

**This is an amendment to 14.5.1 NMAC Sections 7 and 9, effective 10-24-08.**

**14.5.1.7 DEFINITIONS:** The definitions in this section are used throughout the CID rules contained in Chapters 5 through 10 of Title 14.

- A. Building official** means the bureau chief of each trade bureau of the division.
  - B. CID and division** mean the construction industries division of the regulation and licensing department.
  - C. CID rules** means the rules compiled in Title 14, Chapters 5 through 10 of the New Mexico administrative code.
  - D. CILA** means the Construction Industries Licensing Act, NMSA 1978 Section 60-13-1 et seq.
  - E. Commission** means the construction industries commission.
  - F. Contracting** has the meaning given in NMSA 1978 Section 60-13-3.
  - G. Director** has the meaning given it in NMSA 1978 Section 60-13-2.
  - H. IBC** means the 2006 international building code.
  - I. IFC** means the 2006 international fire code.
  - J. IRC** means the 2006 international residential code.
  - K. LPG Standards** means 19.15.40 NMSA, Liquefied Petroleum Gas Standards, and NMSA 1978 70-5-1 et seq., Liquefied and Compressed Gasses, collectively.
  - L. New Mexico construction code(s)** means any of the rules compiled in Title 14, Chapters 7 through 10 of the New Mexico administrative code.
  - M. NMBSS** means 14.7.5 NMAC, 2006 New Mexico Non-Load Bearing Baled Straw Construction Building Standards.
  - N. NMCBC** means 14.7.2 NMAC, 2006 New Mexico Commercial Building Code, which adopts by reference and amends the 2006 international building code.
  - O. NMEBC** means 14.7.7 NMAC, 2006 New Mexico Existing Building Code, which adopts by reference and amends the 2006 international existing building code.
  - P. NMEBMC** means 14.7.4 NMAC, 2006 New Mexico Earthen Building Materials Code.
  - Q. NMEC** means 14.10.4 NMAC, [2005] 2008 New Mexico Electrical Code, which adopts by reference and amends the [2005] 2008 national electrical code.
  - R. NMECC** means 14.7.6 NMAC, 2006 New Mexico Energy Conservation Code, which adopts by reference and amends the 2006 international energy conservation code.
  - S. NMESC** means 14.10.5 NMAC, [2002] 2007 New Mexico Electrical Safety Code, which adopts by reference and amends the [2002] 2007 national electrical safety code.
  - T. NMMC** means 14.9.2 NMAC, 2006 New Mexico Mechanical Code, which adopts by reference and amends the 2006 uniform mechanical code.
  - U. NMPC** means 14.8.2 NMAC, 2006 New Mexico Plumbing Code, which adopts by reference and amends the 2006 uniform plumbing code.
  - V. NMRBC** means 14.7.3 NMAC, 2006 New Mexico Residential Building Code, which adopts by reference and amends the 2006 international residential code.
  - W. NMSEC** means 14.9.6 NMAC, [2003] 2006 New Mexico Solar Energy Code, which adopts by reference and amends the [1997] 2006 uniform solar energy code.
  - X. NMSPC** means 14.8.3 NMAC, [2003] 2006 New Mexico Swimming Pool, Spa, and Hot Tub Code, which adopts by reference and amends the [2000] 2006 uniform swimming pool, spa, and hot tub code.
  - Y. Published code** means any code or standard published by an entity other than the state of New Mexico and adopted by reference, or referred to as a standard in the CID rules.
  - Z. ULA** means NMSA 1978 Section 61-1-1 et seq., the Uniform Licensing Act.
- [14.5.1.7 NMAC - Rp, 14.1.1.7 NMAC, 7-1-04; A, 1-1-08; A, 10-24-08]

**14.5.1.9 CONFLICTS:**

- A. Between current New Mexico construction codes.** When the provisions of one New Mexico construction code specifies different materials, methods, construction, or other requirements than the provisions ~~of~~ of other New Mexico construction codes, the general rule of interpretation to be applied is that the most restrictive provision shall apply, and the most specific provision shall govern more general provisions. If it is determined by the building officials responsible for enforcing the codes that the conflict between the provisions should be resolved by a different interpretation, the building officials' determinations shall control.

**B. With prior New Mexico construction codes.** The New Mexico construction codes shall not apply to require a change in any structure existing at the time such code(s) become effective provided that the structure was constructed and has been maintained in compliance with the laws and CID rules in effect at the time the existing structure was constructed or maintained; ~~and~~ provided that, if all or any part of the structure is determined to be unsafe, 14.5.1.12 NMAC will govern.

**C. With requirements of other agencies.** When a regulatory agency other than CID may or might have jurisdiction over certain aspects of a project, a person working on the project must cooperate with any such agency to ensure compliance with all applicable requirements of that agency. Such aspects may include, but are not limited to, compliance with fire code standards enforced by the state fire marshal, or any local fire code enforcement agency; or any other applicable code or standard enforced by the state environment department; the state health department, state human services department; the public regulation commission; the governor's committee on the concerns of the handicapped; and local zoning and historical authorities. From time to time, CID may, as permitted by law, enter into agreements with other regulatory agencies pursuant to which the other agency's requirements are made a prerequisite to a CID action. In such cases, satisfaction of such a prerequisite will not constitute full compliance with the other agency's requirements.

**D. With other laws.** The CID rules shall not be deemed to contravene or invalidate any other valid federal, state or local law.

**E. With referenced and incorporated codes and standards.** The provisions of any published code or standard referenced in the CID rules shall be deemed to be incorporated into and made part of the CID rules, to the extent that such reference requires, and with all such modifications and amendments as may be made to the provision. If the reference results in a conflict between the provision of the published code or standard and the CID rules, the CID rules shall govern.

[14.5.1.9 NMAC - Rp, 14.7.2.8 NMAC, 14 NMAC.9.2.8, 14NMAC.9.2. I.100, 14 NMAC 9.2.II.100 & 14.10.4.10 NMAC 7-1-04; A, 10-24-08]