

**TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT**  
**CHAPTER 25 STATE FIRE MARSHAL**  
**PART 12 INSPECTION OF FIRE AND SMOKE DAMPERS**

**10.25.12.1 ISSUING AGENCY:** New Mexico Department of Homeland Security & Emergency Management  
[10.25.12.1 NMAC - N, 2/8/2022]

**10.25.12.2 SCOPE:** This rule requires the inspection and testing of mechanical fire and smoke dampers and smoke control systems in places of assembly, educational occupancies, institutional occupancies, residential occupancies consisting of four or more family units, mercantile occupancies, industrial occupancies, storage occupancies, and miscellaneous structures consisting of towers, underground structures and windowless buildings and all buildings owned or occupied by the state or any political subdivision thereof or by municipal governments. It also sets the minimum qualifications for the inspection and testing of fire and smoke dampers and some control systems.  
[10.25.12.2 NMAC - N, 2/8/2022]

**10.25.12.3 STATUTORY AUTHORITY:** Section 59A-52-15.1 NMSA 1978.  
[10.25.12.3 NMAC - N, 2/8/2022]

**10.25.12.4 DURATION:** Permanent.  
[10.25.12.4 NMAC - N, 2/8/2022]

**10.25.12.5 EFFECTIVE DATE:** Unless a later date is otherwise provided by law or in the rule, the effective date of this rule shall be the date of publication in the New Mexico register.  
[10.25.12.5 NMAC - N, 2/8/2022]

**10.25.12.6 OBJECTIVE:** The purpose of this rule is to protect the safety and welfare of New Mexicans by providing inspection and testing in accordance with national fire protection association standards.  
[10.25.12.6 NMAC - N, 2/8/2022]

**10.25.12.7 DEFINITIONS: [RESERVED]**  
[10.25.12.7 NMAC - N, 2/8/2022]

**10.25.12.8 CERTIFICATE OF FITNESS FOR INSPECTORS AND TESTERS:**

**A.** The state fire marshal or its designee shall issue a certificate of fitness for the inspection and testing of fire and smoke dampers to persons fulfilling all requirements. pursuant to 10.25.2.8 and 10.25.2.9 NMAC.

**B.** For inspectors and testers other than the state or a political subdivision of the state with a fire and life safety enforcement program, the certificate of fitness application shall include verification of the applicant's fire life safety certification from an American national standards institute's accredited program in addition to all other requirements listed herein.

**C.** for certification to inspect and test fire and smoke dampers, an application shall include:

(1) for mechanically actuated fire and smoke dampers, applicants shall provide documentation of a valid NFPA-Certified Fire Protection Specialist certification or of an approved fire and life safety certification from a program accredited by the American National Standards Institute (ANSI).

(2) for electrically actuated fire and smoke dampers monitored by a fire alarm system, applicants shall comply with requirements of Paragraph (5) of Subsection A of 10.25.2.9 NMAC.

(3) for fire and smoke dampers with both mechanical and electrical components, the applicant inspecting the mechanical components shall provide documentation pursuant to (1) of this section and the applicant inspecting the electrical components shall provide documentation pursuant to (2) of this section.

[10.25.12.8 NMAC - N, 2/8/2022]

**10.25.12.9 REQUIRED INSPECTION AND TESTING OF FIRE AND SMOKE DAMPERS:**

**A. Inspections.** The inspection and testing of fire and smoke dampers and smoke control systems shall be required in accordance with national fire protection association standards in places of assembly, educational occupancies, institutional occupancies, residential occupancies consisting of four or more family units, mercantile

occupancies, industrial occupancies, storage occupancies, and miscellaneous structures consisting of towers, underground structures and windowless buildings and all buildings owned or occupied by the state or any political subdivision thereof or by municipal governments.

**B. Findings.** The person conducting the inspection or test shall submit findings of noncompliance to the owners of the public occupancy and to the state fire marshal.

**C. Inspector Qualifications.** The inspection and testing of fire and smoke dampers and smoke control systems shall be conducted by qualified individuals pursuant to 10.25.12.8 NMAC.  
[10.25.12.9 NMAC - N, 2/8/2022]

**HISTORY OF 10.25.12 NMAC: [RESERVED]**