

1 SENATE BILL 281

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Cliff R. Pirtle

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10 AN ACT

11 RELATING TO CONSTRUCTION INDUSTRIES; PROVIDING FOR INDEPENDENT
12 INSPECTORS; ESTABLISHING TIME FRAMES FOR INSPECTIONS; AMENDING
13 AND ENACTING SECTIONS OF THE CONSTRUCTION INDUSTRIES LICENSING
14 ACT.

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

17 SECTION 1. Section 60-13-2 NMSA 1978 (being Laws 1967,
18 Chapter 199, Section 2, as amended by Laws 2013, Chapter 142,
19 Section 1 and by Laws 2013, Chapter 153, Section 1) is amended
20 to read:

21 "60-13-2. GENERAL DEFINITIONS.--As used in the
22 Construction Industries Licensing Act:

23 A. "division" means the construction industries
24 division of the regulation and licensing department;

25 B. "trade bureau", "jurisdiction" and "trade bureau

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1 jurisdiction" mean the electrical bureau, the mechanical
2 bureau, the general construction bureau or the liquefied
3 petroleum gas bureau of the division;

4 C. "jurisdictional conflict" means a conflict
5 between or among trade bureaus as to the exercise of
6 jurisdiction over an occupation or trade for which a license is
7 required under the provisions of the Construction Industries
8 Licensing Act;

9 D. "person" includes an individual, firm,
10 partnership, corporation, association or other organization, or
11 any combination thereof;

12 E. "qualifying party" means an individual who
13 submits to the examination for a license to be issued under the
14 Construction Industries Licensing Act and who is responsible
15 for the licensee's compliance with the requirements of that act
16 and with the rules, regulations, codes and standards adopted
17 and promulgated in accordance with that act;

18 F. "certificate of qualification" means a
19 certificate issued by the division to a qualifying party;

20 G. "journeyman" means an individual who is properly
21 certified by the electrical bureau or the mechanical bureau, as
22 required by law, to engage in or work at the certified trade;

23 H. "apprentice" means an individual who is engaged,
24 as the individual's principal occupation, in learning and
25 assisting in a trade;

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1 I. "wages" means compensation paid to an individual
2 by an employer from which taxes are required to be withheld by
3 federal and state law;

4 J. "public use" means the use or occupancy of a
5 structure, facility or manufactured commercial unit to which
6 the general public, as distinguished from residents or
7 employees, has access;

8 K. "bid" means a written or oral offer to contract;

9 L. "building" means a structure built for use or
10 occupancy by persons or property, including manufactured
11 commercial units and modular homes or premanufactured homes
12 designed to be placed on permanent foundations whether mounted
13 on skids or permanent foundations or whether constructed on or
14 off the site of location;

15 M. "inspection agency" means a firm, partnership,
16 corporation, association or any combination thereof approved in
17 accordance with regulations as having the personnel and
18 equipment available to adequately inspect for the proper
19 construction of manufactured commercial units, modular homes or
20 premanufactured homes;

21 N. "director" means the administrative head of the
22 division;

23 O. "chief" means the administrative head of a trade
24 bureau;

25 P. "commission" means the construction industries

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1 commission;

2 Q. "manufactured commercial unit" means a movable
3 or portable housing structure over thirty-two feet in length or
4 over eight feet in width that is constructed to be towed on its
5 own chassis and designed so as to be installed without a
6 permanent foundation for use as an office or other commercial
7 purpose and that may include one or more components that can be
8 retracted for towing purposes and subsequently expanded for
9 additional capacity, or two or more units separately towable
10 but designed to be joined into one integral unit, as well as a
11 single unit, but that does not include any movable or portable
12 housing structure over twelve feet in width and forty feet in
13 length that is used for nonresidential purposes. "Manufactured
14 commercial unit" does not include modular or premanufactured
15 homes, built to a nationally recognized standard adopted by the
16 commission and designed to be permanently affixed to real
17 property;

18 R. "code" means a body or compilation of provisions
19 or standards adopted by the commission that govern contracting
20 or some aspect of contracting; that provide for safety and
21 protection of life and health; and that are published by a
22 nationally recognized standards association;

23 S. "inspector" means a person certified by the
24 division and certified by one or more trade bureaus to conduct
25 inspections of permitted work to ensure that all work performed

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1 by a contractor or the homeowner complies with the applicable
2 code;

3 T. "statewide inspector's certificate" means a
4 certificate that enables an inspector to conduct inspections in
5 one or more trade bureau jurisdictions for the state or any
6 county, municipality or other political subdivision that has a
7 certified building official in its employ; ~~and~~

8 U. "certified building official" means an employee
9 of any county, municipality or other political subdivision who
10 has a broad knowledge of the construction industry, holds a
11 current nationally recognized code organization certified
12 building official certificate and has:

13 (1) been a practicing inspector or practicing
14 contractor for at least five years; or

15 (2) held a management position in a
16 construction-related company or construction organization for
17 at least five of the past ten years; and

18 V. "independent inspector" means a licensed general
19 contractor who has been certified as an inspector by the
20 division and who is not an employee of the state or any county,
21 municipality or other political subdivision."

22 SECTION 2. A new section of the Construction Industries
23 Licensing Act is enacted to read:

24 "[NEW MATERIAL] INDEPENDENT INSPECTORS.--

25 A. The division shall, with the approval of the

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1 commission, establish a program for the licensing of
2 independent inspectors.

3 B. Qualifications for independent inspectors shall
4 be prescribed by the commission, and applicants shall submit to
5 an appropriate background check as prescribed by the
6 commission. Qualifications shall include the following:

7 (1) a current contractor's license enabling
8 the independent inspector to work as a contractor in the trade
9 for which an applicant seeks to become an independent
10 inspector;

11 (2) at least five years of continuous status
12 as a licensed contractor in the trade for which an applicant
13 seeks to become an independent inspector immediately prior to
14 applying for licensing as an independent inspector; and

15 (3) bonding in an amount established by the
16 commission.

17 C. The division shall certify and issue an
18 independent inspector's certificate to any person who meets the
19 requirements established by the division.

20 D. The division shall, with the approval of the
21 commission, establish qualifications for independent inspectors
22 certified to inspect in more than one bureau's jurisdiction.

23 E. Independent inspectors shall have the same
24 authority as state certified inspectors pursuant to Section
25 60-13-42 NMSA 1978."

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SECTION 3. A new section of the Construction Industries
Licensing Act is enacted to read:

"[NEW MATERIAL] TIME FRAME FOR INSPECTIONS.--If an
inspection is not conducted by a statewide inspector or an
independent inspector within seven days of a request for
inspection, the subject of the inspection request shall be
considered approved."