

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 25 STATE FIRE MARSHAL
PART 2 CERTIFICATES OF FITNESS

10.25.2.1 ISSUING AGENCY: Department of Homeland Security and Emergency Management.
[10.25.2.1 NMAC - N, 11/15/2007; A/E, 10/7/20222]

10.25.2.2 SCOPE: This rule applies to all fire protection installation, maintenance and inspection companies that operate in the state of New Mexico.
[10.25.2.2 NMAC - N, 11/15/2007]

10.25.2.3 STATUTORY AUTHORITY: Sections 8-8-21, 59A-52-2, and 59A-52-15 NMSA 1978.
[10.25.2.3 NMAC - N, 11/15/2007]

10.25.2.4 DURATION: Permanent.
[10.25.2.4 NMAC - N, 11/15/2007]

10.25.2.5 EFFECTIVE DATE: November 15, 2007, unless a later date is cited at the end of a section.
[10.25.2.5 NMAC - N, 11/15/2007]

10.25.2.6 OBJECTIVE: The purpose of this rule is to assure a minimum level of quality in the installation, inspection, maintenance, and repair of fire protection equipment and to encourage fire prevention and control of fires.
[10.25.2.6 NMAC - N, 11/15/2007]

10.25.2.7 DEFINITIONS: In addition to the definitions in 10.25.1 NMAC, “qualified party” means a person holding a license from CID to install or repair fire protection systems.
[10.25.2.7 NMAC - N, 11/15/2007]

10.25.2.8 TYPES OF CERTIFICATES REQUIRED:

A. When required. No person shall install, inspect, maintain, service, tag or repair fire protection equipment or systems unless he has obtained a certificate of fitness from the fire marshal in compliance with these rules. Any person holding a certificate of fitness shall have a copy of it available in all service vehicles and offices for review if requested during inspection by the fire marshal or AHJ. Certificates of fitness are not transferable.

B. Types of certificates. The fire marshal or AHJ may issue certificates of fitness for installation, inspection, maintenance, repair, recharging or tagging in the following disciplines:

- (1) automatic fire suppression systems and fire pumps;
- (2) automatic fire detection and alarm systems;
- (3) chemical fire suppression systems;
- (4) portable fire extinguishers; and
- (5) fire and smoke dampers

[10.25.2.8 NMAC - N, 11/15/2007; A/E, 10/7/20222]

10.25.2.9 APPLICATION PROCEDURE: Any person may apply for a certificate of fitness by submitting the required application to the fire marshal as provided in 10.25.1.9 NMAC or to an AHJ. The mandatory applications described in 10.25.1.9 NMAC are available as indicated in 10.25.1.9 NMAC.

A. Information required for initial application. Each application for a certificate of fitness shall include:

- (1) the applicant’s name, mailing address, telephone number and signature of authorized representative;
- (2) the disciplines for which certification is requested, listed in 10.25.2.8 NMAC;
- (3) a statement that the applicant agrees to be inspected by the fire marshal, his designees or an AHJ at any time during normal business hours;

(4) for certification for automatic fire suppression systems and fire pumps: the name of the qualified party, the type and number of his CID license and a copy of his license;

(5) for certification for automatic fire detection and alarm systems: the name of the qualified party, the type and number of his CID license and a copy of his license;

(6) for certification for chemical fire suppression systems: the name of the qualified party, the type and number of his CID license and a copy of his license;

(7) for certification for portable fire extinguishers, a statement indicating that the applicant:

(a) operates from a fixed location, provides mobile recharging service, or both;

(b) agrees to allow only trained personnel to maintain, service and recharge portable fire extinguishers; and

(c) agrees to provide its personnel with all service manuals and documentation, proper tools, recharging materials, lubricants and manufacturers' recommended replacement parts or parts specifically listed for use in fire extinguishers.

(8) for certification to inspect and test fire and smoke dampers, an application shall include:

(a) 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).

(b) 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.

(c) for fire and smoke dampers with both mechanical and electrical components, the applicant inspecting the mechanical components shall provide documentation pursuant to subparagraph (a) of this paragraph and the applicant inspecting the electrical components shall provide documentation pursuant to subparagraph (b) of this paragraph.

B. Requirements for renewal. Any person seeking to renew a certificate of fitness shall apply following the process provided, and submit all information required, for an initial application. [10.25.2.9 NMAC - N, 11/15/2007; A/E, 10/7/2022]

10.25.2.10 REVIEW OF APPLICATION:

A. Review. The fire marshal shall review each application and return it pursuant to 10.25.1.10 NMAC if incomplete. An application returned by the fire marshal shall be deemed denied. An AHJ shall follow the review process provided in its applicable ordinance.

B. Denial. The fire marshal or AHJ shall deny an application if:

(1) the application is incomplete or does not include documentation required by these rules;

(2) the applicant does not have required licenses or qualifications for the disciplines requested;

(3) the application is not properly signed; or

(4) the fire marshal determines that the application contains any falsification or misrepresentation.

C. Approval. If the fire marshal approves the application, he shall issue a certificate valid for up to two years, expiring on December 31 of the second year. [10.25.2.10 NMAC - N, 11/15/2007]

10.25.2.11 CHANGES TO INFORMATION ON APPLICATION OR CERTIFICATE: An applicant or certificate holder shall notify the fire marshal or AHJ of any change of information in the application or on the certificate, such as a change of address, within ten (10) days after such change.

[10.25.2.11 NMAC - N, 11/15/2007]

10.25.2.12 EXPIRATION AND REVOCATION OF CERTIFICATE:

A. Expiration. A certificate of fitness automatically expires at the conclusion of the time period for which it was issued.

B. Revocation. The fire marshal or AHJ may revoke a certificate if:

(1) any of the required licenses or qualifications of the applicant expire, are canceled or are revoked;

(2) during an inspection, the fire marshal or AHJ finds a substantial violation of these rules or applicable codes for a discipline for which the certificate has been issued;

(3) the applicant made false statements or misrepresentations of material fact in the application or documentation submitted with the application; or

(4) the certificate was issued in error or in violation of an applicable statute or these rules.

C. Rules of procedure. In all matters before the commission involving the fire marshal, the commission shall follow the commission's rules of procedure. A specific provision in these rules shall control over a conflicting general provision in the commission's rules of procedure.

D. Appeals. A person whose certificate of fitness is revoked by the fire marshal may appeal the revocation using the procedures enumerated in 10.25.1.15 NMAC.

[10.25.2.12 NMAC - N, 11/15/2007]

HISTORY OF 10.25.2 NMAC: [RESERVED]