

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

14.6.5.1 ISSUING AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department (RLD).
[14.6.5.1 NMAC - Rp, 14.6.5.1 NMAC, 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 a year of journeyman or foreman level experience.

(e) Candidates for a mechanical, electrical or general construction inspector position may substitute a minimum of five years of work experience as a certified inspector from a recognized jurisdiction

for one year of the experience requirement, and at least two years of related trade experience or construction related technical, university or college training.

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

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

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

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

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

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

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

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

(b) a juvenile adjudication; or

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

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

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

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

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

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

C. Certification:

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

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

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

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

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

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

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

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

(6) Inspectors shall meet the minimum continuing education requirements as prescribed by the nationally recognized code organization for each trade bureau jurisdiction and provide proof of such credits to the division upon application for or renewal of certification. The division shall certify and issue a statewide inspectors certification to any person who meets the requirements established by CID and the nationally recognized code organization for certification. The certificate shall list all trade bureaus for which the inspector is certified to inspect and shall be valid for a term of three years.

D. General requirements:

(1) As required in the CILA Section 60-13-8 NMSA 1978, any person employed or placed under contract by the division or by any county or municipality for the purpose of carrying out the provisions of the CILA who holds any contractor's license or certificate of competence issued by the division, shall, as a condition of employment surrender the contractor's license or certificate of competence to the division to be held in inactive status. The division shall place the license or certificate on hold effective from the date the employment or contract begins until the date the employment or contract terminates.

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

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

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

E. Inspectors with multiple certifications inspecting in a second discipline: An inspector properly qualified and certified in a primary discipline may conduct inspections in a secondary discipline provided the following qualification requirements are met:

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

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

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

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

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

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

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

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

[14.6.5.8 NMAC - Rp, 14.6.5.8 NMAC, 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]

History of 14.6.5 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

CIC 70-2, General Construction Classifications, filed 11/25/1970;

CIC 72-4, General Construction Classifications, filed 02/16/1972;

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

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

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

CID 82-1, Construction Industries Rules And Regulations, filed 04/14/1982;

CID 85-1, Construction Industries Rules And Regulations, filed 02/04/1985;

CID 90-1, Construction Industries Rules And Regulations, filed 05/31/1990.

Other History:

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

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

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

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

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

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

History of Repealed Material:

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

14.6.5 NMAC – Inspectors, filed 12/1/2000 was repealed and replaced by 14.6.5 NMAC – Inspectors, effective 3/10/2022.