

**TITLE 4            CULTURAL RESOURCES**  
**CHAPTER 3        STATE FAIR**  
**PART 10           PARTICIPANT REQUIREMENTS - CONCESSIONS AND COMMERCIAL EXHIBITS**

**4.3.10.1            ISSUING AGENCY:** New Mexico State Fair Commission.

**4.3.10.2            SCOPE:** Concessionaires and commercial exhibitors at the New Mexico state fair.  
[4.3.10.2 NMAC - Rp, 4 NMAC 3.10.2, 11/30/2004]

**4.3.10.3            STATUTORY AUTHORITY:** Subsection B of 16.6.4. NMSA 1978.  
[4.3.10.3 NMAC - Rp, 4 NMAC 3.10.3, 11/30/2004]

**4.3.10.4            DURATION:** Permanent.  
[4.3.10.4 NMAC - Rp, 4 NMAC 3.10.4, 11/30/2004]

**4.3.10.5            EFFECTIVE DATE:** November 30, 2004, unless a later date is cited at the end of a section.  
[4.3.10.5 NMAC - Rp, 4 NMAC 3.10.5, 11/30/2004]

**4.3.10.6            OBJECTIVE:** The objective is to establish and provide guidelines for concessionaires and commercial exhibitors at the New Mexico state fair.  
[4.3.10.6 NMAC - Rp, 4 NMAC 3.10.6, 11/30/2004]

**4.3.10.7            DEFINITIONS:**

A. "Commission" means the regulating body of the New Mexico state fair that shall prepare, adopt, publish, and enforce all necessary rules for the management of the New Mexico state fair.

B. "Concessionaire" means a person who sells products or services on location, accepts orders, or sets up future business opportunities for potential monetary gain.

C. "*Concessions and exhibits guidelines and procedures manual*" means the annual publication of the New Mexico state fair which contains policies that govern concessions and certain exhibits at the New Mexico state fair. This publication is subject to change annually and the effective manual is the most recently published one.

D. "Exhibitor" means one who displays for informational purposes and who has no intent to sell products or services.

E. "General manager" means the general manager of the New Mexico state fair, or his/ her designee.  
[4.3.10.7 NMAC - Rp, 4 NMAC 3.10.7, 11/30/2004]

**4.3.10.8            GENERAL INFORMATION:**

A. The commission delegates to the general manager of the New Mexico state fair, particularly the concessions department, the authority to publish an annual *concessions and exhibits guidelines and procedures manual*.

B. All concessions and exhibits must comply with terms as set forth in the *concessions and exhibits guidelines and procedures manual*. The general manager shall have the authority to make exceptions to the manual and other standards concerning concessions at the New Mexico state fair.

C. Security: Patrol services are provided throughout the fairgrounds. Exhibitors and concessionaires are responsible for the protection of their property. Those requiring security escort service must request services by applying to the concessions department. Security service fees shall be paid upon receipt of an invoice or billing from the New Mexico state fair.

[4.3.10.8 NMAC - Rp, 4 NMAC 3.10.8, 11/30/2004]

**4.3.10.9            HOURS OF OPERATION:** The commission delegates to the general manager the authority to set the dates and hours of operation of the New Mexico state fair including, but not limited to, canceling and rescheduling. The general manager and the commission shall not be liable for any losses due to change in hours or dates.

[4.3.10.9 NMAC - Rp, 4 NMAC 3.10.9, 11/30/2004]

**4.3.10.10           BUILDING AND BOOTH STANDARDS:** The commission delegates to the general manager and concessions department the authority to set standards for buildings and booths at the New Mexico state fair.

Application of these standards include, but are not limited to, the following: alterations, additions and improvements, portable structures, tents, trailers and storage.  
[4.3.10.10 NMAC - Rp, 4 NMAC 3.10.10, 11/30/2004]

**4.3.10.11 FIRE AND SAFETY STANDARDS:** The commission delegates to the general manager the authority to set fire and safety standards in addition to those standards required by New Mexico state law. Application of these standards include, but are not limited to, the following: restrictions on the use of open-flame devices, use of fuel tanks, use of liquefied petroleum gas, filling of containers, use of fire-restrictive material, use of fire extinguishers and use of electrical accessories.  
[4.3.10.11 NMAC - Rp, 4 NMAC 3.10.11, 11/30/2004]

**4.3.10.12 INSPECTIONS AND PERMITS:** The commission delegates to the general manager and the concessions department the authority to set regulations concerning the inspection of concessions and exhibit booths, as well as regulations pertaining to permits that are required by New Mexico state law. Inspections by state inspectors, law enforcement officials, fair management and concessions department employees may be conducted during reasonable hours during *any* phase of the fair, including set-up. All permits or licenses required under the Uniform Building, Electrical or Mechanical codes shall be obtained by the exhibitor at his or her sole expense. Any booth operation or business that fails to comply with safety or fire code requirements shall be subject to immediate closure without refund.  
[4.3.10.12 NMAC - Rp, 4 NMAC 3.10.12, 11/30/2004]

**4.3.10.13 CREDENTIALS:** The commission delegates to the general manager the authority to set regulations concerning the use, requirements and sale of credentials.  
[4.3.10.13 NMAC - Rp, 4 NMAC 3.10.15, 11/30/2004]

**4.3.10.14 ADVERTISING:** The commission delegates to the general manager the authority to set regulations concerning advertising by exhibitors and concessionaires.  
[4.3.10.14 NMAC - Rp, 4 NMAC 3.10.17, 11/30/2004]

**4.3.10.15 DRAWINGS AND PRIZES:** The commission delegates to the general manager the authority to set regulations concerning drawings and prizes held or given away by an exhibitor or concessionaire. These regulations include, but are not limited to, the following: give-away offers, free registrations and prohibition of raffles.  
[4.3.10.15 NMAC - Rp, 4 NMAC 3.10.21, 11/30/2004]

**4.3.10.16 INSURANCE COVERAGE:** The New Mexico state fair and the state of New Mexico assume no liability for personal injury or loss or damage to any property of the concessionaire or exhibitor or their patrons due to fire, theft, tornado, weather conditions, *force majeure*, negligent or intentional acts of a third party or other incident. It is *required* that each concessionaire and exhibitor retain comprehensive general liability insurance in up to the amount of one million dollars, in addition to naming the New Mexico state fair as additionally insured.  
[4.3.10.16 NMAC - Rp, 4 NMAC 3.10.25, 11/30/2004]

**4.3.10.17 REPORTING PROCEDURES:** The commission delegates to the general manager the authority to set regulations concerning the financial reporting by food vendors and exhibitors to the New Mexico state fair.  
[4.3.10.17 NMAC - Rp, 4 NMAC 3.10.29, 11/30/2004]

**4.3.10.18 VIOLATIONS:** The commission delegates to the general manager the authority to issue notice of violation for infractions of policies set forth in the *concessions and exhibits guidelines and procedures manual*, as well as rules set forth in 4.3.10 NMAC. The concessionaire or exhibitor shall correct any problems found and shall ensure future compliance. Non-compliance may result in the following: a fine; non-participation in the event; or future non-participation at the New Mexico state fair.  
[4.3.10.18 NMAC - Rp, 4 NMAC 3.10.33, 11/30/2004]

**4.3.10.19 DAMAGES:** If a concessionaire or exhibitor is asked to prematurely leave the New Mexico state fair premises, he/she will be entitled to a pro rata refund for the balance of the contract.  
[4.3.10.19 NMAC - Rp, 4 NMAC 3.10.22, 11/30/2004]

**4.3.10.20 REGULATORY AGENCIES:** Representatives of appropriate New Mexico state agencies shall be allowed access to all areas on the fairgrounds for monitoring and regulations compliance purposes. These agencies include, but are not limited to, the following:

- A. New Mexico environment department;
- B. New Mexico state fire marshal;
- C. New Mexico construction industries division;
- D. New Mexico safety counseling;
- E. law enforcement agencies;
- F. New Mexico state fair management and concession department employees.

[4.3.10.20 NMAC - Rp, 4 NMAC 3.10.34, 11/30/2004]

**HISTORY OF 4.3.10 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the state records center and archives:

SF 67-1, Premium List, 1967, filed 6/27/67;  
SF 68-1, Premium List, 1968, filed 6/14/68;  
SF 69-1, Premium List, 1969, filed 6/18/69;  
SF 70-1, Premium List, 1970, filed 6/25/70;  
SF 71-1, Premium List, 1971, filed 7/02/71;  
SF 72-1, Premium List, 1967, filed 6/26/72;  
SF 73-1, Premium List, 1973, filed 6/18/73;  
SF 74-1, Premium List, 1974, filed 6/18/74;  
SF 75-1, Premium List, 1975, filed 6/16/75;  
SF 76-1, Premium List, 1976, filed 7/07/76;  
SF 77-1, Premium List, 1977, filed 6/14/77;  
SF 78-1, Premium List, 1978, filed 6/21/78;  
SF 79-1, Premium List, 1979, filed 7/27/79.

**History of Repealed Material:** Those applicable portions of SF 79-1, Premium List, 1979 (filed 7/27/79) and 4 NMAC 3.10, State Fair - Participant Requirements - Concessions and Commercial Exhibits (filed 8/19/96) repealed effective 11/30/2004.

**Other History:** Those applicable portions of SF 79-1, Premium List, 1979 (filed 7/27/79) and 4 NMAC 3.10 State Fair - Participant Requirements - Concessions and Commercial Exhibits (filed 8/19/96) replaced by 4.3.10 NMAC, Participant Requirements - Concessions and Commercial Exhibits, effective 11/30/2004.