

This is an amendment to 19.15.40 NMAC, amending Sections 7 and 15, effective 1/13/2023.

19.15.40.7 DEFINITIONS:

- A.** "Accessible" means having access to; may require the removal of a panel, door or similar covering of the item described.
- B.** "Approved" means acceptable to the authority having jurisdiction.
- C.** "Authority having jurisdiction" means the New Mexico LP gas bureau.
- D.** "Bulk plant" means storage facilities for liquid LP gas awaiting transfer.
- E.** "Bureau" means the liquefied petroleum and compressed gas bureau of the division.
- F.** "Certified" means "listed" or "labeled".
- G.** "Certificate of competence" means a written certificate issued by the LP gas bureau to an LP gas installer based on evidence of competence.
- H.** "Clearance" means the distance between the appliance, chimney, vent chimney or vent connector, or plenum and the nearest surface.
- I.** "Code" means NFPA 52, NFPA 54, NFPA 57, NFPA 58 and NFPA 1192 and other codebooks adopted as amended by the commission.
- J.** "Commission" means the construction industries commission.
- K.** "Compressed natural gases" and "CNG" means mixtures of hydrocarbon gases and vapors consisting principally of methane in gaseous form, which has been compressed for vehicular fuel.
- L.** "Concealed LP gas piping" means all LP gas piping and fittings which, when in place in the finished building, would require removal of permanent construction to gain access to the piping.
- M.** "Connector, gas appliance" means a connector, used to convey fuel gas three feet or less in length (six feet or less for gas ranges), between a gas shut off valve and gas appliance in the same room.
- N.** "Consumer's LP gas system" means any arrangement of LP gas piping, extending from the point of delivery to and including all outlets, appliances and appurtenances, installed under the provisions of the code, which the consumer is responsible to maintain in a serviceable condition, exclusive of piping, tanks, regulators, valves, fittings, etc. owned by the gas company.
- O.** "Distributing plant" means a facility with the primary purpose of distribution of LP gas, which receives LP gas in tank car, truck transport or truck lots, and distributes such LP gas to end-users by delivery tank truck or through gas piping; such plants have bulk storage of 2,000 gallons water capacity or more, and usually have container-filling and truck-loading facilities on the premises.
- P.** "Distributing point" means a facility other than a distributing plant which normally receives gas by tank truck and which fills small containers or the engine fuel tank of motor vehicles on the premises. (An LP gas service station is one type of distributing point).
- Q.** "Disqualifying criminal conviction" has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978.
- ~~[Q]~~ **R.** "Division" means the construction industries division of the regulation and licensing department.
- ~~[R]~~ **S.** "Energy efficient water heater" means any LP gas automatic storage water heater that meets or exceeds ASHREA 90-75 standards for energy efficiency.
- ~~[S]~~ **T.** "Fuel gas piping system" means the arrangement of piping, tubing, fittings, connectors, valves and devices designed and intended to supply or control the flow of fuel gas to the appliances.
- ~~[T]~~ **U.** "Gas company" means any LP gas company or LP gas distributor.
- ~~[U]~~ **V.** "Gas supply connection" means the terminal end or connection to which a gas supply connector is attached.
- ~~[V]~~ **W.** "Gas supply connector" means tubing or piping connecting the mobile home to the gas supply source.
- ~~[W]~~ **X.** "Gas vents" means factory-built vent piping and vent fittings listed by an approved testing agency, that are assembled and used in accordance with the terms of their listings, for conveying flue gases to the outside atmosphere.
- ~~[X]~~ **Y.** "Heat producing appliance" means all heating and cooking appliances and all fuel burning appliances.
- ~~[Y]~~ **Z.** "Heating appliance" means an appliance for comfort heating or for water heating of a manufactured home.

~~[Z]~~ **AA.** "**House piping**" means the LP gas piping from the point where it enters the building or foundation, up to and including the outlets.

~~[AA]~~ **BB.** "**Input rating**" means the LP gas-burning capacity of an appliance in BTU's per hour as specified by the manufacturer.

~~[BB]~~ **CC.** "**Inspector**" means a person hired by the bureau to enforce under administrative direction the laws and safety rules and regulations of the LP gas industry and the enforcement of the codes used in CNG, LNG and LCNG in motor vehicles.

~~[CC]~~ **DD.** "**Labeled**" means equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction" and concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicate compliance with appropriate standards or performance in specified manner.

~~[DD]~~ **EE.** "**Liquefied natural gases**", "**liquefied compressed natural gases**", "**LNG**" and "**LCNG**" means a fluid in the liquid state composed predominantly of methane and that can contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas.

~~[EE]~~ **FF.** "**Liquefied petroleum gases**", "**LPG**" and "**LP gas**" means any material that is composed predominantly of any of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or ISO-butane) and butylenes.

~~[FF]~~ **GG.** "**Liquid transfer**" means the transfer of LP gas in a liquid form from an approved container into another approved container.

~~[GG]~~ **HH.** "**Liquid withdrawal**" means an approved LP gas container designed for the withdrawal of LP gas for utilization in an approved means.

~~[HH]~~ **I.** "**Listed**" means equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

~~[I]~~ **JJ.** "**LP gas installation**" means the installation of materials, fixtures, appliances or equipment that utilize LP gas, which is installed by a licensee of the LP gas bureau.

~~[JJ]~~ **KK.** "**Manufactured homes**" means a movable or portable housing structure over 32 feet in length or over eight feet in width constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy as a residence and which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or may be two or more units separately towable but designed to be joined into one integral unit, as well as a single unit. Manufactured homes do not include recreational vehicles or modular or pre-manufactured homes, built to building code standards, designed to be permanently affixed to real property.

~~[KK]~~ **LL.** "**Manufactured home site**" means a designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

~~[LL]~~ **MM.** "**Manufactured home park**" means a parcel (or contiguous parcels) of land which has been so designated and improved so that it contains two or more manufactured home sites available to the general public for the placement thereon of manufactured homes for occupancy.

~~[OO]~~ **NN.** "**Military service member**" has the same meaning as defined in Paragraph (3) of Subsection F of Section 61-1-34 NMSA 1978.

~~[MM]~~ **OO.** "**Outlet**" means a threaded connection or bolted flange in a pipe system to which an LP gas-burning appliance is or may be attached; such outlet must be located in the room or space where the appliance is or may be installed.

~~[NN]~~ **PP.** "**Point of delivery**" means the initial junction of the consumer's gas piping with the gas company's piping, at the outlet side of the first regulator, regardless of whether it is a single-stage regulator system or the first stage regulator of a two-stage regulator system.

~~[OO]~~ **QQ.** "**Product**" or "**products**" of liquefied petroleum gases, compressed natural gases or liquefied natural gas are considered to be liquefied petroleum gases or compressed natural gases or liquefied natural gases respectively.

~~[PP]~~ **RR.** "**Qualified instructor**" means an employee who has passed the required examination and performed for at least one year the work being taught.

~~[QQ]~~ **SS.** "**Readily accessible**" means having direct access without the necessity of removing any panel, door or similar obstruction.

~~[RR]~~ **TT.** "Regulator" means a device for controlling and maintaining a uniform pressure to the manifold of gas equipment.

~~[SS]~~ **UU.** "Riser" means that portion of the yardline, which protrudes through the grade level of the ground.

~~[FF]~~ **VV.** "Roof jack" that portion of venting system, including the cap, insulating means, flashing and ceiling plate, located in and above the roof.

~~[UU]~~ **WW.** "Sealed combustion/direct vent system appliance", "direct vent system appliance" means an appliance which by its inherent design is constructed so that all air supplied for combustion to the combustion system of the appliance, and all products of combustion are completely isolated from the atmosphere of the space in which it is installed, and all flue gases are discharged to the outside.

~~[YY]~~ **XX.** "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 LP & CNG Act.

~~[VV]~~ **YY.** "Yardline" means a buried line servicing utilities from the on-site utility terminal to the manufactured home.

[19.15.40.7 NMAC - Rp, 19.15.40.7 NMAC, 2/1/2006; A, 01/13/2023]

19.15.40.15 LICENSING AND LICENSE CLASSIFICATIONS, SCOPES AND FEES: License classifications are defined and annual license fees are set as follows.

A. LP-1 wholesale sale or delivery of LP gas \$125.00. A licensee under this classification is authorized to wholesale, transport and/or deliver LP gas in vehicular units into or out of any location except that of an ultimate consumer. This classification will allow delivery to the ultimate consumer whose facilities require a bulkhead.

B. LP-3S retail sale of LP gas \$65.00. A licensee under this classification is authorized to deliver, transfer and transport LP gas in a liquid state to the ultimate consumer, both intrastate and interstate. The company employing the LP-3S licensee must also hold an LP-5 license in order to hold a LP-3S license. A person holding this classification is authorized to perform all work as described in classifications LP-1 and LP-9; and may perform an out of gas leak test for an existing customer of his employer so long as the employer is responsible for delivery of the propane.

C. LP-4 limited installation, service and repair \$125.00. A licensee under this classification is authorized to install, service and repair appliances, equipment, and piping for use with LP gas in residences and commercial buildings except mobile homes (as defined by the Manufactured Housing Act) recreational vehicles and similar units. The scope of the work for the LP piping is from (point of delivery) to the final connection of the appliances. In order to qualify for this classification, a licensee must hold mechanical license classification MM2 or MM98.

D. LP-5 installation, service and repair \$125.00. A licensee under this classification is authorized to install or erect liquid transfer facilities; install or repair piping and equipment attached to cargo containers; and to install, service and repair appliances, equipment and piping for use with LP gas in residences and commercial buildings including mobile homes (as defined by the Manufactured Housing Act), recreational vehicles and similar units. The scope of the work for the LP gas appliances in this classification does not include the HVAC ductwork or hydronic piping systems connected to any appliance. Those specialties fall under the mechanical license classifications.

E. LP-6 installation, service and repair of mobile units only \$75.00. A licensee under this classification is authorized to install, service and repair LP gas appliances, equipment and piping in manufactured housing, travel trailers, recreational vehicles, campers and similar units.

F. LP-7 wholesale or manufacture of appliances, equipment or containers \$50.00. A licensee under this classification is authorized to wholesale or manufacture appliances, equipment or containers for use with LP gas.

G. LP-8 installation, service and repair of cylinder exchange cabinets \$35.00. A licensee under this classification is authorized to install, service and repair LP gas cylinder exchange cabinets and to deliver portable containers (maximum water capacity 239#).

H. LP-9 station for dispensing LP gas \$35.00. A licensee under this classification is authorized to dispense LP gas into fuel containers on vehicles or to fill and/or deliver portable containers (maximum water capacity 239#).

I. LP-10 LP gas carburetion sales, service and installation, including repair \$35.00. A licensee under this classification is authorized for LP gas carburetion sale, service and installation, including repair.

J. CNG-1 CNG carburetion sale, service and installation \$35.00. A licensee under this classification is authorized for CNG gas carburetion sale, service and installation, including repair.

K. LNG-1 LNG carburetion sale, service and installation \$35.00.

L. Qualifying party identification card \$15.00.

M. Annual renewal fee per qualifying party identification card \$10.00.

N. Licensing examination fee \$25.00.

O. Licensing re-examination fee \$25.00.

P. The total license fee charged any one licensee for a combination of LP gas activities at any one operating location is set at: \$300.00.

Q. Expedited certification for military service members

(1) The applicant shall submit a completed division approved application.

(2) In lieu of passing the examination for each classification, the applicant shall provide documentation satisfactory to the division demonstrating that the:

(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 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 the 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, including renewals, issued pursuant to this rule.

(5) A license issued pursuant to this section shall be valid for a one-year period subject to renewal requirements.

(6) Renewal of licenses or certifications issued pursuant to this section require that the licensee satisfy the requirements of 19.15.40.15 NMAC.

R. Potential denial of application, 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 deny an application for license or certificate, 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) Disqualifying criminal felonies and procedures for denying an application for license or certificate or revocation or suspension of a license or certificate are defined under Subsection C of 14.5.8.8 NMAC. [19.15.40.15 NMAC - Rp, 19.15.40.15 NMAC, 2/1/2006; A, 04/01/2013; A, 01/01/2015; A, 7/1/2018; A, 01/13/2023]