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HOUSE BILL 168

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rick Little

FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE

AN ACT

RELATING TO LOCAL GOVERNMENT; AMENDING SECTION 3-17-6 NMSA 1978  
(BEING LAWS 1965, CHAPTER 300, SECTION 14-16-5, AS AMENDED) TO  
PROVIDE FOR POWERS AND DUTIES OF MUNICIPAL CHIEF BUILDING  
OFFICIALS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978 TO  
CHANGE THE CONSTRUCTION INDUSTRIES COMMISSION AUTHORITY OVER  
MUNICIPAL INSPECTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 3-17-6 NMSA 1978 (being Laws 1965,  
Chapter 300, Section 14-16-5, as amended) is amended to read:

"3-17-6. CODES ADOPTED AND ENFORCED BY REFERENCE--  
AVAILABILITY.--

A. A municipality may adopt by ordinance the  
conditions, provisions, limitations and terms of:

(1) an administrative code;

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- 1 (2) an air pollution code;
- 2 (3) a building code that includes provisions
- 3 for plan review, permitting and inspections for general,
- 4 electrical, mechanical and plumbing construction;
- 5 (4) an elevator code;
- 6 (5) a fire prevention code;
- 7 (6) a health code;
- 8 (7) a housing code;
- 9 (8) a traffic code; or
- 10 (9) any other code not in conflict with the
- 11 laws of New Mexico or valid regulations issued by any board or
- 12 agency of New Mexico authorized to issue regulations.

13 Any code so adopted shall provide for minimum requirements

14 at least equal to the state requirements on the same subject.

15 B. An ordinance adopting any such code need only

16 refer to the proper title and date of the code, without setting

17 forth the code's conditions, provisions, limitations and terms,

18 and may include any exception or deletion to the code by

19 setting forth the exception or deletion to the code. The

20 ordinance shall further specify at least one place within the

21 municipality where the code, so adopted, is available for

22 inspection during the normal and regular business hours of the

23 municipal clerk. A copy of the code shall be available upon

24 request and payment of a reasonable charge.

25 C. Any amendment to such a code may be adopted in

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1 the same manner as other ordinances are adopted.

2 D. If a municipality adopts a building code that  
3 includes provisions for plan review, permitting and inspections  
4 for general, electrical, mechanical and plumbing construction  
5 compliance services, a chief building official shall be  
6 designated by the governing body. The chief building official  
7 shall supervise and be responsible for building code compliance  
8 functions of the municipality, including compliance with  
9 standards for all public and private buildings within the  
10 municipality's jurisdiction or within other jurisdictions with  
11 which the municipality has a current agreement to provide  
12 compliance enforcement.

13 E. The chief building official shall utilize for  
14 code compliance only persons holding a current, valid  
15 certification in one or more of the construction disciplines  
16 from an appropriate national code compliance certifying  
17 organization. The person shall be authorized to provide  
18 construction compliance services in all trades for which that  
19 person is certified by an appropriate national code compliance  
20 certifying organization."

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

23 "60-13-41. INSPECTORS--DESIGNATED INSPECTION AGENCIES.--

24 A. State inspectors shall be employed by the  
25 director.

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1           B. Qualifications and job descriptions for  
2 inspectors for the state [~~municipalities and all other~~  
3 ~~political subdivisions~~] shall be prescribed by the commission.

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

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

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

24           **SECTION 3.** Section 60-13-42 NMSA 1978 (being Laws 1967,  
25 Chapter 199, Section 50, as amended) is amended to read:

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1 "60-13-42. AUTHORITY OF INSPECTORS--LIMITATION.--

2 A. A state certified inspector may, during  
3 reasonable hours, enter any building or go upon any premises in  
4 the discharge of [~~his~~] the inspector's official duties for the  
5 purpose of making an inspection of work performed or for the  
6 purpose of testing any installation authorized within the  
7 jurisdiction of [~~his~~] the inspector's trade certification.  
8 [~~He~~] The inspector may cut or disconnect, or have cut or  
9 disconnected in cases of emergency, [~~any~~] an installation or  
10 device when necessary for safety to life or property or where  
11 the installation may interfere with the work of a fire  
12 department.

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

19 C. The inspector may order the correction of any  
20 defects or any incorrect installation [~~which~~] that prompted the  
21 disconnection and discontinuance of service.

22 D. In all cases where disconnection is made, a  
23 notice shall be attached by the inspector to the installation,  
24 device, appliance or equipment disconnected, which notice shall  
25 state that the same has been disconnected by or on order of the

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1 inspector and the reason for the disconnection. It is unlawful  
2 for ~~[any]~~ a person to remove the notice or to use the  
3 installation, device, appliance or equipment without  
4 authorization of an inspector.

5 ~~[E. The powers granted by this section to any~~  
6 ~~municipal inspector may be exercised by him only in the~~  
7 ~~localities where he is authorized to make inspection.~~

8 ~~F.]~~ E. The division shall by regulation adopt  
9 official inspection stickers or medallions for the purpose of  
10 identifying those modular homes and premanufactured homes  
11 ~~[which]~~ that have been inspected and found to comply with all  
12 requirements of the state codes and standards. State  
13 inspection and acceptance for use of modular homes and  
14 premanufactured homes shall exclusively apply to the use and  
15 occupancy of such dwellings in the state and in any of its  
16 political subdivisions, subject to the requirements of local  
17 planning and zoning ordinances and ordinances requiring permits  
18 and inspections for foundations, electrical and mechanical  
19 hookups or other safety or sanitary requirements."

20 **SECTION 4. REPEAL.**--Section 60-13-43 NMSA 1978 (being  
21 Laws 1967, Chapter 199, Section 51, as amended) is repealed.