: CONSTRUCTION LOANS [RESERVED]

CHAPTER 14: PUBLIC WORKS CONSTRUCTION PROJECTS [RESERVED]