

1 SENATE BILL 217

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO LICENSING; AMENDING DUTIES OF THE CONSTRUCTION
12 INDUSTRIES DIVISION OF THE REGULATION AND LICENSING DEPARTMENT;
13 SPECIFYING MINIMUM BUILDING CODE REQUIREMENTS.

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

16 SECTION 1. Section 60-13-9 NMSA 1978 (being Laws 1978,
17 Chapter 73, Section 1, as amended by Laws 2013, Chapter 142,
18 Section 2 and by Laws 2013, Chapter 153, Section 2) is amended
19 to read:

20 "60-13-9. DIVISION--DUTIES.--The division shall:

21 A. approve and adopt examinations on codes and
22 standards, business knowledge, division rules and regulations
23 and on the Construction Industries Licensing Act recommended by
24 the commission for all classifications of contractor's
25 licenses;

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1 B. issue, under the director's signature,
2 contractor's licenses and certificates of qualification in
3 accordance with the provisions of the Construction Industries
4 Licensing Act;

5 C. submit a list of all contractor's licenses,
6 statewide inspector's certificates and certificates of
7 qualification issued by the division to the commission for
8 review and approval;

9 D. resolve jurisdictional conflicts by assigning
10 specific responsibility to the appropriate bureau for preparing
11 examinations and for certifying and inspecting each occupation,
12 trade or activity covered by the Construction Industries
13 Licensing Act;

14 E. establish and collect fees authorized to be
15 collected by the division pursuant to the Construction
16 Industries Licensing Act;

17 F. adopt all building codes and minimum standards
18 as recommended by the trade bureaus and approved by the
19 commission so that the public welfare is protected, uniformity
20 is promoted and conflicting provisions are avoided; provided
21 that except as provided in the second sentence of Subsection E
22 of Section 60-13-6 NMSA 1978, within twelve months of the
23 promulgation by the international code council of a revision of
24 the International Building Code, all building codes shall meet
25 the minimum standards set forth in that most recent revision;

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underscoring material = new
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1 G. with approval of the superintendent of
2 regulation and licensing, employ such personnel as the division
3 deems necessary for the exclusive purpose of investigating
4 violations of the Construction Industries Licensing Act,
5 enforcing Sections 60-13-12 and 60-13-38 NMSA 1978 and
6 instituting legal action in the name of the division to
7 accomplish the provisions of Section 60-13-52 NMSA 1978;

8 H. approve, disapprove or revise the recommended
9 budget of each trade bureau and submit the budgets of those
10 bureaus, along with its own budget, to the regulation and
11 licensing department;

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

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

23 K. adopt, subject to commission approval, rules and
24 regulations necessary to carry out the provisions of the
25 Construction Industries Licensing Act and the LPG and CNG Act;

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underscoring material = new
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1 L. maintain a complete record of all applications;
2 all licenses issued, renewed, canceled, revoked and suspended;
3 and all fines and penalties imposed by the division or
4 commission and may make that information available to certified
5 code jurisdictions;

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

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

20 SECTION 2. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2022.