

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the State Fire Marshal (“Fire Marshal”), pursuant to the New Mexico Insurance Code, Paragraph (2) of Subsection C of Section 59A-52-1.1 NMSA 1978, proposes to amend Rule 10. 25.2 NMAC, Certificates of Fitness.

PURPOSE OF THE PROPOSED NEW RULE IS: To amend 10. 25.2 NMAC to reflect inspection and testing requirements by adding (1) fire and smoke dampers to the enumerated bases for a certificate of fitness, and (2) application requirements for certification to inspect and test such dampers.

STATUTORY AUTHORITY: Section 59A-52-15 NMSA 1978.

Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the State Fire Marshal’s Office website (www.nmdhsem.org/state-firemarshal) or the New Mexico Sunshine Portal.

The State Fire Marshal’s Office will hold a public video/telephonic hearing on the proposed rule on June 15, 2023, at 9:00 a.m.

Join via Video: https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2Q2YjY2MDctZjJjZi00ZWV2MDctZjU0ZTg5NTQ3OGZm%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%2277e4a8c0-c053-42c5-94ea-9f1a7d06d123%22%7d

Meeting ID: 249 964 854 127

Passcode: evpy7t

Join via telephone: 1-505-312-4308

Passcode: 925 440 164#

The Fire Marshal designates Bureau Chief Aaron Garcia to act as the hearing officer for this rulemaking. Oral comments will be accepted at the video/telephonic hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on June 15, 2023. Responses to written comments or oral comments will be accepted through 12:00 pm on June 15, 2023. Comments may be submitted via email to AaronM.Garcia@dhsem.nm.gov or may be filed by sending original copies to:

New Mexico Fire Marshal’s Office, New Mexico Department of Homeland Security
13 Bataan Blvd., PO Box 27111, Santa Fe, NM. 87502

Only signed statements, proposals, or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, the Fire Marshal reserves the right to require that original signatures be provided to verify the electronic signature. All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. Any filings after 4:00 will be filed to the docket the next business day.

SPECIAL NEEDS: Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Danielle Gonzales at 505-476-0874 ten (10) business days prior to the hearing.

The Fire Marshal will review and consider all timely submitted written and oral comments and responses.

ISSUED this 21st day of April

/s/ Fire Marshal Randy Varela