

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 5 CONSTRUCTION INDUSTRIES GENERAL PROVISIONS
PART 2 PERMITS

14.5.2.1 ISSUING AGENCY: The Construction Industries Division of the Regulation and Licensing Department.
[14.5.2.1 NMAC - Rp, 14.5.2.1 NMAC, 11/15/2016]

14.5.2.2 SCOPE: This rule applies to all permitted work performed in New Mexico on or after November 15, 2017, that is subject to the jurisdiction of CID.
[14.5.2.2 NMAC - Rp, 14.5.2.2 NMAC, 11/15/2016]

14.5.2.3 STATUTORY AUTHORITY: Sections 60-13-9 and 60-13-45 NMSA 1978.
[14.5.2.3 NMAC - Rp, 14.5.2.3 NMAC, 11/15/2016]

14.5.2.4 DURATION: Permanent.
[14.5.2.4 NMAC - Rp, 14.5.2.4 NMAC, 11/15/2016]

14.5.2.5 EFFECTIVE DATE: November 15, 2016, unless a later date is cited at the end of a section.
[14.5.2.5 NMAC - Rp, 14.5.2.5 NMAC, 11/15/2016]
[From the date of publication of this rule in the New Mexico register, until July 1, 2017, permits may be issued under either the previously-adopted rule, or this rule. After July 1, 2017, permits may be issued only under this rule.]

14.5.2.6 OBJECTIVE: The purpose of this rule is to set forth standards and requirements for permitting construction in New Mexico as the statewide minimum.
[14.5.2.6 NMAC - Rp, 14.5.2.6 NMAC, 11/15/2016]

14.5.2.7 DEFINITIONS:

- A. CID rules** means sections 14.5 through 14.10 NMAC and 14.5.12.3 NMAC.
- B. Commercial** means a structure that is classified as having one of the following uses identified in the New Mexico commercial building code: assembly, business, educational, institutional, mercantile, storage or utility.
- C. Industrial** means a structure that is classified in the New Mexico commercial building code as having a factory or industrial use. Structures, of which a portion is classified as commercial as that term is defined in this rule, will be treated as industrial structures.
- D. School** means a public school, a school district, a regional educational cooperative, shared maintenance program, charter school, or private school, recognized by the New Mexico public education department that offers grade levels from kindergarten through 12th grade only.
- E. Trade bureau chief "TBC"** means the administrative head of a state of New Mexico trade bureau charged with the administration and enforcement of that trade bureau's state adopted codes. The Trade Bureau Chiefs are the ultimate authority to determine interpretations of their trade code. This includes applications of the New Mexico trade codes. The Trade Bureau Chief shall recommend to the "CID and CIC" all minimum standards for code adoptions.
- F. Certified building official "CBO"** means an employee of any county, municipality or other political subdivision who has a broad knowledge of the construction industry, holds a current nationally recognized code organization certified building official certificate and has been either a practicing inspector or practicing contractor for at least five years or held a management position in a construction-related company or construction organization for at least five of the past 10 years. This Official is charged with the administration and enforcement of the adopted administrative codes for an AHJ.
- G. State of New Mexico certified building official "NMCBO"**- a person who meets the qualifications for CBO, is employed by CID as a trade bureau chief, and appointed by the director as the state's NMCBO. The NMCBO has ultimate authority over conflicts arising among AHJs other than Trade Bureau Chiefs.
- H. Inspector**-means a person certified by the division and certified by one or more trade bureaus to conduct inspections of permitted work in a jurisdiction that has an inspection and permitting agency with a state

approved CBO to ensure that all work performed by a contractor or the homeowner complies with the applicable codes.

I. Authority having jurisdiction AHJ means the entity with permitting and enforcement authority over a project within its jurisdiction.

[14.5.2.7 NMAC - Rp, 14.5.2.7 NMAC, 11/15/2016]

14.5.2.8 PERMITS REQUIRED:

A. Permits required. Subject to CILA Sections 60-13-3 and Section 60-13-45 NMSA 1978, and the provisions of the division rules, no building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, no electrical wiring, plumbing or mechanical work and LP gas work as defined and described in the applicable New Mexico construction codes for those trades, may be installed, repaired or maintained in or on such building or structure, unless the applicable permit has first been obtained from the division, unless otherwise provided by statutes or rule. All re-roofs and applications of roof coatings require a building permit and inspections.

B. Previously permitted work; previously submitted plans.

(1) Any work for which a permit has lawfully been issued prior to the effective date of this rule, which permit has not expired, deactivated or been revoked or suspended by the division pursuant to this part, may proceed as permitted, and the rules, codes and standards in effect at the time the permit was issued shall be the rules, codes and standards governing the work and its inspection.

(2) Any work for which plans have been submitted and received by the division shall be permitted and inspected pursuant to the rules in effect at the time the plans were received.

C. Eligibility. No person who is not appropriately, validly and currently licensed by the division is eligible to apply for or be issued a permit under this rule. **Exception:** Subject to the provisions of this part, a homeowner's permit may be issued to a property owner.

D. Application for permit. In order to obtain a permit, the applicant must complete and submit a written application on the form and in the manner indicated by the division for the type of permit sought.

E. Types. Separate permits are required for general building, electrical and mechanical/plumbing, and liquefied petroleum gas work.

F. Solar PV systems.

(1) Any person bidding or contracting for the installation of a solar PV electric system must possess a valid license issued by the construction industries division (CID) in the EE-98 or ER-1 license classification, subject to the provisions of Paragraph (1) of Subsection B of 14.6.6.8 NMAC. CID license classifications can be found in 14.6.6 NMAC.

(2) Any person performing the installation of a solar PV system, or related work, must possess a valid journeyman certificate issued by CID in the EE-98J or ER-1J classification, or be an apprentice working under the direct supervision of such a certified journeyman.

(3) Nothing in this section shall be construed to prohibit a properly licensed person from performing work on solar PV system's support structures, racking and mounting of panels as long as it is within the scope of the licensee's license and upholds the manufacturers' original listing and labeling.

(4) Structural analysis must be performed by a professional engineer licensed in the state of New Mexico in order to determine if the roof structure is capable of supporting the added loads of a solar PV electric module when any of the following occur.

(a) The total added dead load of the array is greater than five lbs. / sq. ft. on roof construction.

(b) The total added point load of the array is greater than 45 lbs. on roof construction.

(c) The total added dead load exceeds 200 lbs. on any one truss, rafter or roof joist.

(d) The mounting of the system is of a unique roof mounted design.

(e) The roof structure contains over-spanned trusses, rafters or roof joists.

(5) A general solar PV electric system construction building permit for the mounting of the system on the roof will be required only if structural reinforcement is required by a professional engineer licensed in the state of New Mexico.

(6) If structural modifications are required, engineered details shall be provided. Structural documents must be sealed by a structural engineer licensed in the state of New Mexico. Reinforcement of the structure will require corresponding building permits and inspections by a certified building inspector.

(7) If structural modifications are not required one electrical permit shall be issued to a

properly licensed contractor for solar PV installation.

G. Wind turbine systems 10KW or less.

(1) Any person bidding or contracting for the installation of a building mounted wind turbine system must possess a valid license issued by the construction industries division (CID) in the EE-98 or ER-1 license classification, subject to the provisions of Paragraph (1) of Subsection B of 14.6.6.8 NMAC. CID license classifications can be found in 14.6.6 NMAC.

(2) Any person performing the installation of a wind turbine system, or related work, must possess a valid journeyman certificate issued by CID in the EE-98J or ER-1J classification, or be an apprentice working under the direct supervision of such a certified journeyman.

(3) Structural analysis must be performed by a professional engineer licensed in the state of New Mexico in order to determine if the roof structure is capable of supporting the added loads of a wind turbine.

(4) If structural modifications are required, engineered details shall be provided. Structural documents must be sealed by a professional engineer licensed in the state of New Mexico. Reinforcement of the structure will require corresponding building permits and inspections by a certified building inspector.

(5) If structural modifications are not required one electrical permit shall be issued to a properly licensed contractor for wind turbine installation.

[14.5.2.8 NMAC - Rp, 14.5.2.8 NMAC, 11/15/2016]

14.5.2.9 EXCEPTIONS TO REQUIREMENT FOR PERMITS: Permits shall not be required for the following:

A. Commercial.

(1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15.m2).

(2) Oil derricks.

(3) Retaining walls that retain less than 36 inches (915 mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.

(5) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927L) and the ratio of height to diameter or width does not exceed two to one.

(6) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

(7) Temporary motion picture, television and theater stage sets and scenery.

(8) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in the NMRBC, and are installed entirely above ground.

(9) Shade cloth structures constructed for nursery or agricultural purposes and not including services systems.

(10) Swings and other playground equipment accessory to one-and two-family dwellings.

(11) Window awnings supported by an exterior wall of group R-3, as applicable in the NMRBC, and group U occupancies.

(12) Moveable cases, counters and partitions not over five feet nine inches (1,753mm) in height.

B. Residential: Refer to Section R105.2 of the IRC except as provided below:

(1) **R105.2 (1)** - One-story detached accessory structures provided that the floor area does not exceed 120 square feet (18.58 m2).

(2) **R105.2 (2)** - Delete this section of the IRC.

(3) **R105.2 (3)** - Retaining walls that retain less than 36 inches (915mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.

(4) **R105.2 (4)** - See this section of the IRC.

(5) **R105.2 (5)** - See this section of the IRC.

(6) **R105.2 (6)** - Delete this section of the IRC.

(7) **R105.2 (7)** - See this section of the IRC.

(8) **R105.2 (8)** - See this section of the IRC.

(9) **R105.2 (9)** - See this section of the IRC.

(10) **R105.2 (10)** - See this section of the IRC.

C. Mechanical work. Refer to Section 111.2 of the UMC.

D. Plumbing work. Refer to Section 103.1.1 of the UPC.

E. Electrical work. No exceptions other than those set forth in CILA Section 60-13-45.
[14.5.2.9 NMAC - Rp, 14.5.2.9 NMAC, 11/15/2016]

14.5.2.10 SUBMITTAL DOCUMENTS:

A. Submittal documents.

(1) With each application for a permit, two sets of the following documents (collectively, submittal documents) must be submitted:

- (a) type, occupancy including occupant load and kind of structure;
- (b) plans;
- (c) specifications;
- (d) engineering calculations;
- (e) diagrams;
- (f) soil investigation reports;
- (g) any other data or document required by the AHJ's plan review official; and
- (h) exterior wall envelope; submittal documents for all buildings shall describe the

exterior wall envelope in sufficient detail to enable the plan review to determine compliance with the NMCBC the NMRBC and NMECC; the submittal documents shall show the exterior wall envelope in detail as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings; roofing systems and manufacturers specifications are required to be submitted;

(i) mechanical design criteria for all buildings must be included with the submittal documents.

(2) For construction subject to the NMCBC, see Sections 107.1.1, 107.1.2, 107.2 of the IBC for other requirements regarding submittal documents, including form, means of egress, and site plans.

(3) For construction subject to NMRBC, see Sections 106.1.1, 106.1.2, 106.1.3 and 106.2 of the IRC for other requirements regarding submittal documents, including form, manufacturer's installation instructions, construction in flood areas, and site plans.

(4) Upon approval, one set of the submittal documents shall be retained by the division, and one set shall be returned to the permittee, shall be available at the work site, and shall be available for inspection by the AHJ or inspector during the performance of the permitted work.

(5) Submissions may be required of any specifications, drawings or diagrams necessary to show clearly the kind and extent of building construction work.

B. Professional seals requirements: The AHJ or the plan review official may require submittal documents to be prepared and sealed by an architect, registered in accordance with the New Mexico Architectural Act, and the rules promulgated pursuant thereto, or by a professional structural engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act, and the rules promulgated pursuant thereto. An architect or engineer stamp is required for all uses listed in table 1004.1.1 of the IBC.

C. Exceptions: The requirement for plans and specifications to be prepared by an architect or engineer shall not be required in any of the following instances unless, in the discretion of the TBC or CBO, an exception is not in the best interests of public safety or health.

(1) Multiple dwellings of not more than two stories in height and containing not more than four dwelling units constructed of materials approved for use pursuant to the NMRBC, and provided this exception is not construed to allow a person who is not an architect to design multiple clusters of four dwelling units each where the total exceeds four dwelling units on each lawfully divided lot.

(2) Garages or other structures not more than two stories in height which are appurtenant to buildings described in Subsection A of 14.5.2.10 NMAC.

(3) Group A, B, E divisions 1 and 2, F, M, S, U buildings or additions having a total occupant load of 10 or less and not more than two stories in height.

(4) Alteration to buildings or structures that present no unusual conditions or hazards or change in occupancy.

(5) Single-family dwellings, not more than three stories in height.

D. Submission may be waived. The CBO or TBC may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that plan review is not necessary to obtain compliance with the New Mexico construction codes.

E. Deferred submittals. For the purposes of this section, deferred submittals are defined as those

portions of the design that are not submitted with the application for the permit, and that are to be submitted, thereafter, within a period specified by the AHJ or the plan review official.

F. Approval. Deferral of any submittal items must have the prior approval of the TBC or CBO. The responsible design professional shall list the deferred submittals on the submittal documents accompanying the permit application. Submittal documents for deferred submittal items must be submitted to the responsible design professional which shall review and forward them to the AHJ with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The items identified in the deferred submittals shall not be installed until the building official has approved their design and submittal documents.

G. Responsible design professional. When submittal documents are required to be prepared by a registered design professional, the permit application shall indicate the registered design professional who shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. This design professional shall be deemed to be the “responsible design professional.” The permittee shall notify the division in writing within a reasonable period of time, not to exceed 10 business days, if the responsible design professional is changed or is unable to continue to perform the duties required.

H. Special submissions. The building official plan review official is authorized to require, before and after, the commencement of a project, the submission of any specification, drawing or diagram necessary to adequately and clearly show the kind, extent, and occupancy of the general building, mechanical or plumbing, and electrical work on the project that is covered by the permit issued, or that is required to be permitted under the CID rules. See Subsection C of 14.5.2.10 NMAC.

I. Phased approval. See Section 107.3.3 of the IBC for work subject to the NMCBC, and Section 106.3.3 of the IRC for work subject to the NMRBC.

J. Correction of submittal documents. The issuance of a permit based on certain plans and specifications shall not prevent the AHJ from thereafter requiring the correction of any error in such plans or specifications, or from prohibiting work pursuant to those plans or specifications when a violation of the applicable code would result.

K. Electrical projects.

(1) Any installation with a calculated service capacity over 100 kVA single-phase or over 225 kVA three-phase must be stamped by an electrical engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act. This requirement shall not apply to remote installations such as irrigation pumps. Any commercial project that requires an architect or engineer seal pursuant to this part shall be submitted to the electrical bureau for review and approval.

(2) Submittal documents shall show the electrical riser, conductor size, grounding conductor size, method of grounding (available electrodes, etc.), load calculations, available fault calculations, size and location of disconnects, panel schedules, wiring methods, site and floor plan. General expressions such as “work shall be done in accordance with the New Mexico Electrical Code” or “work shall be done to the satisfaction of the state building official” shall be considered inadequate, and incomplete.

(3) No permit for electrical work shall be issued for the addition to, or alteration of, wiring of an existing building unless the building as it will be wired conforms to the requirements of the code for new buildings, except that those portions of the existing wiring that have not been disturbed and are deemed safe by the inspector may remain in service.

L. Mechanical projects.

(1) The AHJ may require the stamp of a professional engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act on permits for mechanical or plumbing work with a total value of \$200,000.00, or more, or for commercial buildings three stories and higher.

(2) Plans for buildings more than two stories in height, other than R-3 and U occupancies, see Section 112.3 of the UMC.

M. Permit contents and display. Pursuant to CILA Section 60-13-59, every permit or notice of permit issued by the AHJ shall:

- (1) clearly indicate the name and address of the owner of the property;
- (2) contain a legal description of the property being built on either by “lot and block” description in a subdivision, by street address in a municipality, or by township, range and section numbers if outside a municipality or platted subdivision;
- (3) contain the name, address and license number of the contractor or the homeowner to whom the permit is to be issued, and the name of the architect or engineer as may be required by the building

official; and

(4) must be prominently displayed on the site where the permitted work is to be performed.

N. Retention. The division shall retain construction documents, including submittal documents and permit applications, in accordance with New Mexico state laws governing document retention.

O. Preliminary inspection. As part of the document review process, before issuing a building permit, the AHJ is authorized to examine or cause to be examined buildings, structures and sites for which an application for a building permit has been filed.

[14.5.2.10 NMAC - Rp, 14.5.2.10 NMAC, 11/15/2016]

14.5.2.11 ISSUANCE:

A. Plan review. If the submittal documents do not comply with construction codes 14.5.7 through 14.5.10 and 14.5.12.3 NMAC, the AHJ shall reject them and shall communicate the reasons for rejection to the applicant in writing. If the submittal documents meet the applicable codes and rules, the submittal documents shall be approved, in writing or by stamp, as “reviewed” and the AHJ shall issue a permit to the applicant after payment in full of the applicable permit fees, as set forth in 14.5.5 NMAC.

B. Authorization to change. No change or modification may be made to the approved submittal documents for which a permit has been issued without the express, written authorization of the AHJ. All work authorized by a permit must be performed in accordance with the approved submittal documents for which the permit was issued. Changes in the work, occupancy type, occupant load or kind of structure authorized by a permit must be reflected in an amended set of submittal documents, which must be resubmitted for approval by the AHJ.

[14.5.2.11 NMAC - Rp, 14.5.2.11 NMAC, 11/15/2016]

14.5.2.12 VALIDITY OF PERMIT: The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the New Mexico construction codes or any other applicable law or rule. Permits presuming to give authority to violate or cancel the provisions of the New Mexico construction codes or any other applicable law or rule shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the AHJ from requiring the correction of errors in the construction documents and other data.

[14.5.2.12 NMAC - Rp, 14.5.2.12 NMAC, 11/15/2016]

14.5.2.13 SUSPENSION, CANCELLATION, OR REVOCATION OF PERMIT:

A. The TBC or CBO is authorized to suspend, cancel or revoke a permit issued pursuant to the code for which the official has responsibility in the following causes:

- (1) whenever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete, fraudulent information or in violation of Title 14 of the NMAC;
- (2) when a job is abandoned as determined by a court of competent jurisdiction;
- (3) a red tag has been issued;
- (4) change in the person or entity performing the work;
- (5) at the request of the permittee.

B. A suspended permit may be reactivated upon approval of the appropriate AHJ and payment of any fee assessed.

[14.5.2.13 NMAC - Rp, 14.5.2.13 NMAC, 11/15/2016]

14.5.2.14 EXPIRATION AND DEACTIVATION OF PERMIT:

A. Expiration. Every permit issued by the AHJ expire and be void if the work authorized by such permit is not commenced within 180 days from the date such permit was issued.

B. Deactivation. If the work authorized by a permit is suspended, delayed or abandoned at any time after the work is commenced and such suspension, delay or abandonment continues for 180 days, the permit shall become inactive.

(1) **Reactivation.** An inactive permit may be reactivated if the work resumes within one year from the date the permit was issued, upon approval of the AHJ and payment of required fees. Such reactivated permit will authorize work only to the extent it conforms to the submission documents on which the original permit was issued.

(2) **Cancellation.** If work does not resume within one year from the date the inactive permit was issued, the inactive permit will automatically cancel. In order for work on the project to continue, a new permit application must be submitted, a new, full permit fee must be remitted, and a new permit issued.

C. Extension of time. The CBO or TBC may extend the time of an active permit for an additional period not to exceed 180 days on receipt of a written request from the permit holder showing that circumstances beyond the control of the permittee have caused delay in the permitted work.

D. Penalties. Any work performed after a permit expires, cancels or becomes inactive shall be considered a failure to permit violation pursuant to Subsection A of 14.5.2.8 NMAC.
[14.5.2.14 NMAC - Rp, 14.5.2.14 NMAC, 11/15/2016]

14.5.2.15 DENIAL OF PERMIT:

A. The AHJ may deny the issuance of a permit and associated inspections for good cause. Good cause shall include, without limitation:

- (1) failure to pay all or part of a permit fee or penalty when due;
- (2) payment of any amount due to the division with a “non-sufficient funds” check; and
- (3) an outstanding balance on any amounts due to the division that has accrued without

approval of the director.

B. After receipt of a “non-sufficient funds” check, the division may require payment by cashier’s check.

[14.5.2.15 NMAC - Rp, 14.5.2.15 NMAC, 11/15/2016]

14.5.2.16 FAILURE TO OBTAIN PERMIT: If any work, other than site preparation, for which a permit is required is commenced prior to obtaining the necessary permit, the AHJ may either assess a fee in the amount of twice the usual permit and inspection fees, or refer the violation for disciplinary action by the AHJ.

[14.5.2.16 NMAC - Rp, 14.5.2.16 NMAC, 11/15/2016]

14.5.2.17 TEMPORARY STRUCTURES:

A. Permits. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall specify an expiration date not to exceed one year from the date of issuance. The building official is authorized to grant extensions for good cause that is supported by credible evidence.

B. Conformance. See Section 10 8.2 of the IBC.

C. Temporary power. A permit may be issued by the appropriate TBC or AHJ authorizing a connection of a temporary system for supplying electrical power, water, gas, or sewage service, after inspection and testing as applicable by the inspector. When the temporary use of such system is no longer required, the permittee shall notify the appropriate building official or inspector. The temporary work permit may be canceled at any time within one year after the permit was issued. Upon receipt of written notice of such cancellation, the appropriate utility shall discontinue service to such system, and service shall not be resumed until a new permit for the work on the system is issued.

D. Termination of approval. The AHJ is authorized to terminate a permit for a temporary structure when the CBO or TBC deems that it is in the best interests of health, safety and welfare to do so. See 14.5.1.12 NMAC.

[14.5.2.17 NMAC - Rp, 14.5.2.17 NMAC, 11/15/2016]

14.5.2.18 HOMEOWNER’S PERMIT:

A. Homeowner’s permits are limited to single-family dwellings, appurtenant structures to single-family dwellings such as private garages, carports, sheds and agricultural buildings, and are issued only to the property owner. Homeowner’s permits may only be used by homeowner where the homeowner personally resides. All homeowner permit applications are subject to approval.

B. Any person applying for a homeowner’s permit in order to construct a personal residence in accordance with Paragraph (10) of Subsection D of CILA Section 60-13-3 must sign a homeowner’s permit responsibility sheet issued by the division, or its authorized local building department, acknowledging legal responsibilities and liabilities before obtaining such a permit.

C. The homeowner’s permit covers general, residential construction only.

D. A homeowner’s permit may not be used to permit a project where a GB-2 or GB-98 contractor is acting as a general contractor on the project. Any contractor acting as a general contractor on a project where there is a homeowner’s permit must obtain a building permit for his work, and shall be held responsible for any work performed at this site. Further, licensed subcontractors will be held responsible for their work, which also must be permitted separately.

E. A homeowner may perform electrical or plumbing work on his home (single-family dwelling)

only if he has demonstrated sufficient knowledge as determined by the appropriate TCB or CBO. The TCB or CBO shall determine minimum competency by a submittal of the plans for the proposed work and may include the completion of a written examination with a minimum passing score of seventy-five percent. Failed examinations may not be repeated sooner than 30 days after the date of the failed exam.

F. After approval of the submitted plans and satisfactorily passing the written examination(s), the homeowner then must obtain the applicable permit(s) for the electrical plumbing work and must pay the required inspection fees.

G. Homeowner's permit projects may not be placed on the market for sale while under construction. Such an action violates the requirements of Paragraph (10) of Subsection D of CILA Section 60-13-3, and will result in the automatic void of the permit by the division. Such a violation may also result in initiation of unlicensed contracting charges against the homeowner in accordance with the requirement of CILA Section 60-13-52.

H. No more than one homeowner's permit for a single-family dwelling shall be issued to the same person within any 12 month period.

I. Where a homeowner's permit is involved, a properly licensed contractor must install HVAC and natural gas or LP gas installations. This work shall be permitted and inspected pursuant to the standard requirements of the division.

[14.5.2.18 NMAC - Rp, 14.5.2.18 NMAC, 11/15/2016]

14.5.2.19 ANNUAL PERMIT:

A. INDUSTRIAL:

(1) Types and scopes.

(a) Electrical repair maintenance industrial (ERMI). Electrical R/M - industrial permits. The scope of this permit is: repair or maintenance performed on existing electrical systems in industrial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved electrical installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved electrical installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof.

(b) Mechanical repair maintenance industrial (MRMI). Mechanical and plumbing R/M - industrial permits. The scope of this permit is repair or maintenance performed on existing mechanical/plumbing systems in commercial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved mechanical/plumbing installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved mechanical/plumbing installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of a mechanical/plumbing installation or any portion thereof.

(c) General construction repair and maintenance work that is required as a direct consequence of, or that is necessary to, work performed pursuant to an R/M industrial permit is authorized under these permits. All such general construction work must be reported pursuant to Paragraph (6), below, and whether general construction work is covered by an R/M industrial permit will be determined by the division. General construction work that is not covered by an R/M industrial permit will subject the permit holder to penalties as provided in the act and the CID rules.

(2) Issuance. R/M industrial permits may be issued to:

(a) an industrial entity duly authorized to do business in New Mexico; and
(b) a licensed contractor holding one of the following classifications of license and who has a written contract with an industrial entity to perform work covered by an R/M industrial permit:

(i) for an ERMI permit: EE98, EL1, ES3, ES7;

(ii) for an MRMI permit: MM1, 2, 3, 4 and MM98;

(c) work to be performed under an R/M industrial permit may only be performed by a journeyman, pursuant to Subsection A of 14.6.4.8 NMAC; properly certified by the division in the classification of work to be performed pursuant to the permit, who is an employee of the authorized entity, or of the licensee, to whom the permit was issued. In no case shall experience gained under an annual permit count for more than one-fourth of the experience requirement for qualifying party or journeyman certification.

(3) Duration.

(a) R/M industrial permits are valid for 12 months from the date of issuance, are not renewable. ERMI and MRMI permits automatically expire on the first day of the thirteenth month after the month of issuance.

(b) Suspension, cancellation, revocation. See 14.5.2.13 NMAC of this rule.

(c) Expiration and deactivation of permit. See 14.5.2.14 NMAC of this rule.

(4) **Denial.** See 14.5.2.15 NMAC.

(5) **Failure to obtain permit.** See 14.5.2.16 NMAC.

(6) **Report log.** All work performed pursuant to an R/M industrial permit must be recorded by the permit holder in a log that contains, at a minimum, the following information:

(a) the location of the work with sufficient specificity that an inspector can locate the work;

(b) the date the work was performed;

(c) a description of the work performed; if tool replacement was performed, the identifying information for each tool replaced and for the new tool;

(d) the name of the individual who performed the work and the individual's journeyman classification and certificate number;

(e) in the case of tool exchange, a copy of the design or installation plan for the proposed exchange, which has been approved and stamped by a professional engineer who is properly licensed by the state of New Mexico;

(f) the entity authorization number, or the contractor license number, to whom the permit covering the work was issued.

(7) **Inspections.** All work performed under an R/M industrial permit is subject to inspection by CID and must comply with all applicable codes.

(a) CID inspectors will inspect the work covered by an annual permit at regular intervals.

(b) If the work inspected is not recorded fully and accurately on the log, the annual permit is subject to forfeiture and the holder may not be eligible to apply for another annual permit for one year thereafter.

(8) **Limitation.** Industrial R/M permits may not be issued by a municipality, a county or any other political subdivision of the state.

B. COMMERCIAL:

(1) **Types and scopes:**

(a) **Electrical repair maintenance commercial (ERMC).** Electrical R/M-commercial permit. The scope of this permit is repair or maintenance performed on existing electrical systems in commercial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved electrical installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved electrical installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof.

(b) **Mechanical repair maintenance commercial (MRMC).** Mechanical and plumbing R/M - commercial permits. The scope of this permit is: repair or maintenance performed on existing mechanical/plumbing systems in commercial facilities. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved mechanical/plumbing installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved mechanical/plumbing installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of a mechanical/plumbing installation or any portion thereof.

(c) General construction repair and maintenance work that is required as a direct consequence of, or that is necessary to, work performed pursuant to an R/M commercial permit is authorized under these permits. All such general construction work must be reported pursuant to Paragraph (6), below, and whether general construction work is covered by an R/M commercial permit will be determined by the division. General construction work that is not covered by an R/M commercial permit will subject the permit holder to penalties as provided in the act and the CID rules.

(2) **Issuance.** R/M commercial permits may be issued to:

(a) a commercial entity duly authorized to do business in New Mexico and;
(b) a licensed contractor holding one of the following classifications of license and who have a written contract with a commercial entity to perform work covered by an R/M commercial permit:
(i) for an ERM permit: EE98, EL1, ES3, ES7;
(ii) for an MRMC permit: MM1, 2, 3, 4 and MM98;
(c) work to be performed under an R/M commercial permit may only be performed by a journeyman, pursuant to Subsection A of 14.6.4.8 NMAC; properly certified by the division in the classification of work to be performed pursuant to the permit, who is an employee of the authorized entity, or of the licensee, to whom the permit was issued. In no case shall experience gained under an annual permit count for more than one-fourth of the experience requirement for qualifying party or journeyman certification.

(3) **Duration.**

(a) R/M commercial permits are valid for 12 months from the date of issuance, are not renewable. ERM and MRMC permits automatically expire on the first day of the 13th month after the month of issuance.

(b) Suspension, cancellation, revocation, see 14.5.2.13 NMAC.

(c) Expiration and deactivation of permits see 14.5.2.14 NMAC.

(4) **Denial.** See 14.5.2.15 NMAC.

(5) **Failure to obtain permit.** See 14.5.2.16 NMAC.

(6) **Report log.** All work performed pursuant to an R/M commercial permit must be recorded by the permit holder in a log that contains, at a minimum, the following information:

(a) the location of the work with sufficient specificity that an inspector can locate the work;

(b) the date the work was performed;

(c) a description of the work performed;

(d) the name of the individual who performed the work;

(e) the entity authorization number, or the contractor license number, to whom the permit covering the work was issued.

(7) **Inspections.** All work performed under an R/M commercial permit is subject to inspection by CID and must comply with all applicable codes.

(a) CID inspectors will inspect the work covered by an annual permit at regular intervals.

(b) If the work inspected is not recorded fully and accurately on the log, the annual permit is subject to forfeiture and the holder may not be eligible to apply for another annual permit for one year thereafter.

(8) **Limitation.** Commercial R/M permits may not be issued by a municipality, a county or any other political subdivision of the state.

C. SCHOOL:

(1) **Types.**

(a) **Electrical repair maintenance schools (ERMS).** Electrical R/M school permit. The scope of this permit is: repair or maintenance performed on existing 120-volt (277-volt lighting circuits) or less de-energized electrical systems in a school, and is intended to allow for the exchange of like parts or components in an existing electrical system. It does not include: work on life safety systems which is intended to protect the occupants of the structure such as fire protection, energy, and egress lighting systems, except replacement of light bulbs and batteries in emergency lights and exit signs; work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof; work on energized electrical systems of any kind; boilers; or work product or process that is hazardous to the public, or the occupants of the school. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved electrical installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of an electrical installation or any portion thereof.

(b) **Mechanical repair maintenance schools (MRMS).** Mechanical and plumbing R/M school permit. The scope of this permit is: repair or maintenance performed on existing plumbing or mechanical systems in a school is intended to allow for the exchange of like parts or components in an existing mechanical or plumbing system. It does not include: work on life safety systems which are intended to protect the occupants of the structure such as fire protection and smoke evacuation systems; and, all venting; work that entails new construction, relocation, expansion or alteration of a mechanical or plumbing installation or any portion thereof;

work on gas piping systems of any kind, except repair of low-pressure gas leaks downstream of the isolation valve to the appliance, limited to supply tubes or connections to gas valves or fuel train. Work does also not include repair or replacement of gas valves, regulators or fuel train; boilers; or work product or process that is hazardous to the maintenance technician, the public, or the occupants of the school. Repair and maintenance as used in the scope of this permit type means work that is necessary to maintain an established, approved mechanical/plumbing installation, which work is required to keep the installation operating in its approved function and configuration. Repair and maintenance includes a like-for-like exchange of a portion or portions of an approved mechanical/plumbing installation, but does not include work on systems that are generally considered in the industry to be related to be life safety systems, or work that entails new construction, relocation, expansion or alteration of a mechanical/plumbing installation or any portion thereof.

(c) **General repair maintenance schools (GRMS).** General construction R/M school permit. The scope of this permit is: repair and maintenance of existing structures in a school and is intended to allow for the exchange of like parts or components in an existing structure. The scope of this permit is limited to the maintenance and repair of non-structural facility components: drywall and ceiling surfaces, room partitions, wall and window replacement; patching roof surfaces not to exceed 100 square feet; asphalt, concrete, playground and athletic equipment, landscaping, and site drainage. It does not include new construction of any kind, or work that modifies egress, affects fire resistance or structural integrity of a wall, or any work product or process that is hazardous to the maintenance technician, the public, or the occupants of the school.

(2) **Issuance.**

(a) Permits authorized by this section may be issued to a school that employs at least one individual who holds a valid certification or license in the classification covering the work to be permitted.

(b) Apprentices as defined under 60-13-2 H of the CILA can work under the supervision of a licensed journeyman at a ratio of one to one. Work to be performed under an R/M school permit may only be performed by a journeyman pursuant to Subsection A of 14.6.4.8 NMAC. In no case shall experience gained under an annual permit count for more than one-fourth of the experience requirement for qualifying party or journeyman certification.

(3) **Duration.**

(a) Permits authorized by this rule are valid for 12 months from the date of issuance and are not renewable. These permits automatically expire on the first day of the thirteenth month following the month of issuance.

(b) Suspension, cancellation, revocation, see 14.5.2.13 NMAC.

(c) Expiration and deactivation of permit see 14.5.2.14 NMAC.

(d) Denial, see 14.5.2.15 NMAC.

(e) Failure to obtain permit, see 14.5.2.16 NMAC.

(f) Report log. All work performed pursuant to a permit issued according to this rule must be recorded by the permit holder in a log that contains, at a minimum, the following information:

(i) the location of the work with sufficient specificity that an inspector can locate the work;

(ii) the date the work was performed;

(iii) a description of the work performed;

(iv) the name of the individual who performed the work;

(v) the permit number issued to the school for the work performed.

(4) All work performed under a permit issued pursuant to this rule is subject to inspection by CID and must comply with all applicable codes and rules.

(5) School R/M permits may not be issued by a municipality, a county or any political subdivision of the state.

[14.5.2.19 NMAC - Rp, 14.5.2.19 NMAC, 11/15/2016]

14.5.2.20 EMERGENCY WORK: Where equipment replacement or repairs must be performed in an emergency situation, application for the appropriate permit must be made on the next working business day either by computer or in person at one of the division offices.

[14.5.2.20 NMAC - Rp, 14.5.2.20 NMAC, 11/15/2016]

14.5.2.21 CONNECTION OF SERVICE UTILITIES: Except where work is done under an annual permit, no person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the New Mexico construction codes for which a permit is required, until approved by the

appropriate AHJ.
[14.5.2.21 NMAC - Rp, 14.5.2.21 NMAC, 11/15/2016]

HISTORY OF 14.5.2 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

- CIC 70-2, General Construction Classifications, filed 11-25-1970;
- CIC 72-4, General Construction Classifications, filed 02-16-1972;
- CIC 76-2, Rules and Regulations, filed 05-05-1976;
- CID 78-2, Rules and Regulations, filed 12-05-1978;
- CID 79-1, Rules and Regulations, filed 06-06-1979;
- CID 82-1, Construction Industries Rules and Regulations, filed 04-14-1982;
- CID 85-1, Construction Industries Rules and Regulations, filed 02-04-1985;
- CID 90-1, Construction Industries Rules and Regulations, filed 05-31-1990.

History of Repealed Material:

- 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 9-2-1997), repealed effective 12-1-2000.
- 14.5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 10-16-2000), repealed effective 7-1-2004.
- 14.5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 5-27-2004), repealed effective 11/15/2016.

Other History:

- That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05-31-1990 -- renumbered, reformatted and amended to 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits, effective 09-14-1996.
- 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 09-03-1996) replaced by 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits, effective 09-23-1997.
- 14 NMAC 5.2, Housing and Construction - Construction Industries General Provisions - Permits (filed 09-02-1997) replaced by 14.5.2 NMAC, Housing and Construction - Construction Industries General Provisions - Permits, effective 12-1-2000.
- 14.5.2 NMAC, Housing and Construction - Construction Industries General Provisions - Permits (filed 10-16-2000), and those applicable portions of 14.7.2 NMAC, Section 10 (filed 10-16-2000); 14 NMAC 9.2, Subpart I, Sections 100-105 (filed 10-30-1998); 14 NMAC 9.2, Subpart II, Section 100 (filed 10-30-1998); 14.10.4 NMAC, Section 8 (filed 7-1-2002); and 14.5.3 NMAC (filed 10-16-2000), Section 8 - replaced by 14.5.2 NMAC, Housing and Construction - Construction Industries General Provisions - Permits, effective 7-1-2004.