

NEW MEXICO FIRE CHIEF'S HANDBOOK

2024 EDITION



DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT



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TITLE PAGE **1**

TABLE OF CONTENTS..... 2-3

STATE FIRE MARSHAL’S DIRECTORY..... 4

NEW MEXICO STATUTES INSURANCE CODES 59A-52..... 5-38

ATTORNEY GENERAL’S INFORMATION..... 39-44

INVESTIGATIONS BUREAU **45**

REQUESTING FIRE INVESTIGATORS..... 46

FIRE FATALITY REPORT FORM..... 47

FIRE SERVICE SUPPORT BUREAU **48**

CHIEFS UPDATE FORM..... 49

NEW MEXICO STATUTES INSURANCE CODE 59A.53.1-19..... 50-79

PUBLIC SAFETY AND LAW ENFORCEMENT 10.25.10-11..... 80-93

AUTHORIZED FIRE FUND EXPENDITURES..... 94-96

AUTHORIZED FIRE APPARATUS PURCHASES..... 97-106

NATIONAL FIRE INCIDENT REPORTING SYSTEM (NFIRS)..... 107-108

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)..... 109-133

INSURANCE SERVICE OFFICE (ISO)..... 134-182

SUGGESTED FORMS AND DOCUMENTS..... 183-227



CODE ENFORCEMENT BUREAU **228**

NEW MEXICO ADMINISTRATIVE CODE 10.25.1 229-261
FIRE PREVENTION AND EVACUATION CONTROL IN SCHOOLS..... 262
ARTICLE 2B FIRE-SAFER CIGARETTE AND FIREFIGHTER PROTECTION..... 263-271
ARTICLE 2C FIREWORKS LICENSING AND SAFETY 272-284

FIREFIGHTERS TRAINING ACADEMY **285**

OVERVIEW..... 286-291
TRAINING OPPORTUNITIES & COURSE MATERIALS LIST..... 292-293
COURSE DESCRIPTIONS..... 294-301

FINANCIAL INFORMATION **302**

PUBLIC PROJECT REVOLVING FUND..... 303
NEW MEXICO PURCHASES AND PROCUREMENT PROCESS..... 304-307
NEW MEXICO PER DIEM RATES..... 308
TRAVEL & PER DIEM POLICIES AND PROCEDURES..... 309-317





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New Mexico Statutes Insurance Codes 59A-52



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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal

N. M. S. A. 1978, Ch. 59A, Art. 52, Refs & Annos
[Currentness](#)

NMSA 1978, Ch. 59A, Art. 52, Refs & Annos, NM ST Ch. 59A, Art. 52, Refs & Annos
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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-1

§ 59A-52-1. State fire marshal's office created; state fire marshal created

Effective: July 1, 2021

[Currentness](#)

A. The “state fire marshal's office” is created as a division under the homeland security and emergency management department.

B. The position of “state fire marshal” is created as the director of the state fire marshal's office.

C. The office consists of the:

(1) firefighter training academy program;

(2) fire service support program;

(3) fire investigations program; and

(4) fire code enforcement program.

Credits

L. 1984, Ch. 127, § 947; L. 1998, Ch. 108, § 38, eff. Jan. 1, 1999; L. 2007, Ch. 161, § 5, eff. June 15, 2007; L. 2020, Ch. 9, § 29, eff. July 1, 2021.

NMSA 1978, § 59A-52-1, NM ST § 59A-52-1

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-1.1

§ 59A-52-1.1. State fire marshal; appointment; powers and duties

Effective: July 1, 2021

[Currentness](#)

A. The state fire marshal shall be appointed by the secretary of homeland security and emergency management. The state fire marshal shall be appointed solely on the basis of fitness to perform the duties of state fire marshal and without reference to political party affiliation. The state fire marshal shall be well versed in fire services, including structural fires, training, investigations and code enforcement, as well as administrative duties, including personnel, operating budgets and capital planning and expenditures. The state fire marshal shall have an understanding of insurance services office requirements, wildland firefighting and legislative advocacy.

B. The state fire marshal shall be an at-will employee and is exempt from the federal Fair Labor Standards Act of 1938.

C. The state fire marshal shall:

- (1) oversee and manage the state fire marshal's office and direct its activities;
- (2) promulgate rules pursuant to the State Rules Act relating to the state fire marshal's office and the fire services council; and
- (3) consider advice from the fire services council concerning the adoption of fire safety management policies of the state fire marshal's office.

Credits

Added by L. 2020, Ch. 9, § 52, eff. July 1, 2021.

NMSA 1978, § 59A-52-1.1, NM ST § 59A-52-1.1

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-2

§ 59A-52-2. State fire marshal to administer article

[Currentness](#)

The state fire marshal shall administer the provisions of Chapter 59A, Article 52 NMSA 1978.

Credits

L. 1984, Ch. 127, § 948; L. 1998, Ch. 108, § 39, eff. Jan. 1, 1999.

NMSA 1978, § 59A-52-2, NM ST § 59A-52-2

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-3

§ 59A-52-3. Deputy state fire marshal and other employees; qualifications of deputy

Effective: July 1, 2021

[Currentness](#)

The state fire marshal may employ with the consent of the secretary of homeland security and emergency management deputy state fire marshals and other employees to assist in the execution of the marshal's duties.

Credits

L. 1984, Ch. 127, § 949; L. 1998, Ch. 108, § 40, eff. Jan. 1, 1999; L. 2007, Ch. 161, § 6, eff. June 15, 2007; L. 2020, Ch. 9, § 30, eff. July 1, 2021.

NMSA 1978, § 59A-52-3, NM ST § 59A-52-3

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-4

§ 59A-52-4. Bonding of employees

Effective: July 1, 2021

[Currentness](#)

The state fire marshal shall require the bonding of those employees whose duties in the marshal's opinion require such bonds and in an amount determined by the marshal.

Credits

L. 1984, Ch. 127, § 950; L. 2020, Ch. 9, § 31, eff. July 1, 2021.

NMSA 1978, § 59A-52-4, NM ST § 59A-52-4

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-5

§ 59A-52-5. Cooperation with other agencies for prevention and control of fires

Effective: July 1, 2021

[Currentness](#)

The state fire marshal is authorized to cooperate with all other groups, organizations and agencies in this state or in other states in the collection, dissemination and evaluation of information, statistics and suggestions for prevention or control of fires.

Credits


L. 1984, Ch. 127, § 951; L. 2020, Ch. 9, § 32, eff. July 1, 2021.

NMSA 1978, § 59A-52-5, NM ST § 59A-52-5

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-6

§ 59A-52-6. Fire protection training programs

Effective: July 1, 2021
[Currentness](#)

The state fire marshal shall establish and conduct training programs throughout the state for demonstrating and teaching firefighters proper methods of preventing and extinguishing fires.

Credits

L. 1984, Ch. 127, § 952; L. 2020, Ch. 9, § 33, eff. July 1, 2021.

NMSA 1978, § 59A-52-6, NM ST § 59A-52-6

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-7

§ 59A-52-7. Teaching fire prevention and control in public schools; rules for school building evacuation

Effective: July 1, 2021

[Currentness](#)

The state fire marshal shall prescribe reasonable rules and programs for the teaching to all schoolchildren in the state, whether in public or private schools, the proper methods of fire prevention and control. Such rules and programs shall be submitted to the public education department on or before August 1 of each year. Among other things, such rules and programs shall prescribe drills for evacuating school buildings.

Credits

L. 1984, Ch. 127, § 953; L. 2020, Ch. 9, § 34, eff. July 1, 2021.

NMSA 1978, § 59A-52-7, NM ST § 59A-52-7

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-8

§ 59A-52-8. Investigation of fire hazards; abatement

Effective: July 1, 2021

[Currentness](#)

The state fire marshal is authorized to make investigations, or require the marshal's deputy to make investigations, and reports of existing conditions in the state that are fire hazards and to make reasonable orders for the alleviation of such situations as the marshal may deem necessary. If the orders of the marshal are not carried out by persons to whom they are directed, the marshal shall institute proper proceedings under municipal ordinances or state laws to require compliance with the orders, as the marshal may deem necessary.

Credits

L. 1984, Ch. 127, § 954; L. 2020, Ch. 9, § 35, eff. July 1, 2021.

NMSA 1978, § 59A-52-8, NM ST § 59A-52-8

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-9

§ 59A-52-9. May enter upon premises

Effective: July 1, 2021

[Currentness](#)

The state fire marshal or the marshal's deputy, authorized officer or designated agent shall have authority at all normal hours of operation to enter in and upon all buildings and premises subject to Chapter 59A, Article 52 NMSA 1978 for the purpose of examination and inspection.

Credits

L. 1984, Ch. 127, § 955; L. 2020, Ch. 9, § 36, eff. July 1, 2021.

NMSA 1978, § 59A-52-9, NM ST § 59A-52-9

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-10

§ 59A-52-10. Investigation of fires and explosions; hearings; use of state police laboratory

Effective: July 1, 2021

[Currentness](#)

The state fire marshal or the marshal's deputies or employees are authorized to make investigations deemed necessary of any fire or explosion or attempt to cause any fire or explosion in the state. The marshal is authorized to require reports from the marshal's deputies concerning all fires and explosions in their districts. For the purpose of such investigations, the marshal and the marshal's deputies or designated persons are authorized to conduct hearings, subpoena witnesses, take testimony and enter upon and examine any building or premises where any fire or explosion or attempt to cause a fire or explosion shall have occurred, or which at the time may be burning. The marshal or the marshal's deputies or designated persons shall also have the power to cause to be produced before them such papers as they may require in making such examination. In addition, the marshal or the marshal's deputies or designated persons may, in their discretion, take full control and custody of such buildings and premises, and place someone in charge of the building and premises as they may deem proper, until their examination and investigation is completed. For evaluation of the evidence, the marshal shall have access to the facilities and personnel of the department of public safety forensic laboratories bureau, and the executive head of the bureau shall cooperate fully with the marshal.

Credits

L. 1984, Ch. 127, § 956; L. 2020, Ch. 9, § 37, eff. July 1, 2021.

NMSA 1978, § 59A-52-10, NM ST § 59A-52-10

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-11

§ 59A-52-11. Witnesses; per diem and mileage

Effective: July 1, 2021

[Currentness](#)

Witnesses or persons subpoenaed pursuant to Chapter 59A, Article 52 NMSA 1978 shall be paid at per diem and mileage rates on the same bases and at the same rates as currently apply as to state employees in general.

Credits

L. 1984, Ch. 127, § 957; L. 2020, Ch. 9, § 38, eff. July 1, 2021.

NMSA 1978, § 59A-52-11, NM ST § 59A-52-11

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-12

§ 59A-52-12. Records of fires open to public

Effective: July 1, 2021

[Currentness](#)

The state fire marshal shall keep open to public inspection, at reasonable hours, all records of fires occurring within the state.

Credits

L. 1984, Ch. 127, § 958; L. 2020, Ch. 9, § 39, eff. July 1, 2021.

NMSA 1978, § 59A-52-12, NM ST § 59A-52-12

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-13

§ 59A-52-13. Transmittal of evidence indicating criminal acts

Effective: July 1, 2021

[Currentness](#)

The state fire marshal shall furnish to the proper law enforcement officers any evidence that the marshal may discover in the marshal's investigations that indicates criminal acts.

Credits

L. 1984, Ch. 127, § 959; L. 2020, Ch. 9, § 40, eff. July 1, 2021.

NMSA 1978, § 59A-52-13, NM ST § 59A-52-13

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-14

§ 59A-52-14. Appropriations

Effective: July 1, 2021

[Currentness](#)

For the purposes of Chapter 59A, Article 52 NMSA 1978, an appropriation to the homeland security and emergency management department shall be included in the general appropriation act of each legislature, the appropriation to be made from the fire protection fund, which funds are to be paid out by the secretary of finance and administration on vouchers signed by the secretary of homeland security and emergency management.

Credits

L. 1984, Ch. 127, § 960; L. 2020, Ch. 9, § 41, eff. July 1, 2021.

NMSA 1978, § 59A-52-14, NM ST § 59A-52-14

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-14.1
Formerly cited as NM ST § 8-8-9.1

§ 59A-52-14.1. Firefighter training academy; use fee fund created

Effective: July 1, 2021
[Currentness](#)

The “training academy use fee fund” is created in the state treasury. All fees received by the state fire marshal for use of the firefighter training academy and its services shall be deposited into the fund; provided that no fee shall be charged the state of New Mexico or any of its agencies, instrumentalities or political subdivisions; and provided further that each contract for services in which a fee is collected shall be entered into pursuant to a business plan that has been approved by the department of finance and administration and reviewed by the legislative finance committee. Balances in the fund shall be available for appropriation to the state fire marshal for paying the operating and capital expenses of the firefighter training academy. Earnings of the fund shall be credited to the fund, and the unexpended or unencumbered balance in the fund shall not revert to any other fund.

Credits

L. 2001, Ch. 80, § 1. Recompiled from § 8-8-9.1 by L. 2020, Ch. 9, § 57, eff. July 1, 2021.

NMSA 1978, § 59A-52-14.1, NM ST § 59A-52-14.1

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-15

§ 59A-52-15. Fire prevention; public occupancies regulations

Effective: July 1, 2021

[Currentness](#)

A. For prevention and control of fires, pursuant to the State Rules Act, the state fire marshal shall formulate, adopt and promulgate, and amend or revise rules for fire prevention and safe conduct or use of public occupancies and rules concerning the sale, servicing or use of fire safety, prevention, detection or suppression equipment or materials. For the purposes of this provision, "public occupancies" consist of places of assembly, educational occupancies, institutional occupancies, residential occupancies consisting of four or more family units, mercantile occupancies, office 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 government or any political subdivision thereof or by municipal governments.

B. The rules shall follow nationwide standards except in the area of life safety codes, which shall be compatible with the Uniform Building Code, as revised from time to time, issued by the international conference of building officials.

C. The rules shall allow reasonable provision under which facilities in service prior to the effective date of the rules and not in strict conformity therewith may be continued in service. Nonconforming facilities in service prior to the adoption of rules that are found by the state fire marshal to constitute a distinct hazard to life or property shall not be exempt from rules nor permitted to continue in service.

Credits

L. 1984, Ch. 127, § 961; L. 2020, Ch. 9, § 42, eff. July 1, 2021.

NMSA 1978, § 59A-52-15, NM ST § 59A-52-15

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-15.1

§ 59A-52-15.1. Fire and smoke damper and fire control systems; commission rules

Effective: June 14, 2019

[Currentness](#)

A. The public regulation commission shall issue rules requiring the inspection and testing of fire and smoke dampers and smoke control systems 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, office 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. The rules shall require that:

(1) inspection and testing be conducted by the state or a political subdivision of the state with a fire and life safety enforcement program or other person possessing a fire life safety certification from a program accredited by the American national standards institute; and

(2) the person conducting the inspection or test shall submit findings of noncompliance to the owner of the public occupancy and to the state fire marshal.

Credits

Added by L. 2019, Ch. 66, § 1, eff. June 14, 2019.

NMSA 1978, § 59A-52-15.1, NM ST § 59A-52-15.1

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-16

§ 59A-52-16. Flammable liquids rules; nationwide standards; definition

Effective: July 1, 2021

[Currentness](#)

A. The state fire marshal shall adopt rules for the safe vehicular transportation, storage, handling and use of flammable and combustible liquids; provided that the state fire marshal shall not adopt any rule conflicting with the jurisdiction of the department of environment over the regulation of storage tanks pursuant to the Hazardous Waste Act or the Ground Water Protection Act.

B. The rules shall be in keeping with the latest generally recognized safety standards for flammable and combustible liquids. Rules in substantial conformity with the published standards of the national fire protection association for vehicular transportation, storage, handling and use of flammable and combustible liquids shall be deemed to be in substantial conformity with the generally accepted and recognized standards of safety concerning the same subject matter.

C. The rules shall include reasonable provisions under which facilities in service prior to the effective date of the rules and not in strict conformity therewith may be continued in service. Nonconforming facilities in service prior to the adoption of the rules that are found by the state fire marshal to constitute a distinct hazard to life or property may not be excepted from the rules or permitted to continue in service. For guidance in enforcement, the rules may delineate those types of nonconformities that should be considered distinctly hazardous and those nonconformities that should be evaluated in light of local conditions. If the need for compliance with any rule is conditioned on local factors, the rules shall provide that reasonable notice be given to the proprietor of the facility affected of intention to evaluate the need for compliance and of the time and place at which the proprietor may appear and offer evidence thereon.

D. As used in Chapter 59A, Article 52 NMSA 1978, the term "flammable liquid" means any liquid having a flash point below one hundred degrees Fahrenheit, and "combustible liquid" means any liquid having a flash point at or above one hundred degrees Fahrenheit and below two hundred degrees Fahrenheit.

Credits

L. 1984, Ch. 127, § 962; L. 2001, Ch. 325, § 1, eff. July 1, 2001; L. 2020, Ch. 9, § 43, eff. July 1, 2021.

NMSA 1978, § 59A-52-16, NM ST § 59A-52-16

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-17

§ 59A-52-17. Rules; public hearing

Effective: July 1, 2021

[Currentness](#)

No rule shall be adopted or revised under [Section 59A-52-16 NMSA](#) 1978 or made effective until after public hearing thereon, of which at least twenty days' written notice shall be given by certified mail to each motor carrier, producer, refiner, distributor or other person that shall have registered its name and mailing address with the state fire marshal as a party interested in such proceedings, and at which any such interested party may appear and present testimony. Every such notice shall contain a copy of each rule proposed for adoption or revision pursuant to such hearing.

Credits

L. 1984, Ch. 127, § 963; L. 2020, Ch. 9, § 44, eff. July 1, 2021.

NMSA 1978, § 59A-52-17, NM ST § 59A-52-17

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-18

§ 59A-52-18. Rules; statewide effect; reserved power of municipalities; training

Effective: July 1, 2021

[Currentness](#)

A. The rules promulgated pursuant to Chapter 59A, Article 52 NMSA 1978 shall have uniform force and effect throughout the state and no municipality or subdivision shall enact or enforce any ordinances or rules inconsistent with the statewide rules promulgated pursuant to that article. Nothing in that article shall in any way impair the power of any municipality to regulate the use of its land by zoning, building codes or restricted fire district rules.

B. The state fire marshal shall offer training to certified firefighters to assist with fire and fire safety inspections.

Credits

L. 1984, Ch. 127, § 964; L. 2020, Ch. 9, § 45, eff. July 1, 2021.

NMSA 1978, § 59A-52-18, NM ST § 59A-52-18

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-19

§ 59A-52-19. Police power of state fire marshal; cooperation of state officers

Effective: July 1, 2021

[Currentness](#)

A. The state fire marshal or the marshal's deputy, authorized officer or designated agent shall have full powers as peace officers to enforce the provisions of Chapter 59A, Article 52 NMSA 1978 and all rules issued pursuant to that article.

B. The revenue officers and law enforcement officers of the state shall cooperate with the marshal or the marshal's deputy, authorized officer or designated agent whenever called upon by any of them for assistance in enforcing Chapter 59A, Article 52 NMSA 1978.

Credits

L. 1984, Ch. 127, § 965; L. 2020, Ch. 9, § 46, eff. July 1, 2021.

NMSA 1978, § 59A-52-19, NM ST § 59A-52-19

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-20

§ 59A-52-20. Cease and desist orders; certain violations are misdemeanors

Effective: July 1, 2021

[Currentness](#)

A. When the state fire marshal or the marshal's deputy, authorized officer or designated agent finds any violation of the rules issued in compliance with Chapter 59A, Article 52 NMSA 1978, the marshal or the marshal's deputy, authorized officer or designated agent shall issue an order to the owner or the owner's agent to cease and desist such violations.

B. When there is found any violation of any statute or rules concerning flammable liquids, a cease and desist order shall be issued if the violation constitutes an immediate and distinct hazard to life or property, and any such violation shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500). Each day such violation continues constitutes a separate offense.

Credits

L. 1984, Ch. 127, § 966; L. 2020, Ch. 9, § 47, eff. July 1, 2021.

NMSA 1978, § 59A-52-20, NM ST § 59A-52-20

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-21

§ 59A-52-21. Administrative appeal of orders and modifications

Effective: July 1, 2021

[Currentness](#)

Any person aggrieved by any order of the state fire marshal or the marshal's deputy, authorized officer or designated agent may appeal to the fire services council within ten days from the date of the service of such order. The council shall hear such party within twenty days after receipt of an appeal request and shall give not less than ten days' written notice of the hearing. Within fifteen days after such hearing, the council shall file its decision and, unless by its authority the order is revoked or modified, the order shall be complied with within the time fixed in the decision, with such time to be not less than thirty days.

Credits

L. 1984, Ch. 127, § 967; L. 1998, Ch. 108, § 41, eff. Jan. 1, 1999; L. 2020, Ch. 9, § 48, eff. July 1, 2021.

NMSA 1978, § 59A-52-21, NM ST § 59A-52-21

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-22

§ 59A-52-22. Judicial review of order

[Currentness](#)

A person aggrieved by a decision of the state fire marshal may appeal to the district court pursuant to the provisions of [Section 39-3-1.1 NMSA 1978](#).

Credits

L. 1984, Ch. 127, § 968; L. 1998, Ch. 55, § 69, eff. Sept. 1, 1998; L. 1999, Ch. 265, § 72, eff. July 1, 1999.

NMSA 1978, § 59A-52-22, NM ST § 59A-52-22

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-23

§ 59A-52-23. Enforcement of cease and desist orders

Effective: July 1, 2021

[Currentness](#)

After expiration of time for an administrative appeal, and if no such appeal has been taken, the state fire marshal may commence an action in the district court for Santa Fe county to enforce the cease and desist order by injunction or other appropriate remedy as the district court may adjudge. The fire services council may likewise commence an action in the district court for Santa Fe county to enforce its decision rendered on appeal from the cease and desist order of the state fire marshal.

Credits

L. 1984, Ch. 127, § 969; L. 1998, Ch. 108, § 42, eff. Jan. 1, 1999; L. 2020, Ch. 9, § 49, eff. July 1, 2021.

NMSA 1978, § 59A-52-23, NM ST § 59A-52-23

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-24

§ 59A-52-24. Penalty for violation of law or rules

Effective: July 1, 2021

[Currentness](#)

Violation of any of the provisions of Chapter 59A, Article 52 NMSA 1978 or of any of the rules lawfully enacted pursuant to that article shall constitute a misdemeanor for which the punishment shall be a fine of not more than five hundred dollars (\$500). Each day any such violation continues shall constitute a separate offense.

Credits

L. 1984, Ch. 127, § 970; L. 2020, Ch. 9, § 50, eff. July 1, 2021.

NMSA 1978, § 59A-52-24, NM ST § 59A-52-24

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-25

§ 59A-52-25. Penalty for violation of cease and desist order

Effective: July 1, 2021

[Currentness](#)

Any person, firm or corporation that violates any final cease and desist order shall be subject to a penalty in the sum of five hundred dollars (\$500) for each day such violation continues. The attorney general is empowered to bring a civil suit for the enforcement of this section on the relation of the state fire marshal.

Credits

L. 1984, Ch. 127, § 971; L. 2020, Ch. 9, § 51, eff. July 1, 2021.

NMSA 1978, § 59A-52-25, NM ST § 59A-52-25

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-26

§ 59A-52-26. Volunteer firefighters; stipend

Effective: June 14, 2013

[Currentness](#)

To the extent consistent with the federal Fair Labor Standards Act of 1938 in order to maintain volunteer status, a volunteer firefighter may be paid a stipend by a public agency to perform the services for which the firefighter volunteered if:

- A. the stipend represents only actual expenses, reasonable benefits or a nominal fee; and
- B. the services are not the same type of services that the volunteer is employed to perform for the same public agency paying the stipend.

Credits

Added by L. 2013, Ch. 80, § 1, eff. June 14, 2013.

NMSA 1978, § 59A-52-26, NM ST § 59A-52-26

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-27

§ 59A-52-27. Fire services council created; membership

Effective: July 1, 2021

[Currentness](#)

A. The “fire services council” is created to advise the state fire marshal's office on fire and emergency services policy. The council consists of ten members as follows:

- (1) the presiding officer or designee of each of the:
 - (a) New Mexico fire chiefs association;
 - (b) fire and emergency managers affiliate of New Mexico counties;
 - (c) New Mexico state firefighters association;
 - (d) New Mexico emergency medical technician association;
 - (e) New Mexico fire marshals association;
 - (f) metro fire chiefs association; and
 - (g) New Mexico professional fire fighters association;
- (2) one person appointed by the governor;
- (3) one person appointed by the president pro tempore of the senate; and
- (4) one person appointed by the speaker of the house of representatives.

B. The fire services council shall select from among its members a chair and vice chair, who shall serve one-year terms. No member shall serve as chair or vice chair for more than two consecutive years.

C. The fire services council shall meet as frequently as necessary to conduct business or hold hearings but no less than four times per year. A majority of members of the council constitutes a quorum.

D. Council members shall be reimbursed for their per diem and mileage expenses in accordance with the Per Diem and Mileage Act. Council members shall otherwise serve without compensation.

E. The fire services council is subject to the Inspection of Public Records Act and the Open Meetings Act. Individual members of the fire services council are subject to the Governmental Conduct Act and the Financial Disclosure Act.

F. An employee of the state fire marshal's office who serves as staff for the fire services council shall not reveal to any person, except another council staff person, any requests or statements disclosed in confidence by a council member, except that this restriction shall not apply to any disclosure that is:

(1) protected pursuant to the Whistleblower Protection Act; or

(2) required by law.

Credits

Added by L. 2020, Ch. 9, § 53, eff. July 1, 2021.

NMSA 1978, § 59A-52-27, NM ST § 59A-52-27

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 52. State Fire Marshal (Refs & Annos)

N. M. S. A. 1978, § 59A-52-27.1

§ 59A-52-27.1. Fire services council; duties

Effective: July 1, 2021

[Currentness](#)

The fire services council shall:

- A. review and comment on proposed changes in fire codes and the proposed budget of the state fire marshal's office;
- B. consider complaints regarding the performance of the state fire marshal's office and make recommendations to the state fire marshal;
- C. provide to the secretary of homeland security and emergency management a recommendation on the appointment of the state fire marshal; and
- D. hear administrative appeals of state fire marshal or deputy state fire marshal orders and modifications.

Credits

Added by L. 2020, Ch. 9, § 54, eff. July 1, 2021.

NMSA 1978, § 59A-52-27.1, NM ST § 59A-52-27.1

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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Attorney General Information



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P.O. Drawer 1508
Santa Fe, New Mexico 87504
Telephone: (505) 827-6000
November 1, 1983

Mr. Thomas S. Udall
Environmental Improvement Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Re: Attorney General Reference Number 66551/000

Dear Mr. Udall:

You have asked this office for an opinion as to whether volunteer firefighters are "employees" within the meaning of the New Mexico Occupational Health and Safety Act (hereinafter "the Act"). For a number of reasons, we have concluded that for purposes of that Act, volunteer firefighters should be considered as employees. In reaching our conclusion, we have researched applicable statutes and case law, and have considered the nature of the volunteer firefighters system and the characteristics it has in common with other employment relationships.

Section 50-9-3 NMSA 1978 provides that:

"As used in the Occupational Health and Safety Act:

B. "Employee" means an individual, except a domestic employee, who is employed by an employer."

Perhaps the most obvious hallmark of an employment relationship is that an employee works for wages or a salary. This is clearly not the case with volunteer firefighters, who by definition are not paid an immediate wage. However, volunteers do receive other forms of compensation which indicate that they have an employment relationship. The recently enacted Volunteer Firefighters Retirement Act 10-11A-7, NMSA 1978, initiated a program through which qualified volunteer nonsalaried firefighters may be eligible for retirement benefits. This retirement program does not require contributions from the volunteer but is funded entirely from an annual transfer of \$500,000 over from the State Fire Protection Fund to the Volunteer Firefighters Retirement Fund. The State

Mr. Thomas S. Udall
November 1, 1983
Page -2-

Fire Protection Fund is comprised of taxes and fees from certain segments of the insurance business.

Payment of a pension or retirement benefits is commonly held to be deferred compensation for services rendered in the past. Sonnabend v. Spokane, 53 Wash.2d 362, 33 P.2d 918. Kneeland v. Administrator, Unemployment Compensation Act, 138 Conn. 630, 88 A.2d 376. As one court has said:

"A pension paid a governmental employee for long and efficient service is not an emolument... To the contrary it is a deferred portion of the compensation earned for services rendered." Great American Ins. Co. v. Johnson, 257 N.C. 367, 126 S.E. 2d 92.

It should be noted that if the retirement benefits are not considered to be compensation for services rendered to the State then the entire Volunteer Firefighters Retirement Act is probably violative of the anti-donation clause of Article IX, Section 14 of the New Mexico State Constitution which prohibits the State from making any donation to or in aid of any person. It appears then that the State is in fact paying Volunteer firefighters for their services by way of deferred compensation in the form of retirement benefits.

There are additional ways in which volunteers are compensated or treated as employees. For example, Section 3-18-11, NMSA 1978 permits municipalities who have organized volunteer fire departments to use State Fire Protection Fund monies to purchase an accident policy to cover injuries or death of a volunteer. As it would be impermissible to use state funds to purchase such insurance if volunteers were merely private citizens, it seems reasonable to imply that when acting as a firefighter in the service of the state or local government, the legislature has given them a special status. In return for aiding in fire protection, the State will provide funds to buy insurance for possible injury or death. Such coverage is indicative of an employment-like relationship.

Other benefits or compensation that might accrue to volunteers differ among fire departments. For example, it is our understanding that volunteers often receive meals, gasoline for their vehicles, and sometimes lodging. All of these items could be considered evidence of reimbursement of costs for services rendered which would point to an employer-employee relationship.

Another common characteristic of an employment relationship, as opposed to an independent contractor relationship, is that the employer has the right to control not only the result, but the details and means by which the employee's work is accomplished.

Mr. Thomas S. Udall
November 1, 1983
Page -3-

Burton v. Crawford & Co., 553 P. 2d 716, 89 N.M. 436, cert. denied, 558 P. 2d 619, 90 N.M. 7, Candelaria v. Board of County Commissioners of Valencia County, 423 P. 2d 982, 77 N.M.458. In practice, volunteer firefighters are subject to the command of whatever local governing body has created the fire protection program which they serve. Municipalities are authorized to create fire departments, both paid and volunteer, by Section 3-18-11, NMSA (1978), while authorization for counties to create independent fire districts outside municipal limits is found at Section 59-15-6, NMSA (1978).

For the most part, volunteer firefighters serve either municipalities or independent fire districts. Their functions are entirely a creation of municipal or county ordinance, as authorized by state law, and they are completely within the control of the governing body. When called to a fire, volunteers must follow the instructions of the "Chief" or whomever is designated by the local body to be in command. Therefore for purposes of the "right to control test" volunteers appear to be employees.

We think it is also important in reaching this conclusion to look at the purpose of OSHA, which is "to assure every working man and woman safe and healthful working conditions..." As a practical matter, volunteer firefighters often work alongside paid firefighters in responding to a fire. It would appear to make little sense to subject such volunteers to a lower standard of protection in light of the general goals of OSHA.

It may be possible to hypothesize a circumstance when there is a "pure" volunteer, that is, one who does not qualify for pension benefits, is not under the control of a local jurisdiction, and does not receive insurance coverage nor any other form of compensation. However, such a volunteer, as we understand it, would be extremely rare and therefore it would make little sense to base our decision on this potential exception, rather than on the more common case. As such, we conclude that for purpose of OSHA, volunteer firefighters are "employees" for the following reasons:

- (1) Volunteers are eligible to receive compensation for their services from state funds in the form of retirement benefits, insurance coverage and other miscellaneous compensation.
- (2) Volunteers work under the immediate control of the local fire protection body; they are not independent contractors.

Mr. Thomas S. Udall
November 1, 1983
Page -4-

- (3) OSHA should be interpreted in a practical way in order to accomplish its purpose of protecting worker health and safety.

We hope this has answered your questions. Please let us know if we can be of further assistance.

Sincerely,

SHEILA BROWN
Assistant Attorney General

SB/ag

Office of the Attorney General

State of New Mexico

Opinion 80-35

November 14, 1980

An independent fire district cannot own property in its own right. The ownership and control of all funds and property credited to independent fire districts vests in the county.

Independent fire districts are established pursuant to the Fire Protection Act (Act), Sections 59-15-1 to 59-15-17 NMSA 1978. The intent of the Act is to distribute funds for the operation and maintenance of fire departments “to incorporated cities, towns, villages and counties. Section 59-15-2 NMSA 1978. An independent fire district exists for the purpose of organizing the distribution of these funds throughout the state and is nowhere referenced outside the provision of the Act.

The Act provides that “county commissioners of any county may establish one or more independent fire districts within the county outside the corporate limits of any municipality.” Section 59-15-6 (A) NMSA 1978. Counties may also, however, contract with municipalities to provide fire fighting services if it is determined that such an arrangement is more economical for the county. Section 4-36-5 NMSA 1978. Fire protection throughout the state is therefore provided either by municipalities or by counties which establish independent fire districts in these areas of the county not governed by a municipality.

That an independent fire district exists only within the framework of county government is clear from the various provisions of the Act and other applicable laws. First, the board of county commissioners of any county may determine, in its discretion, how many and within which geographic boundaries independent fire districts are to be established in the county. Section 59-15-6 (A) NMSA 1978. Second, the extension of services of an independent fire district into an adjacent county is essentially determined by the boards of county commissioners of the affected counties. Section 59-15-6 (B) NMSA 1978.

Third, distribution from the Fire Protection Fund to an independent fire district are made to the county treasurer “for credit to such independent fire district.” Section 59-15-6 (B) NMSA 1978. These distributions “shall be expended under the direction of the chief of the fire department. . . . upon duly executed vouchers approved as required by law.” Section 59-15-8 NMSA 1978. Generally, funds lawfully in the custody of the county treasurer belong to the county. Section 6-10-51 NMSA 1978, and may be paid out only upon the order of the board of county commissioners. See, Sections 4-38-16, 4-10-6 and 4-45-4, NMSA 1978.

County control over independent fire districts is also evident from the rules and regulations promulgated by the superintendent of insurance pursuant to Section 59-15-13 NMSA 1978, for example, Rule 1.2 implicitly defines the board of county commissioners as the governing body for an independent fire district. Rule 3.2 provides that any purchase made with money from the Fire Protection Fund for the independent fire district shall be made in the name of the county.

Thus, the Act and the regulations promulgated there under clearly provide that money distributed to an independent fire district from the Fire Protection Fund is to be expended by the county, under the direction of the fire chief, and whatever property is acquired with that money belongs to the county. Accordingly, Section 59-15-11 NMSA 1978 of the Act, which prohibits the expenditure or obligation of distributions from the Fire Protection Fund for the purpose of constructing fire station unless the independent fire district “holds fee simple title, not encumbered by any lien, to the land on which it proposes to construct any such building,” must also be read in the context of the relationship between the county and the independent fire district. As the county establishes and defines the boundaries of an independent fire district, it is the county, and not the independent fire district, which must hold clear title to the land on which fire stations are to be constructed. When the legislature confers a duty upon the county and a method for discharging it, that method is exclusive. *El Dorado at Santa Fe, Inc. v Santa Fe County Board of County Commissioners*, 89 N.M. 313, 551 P.2d 1360 (1976).

Although the Act does not refer to money or property received on behalf of independent fire districts from sources other than the Fire Protection Fund, neither does it establish independent fire districts as corporate entities which may hold such other property in their own right. Compare, e.g., Drainage districts, Sections 73-6-1 to 73-6-44 NMSA 1978; Irrigation districts, Sections 73-9-1 to 73-9-62 NMSA 1978.

*1079 Independent fire districts were created solely for the purposes of allocating state funds for fire protection services. It was not intended by the Act that they be independent governmental entities or political subdivisions. That is they were not “formed or maintained for the more effectual or convenient exercise of political power within certain boundaries or localities, to whom the electors residing therein are, to some extent, granted power to locally self-govern themselves.” *Gibbany v Ford*, 29 N.M. 621, 626, 225 P. 577 (1924). Having been granted no power or authority independent of that of the county, the ownership and control of all funds and property credited to independent fire districts, from whatever source, vests in the county.

Jeff Bingamen
Attorney General

INVESTIGATIONS



Requesting Fire Investigators from the State Fire Marshal's Office

Fire Investigators assigned to the Investigation Division of the New Mexico State Fire Marshal's Office are empowered by state statute (NMSA 59A-52-10) to investigate all fires deemed necessary statewide. A request for a fire investigator may be made if a fire is considered suspicious or a local department needs assistance with a fire investigation.

Daily contact with the Fire Marshal's Office

During Normal Office Hours Monday – Friday 8:00 a.m. – 5:00 p.m.

To call the State Fire Marshal's Office, please see the staff directory for the appropriate contact number.

To Request a Fire Investigator:

Anytime Day or Night

There is an investigator on call 24 hours a day, 365 days a year including holidays and weekends, just call State Radio Communications at (505) 827-9377. Ask the dispatcher to contact the on-call Investigator. You will need to provide the basic information regarding the call and provide call back number to the dispatcher.

When the investigator contacts the caller, he will need the following information:

1. Whom he is to meet.
2. A location where to meet the person requesting assistance.
3. A phone number where he can reach the caller, in the event he needs to contact him/her before arriving at the scene.

The investigator will provide an estimated time of arrival. Be sure to have somebody at the location to maintain scene security and to guide the investigator to the scene. All investigators are equipped with two-way radios and have many fire and law enforcement frequencies programmed into them. As your frequency may not be in our radios, radio communications should be on the following frequencies.

State Fire (154.310)

State Police Car to Car (155.550)

Investigators may be contacted at the number listed on the directory if necessary

As the numbers and personnel are subject to change, contact through State Radio Communications is the preferred way to contact the on-call investigator any time.



Department of Homeland Security Emergency Management
State Fire Marshal Division



FIRE FATALITY REPORT FORM

•CONFIDENTIAL•

VICTIM INFORMATION			
LAST NAME	FIRST NAME	MIDDLE INITIAL	
ADDRESS			
CITY	STATE	ZIP CODE	
AGE	DATE OF BIRTH	GENDER	
LOCATION			
INCIDENT DATE	TIME OF DAY	INCIDENT NUMBER	
INCIDENT ADDRESS			
CITY	STATE	ZIP CODE	
AUTHORITY HAVING JURISDICTION	FIRE DEPARTMENT ID NUMBER (NFIRS)	COUNTY	
REPORTING AGENCY	REPORTING PERSON	PHONE	
DOLLAR LOSS:			
INCIDENT INFORMATION			
ORIGIN OF IGNITION <input type="checkbox"/> INTENTIONAL <input type="checkbox"/> UNINTENTIONAL <input type="checkbox"/> FAILURE OF EQUIPMENT OR HEAT SOURCE <input type="checkbox"/> ACT OF NATURE <input type="checkbox"/> CAUSE UNDER INVESTIGATION <input type="checkbox"/> CAUSE UNDETERMINED AFTER INVESTIGATION	SOURCE OF IGNITION <input type="checkbox"/> CANDLE <input type="checkbox"/> CHILD WITH ACCESS TO IGNITION DEVICE <input type="checkbox"/> COOKING <input type="checkbox"/> DRUG MANUFACTURING / LAB <input type="checkbox"/> ELECTRICAL DISTRIBUTION <input type="checkbox"/> ELECTRICAL APPLIANCE <input type="checkbox"/> OTHER:	<input type="checkbox"/> FIREWORKS <input type="checkbox"/> HOME HEATING <input type="checkbox"/> SMOKING <input type="checkbox"/> VEHICLE COLLISION <input type="checkbox"/> UNDETERMINED HEAT SOURCE	
HUMAN FACTORS <input type="checkbox"/> ASLEEP <input type="checkbox"/> POSSIBLY IMPAIRED BY ALCOHOL OR DRUGS <input type="checkbox"/> UNATTENDED OR UNSUPERVISED PERSON <input type="checkbox"/> POSSIBLY MENTALLY DISABLED <input type="checkbox"/> PHYSICALLY DISABLED <input type="checkbox"/> MULTIPLE PERSONS INVOLVED <input type="checkbox"/> AGE WAS A FACTOR <input type="checkbox"/> HOMICIDE <input type="checkbox"/> SUICIDE	FEATURES OF FIRE PROTECTION SMOKE ALARM/DETECTORS: <input type="checkbox"/> PRESENT <input type="checkbox"/> NOT PRESENT <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OPERATIONAL <input type="checkbox"/> NOT OPERATIONAL <input type="checkbox"/> UNKNOWN POWER SOURCE <input type="checkbox"/> BATTERY OPERATED <input type="checkbox"/> HARD WIRED FIRE SPRINKLERS: <input type="checkbox"/> PRESENT <input type="checkbox"/> NOT PRESENT <input type="checkbox"/> ACTIVATED <input type="checkbox"/> NOT ACTIVATED		
OCCUPANCY TYPE (International Building Code) FOR ASSISTANCE COMPLETING THIS SECTION CALL NUMBER LISTED BELOW DEATH OCCURRED - <input type="checkbox"/> IN VEHICLE <input type="checkbox"/> OUTSIDE <input type="checkbox"/> COMMERCIAL STRUCTURE <input type="checkbox"/> SINGLE FAMILY DWELLING <input type="checkbox"/> MULTI FAMILY DWELLING <input type="checkbox"/> AIRCRAFT <input type="checkbox"/> OTHER (Explain)			
NARRATIVE/CIRCUMSTANCES:			
REMIT INFORMATION WITHIN 48-HR <u>WRITTEN</u> NOTIFICATION			
RETURN:	NEW MEXICO STATE FIRE MARSHAL DIVISION • PO Box 27111• SANTA FE, NM 87502		
PHONE:	• (505) 476-0160 • FAX: (505) 476-0100 •		

Revised 10/2013

FIRE SERVICE SUPPORT BUREAU





Michelle Lujan Grisham
Governor

Ali Rye
State Director

Major General Miguel Aguilar
Cabinet Secretary

Randy Varela
State Fire Marshal

Regina Chacon
Deputy Cabinet Secretary

**DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**

The information requested on the lower portion of this page is required to update our records for all Fire Chief's in New Mexico. Please complete this form and return to:

Email to: derrick.rodriquez@dhsem.nm.gov

Your attention on this matter is appreciated.

Note: All information on this form becomes a matter of Public Record and may be released upon a formal Public Information Request.

Department/District: _____ **COUNTY:** _____

Chief's Name: _____

Assistant Chief's Name: _____

Mailing Address: _____

This address must be the address where you **receive** your Department Mail, **not the physical address** of the department.

City: _____ **Zip** _____

Chief's Office Phone #: _____

Chief's Cell Phone #: _____

Chief's Email Address: _____

Asst. Chief's Office Phone #: _____

Asst. Chief's Cell Phone #: _____

Asst. Chief's Email Address: _____

Private or Personal Email (Do not publish).

If you provide a private or personal email address, please indicate by checking the box.

West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund

N. M. S. A. 1978, Ch. 59A, Art. 53, Refs & Annos
[Currentness](#)

NMSA 1978, Ch. 59A, Art. 53, Refs & Annos, NM ST Ch. 59A, Art. 53, Refs & Annos
Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-1

§ 59A-53-1. Short title

[Currentness](#)

Chapter 59A, Article 53 NMSA 1978 may be cited as the “Fire Protection Fund Law”.

Credits

L. 1984, Ch. 127, § 972; L. 1989, Ch. 312, § 1.

NMSA 1978, § 59A-53-1, NM ST § 59A-53-1

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-2

§ 59A-53-2. Purpose

Effective: May 16, 2012

[Currentness](#)

It is the purpose of the Fire Protection Fund Law to provide for distribution of funds from the fire protection fund referred to in [Section 59A-6-5 NMSA 1978](#) to municipalities and to county fire districts, in proportion to their respective needs, for use in operation, maintenance and betterment of local fire departments, to the end that the hazard of loss by fire and fire insurance rates may be reduced and the public safety thereby promoted.

Credits

L. 1984, Ch. 127, § 973; L. 1989, Ch. 312, § 2; L. 2012, Ch. 20, § 1, eff. May 16, 2012.

NMSA 1978, § 59A-53-2, NM ST § 59A-53-2

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-2.1

§ 59A-53-2.1. Definitions

Currentness

As used in the Fire Protection Fund Law:

A. "marshal" means the state fire marshal as further identified in Chapter 59A, Article 52 NMSA 1978; and

B. "municipality" means an incorporated city, town or village.

Credits

Added by L. 2012, Ch. 20, § 2, eff. May 16, 2012.

NMSA 1978, § 59A-53-2.1, NM ST § 59A-53-2.1

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-3

§ 59A-53-3. Determination and certification of needs

Effective: May 16, 2012

[Currentness](#)

A. Annually, on or before the last day of May, the marshal shall consider and determine, in the marshal's reasonable discretion, the relative needs of municipalities and county fire districts for money in the fire protection fund, based upon the information available to the marshal, and shall certify to the state treasurer the names of the municipalities and county fire districts that the marshal determines need the assistance of a distribution from the money in the fire protection fund, and the amount required by each, in accordance with the provisions of Chapter 59A, Article 53 NMSA 1978. In making this determination and certification, the marshal shall consider the intent and purpose of that article that no municipality or county fire district shall receive money distributed from the fire protection fund merely for the purpose of accumulation when the money is not required to accomplish the purposes of that article.

B. In making a determination and certification of needs, the marshal shall consider and provide for any debt obligations of existing or previously existing fire departments or fire districts.

Credits

L. 1984, Ch. 127, § 974; L. 1989, Ch. 312, § 3; L. 1995, Ch. 141, § 24, eff. April 5, 1995; L. 2012, Ch. 20, § 3, eff. May 16, 2012.

NMSA 1978, § 59A-53-3, NM ST § 59A-53-3

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
 Chapter 59A. Insurance Code
 Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-4

§ 59A-53-4. Criteria for determination of needs; municipal fire department

Effective: May 16, 2012

Currentness

A. In making the determination of needs pursuant to [Section 59A-53-3 NMSA 1978](#), the marshal shall first determine that each municipality to be certified has maintained an official fire department created by and regulated in accordance with a duly enacted ordinance for a period of at least one year prior to the date of certification and possesses fire equipment and apparatus in serviceable condition to respond to a fire incident. The marshal shall also determine the number of fire stations and substations to be certified and shall certify to the state treasurer the amount to be distributed to each municipality for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to [Section 59A-53-5.1 NMSA 1978](#), the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780
number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555
number 7	55,501	19,530
number 8	52,418	18,502
number 9	39,058	15,425
number 10	34,944	none.

B. Any municipality may permit its fire department to service an area adjacent and contiguous to its corporate limits but within the corporate limits of another municipality or a county; provided that the other municipality or county by resolution or law duly adopted or enacted consents to the service and to the boundaries of the other area serviced. Before commencement of service, a plat showing the geographic limits and boundaries of the additional area to be serviced shall be filed with and approved by the marshal. A municipality may apply for fire protection fund eligibility for any fire station located within the additional area to be serviced.

C. Any municipality may apply for fire protection fund eligibility for a fire station located at a municipally owned airport, whether located outside or within its corporate limits.

Credits

L. 1984, Ch. 127, § 975; L. 1989, Ch. 312, § 4; L. 1996, Ch. 40, § 1, eff. April 30, 1996; L. 1998, Ch. 76, § 1; L. 2006, Ch. 103, § 1, eff. May 17, 2006; L. 2012, Ch. 20, § 4, eff. May 16, 2012.

NMSA 1978, § 59A-53-4, NM ST § 59A-53-4

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
 Chapter 59A. Insurance Code
 Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-5

§ 59A-53-5. Establishment of fire districts

Effective: May 16, 2012

[Currentness](#)

A. The county commissioners of any county may establish one or more fire districts. The marshal shall determine the number of fire stations and substations to be certified and shall certify to the state treasurer the amount to be distributed to each fire district for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to [Section 59A-53-5.1 NMSA 1978](#), the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780
number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555
number 7	55,501	19,530
number 8	52,418	18,502
number 9	39,058	15,425
number 10	34,944	none.

B. Additionally, prior to the disbursement of any funds, the following must be established to the satisfaction of the marshal:

(1) the fire district has maintained an official fire department for a period of at least one year, established and governed by appropriate resolution of the board of county commissioners and possesses fire apparatus and equipment in serviceable condition to respond to a fire incident;

(2) the geographic limits and boundaries of the fire district have been clearly defined and established in a plat showing the geographic limits and boundaries accepted and filed as part of the official record of proceedings of the board of county commissioners and a certified copy thereof filed with the marshal; and

(3) there is available within the geographic limits and boundaries of the fire district an adequate water supply to be used in connection with the firefighting facilities of the fire district.

C. The county commissioners of any county may permit a county fire district to service an area adjacent and contiguous to the district but within another county or municipality; provided that the county commissioners of the other county or the municipality consent by resolution or law duly adopted or enacted to the service and to the boundaries of the other area serviced. Before commencement of service, a plat showing the geographic limits and boundaries of the county fire district and of the additional area to be serviced shall be filed with and approved by the marshal. Any county may apply for fire protection fund eligibility for any fire station located within the additional area to be serviced.

Credits

L. 1989, Ch. 312, § 5; L. 1996, Ch. 40, § 2, eff. April 30, 1996; L. 1998, Ch. 76, § 2; L. 2006, Ch. 103, § 2, eff. May 17, 2006; L. 2012, Ch. 20, § 5, eff. May 16, 2012.

NMSA 1978, § 59A-53-5, NM ST § 59A-53-5

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-5.1

§ 59A-53-5.1. Maximum amounts to be certified

Currentness

A. For fiscal year 2007 and each fiscal year thereafter, the marshal shall certify a total amount equal to the higher of the amount that would be certified pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 or an amount to be determined by adding:

(1) the total increase in the fire protection fund receipts in the previous fiscal year minus the appropriations, from all sources, to the volunteer firefighters retirement fund in the current fiscal year; and

(2) the total distribution pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 for the previous fiscal year.


B. The marshal shall adjust the distributions for each class in proportion to the increase in the total distribution.

Credits

L. 1998, Ch. 76, § 3; L. 2006, Ch. 103, § 3, eff. May 17, 2006.

NMSA 1978, § 59A-53-5.1, NM ST § 59A-53-5.1

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-5.2

§ 59A-53-5.2. Appropriations and transfers from the fire protection fund

Effective: July 1, 2021
[Currentness](#)

A. For each fiscal year, the amount to be distributed by the marshal pursuant to [Sections 59A-53-4, 59A-53-5 and 59A-53-5.1 NMSA 1978](#) is appropriated from the fire protection fund to the state fire marshal for the purpose of making the following distributions:

- (1) the total amount to be distributed during the fiscal year pursuant to [Sections 59A-53-4, 59A-53-5 and 59A-53-5.1 NMSA 1978](#);
- (2) the total amount of other appropriations from the fire protection fund for the fiscal year;
- (3) on June 30, 2017, no distribution shall be made to the fire protection grant fund;
- (4) in fiscal years 2019 through 2021, periodic allotments not to exceed forty and two-tenths percent of the projected remaining balance in the fire protection fund shall be distributed to the fire protection grant fund; and
- (5) beginning in fiscal year 2022, periodic allotments equaling the total projected remaining balance in the fire protection fund shall be distributed to the fire protection grant fund.

B. As of June 30 of each year, the remaining unexpended balance in the fire protection fund shall be transferred to the general fund.

Credits

Added by L. 2007, Ch. 152, § 1, eff. June 15, 2007. Amended by L. 2009, Ch. 3, § 6, eff. Feb. 6, 2009; L. 2010, Ch. 52, § 1, eff. May 19, 2010; L. 2011, Ch. 164, § 1, eff. June 17, 2011; L. 2016, 2nd Sp. Sess., Ch. 1, § 2, eff. Jan. 1, 2017; L. 2017, Ch. 1, § 5, eff. June 16, 2017; L. 2021, Ch. 125, § 1, eff. July 1, 2021.

NMSA 1978, § 59A-53-5.2, NM ST § 59A-53-5.2

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-5.3

§ 59A-53-5.3. Fire station and fire protection services across jurisdictional lines

Currentness

A. Nothing in the Fire Protection Fund Law shall be construed to prohibit fire protection fund eligibility to a municipal or county fire station or substation that otherwise meets the requirements of the marshal and the requirements of the Fire Protection Fund Law but is not located within the municipality or county.

B. Nothing in the Fire Protection Fund Law shall be construed to prohibit mutual aid agreements between municipalities or counties to provide fire protection services across jurisdictional lines.

Credits

Added by L. 2012, Ch. 20, § 6, eff. May 16, 2012.

NMSA 1978, § 59A-53-5.3, NM ST § 59A-53-5.3

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-6

§ 59A-53-6. Appeal and review of determination

Effective: May 16, 2012

[Currentness](#)

The marshal shall promptly notify each municipality and county fire district affected of the marshal's determination of needs, and a municipality or county fire district may appeal from the determination of the marshal to the commission, within ten days after the determination of needs. The commission shall review the determination of the marshal in such informal and summary proceedings as it deems proper and shall certify to the state treasurer annually, on or before the last day of June, the results of all appeals from the determinations of the marshal. The certification by the commission, or by the marshal if no appeal is taken, shall be final and binding on all concerned and not subject to any further review.

Credits

L. 1984, Ch. 127, § 977; L. 1989, Ch. 312, § 6; L. 1998, Ch. 108, § 43, eff. Jan. 1, 1999; L. 2012, Ch. 20, § 7, eff. May 16, 2012.

NMSA 1978, § 59A-53-6, NM ST § 59A-53-6

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-7

§ 59A-53-7. Distribution of fire protection fund

Effective: July 1, 2021

[Currentness](#)

A. Based on periodic allotments approved by the marshal, the state treasurer shall distribute from the money in the fire protection fund, to each municipality and county fire district, the amount that the marshal or the secretary of homeland security and emergency management has certified to the state treasurer. Payment shall be made to the treasurer of any municipality and to the county treasurer of the county in which any county fire district is located for credit to the county fire district.

B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in the amount that the marshal or the secretary of homeland security and emergency management, as the case may be, has certified to the state treasurer pursuant to an ordinance or a resolution passed by the municipality or county and a written agreement of the municipality or county in which any county fire district is located and the New Mexico finance authority.

C. In addition to the distributions made pursuant to Subsections A and B of this section, upon certification by the marshal that the balance of the firefighters' survivors fund is less than two hundred fifty thousand dollars (\$250,000), the state treasurer shall distribute an amount from the fire protection fund to the firefighters' survivors fund so that the balance of the firefighters' survivors fund equals two hundred fifty thousand dollars (\$250,000).

Credits

L. 1984, Ch. 127, § 978; L. 1989, Ch. 312, § 7; L. 1994, Ch. 54, § 3; L. 1998, Ch. 108, § 44, eff. Jan. 1, 1999; L. 2007, Ch. 149, § 6, eff. June 15, 2007; L. 2012, Ch. 20, § 8, eff. May 16, 2012; L. 2015, Ch. 24, § 1, eff. July 1, 2015; L. 2017, Ch. 1, § 6, eff. June 16, 2017; L. 2020, Ch. 9, § 55, eff. July 1, 2021.

NMSA 1978, § 59A-53-7, NM ST § 59A-53-7

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-8

§ 59A-53-8. Expenditure of fire protection fund money

Effective: June 14, 2019

[Currentness](#)

Money distributed from the fire protection fund to a municipality or to a county fire district:

A. may be expended only for the:

- (1) maintenance of its fire department;
- (2) purchase or refinance of land for its fire stations and substations;
- (3) purchase, refinance, construction, maintenance, repair and operation of its fire stations and substations;
- (4) purchase or refinance of fire apparatus and equipment;
- (5) payment of insurance premiums on fire stations, substations, fire apparatus and equipment and insurance premiums for injuries or deaths of firefighters as otherwise provided by law;
- (6) payment of fire department emergency medical services, except salaries; and
- (7) payment of firefighters' attendance at fire schools and conventions approved by the marshal;

B. shall not, without approval by the marshal, be expended for any purpose related to:

- (1) its water supply systems or the improvement or construction of those systems;
- (2) the purchase, rental, installation or maintenance of fire hydrants; or
- (3) any other appurtenance related to the distribution or use of water from its water supply system; and

C. shall not be expended for any public, private or other water system used for potable water supply.

Credits

L. 1984, Ch. 127, § 979; L. 1989, Ch. 312, § 8; L. 1994, Ch. 53, § 3; L. 2011, Ch. 162, § 1, eff. July 1, 2011; L. 2012, Ch. 20, § 9, eff. May 16, 2012; L. 2019, Ch. 55, § 1, eff. June 14, 2019.

NMSA 1978, § 59A-53-8, NM ST § 59A-53-8

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-9

§ 59A-53-9. Limitations on expenditures

Effective: May 16, 2012

[Currentness](#)

No amount so distributed from the fire protection fund to a municipality or to any county fire district shall be expended in connection with the construction, purchase or equipment of any fire station or substation in addition to those existing upon the date of distribution by the state treasurer, during the year following such distribution, without the prior written approval of the marshal.

Credits

L. 1984, Ch. 127, § 980; L. 1989, Ch. 312, § 9; L. 2012, Ch. 20, § 10, eff. May 16, 2012.

NMSA 1978, § 59A-53-9, NM ST § 59A-53-9

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-10

§ 59A-53-10. Interest in land for fire stations or substations

Effective: June 14, 2019

[Currentness](#)

Money distributed from the fire protection fund to a municipality or to a county fire district may be expended or obligated for the construction of buildings for fire stations or substations only if:

A. the municipality or county fire district proposing to expend or obligate for that purpose holds fee simple title, not encumbered by any lien, to the land on which it proposes to construct the building; or

B. the land is donated in whole or in part to the municipality or county fire district for the purpose, and use of fire protection fund money for the construction or location, where the donor has reserved right of reversion of the land under stated conditions, if the use of money is approved by the marshal in advance and after full investigation and determination that the use would be appropriate and reasonable.

Credits

L. 1984, Ch. 127, § 981; L. 1989, Ch. 312, § 10; L. 2012, Ch. 20, § 11, eff. May 16, 2012; L. 2019, Ch. 55, § 2, eff. June 14, 2019.

NMSA 1978, § 59A-53-10, NM ST § 59A-53-10

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-11

§ 59A-53-11. Vouchers

Effective: May 16, 2012

[Currentness](#)

A. Amounts so distributed from the fire protection fund to a municipality or to any county fire district shall be expended under the direction of the chief of the fire department of the municipality or county fire district, upon duly executed vouchers approved as required by law.

B. In no event is any amount to be expended for any purpose that does not relate directly to the permitted purposes specifically stated in [Sections 59A-53-8](#) and [59A-53-9 NMSA 1978](#).

Credits

L. 1984, Ch. 127, § 982; L. 1989, Ch. 312, § 11; L. 2012, Ch. 20, § 12, eff. May 16, 2012.

NMSA 1978, § 59A-53-11, NM ST § 59A-53-11

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-12

§ 59A-53-12. Promulgation of rules

Effective: May 16, 2012

[Currentness](#)

The marshal has authority to promulgate, modify, amend and revoke from time to time rules, including those for mutual aid among and between fire departments; provided that no such rules shall allow any fire department to extend its service in any manner that would jeopardize the fire insurance rates within its municipality or county fire district, as the marshal may determine, in the marshal's discretion, to be necessary, advisable or proper to accomplish the objectives of the Fire Protection Fund Law. Among other things, these rules shall include, but not be limited to, a list of firefighting equipment, apparatus and other items that may properly be purchased by a municipality or by any county fire district from funds distributed from the fire protection fund, and standards of quality, construction and performance to be met by major firefighting appliances, training requirements, firefighting protective clothing and equipment standards, and by fire stations and substations, proposed to be purchased or constructed by a municipality or district from money distributed from the fire protection fund. All rules shall be filed and published as required by law. Rules of this nature heretofore promulgated by the superintendent and now in effect shall continue in effect until hereafter revoked or modified. Nothing in this section shall be construed to grant regulatory authority over the Volunteer Firefighters Retirement Act to the marshal.

Credits

L. 1984, Ch. 127, § 983; L. 1989, Ch. 312, § 12; L. 2012, Ch. 20, § 13, eff. May 16, 2012.

NMSA 1978, § 59A-53-12, NM ST § 59A-53-12

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-13

§ 59A-53-13. Liability for unauthorized expenditure

Effective: May 16, 2012

[Currentness](#)

Any person who shall expend, or direct or permit the expenditure of, any money distributed from the fire protection fund for purposes not expressly authorized by Chapter 59A, Article 53 NMSA 1978 or by rules duly promulgated by the marshal pursuant to that article shall be personally liable to the state of New Mexico for the full amount of the money wrongfully expended, together with interest thereon and costs. An action to recover the amount of any wrongful expenditure may be commenced by the attorney general or the district attorney in the county in which the wrongful expenditure was made, upon the filing with the officer of a verified statement describing the wrongful expenditure.

Credits

L. 1984, Ch. 127, § 984; L. 1989, Ch. 312, § 13; L. 2012, Ch. 20, § 14, eff. May 16, 2012.

NMSA 1978, § 59A-53-13, NM ST § 59A-53-13

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-14

§ 59A-53-14. Closure of fire department

Effective: May 16, 2012

[Currentness](#)

A. If any fire department operated by a municipality or county fire district should go out of existence or for any reason cease to operate and function for a period of ninety days, title to all firefighting equipment and apparatus paid for in whole with distributions from the fire protection fund and held by or for the benefit of the fire department shall vest in the marshal and all money distributed from the fire protection fund and held by or for the fire department shall revert to the fire protection fund. Any person having custody or control of any such firefighting equipment and apparatus shall forthwith deliver it as directed by the marshal, and any person having custody or control of the money shall forthwith remit it to the state treasurer, who shall again deposit the money in the state treasury to the credit of the fire protection fund. An action to recover the possession and control of such firefighting equipment and apparatus, or the money, may be commenced by the attorney general or the district attorney in the county in which the equipment and apparatus or money are situated upon the filing with the officer of a verified statement of the circumstances.

B. Notwithstanding the provisions of Subsection A of this section, money distributed from the fire protection fund needed to pay debt service on bonds or other obligations issued by or on behalf of a fire department or fire district may be used to pay such debt service, and the marshal and the state treasurer shall continue to make distributions from the fire protection fund for and on behalf of the fire department or fire district until the bonds or other obligations are paid in full.

Credits


L. 1984, Ch. 127, § 985; L. 1989, Ch. 312, § 14; L. 1995, Ch. 141, § 25, eff. April 5, 1995; L. 2006, Ch. 103, § 4, eff. May 17, 2006; L. 2012, Ch. 20, § 15, eff. May 16, 2012.

NMSA 1978, § 59A-53-14, NM ST § 59A-53-14

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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 KeyCite Red Flag - Severe Negative Treatment
KeyCite Red Flag Negative Treatment § 59A-53-15. Repealed by L. 2007, Ch. 152, § 2, eff. June 15, 2007

West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-15

§ 59A-53-15. Repealed by L. 2007, Ch. 152, § 2, eff. June 15, 2007

Effective: June 15, 2007
[Currentness](#)

NMSA 1978, § 59A-53-15, NM ST § 59A-53-15
Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-16

§ 59A-53-16. New fire departments

Effective: May 16, 2012

[Currentness](#)

Whenever the marshal, after the last day of May in any year, determines that a municipality or county fire district, operating a new fire department, has met the requirements of Chapter 59A, Article 53 NMSA 1978 for the first time, the marshal may certify to the state treasurer the name of the municipality or county fire district and the amount required, on the same basis as provided in that article, but not to exceed an amount commensurate with the period of time for which such pro rata distribution is made; and distribution of the amount certified shall be made as otherwise provided in that article.

Credits

L. 1984, Ch. 127, § 987; L. 1989, Ch. 312, § 16; L. 2012, Ch. 20, § 16, eff. May 16, 2012.

NMSA 1978, § 59A-53-16, NM ST § 59A-53-16

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-17

§ 59A-53-17. Mutual assistance

Currentness

Notwithstanding the provisions of Sections 59A-53-5 and 59A-53-12 NMSA 1978, or any other provision of law to the contrary, fire districts may render assistance to other fire districts, and equipment of fire districts may be used outside the district, if the use is authorized by the county fire marshal, and the county fire marshal before he authorizes the use, provides for standby equipment or move-up equipment, so that the assisting district which goes to the aid of another district has equipment available from an adjacent district for use in the assisting district in the event of a fire in the assisting district.

Credits


L. 1984, Ch. 127, § 988; L. 2006, Ch. 103, § 6, eff. May 17, 2006.

NMSA 1978, § 59A-53-17, NM ST § 59A-53-17

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-18

§ 59A-53-18. Fire protection grant fund; created; uses

Effective: July 1, 2021
[Currentness](#)

The “fire protection grant fund” is created in the state treasury. The fund shall consist of transfers, distributions, appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year. Money in the fund is appropriated to the fire protection grant council for the purposes of making distributions approved by the council for the critical needs of municipal fire departments and county fire districts. Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the marshal.

Credits


Added by L. 2006, Ch. 103, § 7, eff. May 17, 2006. Amended by L. 2012, Ch. 20, § 17, eff. May 16, 2012; L. 2017, Ch. 1, § 7, eff. June 16, 2017; L. 2021, Ch. 125, § 2, eff. July 1, 2021.

NMSA 1978, § 59A-53-18, NM ST § 59A-53-18

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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Proposed Legislation

West's New Mexico Statutes Annotated
Chapter 59A. Insurance Code
Article 53. Fire Protection Fund (Refs & Annos)

N. M. S. A. 1978, § 59A-53-19

§ 59A-53-19. Fire protection grant council; duties

Effective: July 1, 2021
[Currentness](#)

A. The “fire protection grant council” is created. The council consists of:

- (1) a representative of the New Mexico municipal league;
- (2) a representative of the New Mexico association of counties;
- (3) two members appointed by the fire services council, who shall serve at the pleasure of the council;
- (4) three members, one from each congressional district, appointed by the governor who shall serve at the pleasure of the governor; and
- (5) the marshal, who shall serve as a nonvoting advisory member. The council shall elect a chair and vice chair from its membership.

B. The public members are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act¹ and shall receive no other compensation, perquisite or allowance.

C. The council shall develop criteria for assessing the critical needs of municipal fire departments and county fire districts for:

- (1) fire apparatus and equipment;
- (2) communications equipment;
- (3) equipment for wildfires;

- (4) fire station construction or expansion;
- (5) equipment for hazardous material response;
- (6) stipends for volunteer firefighters; and
- (7) recruiting and retention programs for volunteer firefighters.

D. Applications for grant assistance from the fire protection grant fund shall be made by fire districts to the council in accordance with the requirements of the council. Using criteria developed by the council, the council shall evaluate applications and prioritize those applications most in need of grant assistance from the fund. To the extent that money in the fund is available, the council shall award grant assistance for those prioritized applications.

E. In awarding grant assistance, the council may require conditions and procedures necessary to ensure that the money is expended in the most prudent manner.

F. When considering applications for grant assistance to pay stipends to volunteer firefighters, the council shall:

- (1) ensure the proposed stipends will comply with the federal Fair Labor Standards Act of 1938² and United States department of labor requirements for maintaining volunteer status;
- (2) require a basic level of training before a volunteer may receive a stipend;
- (3) consider whether the fire district requires a service commitment from its volunteer firefighters in exchange for stipends; and
- (4) weight the applications against other criteria or requirements determined by the council.

Credits

Added by L. 2006, Ch. 103, § 8, eff. May 17, 2006. Amended by L. 2009, Ch. 266, § 1, eff. June 19, 2009; L. 2010, Ch. 69, § 1, eff. May 19, 2010; L. 2012, Ch. 20, § 18, eff. May 16, 2012; L. 2013, Ch. 74, § 34, eff. March 29, 2013; L. 2020, Ch. 9, § 56, eff. July 1, 2021. L. 2021, Ch. 125, § 3, eff. July 1, 2021.

Footnotes

¹ NMSA 1978, § 10-8-1 et seq.

2 29 U.S.C.A. § 201 et seq.

NMSA 1978, § 59A-53-19, NM ST § 59A-53-19

Current through the end of the First Regular Session and First Special Session, 55th Legislature (2021).

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Code of New Mexico Rules Currentness
Title 10. Public Safety and Law Enforcement
Chapter 25. State Fire Marshal
Part 10. Fire Protection Fund (Refs & Annos)

N.M. Admin. Code 10.25.10

10.25.10. FIRE PROTECTION FUND

10.25.10.1 ISSUING AGENCY: New Mexico Public Regulation Commission, State Fire Marshal's Division.

[10.25.10.1 NMAC - Rp, 10.25.10.1 NMAC, 7-15-13]

10.25.10.2 SCOPE: This rule applies to all counties, municipalities, and any governmental entity, under law, that receive fire protection fund money.

[10.25.10.2 NMAC - Rp, 10.25.10.2 NMAC, 7-15-13]

10.25.10.3 STATUTORY AUTHORITY: [Section 59A-53-12 NMSA 1978](#).

[10.25.10.3 NMAC - Rp, 10.25.10.3 NMAC, 7-15-13]

Credits

10.25.10.4 DURATION: Permanent.

[10.25.10.4 NMAC - Rp, 10.25.10.4 NMAC, 7-15-13]

10.25.10.5 EFFECTIVE DATE: July 15, 2013, unless a later date is cited at the end of a section.

[10.25.10.5 NMAC - Rp, 10.25.10.5 NMAC, 7-15-13]

10.25.10.6 OBJECTIVE: The purpose of this rule is to clarify the requirements under which fire departments are funded and to specify the items and services that can be procured for use in the operations, maintenance and betterment of local fire departments with the intention of reducing losses by fire and reducing fire insurance rates, as well as to ensure that all firefighters within New Mexico have the basic skills and knowledge required to perform as team members of a fire department during emergency operations.

[10.25.10.6 NMAC - Rp, 10.25.10.6 NMAC & [10.25.11.6 NMAC](#), 7-15-13]

10.25.10.7 DEFINITIONS: As used in this rule:

- A. accreditation** means to give official authorization or approval; or to recognize or vouch for as conforming to a standard;
- B. certified fire department** means a fire department that has been certified pursuant to paragraph 10.25.10.11 of this rule;
- C. certification** means to attest authoritatively; specifically, the issuance of a document that states that one has demonstrated the knowledge and skills necessary to function in a particular field, by a testing procedure;
- D. certifying entity** means an organization that is accredited, or a government agency statutorily authorized to issue certificates;
- E. competent** means capable; fit to perform the assigned tasks;
- F. fire department** means an organization created by any municipality, county, or other governmental entity entitled to fire protection funds and capable of providing fire suppression and related activities;
- G. fire chief** means the highest-ranking officer in charge of a fire department;
- H. fire company** means a group of members that is under the direct supervision of an officer or leader; trained and equipped to perform assigned tasks; arrives at the incident scene on the fire apparatus, or assembles at the scene prior to assignment; usually operates with one piece of apparatus; examples of companies are pumper/engine, truck/ladder, service, elevating platform, rescue, wild land, hazardous materials, and emergency medical/ambulance;
- I. fire protection fund (FPF)** means funds distributed pursuant to the Fire Protection Fund Act, [Section 59A-53-1 NMSA 1978](#);
- J. fire marshal** means the state fire marshal as established under the State Fire Marshal Act, [Section 59A-52-1 NMSA 1978](#);
- K. fire service apparatus** means a motorized vehicle designated to respond to fire service functions performed by the fire department;
- L. fire service** means all fire departments and fire department members that have the skills and equipment needed to perform the functions of a fire department based on NFPA standards or nationally accepted practices; fire service functions performed by fire departments ensure public safety and health; fire services functions may include, but are not limited to, structural firefighting, wild land firefighting, emergency medical services, rescue, and hazardous materials;
- M. fire suppression** means the activities involved in controlling and extinguishing fires; fire suppression shall include all activities performed at the scene of a fire incident or training exercise that expose fire department members to the dangers of heat, flame, smoke, and other products of combustion, explosion or structural collapse;

N. initial attack apparatus means a fire service apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 250 gpm capacity, a water tank, and a hose body; the primary function is to initiate a fire suppression attack on structural, vehicular, or vegetation fires, and to support associated fire department operations;

O. insurance services office, inc (ISO) means an independent statistical, rating, and advisory organization that serves the property and casualty insurance industry. ISO collects information on a community's public fire protection and analyzes the data using its fire suppression rating schedule (FSRS). ISO then assigns a public protection classification from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection;

P. local government means either the municipal or county governing body that governs a given fire department;

Q. main station means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure; as a minimum, the structure should contain an area dedicated for administration, classrooms or a training area, and restrooms; the structure shall house at least one apparatus that meets the criteria for an initial attack or pumper apparatus; the structure shall serve as the command and control station for either all or a designated portion of the department's response area; each fire department shall have at least one main station; if the fire department has more than one main station, there shall be a minimum of three fire companies under the direct control of the senior-ranking officer assigned to each main station; the companies shall be housed in the main station or in substations that are under the command of the senior-ranking officer; separate buildings that house only fire service administration and that are not co-located with other stations may also be considered main stations;

R. may means an optional or discretionary requirement;

S. member means a person involved in performing the duties and responsibilities of a fire department under the auspices of the organization; a fire department member may be a full-time or part-time paid employee, a paid or unpaid volunteer; may occupy any position or rank within the fire department, and may or may not engage in emergency operations;

T. NFPA standard means the most recent edition of the national fire protection association standard for a given subject;

U. New Mexico firefighters training academy (NMFTA) means the primary institution within the state fire marshal's office responsible for developing or conducting fire service related training; the NMFTA is accredited by the international fire service accreditation congress (IFSAC); as it pertains to this system, the mission statement for IFSAC is to measure the level of professionalism of the fire service internationally through the accreditation of those entities who administer standardized written or manipulative examinations of the required knowledge and skills to meet nationally and internationally recognized professional qualification standards;

V. operational/functional status means a certified fire department that has sufficient membership to ensure the response of at least four members to structure fires; all four members shall have sufficient structural firefighting protective clothing and be, as a minimum, competent at the firefighter I level as established by the NMFTA bureau;

W. position task book (PTB) means a document that lists the minimum performance requirements (tasks) for a specific position within the fire service in format that allows a trainee to be evaluated against written standards;

X. pumper apparatus means a fire department apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 750 gpm capacity, a water tank, and a hose body; the primary function is to combat structural and associated fires;

Y. shall means a mandatory requirement;

Z. should means a recommendation or that which is advised;

AA. SFMO means the state fire marshal's office;

BB. substation means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure; the structure should house at least one apparatus that meets the general criteria of an initial attack or pumper apparatus; the structure may or may not include separate interior rooms, such as offices, classrooms, and quarters;

CC. trainee means a member of a fire department that is working towards being recognized as competent in a given fire department position; training may be through an academy, conducted by the department, on the job, or by any other means that ensures the trainee can complete the appropriate tasks;

DD. wildland fire apparatus means a fire service apparatus that meets the general requirements of the applicable NFPA standard and is equipped with a pump having a capacity between 20 gpm and 250 gpm, a water tank, and equipment whose primary purpose is to combat vegetation fires, and to support associated fire department operations.

[10.25.10.7 NMAC - Rp, 10.25.10.7 NMAC & 10.25.11.7 NMAC, 7-15-13]

10.25.10.8 APPLICATION REQUIREMENTS TO PARTICIPATE IN DISTRIBUTION:

A. Every local government that desires to have a fire department(s) participate in the distribution of the fire protection fund shall file a complete application on a form prescribed by the fire marshal. This form shall include information necessary to determine the funding needs of the fire department for the following state fiscal year.

B. The application for fire protection funds shall be received in the office of the fire marshal on or before the 30th day of April each year.

[10.25.10.8 NMAC - Rp, 10.25.10.8 NMAC, 7-15-13]

10.25.10.9 ACCUMULATION OF FUNDS:

A. FPF funds cannot be accumulated when the money is not required to accomplish the purpose of the Fire Protection Fund Act or any associated rules promulgated by the fire marshal.

B. FPF funds may be rolled over to subsequent fiscal years for the purposes of accumulating money to procure items or services for use in the operation, maintenance and betterment of the fire department. A request for authorization to rollover and accumulate FPF funds shall accompany the application to participate in distribution. The request must include a detailed description of the intended use of the accumulated money.

C. If the item to be purchased requires rollover and accumulation of FPF funds for more than one-year, only one request and subsequent authorization to accumulate funds is needed. If the item to be purchased changes, a new request for authorization to rollover and accumulate FPF funds shall be submitted to the fire marshal.

[10.25.10.9 NMAC - Rp, 10.25.10.9 NMAC, 7-15-13]

10.25.10.10 PERIODIC REQUIREMENTS:

A. Each fire department shall complete a monthly fire report utilizing the national fire incident reporting system. This report shall be filed with the state fire marshal's office by the 10th day of each month following the month for which the report is prepared, (e.g., the report for January is due by February 10th). Each fire department shall identify and file with the fire marshal's office, as a minimum, one representative responsible to comply with the reporting requirements.

B. Each fire department receiving FPF funds shall submit any other reports the fire marshal shall, from time to time, require and deem necessary.

C. Each fire department receiving FPF funds shall cooperate during any inspection deemed necessary by the fire marshal.

D. Each local government that receives FPF funds shall have in place an accounting system that clearly delineates FPF transactions and, upon request by the fire marshal, make available all records regarding FPF transactions.

[10.25.10.10 NMAC - Rp, 10.25.10.10 NMAC, 7-15-13]

10.25.10.11 CRITERIA FOR THE ESTABLISHMENT, CERTIFICATION AND FUNDING OF NEW DEPARTMENTS:

A. Establishment of a new department. The following actions are to be taken in the order listed.

(1) Local government shall request from the fire marshal an onsite visit of the proposed response area to determine the feasibility of starting a new department.

(2) If the fire marshal determines that starting a new fire department is feasible, the citizens of the community, or communities, shall organize the new fire department. To achieve an operational/functional status, the department shall have sufficient membership to ensure the response of at least four trained members to fires in structures. To meet this minimum number, the department should have at least 12 adults willing and able to volunteer their services as firefighters.

(3) The local government shall identify water sources within the proposed response area. Ideally, all single point water sources should have a minimum of 30,000 gallons of water usable for suppression. The local government shall obtain written permission from property owners in which they agree to allow the fire department to use private water sources.

(4) The citizens shall petition the local government to establish the fire department by appropriate resolution. The resolution shall contain a legal description of the response area boundaries by section, township, and range.

(5) The local government shall submit to the fire marshal two copies of the resolution along with two clear and concise maps depicting the boundaries of the response area. The maps should be of a scale that clearly depicts the district and identifies the range and township. The preferred scale is one inch equals two miles. The district boundaries should be clearly outlined. Boundaries shall include additional areas to be serviced within an adjacent municipality or county if such additional coverage has been designated by resolution or law. All sources of water for firefighting within the boundaries shall be clearly indicated on the map. An additional copy of the resolution and map should be:

(a) on file with the local government;

(b) on file with the fire department (a copy of the map should be posted).

(6) Upon successful completion of Paragraphs (1) through (5), the fire marshal shall place the new department on probation for one year. The fire department's one-year probation period shall start no earlier than the date of the local government resolution.

(7) The local government shall obtain essential firefighting equipment and personal protective equipment.

(8) As a minimum, the local government shall obtain an operational apparatus meeting the general criteria for an initial attack or pumper apparatus. A waiver may be granted by the fire marshal for an apparatus not meeting this requirement. The request for a waiver shall include a detailed plan that establishes how this requirement is to be eventually met.

(9) The apparatus shall be housed to provide adequate protection. The structure should be owned or leased to the local government. However, while on probation other arrangements approved by the local government are acceptable.

B. Certification of a new department. The fire marshal shall certify a new department when the following requirements have been met:

(1) the department shall have been on probation for a period of no less than one year;

(2) the department shall have an alarm notification system in place; this system shall be designed so that there is no delay in the receipt of alarms and the dispatch of firefighters; a waiver may be granted by the fire marshal for a specific period if there is a detailed plan that establishes how this requirement is to be met;

(3) as a minimum, the following records shall be on file with the fire department:

(a) response records that indicate the date, times (alarm to return to service), location and type of response and the number and names of responders;

(b) training records that indicate the date, times (start to end), location and description of training, and the number and names of attendees;

(c) minutes of department business meetings;

(d) maintenance records of equipment and apparatus;

(e) up-to-date roster of fire department members;

(4) no later than 30 days prior to the end of the one-year probation period, the fire department provide the fire marshal with the following:

(a) a description of the alarm system;

(b) a complete itemized inventory of firefighting equipment and apparatus;

(c) a roster of firefighters names, addresses and telephone numbers;

(d) a written request for a certification inspection;

(5) a fire department that fails to comply with any portion of the certification requirements shall remain on probation until all requirements are met;

(6) upon review and approval of all requirements, probational departments shall be certified by written notice.

C. Funding of new departments.

(1) Certified new departments shall receive their first year funding based on pro rata distribution of the department's ISO class. Departments that have not been evaluated by ISO shall have their pro rata distribution based on an ISO Class 10. The distribution shall be based on the state's fiscal year.

(2) All subsequent annual funding shall be based on the department's ISO classification and number of approved main and substations.

[10.25.10.11 NMAC - Rp, 10.25.10.11 NMAC, 7-15-13]

10.25.10.12 ISO CLASS 10 DEPARTMENTS:

A. All Class 10 departments shall have three years from the date of certification as a fire department or from the effective date of this rule (whichever is longer) to achieve Class 9 or better.

B. Class 10 departments may submit a written request to the fire marshal for extension if Class 9 has not been obtained. The request shall identify why Class 9 has not been achieved and include a comprehensive plan that details how these deficiencies shall be corrected.

C. Departments that fail to achieve a Class 9 or better within three years, and that do not receive an extension, shall be inspected to determine their operational/functional status. Departments determined to be non-operational by the fire marshal shall be subject to closure in accordance with [Section 59A-53-14 NMSA 1978](#).

[10.25.10.12 NMAC - Rp, 10.25.10.12 NMAC, 7-15-13]

10.25.10.13 ESTABLISHMENT OF MAIN STATION AND SUBSTATION FOR FUNDING PURPOSES:

A. All stations shall have a name or numerical designation. (example: Washington Street Station or XYZ Fire Department Station No. 2).

B. Existing main and substations shall meet the following requirements:

(1) be a sufficient distance from other stations to reasonably effect response time or ISO classification for a given population, or be located in an area that historically has had periods where accessibility to the area from other stations has been limited due to man made obstacles, geographical constraints, or acts of nature (example: river, railroad tracks, etc.);

(2) be owned or leased to the local government. FPF money cannot be used to pay for additions to or major reconstruction of a leased building; departments shall have three years from the date of certification as a fire department or from the effective date of this document (whichever is longer) to have established a main station that is either leased to or owned by the local government; departments may submit a written request to the fire marshal

for extension of the three years; the request shall identify why the extension is needed and include a comprehensive plan that details how and when this requirement shall be met;

(3) provide apparatus with adequate protection, within reasonable expectation from elements, preventing possible damage to any components of the apparatus;

(4) house at least one operational apparatus that meets the general criteria for an initial attack or pumper apparatus; a waiver may be granted by the fire marshal for an apparatus not meeting this requirement.

C. Requirements/procedure for establishment of new main and substations are as follows:

(1) the local government shall file a written request with the fire marshal for an inspection of the proposed new station site; as a minimum, the station, when completed, shall comply with the requirements for existing substations identified above;

(2) inspection and approval of proposed location from the fire marshal;

(3) if FPF funds shall be used in whole or part to construct the station, the local government shall hold fee simple title to the land on which the substation is to be constructed; however, this provision shall not prohibit construction of a substation on donated land where the donor has reserved the right of reversion of the land under stated conditions;

(4) the local government shall request in writing an onsite inspection and certification by the fire marshal; certifications of new main and substations shall take place before the last day of May for the stations to be included in the calculations for distribution of funds for the next fiscal year.

[10.25.10.13 NMAC - Rp, 10.25.10.13 NMAC, 7-15-13]

10.25.10.14 RESPONSIBILITIES:

A. SFMO

(1) NMFTA shall publish or adopt all performance evaluations required under this rule in the form of position task books (PTBs). The NMFTA shall use NFPA standards, other national standards, or nationally accepted training curriculum as the basis for PTBs. The NMFTA shall develop and offer performance-based courses that fulfill the requirements of a PTB.

(2) Trainees who successfully complete the NMFTA training program that was established to fulfill a PTB requirement shall be certified as having passed the written and manipulative examination for that position by the NMFTA. Depending on the training program, certification by NMFTA may be accomplished by one or more of the following:

(a) attending NMFTA campus course and successfully completing the written and manipulative examination(s);

(b) attending an NMFTA filed (adjunct) course and successfully completing the written and manipulative examinations(s);

(c) successful completion of the written and manipulative examination(s) for a given course (i.e., challenge the course).

(3) Certification by NMFTA is not mandatory. The intent of NMFTA certification is to provide assurance to local government that a fire department member has been evaluated and has demonstrated the knowledge and skills necessary to function in the position identified in a given PTB.

B. Local government, in conjunction with the fire department(s), under its jurisdiction.

(1) Local government shall ensure fire department members under its charge have the knowledge and skills necessary to perform in their assigned positions. This includes not only initial competency, but also that the competency is maintained.

(2) All fire departments shall have a training program and policy that ensures that personnel are trained, and that competency is maintained to effectively, efficiently, and safely execute all operations consistent with the department's local responsibilities.

(3) All fire departments shall make available training and education for all members commensurate with the duties and functions they are expected to perform. All fire departments shall provide their members with training and education appropriate for their duties and responsibilities before permitting them to engage in emergency operations.

(4) If there is a PTB that has been published by or recognized by the fire marshal, all fire departments should have all appropriate members evaluated against the document. Only those members that are determined to be qualified (evaluated under a specific PTB) by local government should hold the applicable title (i.e., firefighter).

(5) Regardless of whether or not the trainee has been certified by NMFTA, local government shall ensure that the trainee is competent and that the level of competency achieved under a given PTB is maintained. Use only the PTB by local government does not constitute state certification, and the local government assumes responsibility and liability for competence of their firefighters. A PTB does not meet prerequisite requirements for other state certification or training courses.

(6) A trainee should be determined to be competent, by local government, at all tasks required by local government within two years of entering trainee status (i.e., assigned a PTB).

(7) Upon request by the fire marshal, completed and signed PTBs shall be made available for inspection.

[10.25.10.14 NMAC - Rp, 10.25.11.8 & 10.25.10.14 NMAC, 7-15-13]

10.25.10.15 PURCHASE OF EQUIPMENT AND SUPPLIES:

A. Training and equipment needed to support the fire department's ability to suppress structure fires shall be the first priority when expending FPF funds. Departments that are not adequately trained or equipped to conduct structural firefighting shall only expend FPF monies on equipment and training directly related to structural firefighting. Exceptions to these rules shall be requested in writing to the fire marshal and shall receive authorization by the fire marshal prior to any expenditure.

B. Factors that shall be utilized to determine if a fire department has the ability to conduct structural firefighting are as follows:

(1) shall have and be able to sustain an ISO classification of nine or better, and;

(2) shall meet the criteria of operational/functional status as defined in the rule.

C. Fully operational departments may expend funds relevant to the operations and maintenance of the fire department based on NFPA standards or nationally accepted fire service practices without prior approval of the fire marshal if a reasonable need exists for each purchase.

D. No expenditure of funds from the fire protection fund shall be made by any fire department for any fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression until such fire department has presented to the state fire marshal sufficient evidence that a need exists for such fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression. Approval may be denied if the requesting department is not in good standing with the periodic requirements as identified in this rule.

(1) Any fire department intending to purchase any fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression shall submit a written request for approval to expend fire protection funds to the state fire marshal before any purchase is made.

(2) The written request shall be approved in writing by the state fire marshal before any fire protection funds may be expended or obligated in any way. Purchases shall always be made in the name of the appropriate municipality or county.

E. Equipment and appliances necessary to perform fire service functions and emergency medical services as provided by the fire department are allowed without prior approval of the state fire marshal if a reasonable need exists for each purchase. A guideline is available to all local governments and fire departments upon request, or may be viewed electronically on the public regulation commission's web page at <http://www.nmprc.state.nm.us/sfm.htm>.

F. Fire departments may purchase meals for members with state fire funds, provided the following guidelines are followed:

(1) any major incident (structure fires, wild land fires, etc.) lasting more than four hours of time on scene;

(2) any training which is physically exerting in nature lasting four hours or more (structural fire training, wild land, rescue, etc.); classroom trainings do not qualify for this provision;

(3) to provide rehab supplies on emergency apparatus, such as water, sport drinks, MRE's trail mixes, etc.

G. The use of FPF funds for social events is prohibited.

H. Schools, courses, and conferences attended shall be related to fire service and shall be of content relevant to the needs of the department.

[10.25.10.15 NMAC - Rp, 10.25.10.14 NMAC, 7-15-13]

10.25.10.16 PURCHASE OF AUTOMOTIVE APPARATUS: All vehicles purchased with FPF funds shall meet the following requirements:

A. new vehicle specifications for bid shall be submitted to the fire marshal and shall be approved by the fire marshal prior to advertising for bids;

B. a detailed description of used vehicles shall be submitted to the fire marshal and shall be approved prior to expending or committing FPF funds;

C. all new apparatus shall meet the general requirements established under the appropriate NFPA standard or nationally accepted practices if applicable, and shall be designed to meet the operational requirements of the department; if assistance is needed in determining what would be appropriate to meet the potential fire flow requirements for the department's response area, a department may submit the following information to the fire marshal:

(1) a description of the water supply source(s) (example: hydrants, cisterns, river, overhead tank, etc.);

(2) a description of how the water supply shall be delivered to the apparatus (example: short lay of five-inch supply line from hydrants, long lay of five-inch supply line from relay pumper, tanker shuttle, etc.); and

(3) a list containing the five highest commercial fire flow requirements within the response area (identify how this determination was made, example: taken from ISO batch report, used NFPA 1142, etc.); if unable to determine fire flow requirements, describe what each building is being used for (occupancy class), what each building is built of (construction classification), and square footage and height;

D. a requesting department shall provide documentation verifying the department's ability to achieve the required fire flow within its identified response district prior to any funds being expended on non-structural apparatus.

[10.25.10.16 NMAC - Rp, 10.25.10.15 NMAC, 7-15-13]

10.25.10.17 COMPLIANCE WITH PROCUREMENT CODE REQUIRED: All purchases shall be made by the designated purchasing officer in compliance with the provisions and requirements of the New Mexico procurement code.

[10.25.10.17 NMAC - Rp, 10.25.10.16 NMAC, 7-15-13]

10.25.10.18 EQUIPMENT INVENTORY: All fire departments shall maintain an equipment inventory list. All single items purchased with PPF monies costing two hundred and fifty dollars (\$250) or more shall be listed on the fire department's inventory list. A physical inventory of such items shall be conducted no less than annually. A copy of the inventory shall be maintained at the main station(s).

[10.25.10.18 NMAC - Rp, 10.25.10.17 NMAC, 7-15-13]

HISTORY OF 10.25.10 NMAC:

Pre-NMAC history:

FM 77-1, Rules and Regulations Relating to the Fire Protection Fund Act and List of Approved Equipment, filed on 3-30-77.

NMAC History:

10 NMAC 25.10, Fire Protection Fund, filed 6-9-97 - Repealed 12-31-2000.

10.25.10 NMAC, Fire Protection Fund, filed on 12-13-2000 - Repealed 7-15-2013.

[10.25.11 NMAC](#), Firefighting Qualification System, filed 12-13-2000 - Repealed 7-15-2013.

Current with all new rules, amendments, and repeals received by July 16, 2021

N.M. Admin. Code 10.25.10, NM ADC 10.25.10

End of Document

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Code of New Mexico Rules Currentness
Title 10. Public Safety and Law Enforcement
Chapter 25. State Fire Marshal
Part 11. Firefighting Qualification System [this Part Was Repealed on July 15, 2013.] (Refs & Annos)

N.M. Admin. Code 10.25.11

10.25.11. FIREFIGHTING QUALIFICATION SYSTEM [THIS PART WAS REPEALED ON JULY 15, 2013.]

Credits

HISTORY OF 10.25.11 NMAC:

History of Repealed Material:

10.25.11 NMAC, Firefighting Qualification System, filed 12-13-2000 - Repealed effective 7-15-2013. Replaced by [10.25.10 NMAC](#), Fire Protection Fund, effective 7-15-2013.

Current with all new rules, amendments, and repeals received by July 16, 2021

N.M. Admin. Code 10.25.11, NM ADC 10.25.11

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**POLICY OF
AUTHORIZED FIRE FUND EXPENDITURES
NEW MEXICO STATE FIRE MARSHAL DIVISION
FIRE SERVICE SUPPORT BUREAU**

POLICY

It shall be the policy of the New Mexico State Fire Marshal Division to establish guidelines for all certified Fire Departments and County Fire Districts, to provide direction in expenditure of their respective fire fund distribution. The following policy is to guide the fire department/district as to the requirements for expending its fire protection funds. It shall also be known that this policy is in no way intended to direct any fire department/district in expending other funds which may be available to the fire department district, such as county ¼ cent, excise taxes, grants, or other government supplements not relating to the Fire Protection Fund.

NFPA & Other Nationally Accepted Standards

The Fire Department/District is responsible for making purchases of apparatus, equipment, appliances, and supplies etc, which are directly in relation to the performance of its emergency services. All fire equipment, apparatus, equipment, etc. Shall comply with the latest edition of NFPA which governs the standard of the particular item (1) which is being procured.

PURCHASE OF EXERCISE EQUIPMENT

Fire Departments/Districts may purchase exercise and fitness equipment for their respective department **Provided that the fire department follows the provisions of NFPA 1500 Standard on Fire Department Occupational Safety and Health Program.** Prior to expending fire funds on exercise equipment or any programs or medical evaluations outlined in NFPA 1500. The fire department shall submit a written request to the State Fire Marshal Division, and receive written approval prior to expending any funds.

PURCHASE OF CONSUMABLES

Fire departments may purchase meals for members with State Fire Funds, provided the following guidelines are followed.

1. For any major incident (structure fires, wildland fires, etc) last more than 4 hours of time on scene.
2. For any training, which is physically exerting in nature (structural fire training, wildland, rescue, etc) lasting 4 hours or More. **Classroom Trainings do not qualify for this provision.**
3. To provide rehab supplies on fire apparatus, such as water, sports drinks, MREs, trail mixes, etc.
4. State fire funds may not be used on local fundraisers, or to attend fund raising events.

PURCHASE OF OTHER EQUIPMENT AND SUPPLIES

Fire Departments/Districts may purchase without prior approval by the State Fire Marshal, but are not limited to the following equipment, as long as a valid need is present,

1. Bunker gear and Personal Protective Equipment
2. Hand tools (Axes, Pike Poles, etc)
3. Fire Hose (Handlines and Supply Lines)
4. Nozzles
5. Chain and K-12 Saws
6. Generators
7. Portable Lighting
8. Salvage Covers
9. Radio Communications Equipment (handheld and mobile Radios, repeaters, antennas, etc.)
10. Office Supplies
11. Internet Service (for NFIRS reporting, and Training)
12. Computers
13. Televisions, DVD, LCD Projectors, Screens, etc.
14. Training Manuals (Essentials of Firefighting, Fire Chief's Handbook, etc)
15. First Aid Supplies for apparatus
16. Extrication Equipment
17. Thermal Imaging Cameras
18. Self Contained Breathing Apparatus
19. SCBA Compressors and Cascade Systems
20. On-Site Water Storage Systems (tanks)
21. Security Equipment for Stations (Cameras, Burglar Alarms, Etc.)
22. Washers and Driers for Bunker Gear
23. Uniforms (i.e. Station uniforms, Pants, Shirts, T-Shirts, etc)
24. Fire Station furnishings, appliances, etc.

PURCHASE OF EMS EQUIPMENT, TRAINING, AND SUPPLIES

All equipment, training and supplies necessary to perform the services which the fire department is capable of and licensed to provide. **Ensuring that the department has first met their structural protection requirements set forth by this office.**

If a particular item is not listed which a fire department/district wishes to purchase, you are urged to contact the Fire Service Support Bureau with any questions.

USE OF THE FUND ON RECURRING OPERATIONAL EXPENSES

Fire Protection Funds are allowed to be utilized on recurring monthly and annual operating expenses. These Expenditures include.

1. Automotive Fire Apparatus and Liability Insurance
2. Life Insurance
3. Monthly Electricity Bills for Fire Stations
4. Monthly Gas or LPG Bills for Stations
5. Monthly Telephone & Internet Bills (leasing of telephone equipment is not allowed)
6. Monthly Cellular Telephone Bills (Limit 2 phones per fire department)
7. Cost Shared Fees for Dispatch services, which are pro-rated equally between all fire departments /districts serviced by the communications center.

Unauthorized Expenditures of Fire Protection Funds (FPF):

Funds may not be used to purchase - trophies, plaques, awards, parade axes, or to pay on monthly cable or satellite T.V. . items or similar expenditures found as not allowed will be required to be reimbursed.

If you are unsure of an item being allowed to purchase with fire protection funds, please reach out to your Fire Service Support Coordinator for guidance.

**POLICY OF
AUTHORIZED FIRE APPARATUS PURCHASES
NEW MEXICO STATE FIRE MARSHAL DIVISION
FIRE SERVICE SUPPORT BUREAU**

POLICY

It shall be the policy of the New Mexico State Fire Marshal Division to establish guidelines for all certified Fire Departments and County Fire Districts, to provide direction in expenditure of their respective fire fund distribution. The following policy is to guide the fire department/district as to the requirements for expending its fire protection funds, in regard to purchasing fire apparatus. It shall also be known that this policy is in no way intended to direct any fire department/district in expending other funds which may be available to the fire department district, such as county ¼ percent, excise taxes, grants, or other government supplements not relating to the Fire Protection Fund.

PURCHASE OF FIRE APPARATUS

In Accordance with 10 NMAC 25.10 the Fire Department/District shall obtain a complete set of **build specifications** for the particular fire apparatus which is being requested to be purchased. The specifications shall comply with the Most Current Edition of NFPA 1900 Standard for Aircraft Rescue & Firefighting Vehicles Automotive Fire Apparatus, Wildland Fire Apparatus & Automotive Ambulances 2024 Edition. The Specifications shall be submitted to the Fire Service Support Bureau for review. The specifications should be **generic build specification and should not include a name, company logo or other information of a specific manufacturer or vendor.** The following shall be included for each type of apparatus to obtain authorization of expenditure of fire funds. Failure to provide the required detailed specifications will result in immediate rejection.

PUMPER FIRE APPARATUS

Pumper Fire Apparatus shall comply with the most current edition of NFPA 1900. The specification shall meet the intent of NFPA 1900 and at minimum the Fire Pumper shall have followed equipment,

Fire Pump: The apparatus shall be equipped with a fire pump that has a minimum rated capacity of 1,000 GPM.

Water Tank: The pumper shall be equipped with a water tank(s) that meets the requirements of minimum certified capacity (combined, if applicable) of 300 gal (1100 L).

Equipment Storage: Enclosed weather-resistant compartmentation with ventilation and have provisions for drainage of moisture that meets the current NFPA 1900 Standard.

Hose Storage: Hose bed area(s), compartments, or reels that comply with the current NFPA 1900 Standard.

Equipment: a detailed list of who is to furnish the equipment to be carried on the apparatus and the method for organizing and mounting these items shall be supplied by the purchasing authority.

Ground Ladders: At a minimum, the following fire department ground ladders shall be in place with the apparatus when placed in service.

- (1) One straight ladder equipped with roof hooks.
- (2) One extension ladder
- (3) One folding ladder

Suction and Supply Hose: A minimum of 20 ft (6 m) of suction hose or 15 ft (4.5 m) of supply hose should be in place with the apparatus and shall have couplings compatible with the local hydrant outlet connection on one end and the pump intake connection on the other end. The Fire Department/District shall specify whether suction hose or supply hose is to be provided, the length and size of the hose, the type and size of the couplings, the manner in which the hose is to be carried on the apparatus, and the style of brackets desired.

Hoses and Nozzles: The following fire hose and nozzles shall be carried on the apparatus:

- (1) 1,200 ft (240 m) of 2 ½ in. (65 mm) or larger fire hose
- (2) 400 ft (120 m) of 1 ½ in. (38 mm), 1 ¾ in. (45 mm), or 2 in. (52 mm) fire hose
- (3) One hand line nozzle, 200 gpm (750 L/min) minimum
- (4) Two hand line nozzles, 95 gpm (360 L/min) minimum
- (5) One play pipe with shutoff and 1 in. (25 mm), 1 1/8 in. (29 mm), and 1 ¼ in. (32 mm) tips
- (6) One 1,000 gpm master stream appliance.

Required Loose Equipment: The following additional equipment shall be carried; at the time the apparatus is placed in service. The equipment may be purchased new, with the apparatus, or may be transferred from an existing apparatus.

- (1) One 6 lb (2.7 kg) flathead axe mounted in a bracket fastened to the apparatus.
- (2) One 6 lb (2.7 kg) pick head axe mounted in a bracket fastened to the apparatus.
- (3) One 6 ft (2 m) pike pole or plaster hook mounted in a bracket fastened to the apparatus.
- (4) One 8 ft (2.4 m) or longer pike pole mounted in a bracket fastened to the apparatus.
- (5) Two portable hand lights mounted in brackets fastened to the apparatus.
- (6) One approved dry chemical portable fire extinguisher with a minimum 80-B: C rating mounted in a bracket fastened to the apparatus.
- (7) One 2-1/2 gal (9.5 L) or larger water extinguisher mounted in a bracket fastened to the apparatus.
- (8) One self-contained breathing apparatus (SCBA) complying with NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services*, for each assigned seating position, but not fewer than four, mounted in brackets fastened to the apparatus or stored in containers supplied by the SCBA manufacturer.
- (9) One spare SCBA cylinder for each SCBA carried, each mounted in a bracket fastened to the apparatus or stored in a specially designed storage space.
- (10) One first aid kit
- (11) Four combination spanner wrenches mounted in brackets fastened to the apparatus.
- (12) Two hydrant wrenches mounted in brackets fastened to the apparatus.

- (13) One double female 2 1/2 in. (65 mm) adapter with National Hose (NH) threads, mounted in a bracket fastened to the apparatus.
- (14) One double male 2 1/2 in. (65 mm) adapter with NH threads, mounted in a bracket fastened to the apparatus.
- (15) One rubber mallet, suitable for use on suction hose connections, mounted in a bracket fastened to the apparatus.
- (16) Two (2) salvage covers each a minimum size of 12 ft × 14 ft (3.7 m × 4.3 m)
- (17) Two (2) or more wheel chocks, mounted in readily accessible locations, that together will hold the apparatus, when loaded to its GVWR or GCWR, on a hard surface with a 20 percent grade with the transmission in neutral and the parking brake released.
- (18) One traffic vest for each seating position, each vest to comply with ANSI/ISEA 207, *Standard for High-Visibility Public Safety Vests*, and have a five-point breakaway feature that includes two at the shoulders, two at the sides, and one at the front.
- (19) Five illuminated warning devices such as highway flares, unless the five fluorescent orange traffic cones have illuminating capabilities.
- (20) One automatic external defibrillator (AED).

INITIAL ATTACK APPARATUS

Initial Attack Apparatus shall comply with the most current edition of NFPA 1900. The specification shall meet the intent of NFPA 1900 and at minimum the apparatus shall have following equipment,

FIRE PUMP: The apparatus shall be equipped with a fire pump that meets the requirements of NFPA 1900 and that has a minimum rated capacity of 250 gpm (1000 L/min).

WATER TANK: Initial attack apparatus shall be equipped with a water tank(s) that has a minimum certified capacity (combined, if applicable) of 200 gal (750 L).

Equipment Storage. An enclosed weather-resistant compartmentation that meets the requirements of NFPA 1900 shall be provided for the storage of equipment.

Hose Storage. Hose bed area(s), compartments, or reels that meet the requirements of NFPA 1900 and shall provide to accommodate the following:

- (1) A minimum hose storage area of 10 ft³ (0.3 m³) for 2 1/2 in. (65 mm) or larger fire hose
- (2) Two areas, each a minimum of 3.5 ft³ (0.1m³), to accommodate 1 1/2 in. (38 mm) or larger pre-connected fire hose lines.

Equipment: a detailed list of who is to furnish the equipment to be carried on the apparatus and the method for organizing and mounting these items shall be supplied by the purchasing authority.

Ground Ladders: A 12 ft (3.7 m) or longer combination or extension type fire department ground ladder shall be carried on the apparatus.

Suction Hose or Supply Hose: A minimum of 20 ft (6 m) of suction hose or 15 ft (4.5 m) of supply hose shall be carried. Where a suction hose is provided, a suction strainer shall be furnished.

Contractor Supplied Storage: Brackets or compartments shall be furnished so as to organize and mount the specified equipment.

Fire Hose and Nozzles. The following fire hose and nozzles shall be carried on the apparatus:

- (1) 300 ft (90 m) of 2 ½ in. (65 mm) or larger fire hose
- (2) 400 ft (120 m) of 1 ½ in. (38 mm), 1 ¾ in. (45 mm), or 2 in. (52 mm) fire hose
- (3) Two hand line nozzles, 95 gpm (360 L/min) minimum

Required Loose Equipment: The following additional equipment shall be carried; at the time the apparatus is placed in service. The equipment may be purchased new, with the apparatus, or may be transferred from an existing apparatus.

- (1) One 6 lb (2.7 kg) pick head axe mounted in a bracket fastened to the apparatus.
- (2) One 6 ft (2 m) pike pole or plaster hook mounted in a bracket fastened to the apparatus.
- (3) Two portable hand lights mounted in brackets fastened to the apparatus.
- (4) One approved dry chemical portable fire extinguisher with a minimum 80-B: C rating mounted in a bracket fastened to the apparatus.
- (5) One 2 ½ gal (9.5 L) or larger water extinguisher mounted in a bracket fastened to the apparatus.
- (6) One SCBA complying with NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services*, for each assigned seating position, but not fewer than two, mounted in brackets fastened to the apparatus or stored in containers supplied by the SCBA manufacturer.
- (7) One spare SCBA cylinder for each SCBA carried, each mounted in a bracket fastened to the apparatus or stored in a specially designed storage space(s)
- (8) One first aid kit
- (9) Two combination spanner wrenches mounted in a bracket(s) fastened to the apparatus.
- (10) One hydrant wrench mounted in a bracket fastened to the apparatus.
- (11) One double female adapter, sized to fit 2 1/2 in. (65 mm) or larger fire hose, mounted in a bracket fastened to the apparatus.
- (12) One double male adapter, sized to fit 2 1/2 in. (65 mm) or larger fire hose, mounted in a bracket fastened to the apparatus.
- (13) One rubber mallet, for use on suction hose connections, mounted in a bracket fastened to the apparatus.
- (14) Two or more-wheel chocks, mounted in readily accessible locations, that together will hold the apparatus, when loaded to its GVWR or GCWR, on a hard surface with a 20 percent grade with the transmission in neutral, and the parking brake released.
- (15) One traffic vest for each seating position, each vest to comply with ANSI/ISEA 207, *Standard for High-Visibility Public Safety Vests*, and have a five-point breakaway feature that includes two.
- (16) Five illuminated warning devices such as highway flares, Unless the five fluorescent orange traffic cones have illuminating capabilities.
- (17) One automatic external defibrillator (AED)

MOBILE WATER SUPPLY APPARATUS (TANKERS/TENDERS)

Tanker/ Water Tender Apparatus shall comply with the most current edition of NFPA 1900. The specification shall meet the intent of NFPA 1900 and at minimum the Tanker/Tender shall have following equipment,

Fire Pump: The apparatus may be equipped with a fire pump; if a pump is equipped, the pump shall meet the requirements of NFPA 1900. By Policy of this Office, the Pump Shall be Rated at 500 GPM at minimum.

Water Tank: The mobile water supply apparatus shall be equipped with a water tank(s) that meets the requirements of NFPA 1900 and that has a minimum certified capacity (combined, if applicable) of 1,000 Gallons.

Equipment and Hose Storage: A minimum of 20 ft³ (0.57 m³) of enclosed weather-resistant compartmentation shall be provided for the storage of equipment.

A minimum hose storage area of 6 ft³ (0.2 m³) for 2 ½ in. (65 mm) or larger fire hose shall be provided.

Two areas, each a minimum of 3.5 ft³ (0.1 m³), to accommodate 1½ in. (38 mm) or larger pre-connected fire hose lines shall be provided.

A minimum of 20 ft (6 m) of suction hose or 15 ft (4.5 m) of supply hose shall be carried. Where suction hose is provided, a suction strainer shall be furnished.

Equipment and Brackets:

The following Equipment shall be purchased with the Tanker/Tender. The Contractor shall supply either storage space on the apparatus or provide brackets to mount and organize the following equipment on the apparatus.

Hose and Nozzles: The mobile water supply apparatus shall be equipped with at least 200 ft (60 m) of 2 ½ in. (65 mm) or larger fire hose.

(1) 400 ft (120 m) of 1 ½ in. (38 mm), 1 ¾ in. (45 mm), or 2 in. (52 mm) fire hose

(2) Two handline nozzles, 95 gpm (360 L/min) minimum

Required Loose Equipment: The following additional equipment shall be carried; at the time the apparatus is placed in service. The equipment may be purchased new, with the apparatus, or may be transferred from an existing apparatus.

(1) One 6 lb (2.7 kg) flathead or pick head axe mounted in a bracket fastened to the apparatus.

(2) Two portable hand lights mounted in brackets fastened to the apparatus.

(3) One approved dry chemical portable fire extinguisher with a minimum 80-B: C rating mounted in a bracket fastened to the apparatus.

- (4) One first aid kit
- (5) Two combination spanner wrenches mounted in a bracket fastened to the apparatus.
- (6) One hydrant wrench mounted in a bracket fastened to the apparatus.
- (7) One double female adapter, sized to fit 2 ½ in. (65 mm) or larger fire hose, mounted in a bracket fastened to the apparatus.
- (8) One double male adapter, sized to fit 2 1/2 in. (65 mm) or larger fire hose, mounted in a bracket fastened to the apparatus.
- (9) Two or more-wheel chocks, mounted in readily accessible locations, that together will hold the apparatus, When loaded to its GVWR or GCWR, on a hard surface with a 20 percent grade with the transmission in neutral
And the parking brake released.
- (10) One traffic vest for each seating position, each vest to comply with ANSI/ISEA 207, *Standard for High-Visibility Public Safety Vests*, and have a five-point breakaway feature.
That includes two at the shoulders, two at the sides, and one at the front.
- (11) Five illuminated warning devices such as highway flares, unless the five fluorescent orange traffic cones have illuminating capabilities
- (12) One automatic external defibrillator (AED)

QUINT/ AERIAL FIRE APPARATUS

Quint Aerial Apparatus shall comply with the most current edition of NFPA 1900. The specification shall meet the intent of NFPA 1900 and at minimum the Quint shall have following equipment,

Fire Pump. The apparatus shall be equipped with a fire pump that meets the requirements of NFPA 1900 and has a minimum rated capacity of 1000 gpm (4000 L/min).

Water Tank: The apparatus shall be equipped with a water tank(s) that meets the requirements of NFPA 1900 and that has a minimum certified capacity (combined, if applicable) of 300 gal (1100 L).

Equipment Storage:

A minimum of 40 ft³ (1.1 m³) of enclosed weather-resistant compartmentation meeting the requirements of Section 15.1 shall be provided for the storage of equipment.

Hose Storage:

Hose bed area(s), compartments, or reels that comply with Section 15.10 shall be provided to accommodate the following:

- (1) A minimum hose storage area of 30 ft³ (0.8 m³) for 2 1/2 in. (65 mm) or larger fire hose
- (2) Two areas, each a minimum of 3.5 ft³ (0.1 m³), to accommodate 1 1/2 in. (38 mm) or larger pre-connected fire hose lines

Equipment: a detailed list of who is to furnish the equipment to be carried on the apparatus and the method for organizing and mounting these items shall be supplied by the purchasing authority.

Ladders:

- 2 16ft roof ladders
- 14 foot or longer combination ladder.
- 10-foot attic ladder
- 24-foot extension ladder
- 35-foot extension ladder

Suction Hose or Supply Hose.

A minimum of 20 ft (6 m) of suction hose or 15 ft (4.5 m) of supply hose shall be carried. Where a suction hose is provided, a suction strainer shall be furnished.

Fire Hose and Nozzles. The following fire hose and nozzles shall be carried on the apparatus:

- (1) 1,200 ft (240 m) of 2 1/2 in. (65 mm) or larger fire hose, in any combination
- (2) 400 ft (120 m) of 1 1/2 in. (38 mm), 1 3/4 in. (45 mm), or 2 in. (52 mm) fire hose, in any combination
- (3) One handline nozzle, 200 gpm (750 L/min) minimum
- (4) Two handline nozzles, 95 gpm (360 L/min) minimum
- (5) One play pipe with shutoff and 1 in. (25 mm), 1 1/8 in. (29 mm), and 1 1/4 in. (32 mm) tips

Required Loose Equipment: The following additional equipment shall be carried; at the time the apparatus is placed in service. The equipment may be purchased new, with the apparatus, or may be transferred from an existing apparatus.

The following additional equipment shall be carried on the apparatus:

- (1) One 6 lb. (2.7 kg) flathead axe mounted in a bracket fastened to the apparatus.
- (2) One 6 lb. (2.7 kg) pick head axe mounted in a bracket fastened to the apparatus.
- (3) One 6 ft (2 m) pike pole or plaster hook mounted in a bracket fastened to the apparatus.
- (4) One 8 ft (2.4 m) or longer pike pole mounted in a bracket fastened to the apparatus.
- (5) Two 3 ft. or 4 ft. plaster hooks with D-Handles.
- (6) Two portable hand lights mounted in brackets fastened to the apparatus.
- (7) One approved dry chemical portable fire extinguisher with a minimum 80-B: C rating mounted in a bracket fastened to the apparatus.
- (8) One 2 1/2 gal (9.5 L) or larger water extinguisher mounted in a bracket fastened to the apparatus.
- (9) One SCBA complying with NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services*, for each assigned seating position, but not fewer than four, mounted in brackets fastened to the apparatus or stored in containers supplied by the SCBA manufacturer.
- (10) One spare SCBA cylinder for each SCBA carried, each mounted in a bracket fastened to the apparatus or stored in a specially designed storage space(s)
- (11) One spare SCBA cylinder for each SCBA carried.
- (12) One first aid kit
- (13) Four combination spanner wrenches mounted in brackets fastened to the apparatus.
- (14) Two hydrant wrenches mounted in brackets fastened to the apparatus.
- (15) One double female 2 1/2 in. (65 mm) adapter with National Hose (NH) threads, mounted in a bracket fastened to the apparatus.
- (16) One double male 2 1/2 in. (65 mm) adapter with NH threads, mounted in a bracket fastened to the apparatus.

- (17) One rubber mallet, for use on suction hose connections, mounted in a bracket fastened to the apparatus.
- (18) Four salvage covers, each a minimum size of 12 ft × 14 ft (3.7 m × 4.3 m)
- (19) Four ladder belts meeting the requirements of NFPA 1983, *Standard on Life Safety Rope and Equipment for Emergency Services*
- (20) 300 ft of utility rope.
- (21) One 150 ft (45 m) light-use life safety rope meeting the requirements of NFPA 1983
- (22) One 150 ft (45 m) general-use life safety rope meeting the requirements of NFPA 1983
- (23) Two or more-wheel chocks, mounted in readily accessible locations, that together will hold the apparatus, when loaded to its GVWR or GCWR, on a hard surface with a 20 percent grade with the transmission in neutral and the parking brake released.
- (24) One traffic vest for each seating position, each vest to comply with ANSI/ISEA 207, *Standard for High-Visibility Public Safety Vests*, and have a five-point breakaway feature.
that includes two at the shoulders, two at the sides, and one at the front.
- (25) Five illuminated warning devices such as highway flares, unless the five fluorescent orange traffic cones have illuminating capabilities.
- (26) One automatic external defibrillator (AED)

WILDLAND FIRE APPARATUS

Wildland Fire Apparatus shall comply with the most current edition of NFPA 1900. The specification shall meet the intent of NFPA 1900 and at minimum the Wildland apparatus shall have following equipment,

FIRE PUMP:

Water pumps on wildland fire apparatus shall be classified in one of the following categories:

- (1) 100 psi (700 kPa) positive displacement pump
- (2) 100 psi (700 kPa) centrifugal pump
- (3) 150 psi (1000 kPa) centrifugal pump
- (4) 200 psi (1400 kPa) centrifugal pump
- (5) 250 psi (1700 kPa) centrifugal pump
- (6) 300 psi (2100 kPa) centrifugal pump
- (7) 400 psi (2800 kPa) centrifugal pump

Pumps shall comply with the Chapter Covering Fire Pumps, and Fire Pump Engines in NFPA 1900

Water Tank: A water tank with a minimum capacity of 150 gallons shall be provided.

Equipment to be purchased and carried:

Suction Hose. If a suction hose is provided, the hose shall comply with NFPA 1961, *Standard on Fire Hose*, and a suction strainer shall be furnished.

Minor Equipment.

Equipment on the following list shall be available on the wildland fire apparatus before the apparatus is placed in service.

- (1) *Two solid bottom wheel chocks, mounted in readily accessible locations, each designed to hold the apparatus, when loaded to its GVWR, on a 10 percent grade with the transmission in neutral and the parking brake released

- (2) One approved, dry chemical portable fire extinguisher with a minimum 40-B: C rating mounted in a bracket fastened to the apparatus.
- (3) One first-aid kit
- (4) One set of tire tools including a jack and lug wrench, if a spare tire is carried on the apparatus.
- (5) One reflective triangle kit

Brackets or compartments shall be furnished so as to organize and mount the equipment.

AIRCRAFT RESCUE AND FIRE FIGHTING APPARATUS (ARFF)

ARFF Apparatus may be purchased depending upon the Fire Department's Needs. The Fire Department shall submit to the State Fire Marshal Division a written request to purchase the apparatus, including a justification as to why this apparatus is needed. The specifications submitted for the apparatus purchase shall comply with NFPA 1900 Standards 2024 edition, and below noted federal regulations.

Federal Aviation Administration (FAA) Regulation 14 Code of Federal Regulations Part 139 (14 CFR Part 139)

PURCHASE OF USED FIRE APPARATUS

Used Fire Apparatus may be purchased with Fire Protection Funds. However, there are several requirements which must be met in order to be allowed to commit fire protection fund monies towards the purchase of a used apparatus. The requirements are as follows,

1. A complete detailed specification of the used apparatus must be submitted to the Fire Service support Bureau. At minimum the used apparatus must meet the intent of NFPA 1901 Standard for Automotive Fire Apparatus, 2016 edition. Apparatus, which does not meet this requirement, will not be considered.
2. Three current consecutive years of pump tests of the apparatus pump, showing satisfactory results must be included with the specifications.
3. Five current years of maintenance records, to include preventative maintenance, major repairs, etc, must be included with the specifications.
4. A projected cost analysis of the purchase of the apparatus.
5. An evaluation/inspection of the apparatus condition by a Certified Emergency Vehicle Technician (EVT), which should include a report from the evaluating party.

6. This also applies to Command, Staff, Utility, and/or support Vehicles which will be bought in whole or in part with fire protection funds or will be maintained by utilizing fire protection fund monies.

The submittal shall be forwarded to the Field Representative of the respective fire department for review. A letter notifying the fire department of approval or denial will be provided to the fire chief.

PURCHASES OF AMBULANCES

Fire department/districts may purchase ambulances with fire protection fund monies, if an EMS and/or transport service is provided by the fire department, or if an EMS program is provided and a medical rescue is needed.

Rules of the Fire Protection Fund & NFPA Standards

Per Rules of the Fire Protection Fund, 10 NMAC 25.10.16 (C) all new apparatus shall meet the general requirements established under the appropriate NFPA standard or nationally accepted practices if applicable and shall be designed to meet the operational requirements of the department.

The section of 10 NMAC 25.10.16 indicates that “nationally accepted practices if applicable”. This refers to apparatus, equipment, etc. which do not have an NFPA standard directly attached to the design, manufacturing, maintenance and or testing of a given apparatus, equipment, etc.

National Fire Incident Reporting System (NFIRS)



New Mexico State Fire Marshal's Office

STATEWIDE MONTHLY NFIRS REQUIREMENTS

10.25.10.10 PERIODIC REQUIREMENTS:

A. Each fire department shall complete a monthly fire report utilizing the national fire incident reporting system. This report shall be filed with the state fire marshal's office by the 10th day of each month following the month for which the report is prepared, (e.g., the report for January is due by February 10th). Each fire department shall identify and file with the fire marshal's office, as a minimum, one representative responsible to comply with the reporting **requirements**. **B.** Each fire department receiving FPF funds shall submit any other reports the fire marshal shall, from time to time, require and deem **necessary**. **C.** Each fire department receiving FPF funds shall cooperate during any inspection deemed necessary by the fire **marshal**. **D.** Each local government that receives FPF funds shall have in place an accounting system that clearly delineates FPF transactions and, upon request by the fire marshal, make available all records regarding FPF transactions. *N.M. Code R. § 10.25.10.10*

10.25.10.10 NMAC - Rp, 10.25.10.10 NMAC, 7-15-13

Per the State Fire Marshal's Office, All Departments Shall be reporting to NFIRS monthly in order to be considered a department in good standing.

This includes reporting to the apparatus and personnel modules

[NFIRS Training \(fema.gov\)](#)

Link above for access to the online training for NFIRS

[NFIRS National COVID-19 Special Study \(fema.gov\)](#)

[Coding Recommendations for COVID-19 Response \(fema.gov\)](#)

**Public Employees Retirement
Association of New Mexico**



PERA

Public Employees
Retirement Association
of New Mexico

INVESTED IN TOMORROW.



2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-1 - Short title.

Universal Citation: [NM Stat § 10-11A-1 \(2020\)](#)

Chapter 10, Article 11A NMSA 1978 may be cited as the "Volunteer Firefighters Retirement Act".

History: Laws 1983, ch. 263, § 1; 2003, ch. 370, § 1. **ANNOTATIONS The 2003 amendment**, effective June 20, 2003, substituted "Chapter 10, Article 11A NMSA 1978" for "This act". **Am. Jur. 2d, A.L.R. and C.J.S. references.** — 60A Am. Jur. 2d Pensions and Retirement Funds §§ 1616, 1633, 1635.62 C.J.S. Municipal Corporations §§ 595, 614.

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-2 - Definitions.

Universal Citation: [NM Stat § 10-11A-2 \(2020\)](#)

As used in the Volunteer Firefighters Retirement Act:

- A. "association" means the public employees retirement association;
- B. "board" means the retirement board of the association;
- C. "fire department" means a fire department with volunteer members that is certified by the fire marshal division of the public regulation commission;
- D. "fund" means the volunteer firefighters retirement fund; and
- E. "member" means a volunteer nonsalaried firefighter who is listed as an active member on the rolls of a fire department and whose first year of service credit was accumulated during or after the year the member attained the age of sixteen. A volunteer firefighter who receives reimbursement for personal out-of-pocket costs shall not be considered a salaried firefighter.

History: Laws 1983, ch. 263, § 2; 2003, ch. 370, § 2; 2009, ch. 262, § 1. **ANNOTATIONS**

The 2009 amendment, effective June 19, 2009, in Subsection C, after "means", deleted "any volunteer"; after "fire department", added "with volunteer members that is" and after "fire marshal", deleted "bureau of the insurance"; and in Subsection E, added the last sentence. **The 2003 amendment**, effective June 20, 2003, deleted "public employee retirement" from Subsection B; substituted "marshal bureau of the insurance division of the public regulation commission" for "state fire marshal's office" in Subsection C; and deleted the end of the first sentence and the last sentence of Subsection E which read " and no later than during the year in which he attained the age of forty-five. Excluded from membership is any volunteer nonsalaried firefighter who has been retired by or is receiving an annuity from any other retirement, pension or annuity plan created and established by the state or any of its political subdivisions, except the state police pension fund established under the provisions of Sections 29-4-1 through 29-4-11 NMSA 1978". **Retroactive effect of 2003 amendment.** — Although the legislature has amended Subsection E of this section to apply to volunteer firefighters whose first year of service credit was accumulated during or after the year the firefighter attained the age of 16, the amended section makes no mention of retroactive effect. *Gill v. Pub. Emps. Ret. Bd.*, 2004-NMSC-016, 135 N.M. 472, 90 P.3d 491.

Membership exclusions. — A Public Employees Retirement Act member, having entitlement to PERA retirement benefits upon meeting the necessary age and service requirements, may not also participate in and receive benefits under the Volunteer Firefighters Retirement Act. 1987 Op. Att'y Gen. No. 87-75. **Law reviews.** — For note and comment: "For This Right There is a Remedy: The New Mexico Supreme Court's Application of Ex Parte Young to Allow Suits Against the State in *Gill v. Public Employees Retirement Board*", see 35 N.M.L. Rev. 501 (2005).

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-2 - Definitions. (Effective July 1, 2021.)

Universal Citation: [NM Stat § 10-11A-2 \(2020\)](#)

As used in the Volunteer Firefighters Retirement Act:

- A. "association" means the public employees retirement association;
- B. "board" means the retirement board of the association;
- C. "fire department" means a fire department with volunteer members that is certified by the state fire marshal's office;
- D. "fund" means the volunteer firefighters retirement fund; and
- E. "member" means a volunteer nonsalaried firefighter who is listed as an active member on the rolls of a fire department and whose first year of service credit was accumulated during or after the year the member attained the age of sixteen. A volunteer firefighter who receives reimbursement for personal out-of-pocket costs shall not be considered a salaried firefighter.

History: Laws 1983, ch. 263, § 2; 2003, ch. 370, § 2; 2009, ch. 262, § 1; 2020, ch. 9, § 25. **ANNOTATIONS The 2020 amendment,** effective July 1, 2021, revised the definition of "fire department" as used in the Volunteer Firefighters Act; and in Subsection C, after "certified by the", deleted "fire marshal division of the public regulation commission" and added "state fire marshal's office".

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-3 - Volunteer firefighters retirement fund; creation; transfer of funds from the fire protection fund.

Universal Citation: [NM Stat § 10-11A-3 \(2020\)](#)

- A. There is created the "volunteer firefighters retirement fund" in the state treasury. All annuities and benefits in lieu of annuities shall be paid from the fund as provided in the Volunteer Firefighters Retirement Act.
- B. Beginning in fiscal year 1998, the state treasurer shall transfer annually on or before the last day of July seven hundred fifty thousand dollars (\$750,000) plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1998 plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1999 plus an additional five hundred thousand dollars (\$500,000) for fiscal year 2000 from the fire protection fund to the credit of the volunteer firefighters retirement fund.

History: Laws 1983, ch. 263, § 3; 1996, ch. 8, § 1; 1997, ch. 150, § 1. **ANNOTATIONS The 1997 amendment,** effective June 20, 1997, substituted "1998" for "1997", inserted "plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1998 plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1999 plus an additional five hundred thousand dollars (\$500,000) for fiscal year 2000", and substituted "fire protection" for "general" preceding "fund" in Subsection B.

The 1996 amendment, effective May 15, 1996, substituted "general" for "fire protection" in the section heading, substituted "Beginning in fiscal year 1997" for "Beginning in the seventy-third fiscal year" at the beginning of Subsection B, and substituted "seven hundred fifty thousand dollars (\$750,000) from the general fund" for "five hundred thousand dollars (\$500,000) from the fire protection fund" in Subsection B.

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-4 - Administration of the Volunteer Firefighters Retirement Act, program and funds by the board; annual actuarial evaluation.

Universal Citation: [NM Stat § 10-11A-4 \(2020\)](#)

A. The provisions of the Volunteer Firefighters Retirement Act and the volunteer firefighters retirement program authorized under that act shall be administered by the board. The provisions of law relating to the administration and investment of retirement funds administered by the board shall apply to all funds transferred and paid into the fund. In its administration of the volunteer firefighters retirement program, the board is authorized to promulgate rules and regulations.

B. The board shall provide for an annual actuarial evaluation of the fund and shall make recommendations to the legislature for any changes necessary to maintain the actuarial soundness of the fund.

C. The association shall remove a member's information file from the association's active database and enter it into an inactive database if qualifying documentation for the member has not been provided to the association for five consecutive years. A member's information file that has been entered into an inactive database shall not be included in the board's annual actuarial evaluation of the fund. The association shall return a member's information file to the association's active database if the association receives new qualifying documentation for the member.

History: Laws 1983, ch. 263, § 4; 2009, ch. 262, § 2. **ANNOTATIONS The 2009 amendment**, effective June 19, 2009, in Subsection A, in the second sentence, after "paid into the", deleted "volunteer firefighters retirement"; in Subsection B, after "evaluation of the", deleted "volunteer firefighters retirement"; and added Subsection C.

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-5 - Retirement benefits; eligibility.

Universal Citation: [NM Stat § 10-11A-5 \(2020\)](#)

A. Any member who attains the age of fifty-five years and has twenty-five years or more of service credit shall be eligible to receive a retirement annuity of two hundred fifty dollars (\$250), payable monthly from the fund during the remainder of the member's life.

B. Any member who attains the age of fifty-five years and has at least ten but less than twenty-five years or more of service credit shall be eligible to receive a retirement annuity of one hundred twenty-five dollars (\$125), payable monthly from the fund during the remainder of the member's life.

C. Any member who ceases to be a volunteer nonsalaried firefighter after completing at least ten but less than twenty-five years of service credit is eligible to receive upon attaining the age of fifty-five years a retirement annuity of one hundred twenty-five dollars (\$125), payable monthly from the fund during the remainder of the member's life.

D. Any member who ceases to be a volunteer nonsalaried firefighter after completing twenty-five years of service credit is eligible to receive upon attaining the age of fifty-five years a retirement annuity of two hundred fifty dollars (\$250), payable monthly from the fund during the remainder of the member's life.

E. Any member who qualifies for and receives a retirement annuity pursuant to this section may continue as an active member on the rolls of a fire department. However, such member shall not accrue additional service credit for the purpose of increasing the amount of the member's retirement annuity.

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees Article 11A - Volunteer Firefighters Retirement Section 10-11A-6 - Determination of service credit.

Universal Citation: [NM Stat § 10-11A-6 \(2020\)](#)

A. A member may claim one year of service credit for each year in which a fire department certifies that the member:

- (1) attended fifty percent of all scheduled fire drills for which the fire department held the member responsible to attend; (2) attended fifty percent of all scheduled business meetings for which the fire department held the member responsible to attend; and (3) participated in at least fifty percent of all emergency response calls for which the fire department held the member responsible to attend.

B. The chief of each fire department shall submit to the association by March 31 of each year documentation of the qualifications of each member for the preceding calendar year; provided that the chief shall:

- (1) submit the documentation on forms provided by the association;
- (2) acknowledge the truth of the records under oath before a notary public; and
- (3) have the notarized forms signed by the mayor, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the county commission, if distributions from the fire protection fund for the fire department are made to a county fire district.

C. For service credit that has been earned, but not credited pursuant to Subsection B of this section, a member may post or adjust service credit earned for not more than the two preceding calendar years; provided that the member shall:

- (1) file with the association a completed "Corrected Qualification Record" or "Adjusted Qualification Record" as prescribed by the association; (2) acknowledge the truth of the records under oath before a notary public; and
- (3) have the notarized forms signed by the mayor, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the county commission, if distributions from the fire protection fund for the fire department are made to a county fire district.

D. Prior to April 1, 2020, for service credit that has been earned, but not credited pursuant to Subsection B of this section, a member may post or adjust service credit earned for one or more years beginning on or after January 1, 1984; provided that the member shall:

- (1) file with the association a completed "Corrected Qualification Record" or "Adjusted Qualification Record" as prescribed by the association; (2) acknowledge the truth of the records under oath before a notary public; and
- (3) have the notarized forms signed by the mayor or city manager, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the board of county commissioners, if distributions from the fire protection fund for the fire department are made to a county fire district.

E. The association may request the fire marshal division of the public regulation commission to verify member qualifications submitted to the association.

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-7 - Retirement annuity; surviving beneficiary.

Universal Citation: [NM Stat § 10-11A-7 \(2020\)](#)

A member may designate a spouse or dependent child as a beneficiary. In the event a retirement annuitant dies, the surviving beneficiary shall receive an annuity equal to two-thirds of the retirement annuity being paid to the retirement annuitant at the time of death; provided that the annuity paid to a beneficiary spouse shall cease upon the surviving spouse's marriage or death and the annuity paid to a beneficiary dependent child shall cease upon the child reaching eighteen years of age or upon the child's death, whichever comes first.

History: Laws 1983, ch. 263, § 7; 2009, ch. 262, § 5. **ANNOTATIONS The 2009 amendment**, effective June 19, 2009, added the first sentence; in the second sentence, after the third instance of "annuity", added "paid to a beneficiary spouse" and after "death", added the remainder of the sentence.

2020 New Mexico Statutes

Chapter 10 - Public Officers and Employees

Article 11A - Volunteer Firefighters Retirement

Section 10-11A-8 - Retroactivity; application of 2003 law.

Universal Citation: [NM Stat § 10-11A-8 \(2020\)](#)

A. The change in law made by Laws 2003, Chapter 370, Section 2 eliminating a maximum age for a volunteer nonsalaried firefighter to establish a first year of service credit under the Volunteer Firefighters Retirement Act shall apply to a volunteer nonsalaried firefighter who was listed as an active member on the rolls of a fire department before the effective date of Laws 2003, Chapter 370, Section 2.

B. A volunteer nonsalaried firefighter who retired before the effective date of Laws 2003, Chapter 370, Section 2 shall be entitled to receive retirement benefits under the Volunteer Firefighters Retirement Act if otherwise qualified under that act.

History: Laws 2009, ch. 262, § 6. **ANNOTATIONS Effective dates.** — Laws 2009, ch. 262 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 19, 2009, 90 days after the adjournment of the legislature.

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PERA Volunteer Firefighter Retirement Program

To qualify for a pension from PERA, volunteer firefighters must be age 55 or older with 10 or more years of service credit. The monthly pension amount is determined by years of service.

- At least age 55 with 25 or more years of service you will receive \$250 per month
- At least age 55 with 10 or more years of service you will receive \$125 per month

Current VF reporting rules require all VFD Chiefs to ensure that each calendar year qualification information for their volunteer firefighters is received by PERA in hard copy and electronic copy format beginning January 1st but no later than March 31st of the following calendar year. PERA provides several annual reporting seminars prior to the March deadline.

A retired volunteer firefighter may continue as a volunteer firefighter after he/she retires, however they will not be allowed to earn additional service credit.

Upon the death of a retired volunteer firefighter, the surviving spouse or dependent child will be paid two-thirds of the amount of pension the retiree was receiving at the time of their death. A pension to a surviving spouse terminates upon either remarriage or death. A pension to a dependent child ceases when they reach age 18 or death. PERA does not offer a pre-retirement death benefit.

VFD Chiefs are encouraged to let their volunteer firefighters know that they can monitor their service credit by opening an online RIO account. After they create an account, they will have 24/7 access to their PERA VF account information.

If volunteer firefighters are missing service credit, they are allowed by statute to adjust the last two preceding calendar years. VF service credit cannot be combined with PERA service credit toward retirement eligibility.

PERA Resources

Annual Report Guidance

www.nmpera.org/for-members/volunteer-fire-department-info/annual-report-guidance/

Retirement Forms

www.nmpera.org/for-members/volunteer-fire-department-info/vff-retirement-forms/

Presentations/Videos

www.nmpera.org/for-members/volunteer-fire-department-info/presentations-videos/

RIO Login

<https://perass.state.nm.us/SelfService/viewPage?component=/home.jsp>

PERA Santa Fe: 33 Plaza La Prensa | Santa Fe, NM 87507 | 505-476-9300 Voice | 505-954-0370 Fax

PERA Albuquerque: 6300 Jefferson St. NE, Suite 100 | Albuquerque, NM 87109 | 505-383-6550 Voice

Toll Free 1-800-342-3422 | www.nmpera.org | pera-memberservices@state.nm.us





PERA

Public Employees
Retirement Association
of New Mexico

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Volunteer Firefighter Retirement Kit



Congratulations!

After many years of volunteering in your community, you are now considering retirement. PERA knows this is an important moment in your life. The decisions you make now will have a lasting effect on your retirement years. PERA has worked to make our retirement process as smooth and straightforward as possible for our members. We have designed the process so that you can implement your retirement entirely by e-mail, fax or by mail. You are always welcome, of course, to contact either of PERA's offices by phone or e-mail to discuss any matters of concern with one of our staff members.

This retirement kit contains the information necessary to complete the retirement process. In the middle of the kit you will find explanations of the process and answers to various questions about PERA Volunteer Firefighter retirement benefits. In the back of the kit you will find the form that must be completed and mailed back to us along with your personal documentation. It is possible that you may need other forms if you have circumstances other than the average retirement case. We have included the most frequently needed phone numbers for PERA and for various agencies that may be helpful to you in the course of processing your retirement.

We take great pleasure at PERA in working to ensure that our members have a safe and secure pension in their retirement years. We know that you have worked long and hard to reach this point in your life. If we can do anything further to assist you in the retirement process or after you have retired, please do not hesitate to contact us.

Happy Retirement!

Greg Trujillo, Executive Director

When Am I Eligible to Retire?

To qualify for a volunteer firefighter pension from PERA, you must be age 55 or older with 10 or more years of volunteer firefighter service credit. The monthly amount of your pension is determined by your years of volunteer firefighter service:

- At least age 55 with 25 or more years of service you will receive \$250 per month; or
- At least age 55 with 10 or more years of service you will receive \$125 per month

You may continue as a Volunteer Firefighter after you retire, but you will not earn additional service credit.

example, if you retire under the 10 year plan, you cannot re-retire under the 25 year plan in the future even if you continue volunteering as a retiree.

Please note, that once you retire under a set pension (10 or 25 years of service) you may not retire under another tier. For

What Do I Need to Do to Start Receiving My Retirement Benefits?

By following the procedures outlined on this page, you will be able to receive your benefits at the earliest possible time. A retirement application package should be submitted to PERA at least 60 days, but no more than six months, in advance of your planned retirement date. It should include the following documentation from you and your beneficiary:

Form and supporting documentation to be provided by retiring member:

1. *Application for Volunteer Firefighter Pension*
2. Copy of birth or baptismal certificate
3. Copy of marriage certificate (if you are married)
4. Copy of your Social Security card

The *Application for Volunteer Firefighter Pension* can be obtained beginning on page 9 of this retirement kit, by visiting PERA's website at www.nmpera.org, e-mailing either of PERA's offices or by calling PERA to request the forms be mailed to your address on file.

Please note that every page of the documents you provide should have your social security or PERA ID number on it.

Your beneficiary's documentation:

1. Copy of birth or baptismal certificate
2. Copy of beneficiary's Social Security card

Upon your death your surviving spouse or dependent child will be paid two-thirds of the amount of pension you were receiving at the time of your death. A pension to a surviving spouse terminates upon either remarriage or death. A pension to a dependent child ceases when they reach age 18 or death. If PERA does not receive your application

and all of the required information before your selected retirement date, your retirement will be postponed to the first of the month following the date your application is complete.

What Do I Need to Do to Start Receiving My Retirement Benefits (continued)?

Notes related to supporting documentation:

In lieu of a birth or baptismal certificate, you may prove your age by submitting a religious record of birth established before the age of 5, a current passport, a current New Mexico driver's license or a current New Mexico Motor Vehicle Division issued identification card. Alternately, you may use any two of the following documents showing the date of birth:

1. Copy of a life or automobile insurance policy;
2. Current voter registration or voter identification record;
3. Tribal census record;
4. Childhood immunization record made prior to age eighteen (18) years;
5. Military record (such as a DD214), including a valid United States active-duty, retiree or reservist military identification card;
6. Birth certificate of child showing age of parent;
7. Physician's or midwife's record of birth;
8. Immigration record;
9. Naturalization record; or
10. Social Security record.

For a designated beneficiary to be identified as a spouse, a copy of a marriage certificate, other proof of marital status acceptable in a court of law or any two of the following documents showing marital status:

- (a) financial institution or bank record;
- (b) joint real estate deed or mortgage;
- (c) insurance policy.

When Will My Retirement Benefits Begin?

Your retirement becomes effective the first day of the month following: (1) receipt of all the required documentation mentioned on page two and (2) the determination by PERA staff that you meet retirement eligibility requirements. Be sure to notify PERA in writing if your last date of service changes from the date given on your *Application for Volunteer Firefighter Pension Form*. The first pension

payment will be sent by direct deposit, on the last business day of your retirement month, to the financial institution you have indicated in Section 4 of your *Application for Volunteer Firefighter Pension* form. You will need to contact your financial institution about its policies for depositing the funds into your account.

Tax and 1099R Information

While PERA cannot provide tax guidance, it is important to note that the benefit paid by PERA will be reported to the Internal Revenue Service (IRS) via a 1099R form. Section 5 of your *Application for Volunteer Firefighter Pension* form will allow you to instruct PERA related to tax withholding.

For reference, a benefit of \$125 or \$250 per month does not generally register on tax withholding tables. Please consult a tax professional if you have questions about tax withholding related to this benefit.

Retirees and beneficiaries receiving a pension payment from PERA will be issued a 1099R form each year. The 1099R is the form used to report the total amount and type of distributions made to a retiree or a beneficiary in a particular tax year to the IRS. This is like the W-2 form the member received from his or her employer while the member was working. PERA mails the 1099R forms by the last working day in January.

What Should I Expect After I Submit My Retirement Paperwork to PERA?

After you submit your retirement paperwork to PERA, you should expect to receive the following series of letters:

- **An Acknowledgement Letter of Receipt:** This letter confirms PERA's receipt of your retirement paperwork, including your planned retirement date you selected on your *Application for Volunteer Firefighter Pension*.
- **An Estimate of Benefits:** If you have not received an Estimate of Benefits in the six months prior to submitting your retirement kit, you will receive an updated Estimate of Benefits prior to your planned retirement date.
- **A Congratulatory Letter from PERA's Executive Director:** This letter arrives in conjunction with your first benefit payment from PERA which will be issued through direct deposit.

RIO (Retirement Information Online) Self-Service Online Account Information for Retirees

A retiree has access to his or her PERA information online even after retirement. To create a user ID and password, visit PERA's website at: www.nmpera.org and click on the RIO Login button at the top of the page to get started.

Viewing Pension Benefit Information

After you have logged on to your online account, click on Pension Check Information, click on the year you want to view from the drop down list, then click on OK. To see the details of a specific benefit payment, find the month you want to view and click on Details located to the right. This will show all the information for that specific benefit payment.

Clicking on this option provides the current pension payment information. You can also review and print an *Income Verification Letter*. This is a useful tool for those retirees who need verification of their retiree income from PERA.

NOTE: Retirees can also download copies of 1099R forms for up to the past three (3) years from their RIO Self Service account.

An Important Reminder

Members are encouraged to review their self-service account prior to retirement. If the member is using a work-related e-mail address to establish his or her account the member should update his or her self-service e-mail address to a personal e-mail address in the event the member or retiree needs to reset his or her password in the future.

Direct Deposit Schedule

Pension payments are issued on the last business day of the month by direct deposit to the account designated on your *PERA Direct Deposit* section of the *Application for Volunteer Firefighter Pension*. Future direct deposit schedules may be viewed by visiting <http://www.nmpera.org/for-retirees/direct-deposit-schedule>.

2024

Wednesday, January 31, 2024	Thursday, February 29, 2024	Friday, March 29, 2024
Tuesday, April 30, 2024	Friday, May 31, 2024	Friday, June 28, 2024
Wednesday, July 31, 2024	Friday, August 30, 2024	Monday, September 30, 2024
Thursday, October 31, 2024	Friday, November 29, 2024	Tuesday, December 31, 2024

2025

Friday, January 31, 2025	Friday, February 28, 2025	Monday, March 31, 2025
Wednesday, April 30, 2025	Friday, May 30, 2025	Monday, June 30, 2025
Thursday, July 31, 2025	Friday, August 29, 2025	Tuesday, September 30, 2025
Friday, October 31, 2025	Friday, November 28, 2025	Wednesday, December 31, 2025

NOTE: If a retiree needs a future direct deposit to be sent to a different bank account, please complete a *PERA Direct Deposit Form* available either online or by contacting PERA. If PERA receives the change in direct deposit information by the 15th of the month, the change will be effective for that month. If the information is received after the 15th of the month, the change will be effective the following month.

Who Do I Call?

... If I have questions about retiring or post-retirement survivor benefits?

PERA Member Services-Santa Fe	(505) 476-9300
PERA Albuquerque office	(505) 383-6550
Or toll free	(800) 342-3422

...If I have questions about requesting a retirement seminar in my city?

Outreach Bureau Chief - statewide	(505) 476-9388
E-mail	pera-training@state.nm.us

... If I have questions about taxes?

<u>IRS</u>	(800) 829-1040
Website	www.irs.gov
<u>New Mexico Taxation and Revenue Department</u>	(505) 827-0700
Website	www.tax.newmexico.gov

PERA Contact Information - Santa Fe

Santa Fe Office

33 Plaza La Prensa
Santa Fe, NM 87507

(505) 476-9300 Voice
(505) 954-0370 Fax

Toll Free (800) 342-3422

website: www.nmpera.org

e-mail: pera-memberservices@state.nm.us

A directory with direct telephone numbers to Santa Fe staff may be found on the PERA website on the Contact PERA page.



Business Hours

8:00 am- 5:00 pm
Monday - Friday

Closed on State Holidays

Directions to the PERA building in Santa Fe:

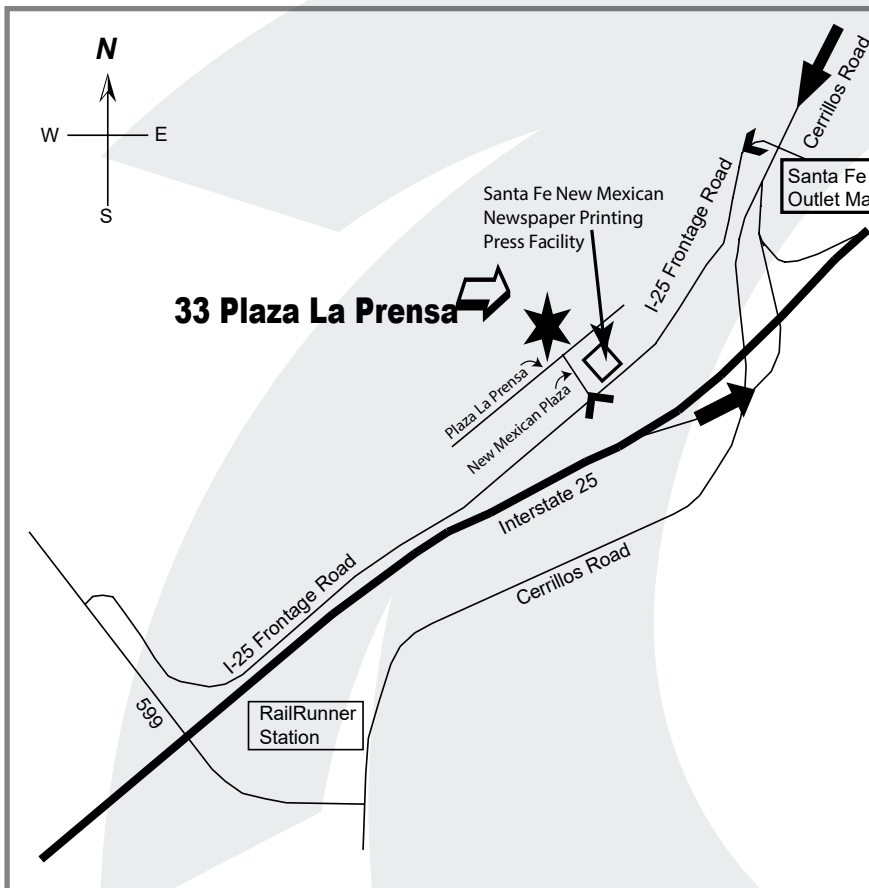
Directions from downtown Santa Fe:

- 1: Start out on CERRILLOS ROAD SOUTH heading away from downtown.
- 2: Go south on CERRILLOS Rd to the traffic light at the Santa Fe Outlet Mall.
- 3: Turn RIGHT onto W FRONTAGE ROAD/I-25 W FRONTAGE ROAD.
- 4: Turn RIGHT onto NEW MEXICAN PLAZA.
- 5: The PERA office is located directly ahead.

- 6: Park in the main parking lot and enter through the front door by the flag pole.

Directions from Albuquerque:

- 1: Start out going NORTH on I-25
- 2: Turn off at the CERRILLOS ROAD SOUTH exit.
- 3: Merge to the LEFT and turn LEFT onto W FRONTAGE ROAD/I-25 W FRONTAGE ROAD.
- 4: Turn RIGHT onto NEW MEXICAN PLAZA.
- 5: The PERA office is located directly ahead.
- 6: Park in the main parking lot and enter through the front door by the flag pole.



PERA Contact Information - Albuquerque

Albuquerque Office

6300 Jefferson St. NE, Suite 100
Albuquerque, NM 87109
(505) 383-6550 Voice
(505) 954-0380 Fax

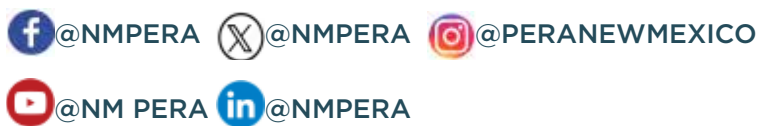
Business Hours

8:00 am - 5:00 pm
Monday - Friday

Closed on State Holidays

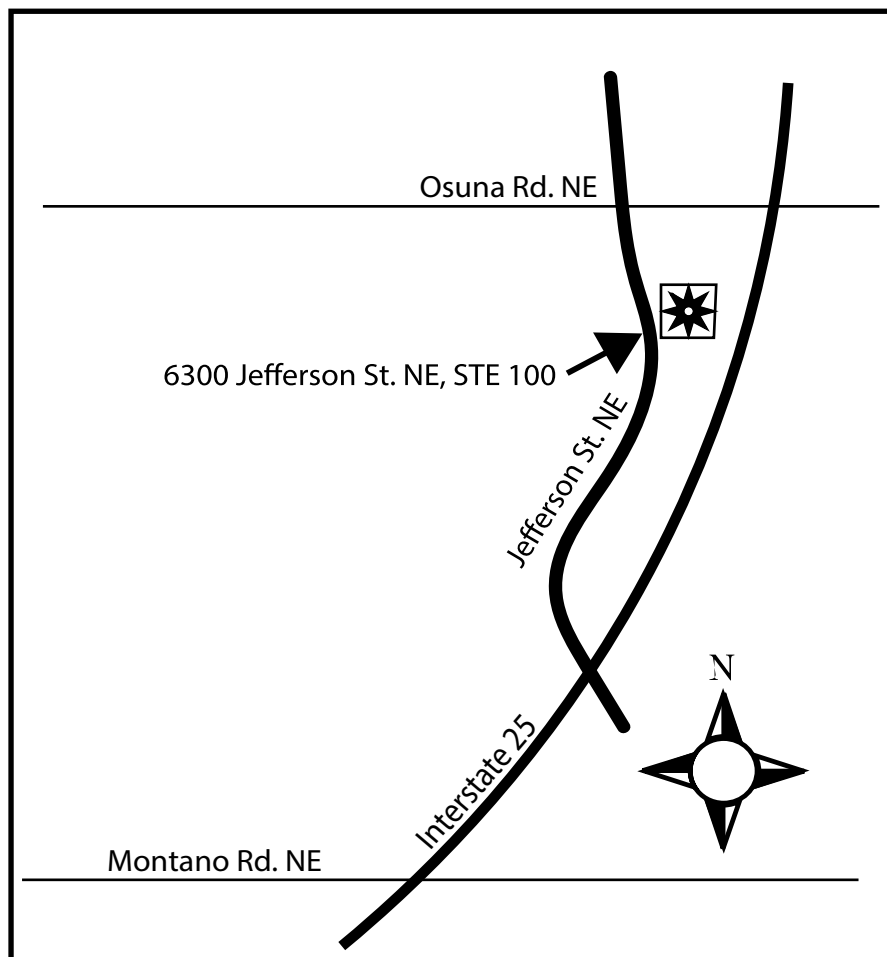
website: www.nmpera.org

e-mail: pera-albuquerque@state.nm.us



Directions to the PERA office in Albuquerque:

Follow I-25 to exit 229 (Jefferson St.). Take Jefferson St. NE heading north. Your designation will be on the east side of the street across from the Lowe's Home Improvement Call Center.





Application for Volunteer Firefighter Pension Instructions

33 Plaza La Prensa
Santa Fe, NM 87507
(505) 476-9300 phone
(505) 954-0370 fax
www.nmpera.org

If you are considering retirement, PERA requests that you complete and submit the Application for Pension along with all required signed documents no earlier than six (6) months and no later than sixty (60) calendar days from the effective date of retirement. Failure to complete and submit the Application for Pension and required signed documentation in its entirety may result in your retirement benefit being delayed.

Required Documentation

1. Copy of applicant's proof of age (e.g. driver's license or birth certificate).
2. Copy of beneficiary's proof of age (e.g. driver's license or birth certificate).
3. For any designated beneficiary to be identified as a spouse, a copy of the marriage certificate, or other acceptable proof of marital status is required.
4. Copy of applicant's Social Security card.
5. Copy of beneficiary's Social Security card.

Please refer to page 3 of the PERA Retirement Kit for acceptable types of documents and further guidance.

Section 1

Information About You

1. Please fill out all demographic fields of this section.

Section 2

Information About Your Retirement

1. Include your years of VF service at the time of retirement and your effective retirement date. Your effective retirement date will be the first day of the month following your last day of volunteering with the Volunteer Fire Department.
2. Your benefit will be paid once a month on the last working day of each month.

Section 3

Information About Your Spouse or Dependent Child

1. You may designate EITHER a spouse or one dependent child (child under the age of eighteen 18) as a beneficiary. In the event of the retiree's death, the designated survivor beneficiary will receive an annuity equal to two-thirds of the retirement paid to the retiree. The annuity paid to a spouse will cease upon the surviving spouse's marriage or death and the annuity paid to a dependent child will cease when the child reaches the age of 18 or upon the child's death, whichever comes first.
2. Please provide the full name, social security number, address and date of birth of your beneficiary. You must submit proof of age for yourself and your beneficiary as well as a copy of your marriage certificate if you are married at the time of retirement.

Section 4

Information About Your Marital Status

1. This section informs PERA of your marital status at the time of retirement.
2. If the applicant is not married at the time of retirement, please print and sign in the presence of a Notary.

Section 5

Information About Your Notary

1. This section will need to be filled out by a Notary. The Notary's stamp must be visible.
2. No correction fluid will be allowed on this section.

Section 6

Information About Your Financial Institution

1. Please indicate what financial institution you would like your direct deposit to be routed to.
2. You may only have ONE account for your direct deposit. PERA cannot split your benefit.
3. You must attach a voided check or a completed direct deposit form from your financial institution. Please DO NOT include a copy of a direct deposit slip.

NEW MEXICO STATE INCOME TAX:

1. Box 1: Check this box if you do not want New Mexico state income tax deducted from your PERA retirement benefit. If you move outside the state of New Mexico, you should complete a new PERA Tax Deduction Form and check this box. PERA can only withhold New Mexico state income tax and federal income tax. If you move to a state outside of New Mexico that has an income tax, you must pay this income tax directly to the income tax department for that state.
2. Box 2: Check this box if you would like the amount of withholding to be based on the New Mexico state withholding tax tables. Additionally, please select the filing status for the tax tables. PERA uses the most current New Mexico withholding tax rates. These rates generally change as of January 1 of each year. Even if you do not change your tax withholdings, the amount withheld from your pension payment might change due to a change in the tax rate.
3. Box 3: Check this box if you would like the amount of withholding to be based on the New Mexico state withholding tax tables and an additional amount withheld. If you select this box, please also indicate your filing status for the tax table in Box 2. Indicate the additional amount you want withheld in the space next to the dollar sign.
4. Box 4: Check this box if you would like a flat dollar amount withheld for New Mexico state income tax. Indicate the amount you want withheld in the space next to the dollar sign. This amount must be an exact dollar amount and will not change even if the tax rate changes. PERA cannot accept a percentage in Box 4.

FEDERAL INCOME TAX:

1. Complete IRS Form W-4P to have PERA withhold the correct amount of federal income tax withheld from your pension payment. Use the General Instructions provided by the IRS to help guide you on how to fill out the form. Information about the IRS Form W-4P may be obtained at: [About Form W-4P, Withholding Certificate for Periodic Pension or Annuity Payments | Internal Revenue Service \(irs.gov\)](#). If you need assistance in determining which tax withholding selections to make, please consult with a professional tax advisor or visit the Internal Revenue Service website.
2. IRS Form W-4P contains 5 steps. Step 1 (name, address, social security number (SSN), and filing status) and a dated signature in Step 5 are **mandatory**. Only complete Steps 2, 3, and/or 4 if relevant to your personal situation. Steps 2, 3, and 4 show adjustments that affect withholding calculations.

You can choose not to have federal income tax withheld from your payments by writing “No Withholding” on the IRS Form 4P in the space below Step 4(c). Please note that if you have too little tax withheld, you will generally owe tax when you file your tax return and may owe a penalty unless you make timely payments of estimated tax. If too much tax is withheld, you will generally be due a refund when you file your tax return. To change the amount of federal income tax withholding, you must submit a new IRS Form W-4P to PERA. PERA uses the most current federal tax rates. These rates generally change as of January 1 of each year. Even if you do not change your tax withholdings, the amount withheld from your pension payment might change due to a change in the tax rate.

1. This section acknowledges your application for retirement benefits and that you understand the requirements of completion.
2. To ensure that you receive a benefit for the retirement date chosen, the completed and submitted Application for Volunteer Firefighter Pension along with the following required signed documents should be sent to PERA no earlier than six (6) months, and no later than sixty (60) calendar days from the effective date of retirement. Failure to complete and submit the Application for Volunteer Firefighter Pension and required documentation to PERA in its entirety may result in your retirement benefit being delayed. The completed Application for Volunteer Firefighter Pension and required documentation must be filed with PERA no later than the close of business on the last working day of the month prior to the selected date of retirement in accordance with 2.80.700.10.A(1)NMAC.



Application for Volunteer Firefighter Pension

33 Plaza La Prensa Santa
Fe, NM 87507 (505)
476-9300 phone (505)
954-0370 fax
www.nmpera.org

Instructions: Please print or type in dark ink. This application must be completed in its entirety and returned to PERA via regular mail, fax, or e-mail to pera-memberservices@state.nm.us for processing. Members are encouraged to review the Volunteer Firefighter Retirement Kit guidance. Failure to complete and submit this application and required documentation in its entirety may result in your retirement benefit being delayed.

Section 1 Information About You

Social Security Number or PERA ID		Name (First, Middle Initial, Last)			
Date of Birth	Phone Number	E-mail Address			
Mailing Address			City	State	Zip Code

Section 2 Information About Your Retirement

Last Volunteer Fire Department	<input type="checkbox"/> 10+	<input type="checkbox"/> 25+	Effective Retirement Date (first day of a month)
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Your benefit will be effective the month after PERA receives your completed Application for Volunteer Firefighter Pension and required documentation. As a retired Volunteer Firefighter, you can continue serving as a Volunteer Firefighter and receive your VF benefit, but you will not accrue any additional service credit.

Section 3 Information About Your Spouse or Dependent Child

Beneficiary's Name (First, Middle Initial, Last)	Date of Birth	Beneficiary's Social Security Number	Relationship
Beneficiary's Mailing Address		City	State
		Zip Code	Phone Number

Section 4 Information About Your Marital Status

*Must be signed in presence of a notary

Never Married*
 Married
 Widowed *
 Divorced*

***For completion by applicant if not married at the time of retirement. Signature and date in the presence of a Notary only.**

I, _____, an applicant for PERA benefits, affirm that I am not currently married. This does not include legal separation.

Applicant's name (please print)

Signature of Applicant	Date
------------------------	------

- -

Social Security Number

or

PERA ID

Section 5

Information About Your Notary

State of _____)

County of _____) SS:

Signed and sworn to (or affirmed) before me by _____
Applicant's name (please print)

on this ____ day of _____, _____.

My Commission Expires _____

Notary Public Telephone Number _____ - _____ - _____

Signature of Notary _____

*Notary stamp must be visible

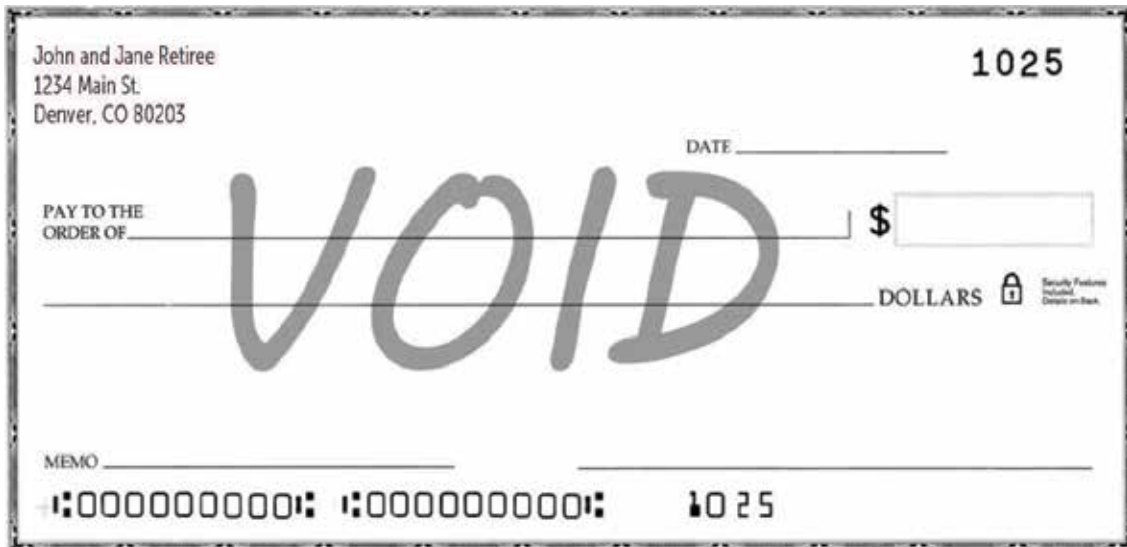
Section 6

Information About Your Financial Institution

Savings Checking

_____|_____|_____
Name of Financial Institution Routing Number Account Number

**YOU MUST ATTACH A VOIDED CHECK OR A COMPLETED DIRECT DEPOSIT FORM FROM YOUR FINANCIAL INSTITUTION HERE
(PLEASE DO NOT INCLUDE A COPY OF A DIRECT DEPOSIT SLIP)**



Social Security Number

or

PERA ID

Section 7

Information About Your Tax Withholding

New Mexico State Income Tax Withholding Election:

1. **No withholding** - DO NOT withhold state income tax.
2. **Tax table** - Withhold state income tax from each benefit payment according to my filing status indicated below:
- Filing Status:** Married
- Single or Married Filing Separately
- Head of Household
3. **Tax table plus extra amount** - Withhold state income tax from each benefit payment according to my filing status, plus the amount I have entered here \$_____
4. **Flat dollar amount only** - Withhold \$_____ in state tax from each benefit payment.
(PERA will not accept a percentage. Only a flat dollar amount will be accepted.)

Federal Withholding Election:

Complete IRS Form W-4P on the next three pages.

Withholding Certificate for Periodic Pension or Annuity Payments

2024

Give Form W-4P to the payer of your pension or annuity payments.

Step 1: Enter Personal Information	(a) First name and middle initial	Last name	(b) Social security number
	Address		
	City or town, state, and ZIP code		
	(c) <input type="checkbox"/> Single or Married filing separately <input type="checkbox"/> Married filing jointly or Qualifying surviving spouse <input type="checkbox"/> Head of household (Check only if you're unmarried and pay more than half the costs of keeping up a home for yourself and a qualifying individual.)		

Complete Steps 2–4 ONLY if they apply to you; otherwise, skip to Step 5. See pages 2 and 3 for more information on each step, when to use the estimator at www.irs.gov/W4App, and how to elect to have no federal income tax withheld (if permitted).

Step 2: Income From a Job and/or Multiple Pensions/Annuities (Including a Spouse's Job/Pension/Annuity)

Complete this step if you (1) have income from a job or more than one pension/annuity, or (2) are married filing jointly and your spouse receives income from a job or a pension/annuity. **See page 2 for examples on how to complete Step 2.**

Do **only one** of the following.

(a) Use the estimator at www.irs.gov/W4App for most accurate withholding for this step (and Steps 3–4). If you or your spouse have self-employment income, use this option; **or**

(b) Complete the items below.

(i) If you (and/or your spouse) have one or more jobs, then enter the total taxable annual pay from all jobs, plus any income entered on Form W-4, Step 4(a), for the jobs less the deductions entered on Form W-4, Step 4(b), for the jobs. Otherwise, enter “-0-” . . . \$ _____

(ii) If you (and/or your spouse) have any other pensions/annuities that pay less annually than this one, then enter the total annual taxable payments from all lower-paying pensions/annuities. Otherwise, enter “-0-” . . . \$ _____

(iii) Add the amounts from items (i) and (ii) and enter the **total** here . . . \$ _____

TIP: To be accurate, submit a new Form W-4P for all other pensions/annuities if you haven't updated your withholding since 2021 or this is a new pension/annuity that pays less than the other(s). Submit a new Form W-4 for your job(s) if you have not updated your withholding since 2019.

Complete Steps 3–4(b) on this form only if (b)(i) is blank **and** this pension/annuity pays the most annually. Otherwise, do not complete Steps 3–4(b) on this form.

Step 3: Claim Dependent and Other Credits	If your total income will be \$200,000 or less (\$400,000 or less if married filing jointly): Multiply the number of qualifying children under age 17 by \$2,000 . . . \$ _____ Multiply the number of other dependents by \$500 . . . \$ _____ Add other credits, such as foreign tax credit and education tax credits . . . \$ _____ Add the amounts for qualifying children, other dependents, and other credits and enter the total here . . .	3	\$
Step 4 (optional): Other Adjustments	(a) Other income (not from jobs or pension/annuity payments). If you want tax withheld on other income you expect this year that won't have withholding, enter the amount of other income here. This may include interest, taxable social security, and dividends . . .	4(a)	\$
	(b) Deductions. If you expect to claim deductions other than the basic standard deduction and want to reduce your withholding, use the Deductions Worksheet on page 3 and enter the result here . . .	4(b)	\$
	(c) Extra withholding. Enter any additional tax you want withheld from each payment . . .	4(c)	\$

Step 5: Sign Here

Your signature (This form is not valid unless you sign it.)	Date
---	------

General Instructions

Section references are to the Internal Revenue Code.

Future developments. For the latest information about any future developments related to Form W-4P, such as legislation enacted after it was published, go to www.irs.gov/FormW4P.

Purpose of form. Complete Form W-4P to have payers withhold the correct amount of federal income tax from your periodic pension, annuity (including commercial annuities), profit-sharing and stock bonus plan, or IRA payments. Federal income tax withholding applies to the taxable part of these payments. Periodic payments are made in installments at regular intervals (for example, annually, quarterly, or monthly) over a period of more than 1 year. Don't use Form W-4P for a nonperiodic payment (note that distributions from an IRA that are payable on demand are treated as nonperiodic payments) or an eligible rollover distribution (including a lump-sum pension payment). Instead, use Form W-4R, Withholding Certificate for Nonperiodic Payments and Eligible Rollover Distributions, for these payments/distributions. For more information on withholding, see Pub. 505, Tax Withholding and Estimated Tax.

Choosing not to have income tax withheld. You can choose not to have federal income tax withheld from your payments by writing "No Withholding" on Form W-4P in the space below Step 4(c). Then, complete Steps 1a, 1b, and 5. Generally, if you are a U.S. citizen or a resident alien, you are not permitted to elect not to have federal income tax withheld on payments to be delivered outside the United States and its territories.

Caution: If you have too little tax withheld, you will generally owe tax when you file your tax return and may owe a penalty unless you make timely payments of estimated tax. If too much tax is withheld, you will generally be due a refund when you file your tax return. If your tax situation changes, or you chose not to have federal income tax withheld and you now want withholding, you should submit a new Form W-4P.

When to use the estimator. Consider using the estimator at www.irs.gov/W4App if you:

1. Have social security, dividend, capital gain, or business income, or are subject to the Additional Medicare Tax or Net Investment Income Tax; or
2. Receive these payments or pension and annuity payments for only part of the year.

Self-employment. Generally, you will owe both income and self-employment taxes on any self-employment income you (or you and your spouse) receive. If you do not have a job and want to pay these taxes through withholding from your payments, use the estimator at www.irs.gov/W4App to figure the amount to have withheld.

Payments to nonresident aliens and foreign estates. Do not use Form W-4P. See Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities, and Pub. 519, U.S. Tax Guide for Aliens, for more information.

Tax relief for victims of terrorist attacks. If your disability payments for injuries incurred as a direct result of a terrorist attack are not taxable, write "No Withholding" in the space below Step 4(c). See Pub. 3920, Tax Relief for Victims of Terrorist Attacks, for more details.

Specific Instructions

Step 1(c). Check your anticipated filing status. This will determine the standard deduction and tax rates used to compute your withholding.

Step 2. Use this step if you have at least one of the following: income from a job, income from more than one pension/annuity, and/or a spouse (if married filing jointly) that receives income from a job/pension/annuity. The following examples will assist you in completing Step 2(b).

Example 1. Bob, a single filer, is completing Form W-4P for a pension that pays \$50,000 a year. Bob also has a job that pays \$25,000 a year. Bob has no other pensions or annuities. Bob will enter \$25,000 in Step 2(b)(i) and in Step 2(b)(iii).

If Bob also has \$1,000 of interest income, which he entered on Form W-4, Step 4(a), then he will instead enter \$26,000 in Step 2(b)(i) and in Step 2(b)(iii). He will make no entries in Step 4(a) on this Form W-4P.

Example 2. Carol, a single filer, is completing Form W-4P for a pension that pays \$50,000 a year. Carol does not have a job, but she also receives another pension for \$25,000 a year (which pays less annually than the \$50,000 pension). Carol will enter \$25,000 in Step 2(b)(ii) and in Step 2(b)(iii).

If Carol also has \$1,000 of interest income, then she will enter \$1,000 in Step 4(a) of this Form W-4P.

Example 3. Don, a single filer, is completing Form W-4P for a pension that pays \$50,000 a year. Don does not have a job, but he receives another pension for \$75,000 a year (which pays more annually than the \$50,000 pension). Don will not enter any amounts in Step 2.

If Don also has \$1,000 of interest income, he won't enter that amount on this Form W-4P because he entered the \$1,000 on the Form W-4P for the higher paying \$75,000 pension.

Example 4. Ann, a single filer, is completing Form W-4P for a pension that pays \$50,000 a year. Ann also has a job that pays \$25,000 a year and another pension that pays \$20,000 a year. Ann will enter \$25,000 in Step 2(b)(i), \$20,000 in Step 2(b)(ii), and \$45,000 in Step 2(b)(iii).

If Ann also has \$1,000 of interest income, which she entered on Form W-4, Step 4(a), she will instead enter \$26,000 in Step 2(b)(i), leave Step 2(b)(ii) unchanged, and enter \$46,000 in Step 2(b)(iii). She will make no entries in Step 4(a) of this Form W-4P.

If you are married filing jointly, the entries described above do not change if your spouse is the one who has the job or the other pension/annuity instead of you.



Multiple sources of pensions/annuities or jobs. If you (or if married filing jointly, you and/or your spouse) have a job(s), do NOT complete Steps 3 through 4(b)

on Form W-4P. Instead, complete Steps 3 through 4(b) on the Form W-4 for the job. If you (or if married filing jointly, you and your spouse) do not have a job, complete Steps 3 through 4(b) on Form W-4P for **only** the pension/annuity that pays the most annually. Leave those steps blank for the other pensions/annuities.

Step 3. This step provides instructions for determining the amount of the child tax credit and the credit for other dependents that you may be able to claim when you file your tax return. To qualify for the child tax credit, the child must be under age 17 as of December 31, must be your dependent who generally lives with you for more than half the year, and must have the required social security number. You may be able to claim a credit for other dependents for whom a child tax credit can't be claimed, such as an older child or a qualifying relative. For additional eligibility requirements for these credits, see Pub. 501, Dependents, Standard Deduction, and Filing Information. You can also include **other tax credits** for which you are eligible in this step, such as the foreign tax credit and the education tax credits. Including these credits will increase your payments and reduce the amount of any refund you may receive when you file your tax return.

Step 4 (optional).

Step 4(a). Enter in this step the total of your other estimated income for the year, if any. You shouldn't include amounts from any job(s) or pension/annuity payments. If you complete Step 4(a), you likely won't have to make estimated tax payments for that income. If you prefer to pay estimated tax rather than

Specific Instructions *(continued)*

having tax on other income withheld from your pension, see Form 1040-ES, Estimated Tax for Individuals.

Step 4(b). Enter in this step the amount from the Deductions Worksheet, line 6, if you expect to claim deductions other than the basic standard deduction on your 2024 tax return and want to reduce your withholding to account for these deductions.

This includes itemized deductions, the additional standard deduction for those 65 and over, and other deductions such as for student loan interest and IRAs.

Step 4(c). Enter in this step any additional tax you want withheld from **each payment**. Entering an amount here will reduce your payments and will either increase your refund or reduce any amount of tax that you owe.

Note: If you don't give Form W-4P to your payer, you don't provide an SSN, or the IRS notifies the payer that you gave an incorrect SSN, then the payer will withhold tax from your payments as if your filing status is single with no adjustments in Steps 2 through 4. For payments that began before 2024, your current withholding election (or your default rate) remains in effect unless you submit a new Form W-4P.

Step 4(b)—Deductions Worksheet *(Keep for your records.)*



1	Enter an estimate of your 2024 itemized deductions (from Schedule A (Form 1040)). Such deductions may include qualifying home mortgage interest, charitable contributions, state and local taxes (up to \$10,000), and medical expenses in excess of 7.5% of your income	1 \$ _____			
2	Enter: <table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="font-size: 3em; vertical-align: middle;">{</td> <td style="padding: 0 10px;"> <ul style="list-style-type: none"> • \$29,200 if you're married filing jointly or a qualifying surviving spouse • \$21,900 if you're head of household • \$14,600 if you're single or married filing separately </td> <td style="font-size: 3em; vertical-align: middle;">}</td> </tr> </table>	{	<ul style="list-style-type: none"> • \$29,200 if you're married filing jointly or a qualifying surviving spouse • \$21,900 if you're head of household • \$14,600 if you're single or married filing separately 	}	2 \$ _____
{	<ul style="list-style-type: none"> • \$29,200 if you're married filing jointly or a qualifying surviving spouse • \$21,900 if you're head of household • \$14,600 if you're single or married filing separately 	}			
3	If line 1 is greater than line 2, subtract line 2 from line 1 and enter the result here. If line 2 is greater than line 1, enter "-0-"	3 \$ _____			
4	If line 3 equals zero, and you (or your spouse) are 65 or older, enter: <ul style="list-style-type: none"> • \$1,950 if you're single or head of household. • \$1,550 if you're married filing separately. • \$1,550 if you're a qualifying surviving spouse or you're married filing jointly and one of you is under age 65. • \$3,100 if you're married filing jointly and both of you are age 65 or older. Otherwise, enter "-0-". See Pub. 505 for more information	4 \$ _____			
5	Enter an estimate of your student loan interest, deductible IRA contributions, and certain other adjustments (from Part II of Schedule 1 (Form 1040)). See Pub. 505 for more information	5 \$ _____			
6	Add lines 3 through 5. Enter the result here and in Step 4(b) on Form W-4P	6 \$ _____			

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to provide this information only if you want to (a) request federal income tax withholding from pension or annuity payments based on your filing status and adjustments; (b) request additional federal income tax withholding from your pension or annuity payments; (c) choose not to have federal income tax withheld, when permitted; or (d) change a previous Form W-4P. To do any of the aforementioned, you are required by sections 3405(e) and 6109 and their regulations to provide the information requested on this form. Failure to provide this information may result in inaccurate withholding on your payment(s). Failure to provide a properly completed form will result in your being treated as a single person with no other entries on the form; providing fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. commonwealths and territories for use in administering their tax laws. We may

also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.






Section 8

Your Acknowledgment

I am hereby applying for retirement benefits as indicated above. I understand my retirement benefits will begin on the first of the month following the completion of all the following: 1) meeting the age and service requirements for normal retirement; and 2) completion and submission of the Application for Volunteer Firefighter Pension and required signed documents with the understanding that I am submitting everything no earlier than 6 months and no later than 60 calendar days from the effective date of retirement. I certify that the information contained herein is true and correct to the best of my knowledge.

Signature of Applicant	Date
------------------------	------

Toll Free 1-800-342-3422
Website: www.nmpera.org
E-mail: pera-memberservices@state.nm.us
pera-albuquerque@state.nm.us

 @NMPERA  @NMPERA  @PERANEWMEXICO
 @NM PERA  @NMPERA

Santa Fe Office

33 Plaza La Prensa
Santa Fe, NM 87507
505-476-9300 Voice
505-954-0370 Fax

Albuquerque Office

6300 Jefferson St. NE, Suite 100
Albuquerque, NM 87110
505-383-6550 Voice
505-954-0370 Fax



**Public Employees
Retirement Association
of New Mexico**

Updated January 2024

Insurance Service Office (ISO)



A Verisk Analytics Business

PRE ISO DOCUMENTATION

- **Training Records** (Past 12 months)
- **Last 12 months of NFIRS reports printed.** (Separate out structure fire calls)
- **Apparatus Pre Survey forms** (Go through each apparatus carefully and make sure all equipment is on apparatus)
- **Pre Survey Forms** (Have all Pre Survey forms filled out as much as possible. If you have questions I can assist you in filling them out.)
- **Water System information.** (If you have hydrants, need 3 years of inspection and flow test data. Other types of systems will need data on the forms ISO sends before the survey.)
- **Copy of Roster**
- **SOG's or SOP's. Current and up to date.** (Should have guidelines for structure fire response, SCBA usage, ICS, etc.)
- **3 years of hose and pump testing records**

On the scheduled day of your Pre ISO survey, I will be looking for the above items. We will go over each of them and make sure everything is in order and ready for the day of the actual ISO survey. The above items are the main items that ISO will be looking at the day of your survey so we want to ensure that they are all available and in order.

If there are any questions at any time throughout the process please do not hesitate to contact me. I am able to help you with any questions about the pre survey documents to ensure that they are filled out correctly.

The apparatus forms are important to ensure that all needed equipment is on each apparatus. Fill one out for each apparatus, Engine, Ladder, Service, Tender, and Wildland apparatus. We will double check these the day of the Pre ISO.

If you have a water department, please make sure you get them the water document form sent by ISO as soon as possible. Request that they fill it out and return it to you.

The Communication Center Information form may or may not need to be filled out. If it does, ISO will typically let you know in the email that is sent with the forms. If it needs to be filled out, get it sent to your dispatch center and request that they fill it out completely and return it to you.

Have all the documents that ISO sends to you available the day of the Pre ISO so we can ensure that they are complete and you can send them back to ISO before your survey.

PRE – ISO CHECKLIST

1. Boundary Maps, Include Shaded area of AA if applicable
2. Hydrant Map recognized/unrecognized
3. Water Department Information
4. Number of Hydrants in district/ Hydrant Inspection Records - 1 Year 2 Years 3 Years 4 Years 5 Years or more (Hydrants pressure tested & Flushed during inspection)
5. Marking of hydrant System, GPS Color Coded or Hydraulic Modeling
6. Square Miles of legally defined fire district & OPA
7. Fire Station Address 4.a AA Fire Station Address 4.b AA Apparatus Sheets/AA Factor
8. Completed Apparatus Forms
9. Last 3 years of Pump Test Records / Hose Test Records Ladder Test Records Non-Destruct Test Records & Maintenance Records
10. Copy of Current Active Personnel Roster / support staff
11. Last 12 Months of incident Reports Summary of On Call Personnel Response Worksheet
12. Training Records Summarized / 9a Training Facilities /9b Officers Certification
13. Pre-Incident Plan Program No. of commercial bldgs. _____. No. of Pre-Plans _____. Updated _____.
14. Number of Three-Story Buildings in district / Stories of tallest building
15. Copy of AA Agreements & Training with AA ¼ ½ Annually
16. SOG's / SOPs to include IMS/ Incident Command System
17. Community Outreach, Community Risk Reduction, Fire Prevention Documents
18. Units Responding on First Alarm
19. Flow Test/ Batch report (NFF) document that the chief will need to obtain from ISO

ISO Consolidation Policy Fire Service Support Bureau

The following measures are to be followed by Fire Service Support Bureau Inspectors when local governments are starting the consolidation process of their fire districts. The following information shall be clearly communicated to the local government(s) on what needs to be completed by them, and what is expected from ISO once the consolidation has been approved by resolution.

1. A formal letter shall be sent to the State Fire Marshal's Office stating the justification for the consolidation of the fire districts. The letter shall identify the following information when being submitted to the State Fire Marshal's Office:
 - Justification for consolidation i.e., lack of personnel
 - Personnel roster of existing department(s) that are being considered for consolidation.
 - Distance between fire stations (not fire districts boundaries)
 - The two fire districts considering the consolidation should be training together and the frequency of the training being conducted should be logged into the training records that the department shall provide upon request.
 - The fire departments will need to provide signed automatic or mutual aid agreements to show the department's responding to all structure fires to ensure sufficient resources are being provided. If the departments have such agreements in place.
 - An apparatus and safety equipment list of the departments to be consolidated shall be provided.
 - Current budget and carryover for the individual departments.
2. A Resolution by the County Commission dissolving the establishment of said fire district(s) that are to be consolidated.
3. A new Resolution by the County Commission must be created approving the consolidation of said department(s) into one district.
4. A Map of the new fire district with locations of fire departments within the newly established district must be established.

5. A newly reorganized personnel roster showing the consolidated of all active and support staff members and the level of their certifications.
6. The consolidation will be reviewed by the State Fire Marshal and the Assistant Fire Marshal for approval. Approval from the State Fire Marshal's Office recognizing the consolidation of the department(s) into one fire district will need to be obtained.
7. The consolidation resolution will be sent to ISO once all signatures have been obtained and approved by the State Fire Marshal's Office.
8. During the preliminary year of the newly consolidated fire district the department absorbing the newly added station(s) will continue to keep their current ISO rating and continue receiving funding based on that department's distribution with the newly added station(s) until a new ISO Survey is conducted.
9. After one (1) year of being consolidated, an ISO Survey shall be conducted for the newly established fire district. During the one year of being merged the following records shall be documented and maintained:
 - Summarized training records, for 12 months.
 - Incident reporting, 12 months.
 - Meeting minutes and sign-in sheets should be provided.
 - Hydrant testing, for the last 3 years.
 - Stored water information.
 - Pump, hose, & ladder testing, for the last 3 years.
 - Apparatus inspection logs (daily, weekly, monthly) apparatus maintenance records & equipment inventory logs.
 - Pre-Plans of all commercial buildings within the fire district shall be conducted and reviewed on an annual basis.
10. Based on the result of the ISO survey the new fire district will be funded according to the new public protection class.

Digitally signed by Randy
Varela
Date: 2023.07.07 14:20:47
-06'00'

Randy Varela, State Fire Marshal

Digitally signed by Anthony
Leyba
Date: 2023.07.10 07:12:47
-06'00'

Anthony Leyba, Assistant State Fire Marshal

Training Required by ISO

Here's a summary of the items ISO considers when reviewing a community's training for firefighters.

- **Facilities and aids**
 - Drill tower
 - Fire building (including smoke room)
 - Combustible-liquid pit
(In areas where federal, state, or local officials prohibit the use of combustible-liquid pits, credit may be available for a video depicting extinguishment of flammable-liquid fires.)
 - Library and training manuals
 - Slide or overhead projectors
 - Movie projector or VCR
 - Pump cutaway
 - Hydrant cutaway
- **Use**
 - Half-day (3-hour) drills, 8 per year
 - Half-day (3-hour) multiple-company drills, 4 per year
 - Night drills (3-hour), 2 per year
Note: ISO may credit a single-company drill under the first and last of these items; ISO may credit multiple-company drills under all three.
- **Company training**
Company training at fire stations, 20 hours per member per month
- **Classes for officers**
2 days (6 hours each) per year for all officers
- **Driver and operator training**
4 half-day (3-hour) sessions per year
- **New-driver and operator training**
Classes for new drivers and operators, 40 hours
- **Training on radioactivity or hazardous materials**
1 half-day (3-hour) session per member per year
- **Recruit training**
240 hours per recruit
- **Prefire planning inspections**
The community should run a prefire planning inspection of each commercial, industrial, institutional, and other similar structure twice a year for maximum credit in the FSRS. Records of the inspections should include complete and up-to-date notes and sketches.
- **Records**
If the community's records are incomplete, ISO will reduce the total points credited for training by up to 20 points each for Items A through H.

For more information . . .

. . . on any topic related to the PPC™ program or the Fire Suppression Rating Schedule, click [Talk to ISO Mitigation](#), or call the ISO mitigation specialists at 1-800-444-4554.

ISO Class Survey

Community name _____ County _____ P P C _____

Community name _____ County _____ P P C _____

Contact name _____ Title _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone #: _____ Ext. _____ Type: _____ Primary #: Y or N

Phone #: _____ Ext. _____ Type: _____ Primary #: Y or N

Email address _____ Previous survey date _____

Population: _____

Square miles _____

Total number of alarms _____ Number of structure fires _____

Fire station name: _____ Type: on-call or on-duty: _____

Street: _____ City: _____ State: _____ Zip: _____

Fire station name: _____ Type: on-call or on-duty: _____

Street: _____ City: _____ State: _____ Zip: _____

Do you receive any Automatic Aid? If so list all specific station names and addresses providing AA.

Worksheet - Class 9 Lab

Y orll - Is the entire area over 5 miles from the responding fire station?

Y orll - Are there portions of the graded area over 5 road miles from the responding fire station?

Individual Records Categories Do you maintain written or electronic records for the following?

Records of fire calls to include the Date _____ (1) Time _____ (1) Location _____ (1) of fires and the number of responding members _____ (2)

The number of members attending meetings _____ (1) Training sessions _____ (2)

Maintenance of apparatus and equipment _____ (1)

Current roster of fire department members _____ (1)

CM C.I.W. Worksheets - Recognition Lab

Y orll - The fire department is organized on a permanent basis under applicable state or local laws?

Y orll - There is one person responsible for the operation of the fire department?

Y orll - The area has defined boundaries. A written description or map defining the boundaries of the area served by the fire department.

Y orll - The city is located within 5 road miles from the responding fire station?

Y orll - At least 4 members, one of whom may be a chief officer, respond to all fire alarms for fires in structures?

Y orll - Training is conducted for all active members for at least 3 hours every 3 months totaling at least 12 hours annually?

Y orll - The alarm facility and dispatch procedures are such that there is no delay in the receipt of alarm and dispatching of firefighters and apparatus?

Y orll - Does each firefighter credited have a protective clothing ensemble? (Turnout / Bunker Gear).

Y orll - Is apparatus housed in a heated building so that it will be protected from the weather?

Ask them if there have been any boundary changes. If so inform them that a map will be mailed out.

A GUIDE FOR CONDUCTING FACILITY PRE-FIRE PLANS

1. Sketch Each Floor
2. Show Roof access of venting devices
3. Show approaches to the facility
4. Indicate the size of the facility (Length and Width)
5. Show location of attic access doors, hatches, or ladders
6. Show roof access ladders
7. Show the location of the master electrical shutoff(s), other electrical shutoffs should be shown.
8. Show the location of the master gas/LPG shutoff.
9. Show the Direction of north by an arrow.
10. Show specific types of doors for other than standard personnel doors.
11. Show Fences and gates. *NOTE: Symbols are used to standardize and simplify information on the sketches the symbols that will be used are on included in this packet.*
12. Show all major partitions and doors.
13. Show room numbers if they are marked on the facility, otherwise indicate the use of the room.
14. Show the location of stairs and stairwells.
15. Show the locations of elevators.
16. Show locations of firewalls, and fire doors.
17. Show fire or smoke partitions in concealed spaces such as attics.
18. Show locations of fire hydrants and other available water sources.
19. Show the location of fire alarm control panels
20. Show the location of annunciator panels.
21. Show the location of all carbon dioxide, FM200, or clean agent fire extinguishing systems.
22. Show the location of all sprinkler risers, if applicable.
23. If the facility is only partially sprinkled, indicate areas that are protected.
24. If the facility has more than one sprinkler riser, indicate the area protected by each riser.
25. If the facility does not have a sprinkler system or if the facility is protected completely by a sprinkler system place the proper symbol at the top of the sketch.
26. Show the location of all Post Indicator Valves and show which risers the valves control.
27. Show the location of all standpipes, hose cabinets and outlets.
28. Show the location of any installed fire pumps.
29. Indicate the location of hazards in the building, such as explosives, radiation, flammable liquids, toxics, ect. That constitute an uncommon hazard to the firefighter.
30. Indicate the location of where Material Safety Data Sheets (MSDS) are stored.

A sample letter to provide to business owners to help with completing your pre-planning program

ACME FIRE DEPARTMENT
P.O. Box 111
Anywhere, NM, 88888

Dear Business owner,

Enclosed you will find a graph sheet in which we are requesting you draw the outline of your business. This will help us in case of an emergency should one arise. Please show the location of the following items in your drawing,

1. Doors and windows
2. Power Shutoff
3. Gas/LPG Shutoff
4. Sprinkler Connection
5. Fire Alarm Panel
6. Non-Usable Doors or Windows
7. Any Special Hazards (Explosives, Chemicals, Etc.)

At the bottom of this drawing please list the following,

1. Type of Business you conduct
2. Emergency Contact phone numbers
3. Number of employees normally on site.
4. Business Name and Address.
5. Insurance Company

Please return your drawings to the following address or contact us at the following numbers listed below,

(Your FD's Name and Address)

(Name of Fire Chief)

Phone Number of FD

Pre-Fire Plan Data Entry Form

Date: _____ Fire Department/District: _____

Business Name: _____

Address: _____ Bldg/Suite #: _____

City: _____ Phone #: _____

Type of Business: _____ Dept. Map Page #: _____

Owner Name: _____ Phone #: _____

Manager Name: _____ Phone #: _____

Other Name: _____ Phone #: _____

Nearest Cross-Street is: _____

Primary Hydrant Number: _____ Located at: _____

Other water source is: _____ Square footage: _____ Stories in Height: _____

Occupancy Class Code: _____ Location of Heating: _____

Construction Class Code: _____ Gas Shutoff: _____ Type of Heat: Natural Gas LPG

Electrical Shutoff Location: _____ Alarm Panel: _____

Basement: YES NO Remarks: _____

Elevator: YES NO Remarks: _____

Lock Box: YES NO Remarks: _____

F.D.C.: YES NO Remarks: _____

Standpipes: YES NO Remarks: _____

Sprinkler System: YES NO Remarks: _____

of Sprinkler Risers: _____ Remarks: _____

Location of Sprinkler Controls: _____

Location of Water Shutoff Valves: _____

Exposure Information: _____

COMMENTS: _____

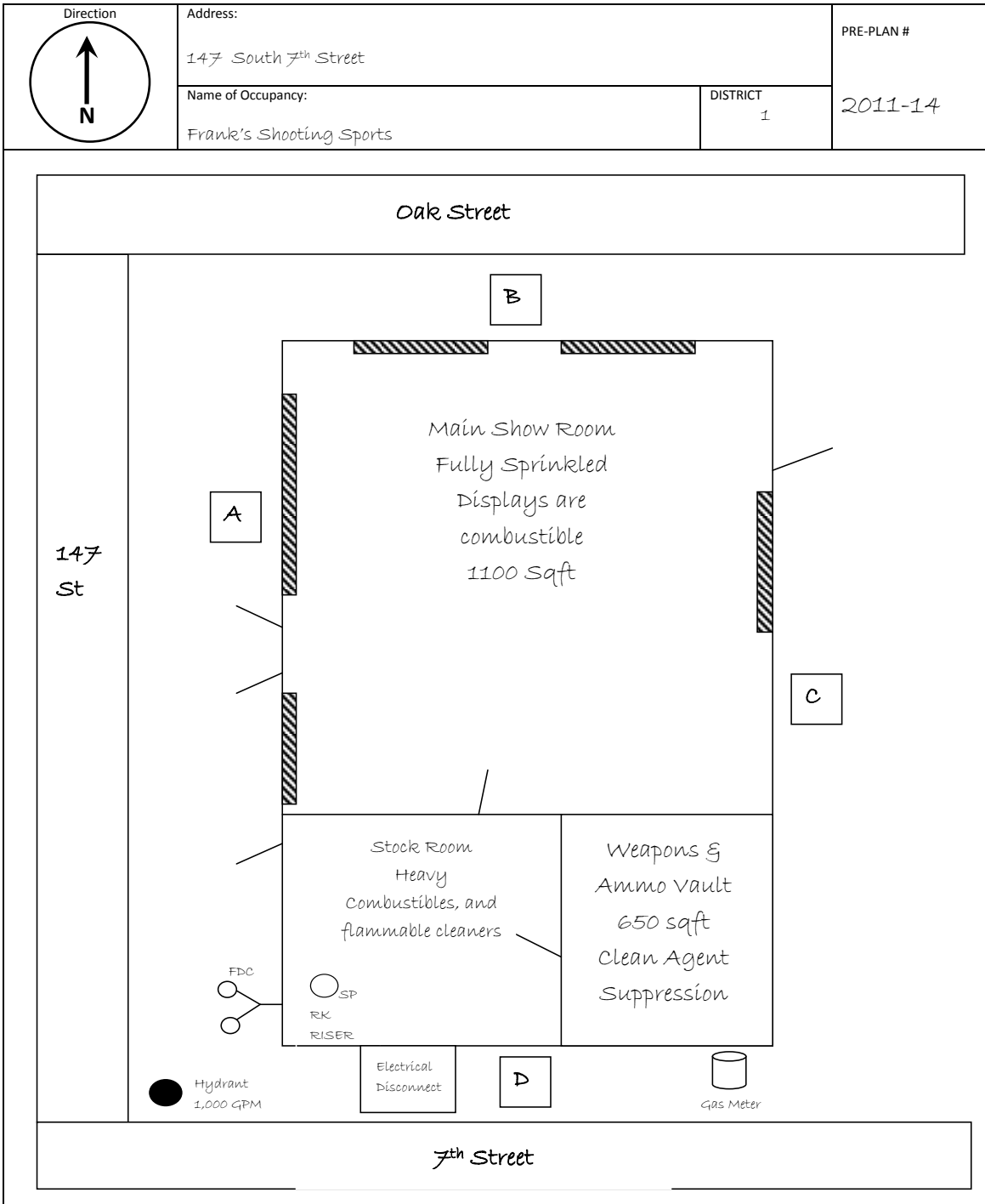
PRE-INCIDENT PLAN FORM

FIRE DEPARTMENT		PRE-PLAN #					
Address:							
Business Name:			District				
Emergency Contacts:							
Occupancy and Hazards:							
Construction:							
Fire Protection Systems:							
Water Supplies:	Nearest Large Volume Water Supply:						
Water Supply-Needed Fire Flow:							
INITIAL DISPATCH							
Involvement	GPM	ENGINES	LADDERS	CHIEFS	SPECIAL UNITS	EMS	OTHERS
50 %							
100%							
SPECIAL RESOURCES:							
EXPOSURES:							
STRATEGIES:							
COMMENTS:							

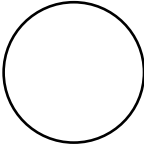
SAMPLE COMPLETED PRE-PLAN FORM

FIRE DEPARTMENT		Southwest Fire Department				PRE-PLAN #	2011-14	
Address:		147 South 7 th Street						
Business Name:		Frank's Shooting Sports				District		SWFD
Emergency Contacts:		Frank Martinez, Owner (505) 555-1234 Jim Romero, Manager (505) 555-5678 ABC Alarm Co. (505) 555-9112						
Occupancy and Hazards:		Gun Shop, with Bulk Ammunition storage, and shooting supplies. Ammunition is stored in Back room in concrete enclosure, solvents in fire proof lockers. Will have to force entry into store and ensure all emergency escape routes are clear before making an interior attack.						
Construction:		Steel Frame Building.						
Fire Protection Systems:		Full Sprinkler System, with Clean agent extinguishing system in Weapons/Ammo vault.						
Water Supplies:		Hydrant located at 7 th street and 147 th St. Hydrant provides 1,000 GPM @ 75 PSI. Dispatch will send 2 County Fire Districts with tankers for support. If tankers are not needed, personnel sent will be used on fire ground. Nearest Large Volume Water Supply: As Above or Hydrant at 147 th and Pine 200 Ft. South of above hydrant						
Water Supply-Needed Fire Flow:		INITIAL DISPATCH						
Involvement	GPM	ENGINES	LADDERS	CHIEFS	SPECIAL UNITS	EMS	OTHERS	
50 %	1500 GPM	E-1 & E-3		1	R-1 & Police Dept		County Tankers, As needed	
100%	2800 GPM	E-1, E-3 & E-7		1	R-1, 7 Police Dept		County Tankers, As needed	
SPECIAL RESOURCES:		Tankers from County Fire Districts can be sent to the City Yards, at 155 7 th street if a fill site for drafting is needed.						
EXPOSURES:		Side-B: Exposure to Sam's Cabinet Shop, wood frame construction Side-D Exposure to Pete's Pet Shop metal frame 10' clearance between buildings.						
STRATEGIES:		Disconnects for Gas and Electric on Side D of structure. Protect exposure on Sides B & D.						
COMMENTS:		Police Department must be requested to help in securing the scene as this is a fire arms store, which stores ammunition and weapons. They will be needed to take custody of the scene upon completion of any fire suppression.						

PRE-INCIDENT PLAN DIAGRAM








PRE-INCIDENT PLAN DIAGRAM








<p>Direction</p> 	<p>Address:</p>	<p>PRE-PLAN #</p>
	<p>Name of Occupancy:</p>	

NOT TO SCALE



PREPLAN SYMBOLS

Fire Suppression System




-  FDC
-  Fire Extinguisher
-  Fire Vault
-  Fire Pump
-  Full Sprinklers

-  No Sprinklers
-  Outside Screw and Yoke Valve
-  Partial Sprinklers
-  Post Indicator Valve
-  Riser
-  Standpipe
-  Hydrants

Fire Preincident Alarm / Control Panel

-  Fire Alarm Control Panel
-  Fire System Annunciator




Knox Box Locations

-  Padlock
-  Knox Box
-  Key Switch




Doors

-  Overhead Door


Building Access

-  Basement Access
-  Elevator
-  Roof Access

Utility Shutoff

-  Electrical Main Shutoff
-  Natural Gas Main Shutoff
-  Water Shutoff

Special Hazards

-  Bow String Truss

Building Features

-  Fire Wall

UPDATE: 5/17/2018

**FIRE DEPARTMENT
TRAINING REPORT**

DATE: _____ TIME: _____ Start Time: _____ End Time: _____

SUBJECT: _____

- SUB-GROUP: (check one)
- | | |
|---|---|
| <input type="checkbox"/> Training Facility
<i>(*18 Hrs per member annually)</i> | <input type="checkbox"/> Officer Training
<i>(*12 Hours Annually. 6 hrs must meet NFPA 1021)</i> |
| <input type="checkbox"/> Driver/Operator
<i>(*12 Hours annually per driver)</i> | <input type="checkbox"/> HAZ-MAT
<i>(*6 Hours per member annually) (*240 Hrs per Recruit annually)</i> |
| <input type="checkbox"/> Pre-Fire Planning | <input type="checkbox"/> Recruit Training
<i>(*240 Hrs per Recruit annually)</i> |
| <input type="checkbox"/> Pump Testing
<i>(*60 Hours annually per New Driver)</i> | <input type="checkbox"/> Company Training
<i>(*16 Hrs per member, monthly)</i> |
| | <input type="checkbox"/> Hose Testing |
- * Indicates ISO requirement for maximum credit

Other (Explain): _____

INSTRUCTOR(S): _____

TOTAL STUDENTS: _____ TOTAL HOURS: _____

PRINTED NAME	SIGNATURE

INSTRUCTOR'S SIGNATURE: _____ PAGE # _____ OF _____

ISO Training Log- to keep a cumulative record for ISO purposes

DATE	TOPIC	TRAINING TYPE*	# OF ATTENDEES	HOURS
<i>1/23/2012</i>	<i>Tools SAMPLE</i>	<i>CT</i>	<i>4</i>	<i>2</i>

TRAINING TYPES *** USE ONLY ONE TRAINING TYPE PER TRAINING DATE

TFH's Hours of training at training facility 18 Hours per member, Annually

OT Officer Training 12 Hours Annually, 6 Hours should meet NFPA 1021

D/O Existing Driver/Operator Training 12 Hours annually, for each existing Driver/Operator

NDO New Driver/Operator Training 60 Hours Annually, for each New Driver/Operator

HM Haz-mat Training 6 Hours per member, Annually

RT Recruit Training 240 Hours per each new Recruit

CT Company Training 16 Hours Monthly for each member

PIP Pre-Incident Planning Record all Pre-Plan Inspections, and Reviews as Training

Annual Fire Apparatus Pump Service Test
Meets NPFA standards and ISO requirements
Taken from NFPA 1911

This test is to be used annually to test fire apparatus that has a fire pump with 250 gpm or larger capacity or if the pump and/or engine on the apparatus have been repaired or modified. It meets the NFPA 1901 Class A Pump rating test and ISO requirements for annual pump or service test. This test is not the same as a “New Apparatus Acceptance or UL (Underwriter’s Laboratory) Test” which is conducted by an independent agency for the manufacturer and is approximately 3 hours in length.

NPFA 1901 Class “A” Pump Rating Rating Capacity 100% capacity at 150 psi 70% capacity at 200 psi 50% capacity at 250 psi	Annual Pump Test – Service Test May be done by local fire department 1 hour 100% Capacity at 150 psi for 20 minutes 70% Capacity at 200 psi for 10 minutes 50% Capacity at 250 psi for 10 minutes
--	---

Warning! Pump service testing can be a dangerous operation and all safety precautions should be taken.

Equipment needed:

- Pump apparatus to be tested
- Firm, level surface near large (10,000 gallons or more) body of water with at least 4 feet of water depth, not more than 10 feet below the center of the pump intake which will allow the strainer to be submerged at least two feet below the surface of the water
- 20 feet of hard suction hose appropriate for the rated capacity of the pump
- 2 ½ inch discharge hoses of appropriate length for the pump (see table A “**HOSE AND NOZZLE LAYOUT**”)
- Straight bore nozzles of appropriate discharge diameter (see table A “**HOSE AND NOZZLE LAYOUT**”)
- Monitor (may not be required, see table A “**HOSE AND NOZZLE LAYOUT**”)
- Pitot gauge
- **PUMP TEST DATA** form (one needed for each pump to be tested)
- Calculator

In testing the pump there are three variable factors, the change in one factor will cause change in at least one of the other factors. The three variables are pump speed, net pump pressure, and pump discharge rate. For example; any change to engine speed changes pump speed. Any change to hose layout or valve position changes pump pressure. Change in the nozzle tip changes discharge rate. Using these variables is the only way to reach the standard test condition desired.

While tests are being performed, attention should be given to engine temperature and oil pressure to ensure that they are in normal range. Any unusual vibrations or water leaks should be checked, noted and repaired after the test is complete. Any indication of engine or pump failure dictates that it is pointless to continue the test.

Procedure:

Park apparatus to be tested in a safe location; close enough to the water source to provide adequate water supply. If a hydrant is used, an area should be secured to allow for hoses, etc. Connect the discharge hose(s) and nozzle(s) as needed for the given pump capacity listed in table A (**Hose and Nozzle Layout**). Gate valves can be used to create friction loss for the different test flows. The apparatus discharge valves can also be used. When two or more lines are needed they may be connected to a monitor. 100 feet of hose is usually adequate.

Table A – Hose and Nozzle Layout		
Discharge GPM	Nozzle Size	Layout 2 1/2" attack line
250 – 350	1 1/8" or 1 1/4"	One 50 ft. line One 50 ft. line
400 – 500	1 3/8" or 1 1/2"	One 50 ft. line One 50 ft. line
600 – 750	1 1/2" or 1 3/4"	Two 100 ft. lines Two 100 ft. lines
1000	2"	2 or 3 100 ft. lines
1250	2 1/4"	Four 100 ft. lines
1250	1 3/4" & 1 1/2"	Two 100 ft. lines & One 50 ft. line
1500	2" & 1 3/8"	Three 100 ft. lines One 50 ft. line
1750	2 – 2"	Two 100 ft. lines each
2000	2 – 2"	Two 100 ft. lines each

Reference: NFPA 1911, Service Tests of Pumps on Fire Department Apparatus, 1911

Connect draft / suction hose and strainer (or adequate hydrant supply hose) to the intake of the pump. Make sure that all valves are closed and the suction hose is tight enough to maintain a seal. Place the suction hose in the water. Strainer must be at least two feet below the water surface.

Start the pump and develop pressure. Once pressure is obtained (from draft) open the discharge valve(s) slowly to permit the flow of water. The main pump speed is gradually increased until the desired pressure at the pump is reached (150 psi). Check the flow at the nozzle with a pitot gauge or flow meter. If the flow is too great, partially close one (or more) gate valves. If the flow is too low, open the valve. Readjust engine speed to correct discharge pressure. Engine speed should not exceed 80% of its peak. When both the discharge pressure and the volume flowing are satisfactory, the test begins and runs for 20 minutes. Record the pump discharge pressure, nozzle pressure, engine tachometer when the test begins and at 5 minute intervals throughout the complete test. Automatic relief valves should be disengaged during the test.

After the first portion of the test is completed, the pump pressure should be raised to 200 psi and the test run for 10 minutes to complete the third portion of the test. The pump pressure should be raised to 250 psi. See examples on the next page.

1000 gpm pump 6 inch suction 20 feet

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	1000	2"	3 x 100 ft	72 psi
200 psi	700	1 3/4"	2 x 100 ft	60 psi
250 psi	500	1 1/2"	1 x 100 ft	58 psi

750 gpm pump 5 inch suction 20 feet

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	750	1 3/4"	2 x 100 ft	68
200 psi	525	1 1/2"	1 x 100 ft	62 psi
250 psi	375	1 1/4"	1 x 100 ft	66 psi

500 gpm pump 4 1/2-inch suction 20 feet

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	500	1 1/2"	1 x 50 ft	58
200 psi	300	1 1/4"	1 x 50 ft	58 psi
250 psi	250	1"	1 x 50 ft	72 psi

The following formula can be used to convert nozzle pressure to gallons per minute.

$$\text{GPM} = 29.83 \text{ c } d^2 \sqrt{np}$$

C= coefficient of discharge nozzle

D = diameter of nozzle in inches

P = pressure of flow (pitot reading)

Example: Diameter of nozzle 2"

 Nozzle pressure 72 psi

 Coefficient of nozzle 0.99

$$\text{GPM} = 29.83 \times 0.99 \times 2'' \text{ squared} \times \text{square root of } 72\text{psi}$$

$$\text{GPM} = 29.83 \times 0.99 \times 4 \times 8.485 = 1002 \text{ gpm}$$

$$\text{GPM} = 1002$$

If you do not want to use the formula above see Table B, which gives the nozzle pressure for smooth bore nozzles.

Discharge Table for Smooth Nozzles
(nozzle pressure measured by pitot gauge)

Nozzle Pressure (psi)	GPM					Nozzle Pressure (psi)	GPM				
	Nozzle diameter (inches)						Nozzle diameter (inches)				
	1	1 1/8	1 1/4	1 3/8	1 1/2		1	1 1/8	1 1/4	1 3/8	1 1/2
5	66	84	103	125	149	60	229	290	357	434	517
6	72	92	113	137	163	62	233	295	363	441	525
7	78	99	122	148	176	64	237	299	369	448	533
8	84	106	131	158	188	66	240	304	375	455	542
9	89	112	139	168	200	68	244	308	381	462	542
10	93	118	146	177	211	70	247	313	386	469	558
12	102	130	160	194	231	72	251	318	391	475	566
14	110	140	173	210	249	74	254	322	397	482	574
16	118	150	185	224	267	76	258	326	402	488	582
18	125	159	196	237	283	78	261	330	407	494	589
20	132	167	206	250	298	80	264	335	413	500	596
22	139	175	216	263	313	82	268	339	418	507	604
24	145	183	226	275	327	84	271	343	423	513	611
26	151	191	235	286	340	86	274	347	428	519	618
28	157	198	244	297	353	88	277	351	433	525	626
30	162	205	253	307	365	90	280	355	438	531	633
32	167	212	261	317	377	92	283	359	443	537	640
34	172	218	269	327	389	94	286	363	447	543	647
36	177	224	277	336	400	96	289	367	452	549	654
38	182	231	285	345	411	98	292	370	456	554	660
40	187	237	292	354	422	100	295	374	461	560	667
42	192	243	299	363	432	105	303	383	473	574	683
44	196	248	306	372	442	110	310	392	484	588	699
46	200	254	313	380	452	115	317	401	495	600	715
48	205	259	320	388	462	120	324	410	505	613	730
50	209	265	326	396	472	125	331	418	516	626	745
52	213	270	333	404	481	130	337	427	526	638	760
54	217	275	339	412	490	135	343	435	536	650	775
56	221	280	345	419	499	140	350	443	546	662	789
58	225	285	351	426	508	145	356	450	556	674	803
60	229	290	357	434	517	150	362	458	565	686	817

SAMPLE PUMP TEST DATA

This is for annual service testing only. This test is not a UL or acceptance test!

Somewhere FIRE DEPARTMENT

F.D. or Unit No. E-2 Make Pirsch Year Built 1995 Witnessed by Chief Chavez

Test Location City Pump Station Elevation 3800' Draft X Hydrant residual psi
(Draft is preferred, but a hydrant test is acceptable)

Specifications: 250 gpm @ 150 (120) psi 100% 175 gpm @ 200 psi 70 %
125 gpm @ 250 psi 50 %

(Obtain this information from the metal or plastic tag usually located on the pump panel)

First Test – Capacity – Layout – 20 minutes 2nd test – 200 psi – Lay out – 10 minutes

2 1/2" Hose length 50' Tip #1 = 1 1/8 inch 2 1/2" Hose Length 50' Tip #1 = 1 1/8 inch
 2 1/2" Hose length Tip #2 = inch 2 1/2" Hose length Tip #2 = inch

Time	Pump Pressure psi		Pitot Reading psi	
	Inlet	Discharge	No. 1	No. 2
0900		170	45	
0905		171	45	
0910		172	46	
0915		172	46	
0920		172	46	
Average		172	46	

Time	Pump Pressure psi		Pitot Readings psi	
	Inlet	Discharge	No. 1	No. 2
0925		216	22	
0930		216	22	
0935		216	22	
Average		216	22	

3rd test – 250 psi – layout – 10 mins.

2 1/2" Hose Length 50' Tip #1 = 1 1/8 inch
 2 1/2" Hose length Tip #2 = inch

0945		255	11	
0950		255	11	
0955		255	11	
Average		255	11	

Summary

	Time Mins.	No. 1 Nozzle			No. 2 Nozzle			Total Disch . GPM	Pump		Lift Psi	Net Press . psi
		Press . Psi	Corr. Psi	Disch . GPM	Press . Psi	Corr. Psi	Disch . GPM		Press . Psi	Corr. Psi		
1st test	20	46	46	254				254	172	170		150

2nd test	10	22	22	175	175	216	215	200
3rd test	10	11	11	123	123	255	255	250

PUMP TEST DATA

This is for annual service testing only. This test is not a UL or acceptance test!

_____ FIRE DEPARTMENT

F.D. or Unit No. _____ Make _____ Year Built _____ Witnessed by _____

Test Location _____ Elevation _____ Draft _____ Hydrant _____ residual psi _____
(Draft is preferred, but a hydrant test is acceptable)

Specifications: _____ gpm @ 150 (120) psi _____ % _____ gpm @ 200 psi %
 _____ gpm @ 250 psi _____ %

(Obtain this information from the metal or plastic tag usually located on the pump panel)

First Test – Capacity – Layout – 20 minutes 2nd test – 200 psi – Lay out – 10 minutes

2 ½" Hose length _____ Tip #1 = _____ inch 2 ½" Hose Length _____ Tip #1 = _____ inch
 2 ½" Hose length _____ Tip #2 = _____ inch 2 ½" Hose length _____ Tip #2 = _____ inch

Time	Pump Pressure psi		Pitot Reading psi	
	Inlet	Discharge	No. 1	No. 2
Average				

Time	Pump Pressure psi		Pitot Readings psi	
	Inlet	Discharge	No. 1	No. 2
Average				

3rd test – 250 psi – layout – 10 mins.

2 ½" Hose Length _____ Tip #1 = _____ inch
 2 ½" Hose length _____ Tip #2 = _____ inch

Time	Pump Pressure psi	Pitot Reading psi		
Average				

Summary

	Time Mins.	No. 1 Nozzle			No. 2 Nozzle			Total	Pump		Lift	Net
		Press.	Corr.	Disch.	Press.	Corr.	Disch.	Disch.	Press.	Corr.	Psi	Press. psi
		Psi	Psi	GPM	Psi	Psi	GPM	GPM	Psi	Psi		
1 st test												
2 nd test												
3 rd test												

ANNUAL HOSE TEST PROCEDURE - USING THE PUMP ON FIRE APPARATUS

From NFPA 1962, *Care, Use and Services Testing of Fire Hose Including Couplings and Nozzles*

Danger! Testing fire hose under pressure is a dangerous task and safety precautions should be followed.

THIS IS AN ANNUAL HOSE TEST. HOSE SHOULD BE TESTED WHEN PURCHASED NEW ACCORDING TO THE MANUFACTURERS RECOMMENDATIONS AND USING THIS PROCEDURE. A HISTORY OF EACH SECTION OF HOSE SHOULD BE MAINTAINED FROM DATE OF ACQUISITION.

Equipment needed:

- Fire apparatus with adequate pump and outlets for testing hose.
- One or more hose test valves made from a gate valve for the size coupling of the hose to be tested. The valve(s) should have a ¼ inch hole drilled through the gate.
- Several 8 foot sections of rope or strap to secure the hose to the truck.
- One or more caps with bleeder or a nozzle with a non-twist shut off valve for each hose size to be tested.
- Large black permanent marker
- Record form to record information

1. Visually inspect hose and divide into three categories:

A. Hose to be tested B. Hose to be repaired C. Condemned Hose
Hose that has been repaired is tested differently and should be separated (see below).
Condemned hose should be destroyed.

2. Hose should have an identification number of some type.

Hose can be identified by a combination of numbers and letters to indicated diameter, etc. If the coupling is stamped, use the female end and do not damage the coupling. Stenciling on the hose jacket should be of a type that will not damage the jacket.

3. Determine Pressure for Hose to be Tested:

- 1 1/2" and 2 1/2" single jacket hose should not be used for structural fire fighting and is not tested in this procedure.
- Hose made prior to July, 1987 should be tested to 250 psi for 5 minutes.
- Hose made after July 1987 will be stenciled on each length by the manufacturer "Service Test to _____ psi per NFPA 1962"
- Pumper supply (soft suction) 4" – 6" multiple jacket hose should be tested at 200 psi for 5 minutes.

Separate hose based on required test pressure. Connect hoses of the same pressure test in sections no longer than 300 feet in a straight line without kinks or twists.

4. Set up the hose.

Attach the test gate valve(s) to the apparatus at the appropriate discharge point. Attach the hose section(s) to the gate valve and attach the nozzle or cap to the end of the hose. Secure the hose closest to the test gate valve to the discharge with the strap or rope. Mark behind each coupling with the permanent marker completely around the hose as close as possible to the coupling to help determine slippage once the test is completed.

Open the test gate valve. Close the nozzle or bleeder cap on the end of the hose. Raise the pump pressure in the discharge to 45 psi. Raise the end of the hose above the level of the test gate valve and slowly open the nozzle or bleeder cap to allow all air to leave the line. Once all of the air is evacuated from the hose line, close the nozzle or bleeder valve, and then close the test gate valve at the pump discharge. Secure the nozzle end of the hose to prevent the hose from whipping should a rupture occur.

Check all couplings for leakage and tighten as necessary.

5. Pressurize the hose.

All personnel should be cleared from the area. Keep the test gate valve closed. The pressure should be brought up slowly on the sections of hose to be tested to the appropriate test pressure and held for 5 minutes. If there is a severe leak or hose rupture, stop the test, replace the defective hose and start over.

The hose should be inspected by walking down the left side of the hose (away from the pump towards the nozzle) approximately 15 feet away from hose while it is under test pressure. (The hose will roll to the right should a rupture occur). This will provide for additional safety. Never straddle the hose or move the hose once it is under test pressure.

Once the time is completed, slowly shut down the pump, close the pump discharge gates and open the nozzle or bleeder test cap. Allow the water to drain and inspect the hose couplings for any slippage. Any slippage (more than 1/2 inch) found should be identified and the hose taken out of service for repair.

6. Record the test results.

Record the test results on the attached form. The test should be conducted annually. Records should be maintained in a centralized location for all hose.

7. Repaired hose

Hose that has been repaired should be tested one length at a time.

ANNUAL HOSE TEST

_____ **FIRE DEPARTMENT**

Test Date: ____ / ____ / ____ **Test Supervisor:** _____

Hose ID Number	Hose Location	Hose Size	Hose Condition	Purchase Date	Last Test Date	Made By	Remarks

LEGEND

Hose ID number: This is the identification number provided by the fire department for each section of hose.
Hose location: Define location of the hose; crosslay 1, preconnect 1, hose bed, storage, etc.
Hose size: list the size of the hose by diameter
Hose condition: Use poor, fair, good, replace, etc.
Purchase date: write in the date of purchase
Last test date: write in the last known test date
Made by: who manufactured the hose
Remarks: remarks pertaining to the section of hose, e.g., stained, abrasion, coupling damaged, etc.

APPARATUS INSPECTION REPORT

MONTH _____ YEAR _____ COMPANY NO. _____ UNIT NO. _____ TYPE _____ MAKE _____ MODEL _____

DAILY CHECK	DATE																															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
TIRES FOR AIR, BREAKS OR CUTS																																
RADIATOR WATER AND COOLANT HOSES																																
HOSES FOR AMOUNTS AND CONDITION																																
ALL MISCELLANEOUS EQUIPMENT																																
ALL LIGHTS OPERATE																																
ALL FLUID LEVELS (HOOD AND CHASSIS)																																
FAN BELTS IN GOOD SHAPE AND TIGHT																																
CHECK ALL BATTERIES																																
STARTER WORKS PROPERLY																																
ENGINE RUNS SMOOTHLY																																
SWITCHES IN GOOD CONDITION																																
AIR BRAKES WORK PROPERLY																																
EMERGENCY BRAKES WORK PROPERLY																																
STEERING GEAR WORKS PROPERLY																																
FUEL LEVEL																																
ALL WARNING SYSTEMS																																
ALL COMMUNICATIONS (RADIOS, INTERCOM)																																
PUMP WORKS PROPERLY																																
ALL GAUGES WORK PROPERLY																																
DISCHARGE VALVES WORK PROPERLY																																

Fire Chief's Handbook, 2010 ed.
7-8 Apparatus Inspection Report

SUCTION VALVES WORK PROPERLY																									
RELIEF VALVE OR GOVERNOR																									
OVERALL CONDITION OF APPARATUS																									
WEEKLY CHECK																									
MASTER CYLINDER LEVEL																									
PRIMER PUMP OPERATION AND LEVEL																									
LUBRICATE MOVING PARTS (PUMP PANEL)																									
CHECK EXTINGUISHERS																									
OPERATE ALL POWER TOOLS																									
MONTHLY CHECK																									
CHECK CHASSIS AND TIGHTEN ALL BOLTS																									
GREASE AND CHANGE OIL AS NEEDED																									
CHECK TRANSMISSION																									
CHECK TRANSFER CASE(S)																									
CHECK DIFFERENTIAL(S)																									

Fire Chief's Handbook, 2010 ed.
7-8 Apparatus Inspection Report

**FIRE DEPARTMENT
HYDRANT RECORD**

HYDRANT NO.: _____ LOCATION: _____ INSTALLED: ___/___/___ MAKE: _____
 4 1/2" CPMMECTOPM [YES] _____ [NO] _____ STREET MARKED [YES] _____ [NO] _____ HOW? _____
 SIZE OF MAIN: _____ SIZE OF HYDRANT LEAD: _____ TYPE OF MAIN: [DEAD END] ___ [LOOP]___ OTHER: _____

PRESSURE TESTS								
DATE	STATIC PRESSURE	FLOW PRESSURE	GPM		DATE	STATIC PRESSURE	FLOW PRESSURE	GPM

RECORD OF MAINTENANCE											
ITEM	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
FLOWED											
LUBRICATED											
GASKETS REPLACED											
VALVE REPLACED											
DRAIN VAVLE REPAIRED											
LEAD VALVE REPAIRED											
PAINTED											
OTHER											

GENERAL COMMENTS: _____

**PUBLIC PROTECTION SURVEY INFORMATION
FOR AREAS WITHOUT WATER MAINS**

A. Additional criteria concerning water delivery by fire department apparatus include:

1. When a tanker relay system is used, the volume of the tanker capacities is reduced by 10% for spillage, under filling and incomplete unloading.
2. Travel time of apparatus is calculated from the formula:
$$T = 0.65 + 1.7D$$

T = Minutes
D = Miles.

Slower speeds will be used for underpowered apparatus, or apparatus laying hose lines.

3. The delivery rate of a tanker relay system will be affected by the rate of filling and of dumping of the tankers and the useable volume of the fire-site folding tanks or other fire-site storage.
4. Credit may be given for apparatus responding from outside the community depending upon communication facilities, handling of alarms, interdepartment training, fire grounds communications and time of arrival at fires.

B. Please provide us with a scale map showing:

1. Boundary of community or area served by Fire Department.
2. All roads that are usable by fire apparatus under all weather conditions (certified by County Engineer or other registered professional engineer).
3. All bridges that do not have a safe weight capacity sufficient for fire department apparatus.

Note: Weight information is available from the state department of transportation.

4. The location of fire stations.
5. The location and name of any fire station where automatic-aid apparatus is housed.

6. The location and identification of each water supply point (hydrants and/or suction supplies).
7. The total road mileage (state, county, city and town) within the area served by the fire department. Also, of the total mileage, the mileage that is not paved.

c. Please provide us with a description of each water supply point; and

1. The maximum rate for a hydrant supplied from a water main, or a dry hydrant, using the pumper and hose arrangement scheduled to be used at this hydrant (supported by test results).

NOTE: The maximum rate if tankers are supplied directly from a hydrant, using the hose arrangement scheduled to be used at this hydrant (supported by test results).

2. For an impounded supply, cistern, tank or other storage facility; the minimum storage available (at not over 15-foot lift) during a drought with an average 50-year frequency (certified by a registered professional engineer)*. The maximum rate obtainable using the pumper(s) and hose arrangement scheduled to be used at this point (supported by test results).
3. For a supply from a flowing stream, the minimum rate of flow available (at not over 15-foot lift) during a drought with an average 50-year frequency (certified by a registered professional engineer)., The maximum rate obtainable using the pumper(s) and hose arrangement scheduled to be used at this point (supported by test results).

*May also include a registered hydrologist, registered geologist, soil conservationist, or federal surface water specialist.

4. For each location, indicate the number of pumpers that can operate simultaneously.
5. For each water supply point, provide the distance to the water supply point from each fire station with responding apparatus.
6. A statement signed by the owner of any private suction water supply point, authorizing its use by the fire department.

D. Please give us a description of a recent fire or demonstration, more than 1000 feet from a hydrant, where 250 gpm or more was delivered for more than one hour, giving the following information.

1. Location of fire or test.
 2. Date.
 3. Number of tankers (if used) dumping simultaneously.
 4. Rate of flow delivered.
 5. Distance delivered.
 6. Time duration.
 7. Number of personnel participating with a description of each person's function such as fire fighter, pump operator, tanker operator, etc.
 8. The apparatus used with the following information for each:
 - a. Name.
 - b. Pump capacity
 - c. Tank capacity.
 - d. Functions.
 9. The folding tanks used, if any, with the following information for each.
 - a. Total capacity.
 - b. Usable capacity = Total capacity less volume that cannot be pumped out when drafting from the tank.
 - c. Set-up time.
 - d. Name of apparatus carrying each folding tank.
 10. A description of the overall operation.
- E. If different combinations of apparatus are used in various sections of the city, list the combinations with the data in Nos. 7 & 8 above and show the areas on the map.
- F. For each vehicle used to carry water, indicate the actual time to discharge the capacity of the tank, and the actual time necessary to fill the tank using the pumpers that normally will be used for filling. If different capacity pumpers will be used for filling, the time shall be obtained for filling with each capacity pumper.

NOTE: The actual time to be recorded shall be the time necessary for the vehicle to travel 200 feet to the site, maneuver into position, fill or dump and travel 200 feet from the site.

- G. When the water supply is delivered through a hose line, indicate the time for a pumper to travel 200 feet to a water supply point, connect suction and discharge hoses and commence pumping. If the water supply points are both hydrants and drafting sites, the time shall be obtained for both types of water supply points.
- H. When the water supply is delivered through a hose line, indicate the lengths and diameter of the hose line used for the time trial and the time from when the pumper begins to fill the hose line until a solid stream of water is delivered at the other end.
- I. Current equipment inventories for all apparatus in service and in reserve in your city. Copies of our form, APPARATUS AND EQUIPMENT, are enclosed for your convenience.
- J. When the use of a water supply point at times depends upon creating an opening in ice, the maximum known thickness of ice shall be given. A statement shall be provided explaining the equipment used, apparatus carrying the equipment and the estimated time necessary to provide a drafting site when the ice is at the maximum thickness.
- K. The rapid access of a pumper to a drafting source can be aided by the installation of a dry hydrant. This is a piping arrangement similar to a hydrant but designed for drafting. In cold climates, the proper installation of a dry hydrant will eliminate the necessity of creating an opening in the ice. See the National Fire Protection Standard on Water Supplies for Suburban and Rural Fire Fighting, NFPA 1231, as a guide.

The semi-annual inspection of dry hydrants should include drafting and back flushing.

*National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts
02269-9101

The Fire Suppression Rating Schedule (FSRS) recognizes alternative water-supply systems, including dry hydrants, suction points, large-diameter hose relays, and hauled water using tanker shuttles.

The water-delivery system must be available 365 days a year and provide 250 gpm for two-hour duration within five minutes of the arrival of the first apparatus. If a community uses a dry hydrant or suction supply point, ISO may need certification of the water capacity available during a 50-year drought cycle. Many state and local governments have geological engineers or hydrologists who can provide that information. A good place to start is with the local department of environmental conservation.

ISO treats suction points — with or without dry hydrants — in the same way it treats standard fire hydrants. Any property within 1,000 feet of a creditable suction point may be eligible for a protection class better than Class 9, provided the building is within five road miles of a responding fire station and the community has obtained 20% credit or more under the FSRS.

ISO may extend credit for the use of tanker-shuttle operations. In general, ISO divides the tanker capacity (minus 10% to account for spillage and incomplete filling and discharge) by the sum of the fill time, round-trip travel time, and discharge time of each tanker to determine a gpm capability. ISO considers all tankers, as well as the use of automatic-aid apparatus. If the community is capable of increasing the 250 gpm within 15 minutes of the arrival of the initial apparatus, and maintaining the flow for the duration (usually two hours), ISO will credit the higher delivery rate.

To determine your fire department's eligibility for recognition of a tanker shuttle, ISO needs to understand the delivery capability of each apparatus. ISO considers:

- a. fire-site pump capacity
- b. folding-tank capacities
- c. distance of responding apparatus from the fire station to the fire site
- d. distance of responding supply pumper to supply site
- e. distance from the fire site to the supply site
- f. amount of water carried by apparatus
- g. discharge rate of water-supply apparatus
- h. fill rate of water-supply apparatus
- i. quantity of water available and the rate available from the supply source
- j. set-up times (at fire site and supply site)

The procedure for determining your system's capability involves running a time-line analysis. ISO considers apparatus arrival times, travel times, discharge rates, fill rates, fire flow at the fire site, wait time for apparatus to fill or discharge their water supply, and supply delivery capability.

In grading a community, ISO does consider apparatus — including tankers, supply-point pumpers, and relay pumpers — that support the alternative water-supply effort as in-service engine companies. ISO does not consider apparatus or equipment located more than 1,000 feet from the fire site as fire-site engine companies, but will consider firefighters remaining at the fire site as company personnel.

ISO considers that second-alarm apparatus operated by paid drivers leave their fire stations 3 minutes after arrival of the first apparatus at the fire site. ISO considers that second-alarm apparatus operated by volunteer drivers leave their fire stations 6 minutes after arrival of the first apparatus at the fire site. The delay covers the time needed for decision (2 minutes), communication (1 minute), and assembly (3 minutes).

What is a 50 Year Drought Cycle Study?

A 50 year drought study is based on NFPA 1142, *Standard for Water supply for Suburban and Rural Fire Suppression*. It is a written and signed certification provided from a registered professional engineer ¹ stating that there is a minimum storage of at least 30,000 gallons ² available at not over a 15' lift, provided by the impounded supply, (lake, pond or other storage facility), or a flowing stream (including rivers or creeks) during a drought with an average 50 year frequency.

¹ May also include a registered hydrologist, registered geologists, soil conservationist, or federal surface water specialist.

² Static water supplies (e.g., impounded supply, lake, pond, etc.) and supply from a flowing stream (including rivers and creeks) shall be able to deliver a minimum of 250 gpm for at least 2 hour duration to the fire site. Note; this requires a minimum available water supply of 30,000 gallons. When the supply point is a **major** body of water, a certification of the minimum water level may be sufficient.

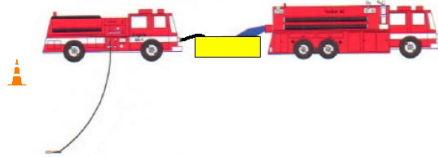
Will I have to Demonstrate 250 gpm for 2 hours?

No. As mention before, the procedure for determining your system's capability involves running a time-line analysis. A designated number of Needed Fire Flow (NFF) locations will be selected by an ISO Field Representative. Then we will calculate available flow using the apparatus arrival times, travel times, discharge rates, fill rates, fire flow at the fire site, wait time for apparatus to fill or discharge their water supply, and supply delivery capability. To determine the times and rates each community will need to conduct a self time base analysis scene in the four tests below.

1. Fire Site Setup:

- Record the time necessary to:
- Setup the folding tank,
- connect the hard suction (strainer already attached),
- pull a prime,
- Establish a 250gpm stream.

Note: **Must be completed within 5 minutes.** Only has to be conducted once during the survey.



Fire Site:	Engine #	Tanker#
Apparatus		
Set-up Time (fire site)		
Tank Capacity		
Pump Capacity		

Folding Tank:	Engine #	Tanker #
Carried on Apparatus		
Rated Tank Capacity		
Usable Tank Capacity (-10%)		
Set-up Time (fire site)		

2. Dump Times:

- Record the time necessary to:
- Open the dump valve and discharge the water load into a folding tank
- Off-loading of water using a mounted pump on the tanker is acceptable.



Note: This exercise must be conducted on all tankers used in the tanker shuttle including Automatic Aid and Mutual Aid Tankers.

#	Fire Department	Fire Station	Apparatus #	Tank Capacity	Dump Time
1					__:__
2					__:__
3					__:__
4					__:__
5					__:__
6					__:__
7					__:__
8					__:__
9					__:__
10					__:__

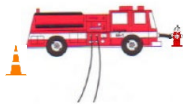
3. Supply Site Setup:

Record the time necessary to: (These supply sites can include: hydrants, certified dry-hydrant, or certified suction supply points.)

- For an engine; connect to the source, pull a prime on an engine (for static sources only) and roll out you fill line(s).
- For a tanker; connect the fill line(s) directly to the hydrant (with or without a gate valve) and open the hydrant.
- When an engine is used to pump from a certified static water source; (dry-hydrant or suction supply point) the pump must be primed to fill the incoming tankers (not just the tank water from tank to pump).

Note: The time stops when water flow is available from the fill line(s). Expect to do a setup for each type of credible water source that you have; one setup for a dry-hydrant, one or more for a hydrants (depending on the GPM), and one for a suction supply point or static water source.

Engine connected to the hydrant with fill lines for tanker fill:



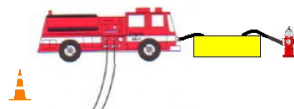
Fill Line connected directly to hydrants with gate valves:



Engine pulls prime from a static source with fill lines for tanker fill:



Engine pumping from a folding tank supplemented by a 250 gpm or greater hydrant:



Supply Site Pumper Tanker:	Hydrants with an Engine at the hydrant	Hydrants without an Engine at the hydrant	Static Water Source with an Engine or Vacuum Tanker at the source	Static Water Source with a Folding Tank or Portable Pump at the source
Apparatus Tank Capacity				
Apparatus Pump Capacity				
Set-up Time	__:__	__:__	__:__	__:__
Folding Tank Capacity				
Hydrant Capacity				
Portable Pump Capacity				

4. Fill Times:

- Record the time necessary to:
- Connect to the source with the fill line(s) and fill until water flows from the tanker overflow.
- Disconnect the fill lines from the tanker.

Notes: This exercise must be conducted on all tankers used in the tanker shuttle including Automatic Aid and Mutual Aid Tankers.

Tanker directly to the hydrant:



Tanker directly to a static water source: (turbo draft/vacuum tanker)



Tanker supplied by an engine connected to a hydrant:



Tanker supplied by an engine with a static water source. (Dry-hydrant, Suction Supply Point or Folding Tank)



We have to have fill times on every tanker for every fill point type (hydrant vs. Suction Supply point and where there is a 250gpm or more difference in the other fill sites.

Circle the type of Water Source and provide the GPM for each Fill Time:

Hyd: Hydrant **SSP:** Suction Supply Point **DH:** Dry Hydrant

#	Community	Apparatus #	Tank Capacity	Fill Time 1	Fill Time 2	Fill Time 3
				Hyd or SSP or DH _____ gpm	Hyd or SSP or DH _____ gpm	Hyd or SSP or DH _____ gpm
1				__:__	__:__	__:__
2				__:__	__:__	__:__
3				__:__	__:__	__:__
4				__:__	__:__	__:__
5				__:__	__:__	__:__
6				__:__	__:__	__:__
7				__:__	__:__	__:__
8				__:__	__:__	__:__
9				__:__	__:__	__:__
10				__:__	__:__	__:__

HAULED WATER WORKSHEET

BUILDING LOCATION		CONSTRUCTION TYPE	
BUILDING DESCRIPTION		OCCUPANCY TYPE	
EFFECTIVE AREA		STORIES	
NEEDED FIRE FLOW			

FILL SITE LOCATION	FIRE TO FILL DISTANCE
FILL SITE CAPACITY	FILL SITE FLOW RATE
WATER DEPT. FOR FILL	SERVICE LEVEL FOR FILL

FILL SITE PUMPER	ALARM	FIRE STATION NAME	PUMPER TO FILL DISTANCE
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		

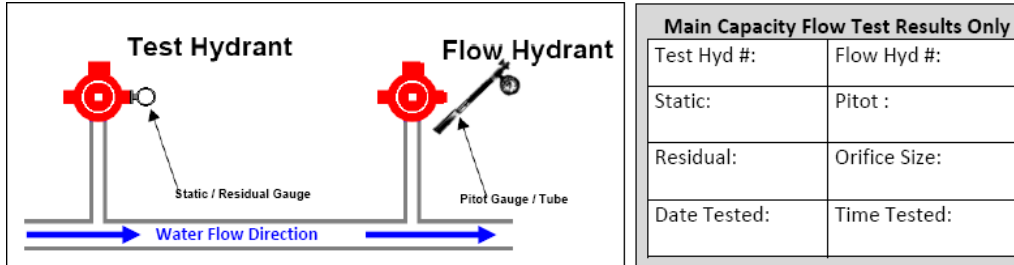
FIRE SITE ENGINES	ALARM	FIRE STATION NAME	DISTANCE TO FIRE
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		

TANKERS	ALARM	FIRE STATION NAME	DISTANCE TO FIRE
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
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	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		

MAIN CAPACITY FLOW TESTING PROCEDURES: (Refer to NFPA 291 for any further information)

Terminology:

The hydrant that is being flow tested is referred to as the “flow hydrant.” The residual pressure is measured from the other hydrant called the “test hydrant” located upstream, or from an upstream meter connection on the feed line, while the flow test is being conducted. Two people with some form of communication between the hydrants are needed while conducting the test. After you have identified the flow hydrant and the pressure hydrant (or tap), flush them briefly to remove any sediment. To record the results denote the location of both the test and the flow hydrant and record all pressures, date, & time tested. (See below)



Test Hydrant (Pressure Hydrant, Static/Residual Hydrant)

1. Visually inspect the hydrant and denote any of the following defects that could delay or prevent operation;
2. Attach the Static/Residual gauge cap to Test Hydrant. Tighten all other caps.
3. Open Test Hydrant, vent air from hydrant body through the valve on the gauge cap assembly. Close it when air is vented.
4. Record static pressure reading.

Flow Hydrant

5. Remove one cap from Flow Hydrant. Tighten other caps.
6. Slowly open the hydrant until fully open.
7. When the water appears clean and free of debris, then take a pitot reading by holding the pitot gauge approximately ½ of the diameter away from the nozzle in the center line of the stream.
8. When pressure readings from pitot and cap gauge stabilize (at the same time) record the pitot reading.

Test Hydrant

9. Record the residual pressure reading from the cap gauge at the test hydrant.

Flow Hydrant

10. Slowly close the hydrant.

11. Replace and hand tighten cap. If the hydrant is a dry barrel type, note if the water drains properly from the hydrant.

12. Record the number of minutes that water was flowing. This can be used to account for the amount of water used during the flow test.

Test Hydrant

13. Close the hydrant. Remove gauge cap and replace hydrant cap. If the hydrant is a dry barrel type, note if the water drains properly from the hydrant. The information collected from this test can be used to predict flow rates and residual pressures.

WHY CONDUCT A MAIN CAPACITY FLOW TEST?

1. The Main Capacity Test provides accurate data that tells you how much water is available from each hydrant in order to employ appropriate fire suppression tactics.

2. The Main Capacity Test provides accurate data that tells you how much water is available from the grid in the event of a major fire that would require use of multiple hydrants.

3. The Main Capacity Test provides you with data that will allow you to determine if a weak hydrant is the result of an obsolete or degraded hydrant installation or mechanical problem, or whether the water main itself is performing poorly. (This data is also important in locating choked valves or other correctable factors that may be causing poor flow from a specific hydrant on a documented strong main.

4. The Main Capacity Test provides data that is useful to water agency engineers in planning water system upgrade needs, capacity for expansion, identification of weak distribution areas, etc.

FLOW TEST TERMINOLOGY:

Static Pressure: Pressure reading before water flows.

Residual Pressure: Pressure reading while water is flowing (from an outlet other than the flow outlet.)

Pitot Pressure: Reading taken by a pitot gauge inserted into the center of the flowing outlet, at a distance away from the lip of the outlet of about half the nozzle's diameter.

Residual Baseline: A pressure which you determine is the lowest that the hydrant would be pulled down during actual use. NFPA states that the basis for fire flow calculations will be 20 psi residual, however in low pressure areas they allow calculations based on one-half the static pressure.

Observed Flow: This is a calculation in GPM of the actual flow from one outlet flowing fully opened.

Available Flow: This is the calculated maximum capacity of the hydrant if it is pumped down to the basis residual pressure (usually 20 psi).

Precautions should be taken to minimize property damage. If the distribution system is strong and the pressure drop is less than 10 psi, an additional hydrant(s) would have to be flow tested at the same time to obtain accurate results. Additional information can be obtained from AWWA manual M-17, Installation, Field Testing, and Maintenance of Fire Hydrants and from National Fire Protection Association (NFPA) Standard 291: Recommended Practice for Fire Flow Testing and Marking of Hydrants.

CALCULATING RESULTS:

There are a couple of different ways to calculate the main capacity test. Below are a couple of websites where you can get more information.

1. <http://www.softpedia.com/get/Science-CAD/Igneus-Flow-Test.shtml> : Downloadable Freeware
2. <http://downloads.zdnet.com/abstract.aspx?docid=901533> : Downloadable Freeware

Suggested Forms and Documents



Section 7 Suggested Forms

The State Fire Marshal's Office is frequently asked about what types of forms should be used to record important information. There are five important types for Insurance Services Office, Inc. (ISO) records. There are clearly other types as well that are important for good, effective fire department operations and management.

All records should be kept at the main or administrative fire station. Department members should not routinely have fire department records out of the station.

The five types of forms that we suggest for ISO (as a minimum):

1. Personnel Roster – Summary listing of personnel and their title.
2. Response records – a running summary of the types of calls and the personnel responding to those calls. It is important, particularly for volunteer fire departments that all personnel who responded to the call be documented.
3. Training records – A simple, summary training record should document all legitimate training. ISO is interested in structural fire protection training. Training should recognize the difference between company, officer, mutual aid/multiple company training, night time, haz mat and new recruit training to help obtain maximum points for ISO purposes.
4. Meetings – Meetings should be recorded separately from training records.
5. Vehicle maintenance. A log should be maintained for each vehicle.

Other forms that may be useful for operation of the fire department are:

Personnel applications, personnel forms - place of employment, employee physical / medical release forms, injury report, notification of injury or death of firefighter, equipment issued and training documentation. Volunteer firefighter retirement records, copies of driver's licenses, EMT licenses, etc may also be kept on file.

Equipment inventory lists. This can include stations, apparatus, etc.

Annual Pump and hose test forms (Also needed for ISO). Hydrant test / service records should be available to the fire department if the fire department does not conduct those tests themselves.

Service records for self contained breathing apparatus and PASS devices.

Miscellaneous records.



Michelle Lujan Grisham
Governor

Ali Rye
State Director

Major General Miguel Aguilar
Cabinet Secretary

Randy Varela
State Fire Marshal

Regina Chacon
Deputy Cabinet Secretary

**DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**

The information requested on the lower portion of this page is required to update our records for all Fire Chief's in New Mexico. Please complete this form and return to:

Email to: derrick.rodriguez@dhsem.nm.gov

Your attention on this matter is appreciated.

Note: All information on this form becomes a matter of Public Record and may be released upon a formal Public Information Request.

Department/District: _____ **COUNTY:** _____

Chief's Name: _____

Assistant Chief's Name: _____

Mailing Address: _____

*This address must be the address where you **receive** your Department Mail, **not the physical address** of the department.*

City: _____ **Zip** _____

Chief's Office Phone #: _____

Chief's Cell Phone #: _____

Chief's Email Address: _____

Asst. Chief's Office Phone #: _____

Asst. Chief's Cell Phone #: _____

Asst. Chief's Email Address: _____

Private or Personal Email (Do not publish).

If you provide a private or personal email address, please indicate by checking the box.

P.O. Box 27111 • Santa Fe • New Mexico • 87502
Office: 505-476-9600 • Fax: 505-476-9650

Private Water Use Contract

I, _____, give permission to

_____ Fire Department for the use if any water available on

my land in the event such is needed for firefighting purposes at any time.

Signature of Property Owner

Date

Description of water source(s)

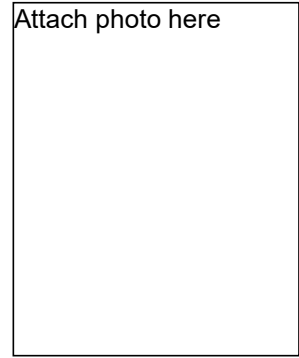
(Domestic Wells, stock tanks / Ponds, storage tanks, etc.)

Approximate # of Gallons: _____

Note: ISO will only recognize water sources 30,000 gallons or greater.

Unit / ID # _____

_____ Fire Department
Personnel File



Name _____
 Last First Middle Date of Birth

Complete street address and mailing address _____

_____ City or Town State Zip

_____ Date joined Social Security Number Driver's License Number / State

_____ Home Telephone Work Telephone Email address

_____ Name of employer Employer address City State Zip

Emergency Notification _____
 Name Relationship Telephone

Date Terminated: _____ Reason: _____

EQUIPMENT ISSUED

ITEM	SERIAL NO. OR SIZE	DATE ISSUED	COMMENTS

Training Completed
(Use additional pages as needed)

Course Title	Date	Course Title	Date

Offices Held

Title	From	To	Title	From	To	Title	From	To

DATE:	Incident#
--------------	------------------

ADDRESS / Location:

Dispatched	
Enroute	
On Scene	
Cancelled	
Contained	
Controlled	
Cleared Scene	
Back in Service	

Type of Call:

EMS

MVC

WILDLAND

Rescue

Vehicle Fire

Structure

Other

WEATHER CONDITIONS:

Apparatus Responded:

Engine 1

Engine 2

Tender 1

Tender 2

Service 1

Ladder 1

Rescue 1

Auto-Aid Response: Yes No

Mutual Aide Response: Yes No Given Received

Department Name(s):

Apparatus: _____

Personnel: _____

Members Responded:

1. _____ 2. _____ 3. _____ 4. _____

5. _____ 6. _____ 7. _____ 8. _____

Notes:

****** USE ONLY ONE TRAINING TOPIC PER TRAINING DATE. ******

<u>Topic</u>	<u>Description</u>	<u>Hours Required</u>
Training Facility	<i>Training at a recognized facility</i>	<i>18 Hours /Annually</i>
Officer Training	<i>Leadership / Company Officer</i>	<i>12 Hours / Annually</i>
Driver / Operator	<i>Existing Driver/Operator Training</i>	<i>12 Hours / Annually</i>
New Driver	<i>New Driver/Operator Training</i>	<i>60 Hours / Annually</i>
Haz-Mat	<i>Hazardous Materials Rrelated</i>	<i>6 Hours / Annually</i>
Recruit Training	<i>New Member Training</i>	<i>240 Hours</i>
Company Training	<i>4 or more firefighters</i>	<i>16 Hours / Month</i>
Pre-Incident	<i>Pre-Incident Planning</i>	<i>Record all Pre-Plan</i>

FIRE DEPARTMENT
MEETING REPORT

DATE: _____ TIME: _____ TOTAL HOURS: _____

(Attach an Agenda and Minuets)

PRINTED NAME	SIGNATURE

Apparatus Inspection Form

Vehicle Mfg.: _____ Vehicle Unit/ID Number: _____

Year: _____ Type: _____

Required Tire Pressure: _____ Gross Vehicle Weight.(GVW): _____

DATE INSPECTION COMPLETED	INSPECTOR	BATTERY CHECK	BRAKING SYSTEM	ELECTRICAL SYSTEM LIGHTS & SIRENS	TIRES & WHEEL LUGS	FUEL LEVEL	OIL LEVEL ENGINE & HYDRAULIC SYSTEM	PUMP CHECK	COOLING SYSTEM	LUBRICATION PUMP & LADDER ENGINE CHECK	BOOSTER TANK LEVEL	DOORS- COMPARTMENT	PORTABLE EQUIPMENT & CAB	
														SPECIAL REMARKS ON ROAD TEST INSPECTION USE OTHER SIDE

Inspection Date	Repair Date	Comments	Repairs Completed By:	Date:

PERSONAL PROTECTIVE EQUIPMENT INSPECTION FORM

FIRE DEPARTMENT: _____

NAME: _____

DATE: _____

DATE OF PURCHASE: _____

INSPECTED BY: _____

COAT

- Tag Indicating Coat meets NFPA Standard? Yes No
- If not, Is there a tag indicating coat meets any standard? Yes No
- Which Standard?: _____
- Is the Vapor Barrier Intact? Yes No
- Is the Thermal Barrier Intact? Yes No
- Is the outer shell intact? Yes No
- Is there any contamination of the outer shell or any liner? Yes No
- Is there any separation of the seams of the outer shell, or any of the liners? Yes No
- Is the coat acceptable for use? Yes No

PANTS

- Tag indicating Pants meet NFPA Standard? Yes No
- If no, is there a tag indicating pants meet any standard? Yes No
- Which Standard?: _____
- Is vapor Barrier Intact? Yes No
- Is thermal Barrier Intact? Yes No
- Is the outer shell intact? Yes No
- Any Contamination to Shell or Liners? Yes No
- Any Separations of seams of shell or liners? Yes No
- Are Pants Acceptable for Use? Yes No

GLOVES

- Tag Indicating Gloves meet NFPA Standard? Yes No
- If not, Tag indicating meet any Standard? Yes No
- Which Standard? _____
- Any Tears on Seams or shell of gloves? Yes No
- Are Liners Intact? Yes No
- Any Contamination to Shell or liners? Yes No
- Are Gloves Acceptable for use? Yes No

HELMET

- Tag indicating helmet meets NFPA Standard? Yes No
- If not Tag indicating helmet meets any standard? Yes No
- Which Standard? _____
- Is Visor attached without cracks? Yes No
- Does the helmet have flaps for ears and neck? Yes No
- Is the outer shell dented or cracked? Yes No
- Is helmet acceptable for use? Yes No

BOOTS

- Tag indicating boots meet NFPA Standard? Yes No
- If no, Tag indicating boots meet any standard? Yes No
- Which Standard? : _____
- Are there any tears or abrasions that would allow water or heat To penetrate? Yes No
- Are boots acceptable for use? Yes No

HOOD

- Is the hood made of NOMEXX, PBI or other Fire retardant material? Yes No
- Is the hood intact? Yes No
- Any Contamination of the outer shell or liner? Yes No
- Is hood long enough to protect ears and neck? Yes No
- Is hood acceptable for use? Yes No

Which equipment failed inspection? : _____

Reason for Failure: _____

Was equipment replaced? Yes No With What? : _____

Was a variance from the NFPA Standard Granted? Yes No Why? : _____

NAME OF PERSON GRANTING VARIANCE: _____

SIGNATURE OF PERSON GRANTING VARIANCE: _____

SIGNATURE OF PERSON INSPECTING PPE: _____

THIS FORM SHALL BE MAINTAINED ON A MASTER FILE OF PPE INSPECTIONS FOR THE FIRE DEPARTMENT FOR REVIEW BY INSPECTORS. DO NOT FILE THIS FORM IN THE FIREFIGHTER'S PERSONNEL FILE OR OTHER FILE.

**FIRE DEPARTMENT
HYDRANT RECORD**

HYDRANT NO.: _____ LOCATION: _____ INSTALLED: ___/___/___ MAKE: _____
 4 ½" CPMMECTOPM [YES] _____ [NO] _____ STREET MARKED [YES] _____ [NO] _____ HOW? _____
 SIZE OF MAIN: _____ SIZE OF HYDRANT LEAD: _____ TYPE OF MAIN: [DEAD END] ___ [LOOP]___ OTHER: _____

PRESSURE TESTS								
DATE	STATIC PRESSURE	FLOW PRESSURE	GPM		DATE	STATIC PRESSURE	FLOW PRESSURE	GPM

RECORD OF MAINTENANCE											
ITEM	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
FLOWED											
LUBRICATED											
GASKETS REPLACED											
VALVE REPLACED											
DRAIN VAVLE REPARIED											
LEAD VALVE REPAIRED											
PAINTED											
OTHER											

GENERAL COMMENTS: _____

Inspections shall be completed annually
 Flow Test shall completed every 5 years

Unit / ID # _____

_____ Fire Department
Exposure Record

Incident No. _____ Incident Name: _____ Incident Time _____

Name _____
 Last First Middle Date of Birth Social Security Number

Complete street address and mailing address City Town State Zip

Home Telephone Work Telephone Email address

Officer on Scene: _____ Location of incident: _____

Brief Description of Incident: _____

Exposure type: <input type="checkbox"/> Inhalation <input type="checkbox"/> Direct Contact <input type="checkbox"/> Ingestion	Materials: _____ _____ _____
---	--

Decontamination Method _____ By whom? _____

Length of Exposure _____ Symptoms (if any) _____

Treatment at Scene? _____ By whom? _____
Type of treatment _____

Treatment at Medical Facility? _____ Where? _____
By whom? _____
Type of treatment _____

List protective clothing and/or procedures used prior to exposure _____

Safety Officer's Comments: _____

Additional pertinent information: _____

Signature of Firefighter/EMS _____ Date: _____

Signature of Officer: _____ Date: _____

Signature of Safety Officer: _____ Date: _____

Signature of Chief: _____ Date: _____

SELF CONTAINED BREATHING APPARATUS INSPECTION FORM

SCBA #: _____

DATE OF INSPECTION: _____

LOCATION OF SCBA: _____

DATE OF HYDROSTATIC TEST: _____

DATE OF ANNUAL FLOW TEST: _____

INSPECTION PROCEDURES		PASS	FAIL
1	Cylinder: <input type="checkbox"/> 2216 PSI <input type="checkbox"/> 3000 PSI <input type="checkbox"/> 4500 PSI <input type="checkbox"/> Other:		
2	Is there any damage to the cylinder?		
3	Is there a current hydrostatic test date tag		
4	Cylinder is at full operating level		
<u>HARNES & CARRIER</u>			
5	Inspect all straps for damage or missing parts		
6	Inspect Cylinder carrier for damage or missing parts		
7	Inspect hoses for damage		
8	Check straps and buckles for functionality		
<u>SCBA FUNCTIONAL INSPECTION</u>			
9	Functionally check face piece (Mask must not show signs of excess heat damage)		
10	Functionally check regulator and face piece		
11	Functionally check emergency bypass valve		
12	Functionally check all pressure gauges		
13	Activate PASS device and test for proper operation		

COMMENTS (List any damage or concerns for this SCBA):

Signature of Person Conducting Inspection

Date

KEEP THIS DOCUMENT ON FILE WITH THE FIRE DEPARTMENT'S SCBA INSPECTION FILES

Annual Fire Apparatus Pump Service Test
 Meets NPFA standards and ISO requirements
 Taken from NFPA 1911

This test is to be used annually to test fire apparatus that has a fire pump with 250 gpm or larger capacity or if the pump and/or engine on the apparatus have been repaired or modified. It meets the NFPA 1901 Class A Pump rating test and ISO requirements for annual pump or service test. This test is not the same as a “New Apparatus Acceptance or UL (Underwriter’s Laboratory) Test” which is conducted by an independent agency for the manufacturer and is approximately 3 hours in length.

NPFA 1901 Class “A” Pump Rating Rating Capacity 100% capacity at 150 psi 70% capacity at 200 psi 50% capacity at 250 psi	Annual Pump Test – Service Test May be done by local fire department 1 hour 100% Capacity at 150 psi for 20 minutes 70% Capacity at 200 psi for 10 minutes 50% Capacity at 250 psi for 10 minutes
--	---

Warning! Pump service testing can be a dangerous operation and all safety precautions should be taken.

Equipment needed:

- Pump apparatus to be tested
- Firm, level surface near large (10,000 gallons or more) body of water with at least 4 feet of water depth, not more than 10 feet below the center of the pump intake which will allow the strainer to be submerged at least two feet below the surface of the water
- 20 feet of hard suction hose appropriate for the rated capacity of the pump
- 2 ½ inch discharge hoses of appropriate length for the pump (see table A “**HOSE AND NOZZLE LAYOUT**”)
- Straight bore nozzles of appropriate discharge diameter (see table A “**HOSE AND NOZZLE LAYOUT**”)
- Monitor (may not be required, see table A “**HOSE AND NOZZLE LAYOUT**”)
- Pitot gauge
- **PUMP TEST DATA** form (one needed for each pump to be tested)
- Calculator

In testing the pump there are three variable factors, the change in one factor will cause change in at least one of the other factors. The three variables are pump speed, net pump pressure, and pump discharge rate. For example; any change to engine speed changes pump speed. Any change to hose layout or valve position changes pump pressure. Change in the nozzle tip changes discharge rate. Using these variables is the only way to reach the standard test condition desired.

While tests are being performed, attention should be given to engine temperature and oil pressure to ensure that they are in normal range. Any unusual vibrations or water leaks should be checked, noted and repaired after the test is complete. Any indication of engine or pump failure dictates that it is pointless to continue the test.

Procedure:

Park apparatus to be tested in a safe location; close enough to the water source to provide adequate water supply. If a hydrant is used, an area should be secured to allow for hoses, etc. Connect the discharge hose(s) and nozzle(s) as needed for the given pump capacity listed in table A (**Hose and Nozzle Layout**). Gate valves can be used to create friction loss for the different test flows. The apparatus discharge valves can also be used. When two or more lines are needed they may be connected to a monitor. 100 feet of hose is usually adequate.

Table A – Hose and Nozzle Layout		
Discharge GPM	Nozzle Size	Layout 2 1/2" attack line
250 – 350	1 1/8" or 1 1/4"	One 50 ft. line One 50 ft. line
400 – 500	1 3/8" or 1 1/2"	One 50 ft. line One 50 ft. line
600 – 750	1 1/2" or 1 3/4"	Two 100 ft. lines Two 100 ft. lines
1000	2"	2 or 3 100 ft. lines
1250	2 1/4"	Four 100 ft. lines
1250	1 3/4" & 1 1/2"	Two 100 ft. lines & One 50 ft. line
1500	2" & 1 3/8"	Three 100 ft. lines One 50 ft. line
1750	2 – 2"	Two 100 ft. lines each
2000	2 – 2"	Two 100 ft. lines each
Reference: NFPA 1911, Service Tests of Pumps on Fire Department Apparatus, 1911		

Connect draft / suction hose and strainer (or adequate hydrant supply hose) to the intake of the pump. Make sure that all valves are closed and the suction hose is tight enough to maintain a seal. Place the suction hose in the water. Strainer must be at least two feet below the water surface.

Start the pump and develop pressure. Once pressure is obtained (from draft) open the discharge valve(s) slowly to permit the flow of water. The main pump speed is gradually increased until the desired pressure at the pump is reached (150 psi). Check the flow at the nozzle with a pitot gauge or flow meter. If the flow is too great, partially close one (or more) gate valves. If the flow is too low, open the valve. Readjust engine speed to correct discharge pressure. Engine speed should not exceed 80% of its peak. When both the discharge pressure and the volume flowing are satisfactory, the test begins and runs for 20 minutes. Record the pump discharge pressure, nozzle pressure, engine tachometer when the test begins and at 5 minute intervals throughout the complete test. Automatic relief valves should be disengaged during the test.

After the first portion of the test is completed, the pump pressure should be raised to 200 psi and the test run for 10 minutes to complete the third portion of the test. The pump pressure should be raised to 250 psi. See examples on the next page.

1000 gpm pump 6 inch suction 20 feet

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	1000	2"	3 x 100 ft	72 psi
200 psi	700	1 3/4"	2 x 100 ft	60 psi
250 psi	500	1 1/2"	1 x 100 ft	58 psi

750 gpm pump 5 inch suction 20 feet

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	750	1 3/4"	2 x 100 ft	68
200 psi	525	1 1/2"	1 x 100 ft	62 psi
250 psi	375	1 1/4"	1 x 100 ft	66 psi

500 gpm pump 4 1/2-inch suction 20 feet

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	500	1 1/2"	1 x 50 ft	58
200 psi	300	1 1/4"	1 x 50 ft	58 psi
250 psi	250	1"	1 x 50 ft	72 psi

The following formula can be used to convert nozzle pressure to gallons per minute.

$$\text{GPM} = 29.83 \text{ c } d^2 \sqrt{np}$$

C= coefficient of discharge nozzle

D = diameter of nozzle in inches

P = pressure of flow (pitot reading)

Example: Diameter of nozzle 2"

Nozzle pressure 72 psi

Coefficient of nozzle 0.99

$$\text{GPM} = 29.83 \times 0.99 \times 2'' \text{ squared} \times \text{square root of } 72\text{psi}$$

$$\text{GPM} = 29.83 \times 0.99 \times 4 \times 8.485 = 1002 \text{ gpm}$$

$$\text{GPM} = 1002$$

If you do not want to use the formula above see Table B, which gives the nozzle pressure for smooth bore nozzles.

Discharge Table for Smooth Nozzles
(nozzle pressure measured by pitot gauge)

Nozzle Pressure (psi)	GPM					Nozzle Pressure (psi)	GPM				
	Nozzle diameter (inches)						Nozzle diameter (inches)				
	1	1 1/8	1 1/4	1 3/8	1 1/2		1	1 1/8	1 1/4	1 3/8	1 1/2
5	66	84	103	125	149	60	229	290	357	434	517
6	72	92	113	137	163	62	233	295	363	441	525
7	78	99	122	148	176	64	237	299	369	448	533
8	84	106	131	158	188	66	240	304	375	455	542
9	89	112	139	168	200	68	244	308	381	462	542
10	93	118	146	177	211	70	247	313	386	469	558
12	102	130	160	194	231	72	251	318	391	475	566
14	110	140	173	210	249	74	254	322	397	482	574
16	118	150	185	224	267	76	258	326	402	488	582
18	125	159	196	237	283	78	261	330	407	494	589
20	132	167	206	250	298	80	264	335	413	500	596
22	139	175	216	263	313	82	268	339	418	507	604
24	145	183	226	275	327	84	271	343	423	513	611
26	151	191	235	286	340	86	274	347	428	519	618
28	157	198	244	297	353	88	277	351	433	525	626
30	162	205	253	307	365	90	280	355	438	531	633
32	167	212	261	317	377	92	283	359	443	537	640
34	172	218	269	327	389	94	286	363	447	543	647
36	177	224	277	336	400	96	289	367	452	549	654
38	182	231	285	345	411	98	292	370	456	554	660
40	187	237	292	354	422	100	295	374	461	560	667
42	192	243	299	363	432	105	303	383	473	574	683
44	196	248	306	372	442	110	310	392	484	588	699
46	200	254	313	380	452	115	317	401	495	600	715
48	205	259	320	388	462	120	324	410	505	613	730
50	209	265	326	396	472	125	331	418	516	626	745
52	213	270	333	404	481	130	337	427	526	638	760
54	217	275	339	412	490	135	343	435	536	650	775
56	221	280	345	419	499	140	350	443	546	662	789
58	225	285	351	426	508	145	356	450	556	674	803
60	229	290	357	434	517	150	362	458	565	686	817

ANNUAL HOSE TEST PROCEDURE - USING THE PUMP ON FIRE APPARATUS

From NFPA 1962, *Care, Use and Services Testing of Fire Hose Including Couplings and Nozzles*

Danger! Testing fire hose under pressure is a dangerous task and safety precautions should be followed.

THIS IS AN ANNUAL HOSE TEST. HOSE SHOULD BE TESTED WHEN PURCHASED NEW ACCORDING TO THE MANUFACTURERS RECOMMENDATIONS AND USING THIS PROCEDURE. A HISTORY OF EACH SECTION OF HOSE SHOULD BE MAINTAINED FROM DATE OF ACQUISITION.

Equipment needed:

- Fire apparatus with adequate pump and outlets for testing hose.
- One or more hose test valves made from a gate valve for the size coupling of the hose to be tested. The valve(s) should have a ¼ inch hole drilled through the gate.
- Several 8 foot sections of rope or strap to secure the hose to the truck.
- One or more caps with bleeder or a nozzle with a non-twist shut off valve for each hose size to be tested.
- Large black permanent marker
- Record form to record information

1. Visually inspect hose and divide into three categories:

A. Hose to be tested B. Hose to be repaired C. Condemned Hose
Hose that has been repaired is tested differently and should be separated (see below).
Condemned hose should be destroyed.

2. Hose should have an identification number of some type.

Hose can be identified by a combination of numbers and letters to indicated diameter, etc. If the coupling is stamped, use the female end and do not damage the coupling. Stenciling on the hose jacket should be of a type that will not damage the jacket.

3. Determine Pressure for Hose to be Tested:

- 1 1/2" and 2 1/2" single jacket hose should not be used for structural fire fighting and is not tested in this procedure.
- Hose made prior to July, 1987 should be tested to 250 psi for 5 minutes.
- Hose made after July 1987 will be stenciled on each length by the manufacturer "Service Test to _____ psi per NFPA 1962"
- Pumper supply (soft suction) 4" – 6" multiple jacket hose should be tested at 200 psi for 5 minutes.

Separate hose based on required test pressure. Connect hoses of the same pressure test in sections no longer than 300 feet in a straight line without kinks or twists.

4. Set up the hose.

Attach the test gate valve(s) to the apparatus at the appropriate discharge point. Attach the hose section(s) to the gate valve and attach the nozzle or cap to the end of the hose. Secure the hose closest to the test gate valve to the discharge with the strap or rope. Mark behind each coupling with the permanent marker completely around the hose as close as possible to the coupling to help determine slippage once the test is completed.

Open the test gate valve. Close the nozzle or bleeder cap on the end of the hose. Raise the pump pressure in the discharge to 45 psi. Raise the end of the hose above the level of the test gate valve and slowly open the nozzle or bleeder cap to allow all air to leave the line. Once all of the air is evacuated from the hose line, close the nozzle or bleeder valve, and then close the test gate valve at the pump discharge. Secure the nozzle end of the hose to prevent the hose from whipping should a rupture occur.

Check all couplings for leakage and tighten as necessary.

5. Pressurize the hose.

All personnel should be cleared from the area. Keep the test gate valve closed. The pressure should be brought up slowly on the sections of hose to be tested to the appropriate test pressure and held for 5 minutes. If there is a severe leak or hose rupture, stop the test, replace the defective hose and start over.

The hose should be inspected by walking down the left side of the hose (away from the pump towards the nozzle) approximately 15 feet away from hose while it is under test pressure. (The hose will roll to the right should a rupture occur). This will provide for additional safety. Never straddle the hose or move the hose once it is under test pressure.

Once the time is completed, slowly shut down the pump, close the pump discharge gates and open the nozzle or bleeder test cap. Allow the water to drain and inspect the hose couplings for any slippage. Any slippage (more than 1/2 inch) found should be identified and the hose taken out of service for repair.

6. Record the test results.

Record the test results on the attached form. The test should be conducted annually. Records should be maintained in a centralized location for all hose.

7. Repaired hose

Hose that has been repaired should be tested one length at a time.

HAULED WATER WORKSHEET

BUILDING LOCATION		CONSTRUCTION TYPE	
BUILDING DESCRIPTION		OCCUPANCY TYPE	
EFFECTIVE AREA		STORIES	
NEEDED FIRE FLOW			

FILL SITE LOCATION		FIRE TO FILL DISTANCE	
FILL SITE CAPACITY		FILL SITE FLOW RATE	
WATER DEPT. FOR FILL		SERVICE LEVEL FOR FILL	

FILL SITE PUMPER	ALARM	FIRE STATION NAME	PUMPER TO FILL DISTANCE
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		

FIRE SITE ENGINES	ALARM	FIRE STATION NAME	DISTANCE TO FIRE
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		

TANKERS	ALARM	FIRE STATION NAME	DISTANCE TO FIRE
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
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	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		
	<input type="checkbox"/> 1 ST ALARM <input type="checkbox"/> 2 ND ALARM		

Occupancy Name: _____

Occupancy Address: _____

Occupancy Phone Number: _____

Hours of Operation _____ **Number of Occupants** _____

Occupancy Type

- Assembly
- Commercial
- Educational
- Hazardous
- Industrial
- Mercantile
- Residential
- Storage

Construction Type

- Wood Frame
- Joisted Masonry
- Noncombustible
- Masonry Non-Comb
- Modified Fire Resist
- Fire-Resistant

Content Combustibility

- C-1 Non-Combustible
- C-2 Limited Combustibility
- C-3 Combustible
- C-4 Free Burning
- C-5 Rapid or Flash burning

Building Information Length: _____ Width: _____
 Height: _____ Stories: _____

Fire Alarm Panel Yes No

Location: _____

Fire Protection Systems

Sprinklers Yes Yes but not part of bldg. No

Fire department connection location: _____

Sprinkler valve location: _____

Fire Walls Yes No

Locations: _____

Construction: _____

Thickness: _____

Ratings: _____

Fire Doors Yes No

Locations: _____

Operation: _____

Thickness: _____

Obstructions: _____

Utility Shutoffs

Electrical Shut off Location: _____

____ Natural Gas / ____ Propane **Shut off Location:** _____

Water Shut-off Location: _____

Septic Location: _____

Occupant/Building Access

Are there any problems with access by either personnel or apparatus? Describe / Solutions

Are overhead power lines, ditches, septic tanks, or any other obstruction that command should be aware of? Describe.

Is there an attic? Yes No

Access location: _____

Is there a basement or crawl space? Yes No

Access location: _____

Contact Information

Primary

Name/Job Title _____

Address: _____

Business Phone: _____ Home Phone _____ Cell Phone _____

Email: _____

Secondary

Name/Job Title: _____

Address: _____

Business Phone: _____ Home Phone _____ Cell Phone _____

Email: _____

Key holder's name and contact information.

Michelle Lujan Grisham
Governor



Cabinet Secretary

P.O. Box 27111
Santa Fe, NM
87502

Deputy Cabinet Secretary

Randy Varela
State Fire Marshal

**DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**



**New Mexico State Fire Marshal
Fire Services Support Bureau**

Printed Date: --/--/----

Fire Department Inspection



Activity Date: 11/22/21 02:04:17 PM
Activity Number: FSI-12151-21-0092
Activity Cause: Periodic
Inspector 1 Name:
Inspector 1 Phone:

Status:

Fire Department
Acme Fire Department
1005
Phone: 505-555-5555

Total Deficiencies: 0
Corrected Deficiencies: 0

GPS 1

Apparatus Checklist	Answers
1. Number of Engines	1
2. Number of Tankers	1
3. Number of Initial Attack	1
4. Number of Wildland	1
5. Number of Aircraft Firefighting Vehicles	1

Page 1 of 10

Apparatus Checklist - Continued	Answers
6. Number of Aerials	1
7. Number of Rescues	1
8. Number of EMS Transports	1
9. Number of Others	1

Communications Checklist	Answers
1. Is an alarm notification system in place?	Yes

General Information Checklist	Answers
1. Pictures Taken	Yes
2. Have water sources within the proposed response area been identified?	Yes
4. GPS	1
7. Active Members	12
8. Average Number of Members Responding to Calls	6
9. 60 & 12 hour Emergency drivers program	Yes
10. NFIRS	Yes
11. Is Map of Fire District Displayed?	Yes
12. Are Records on File At Main Station	Yes
13. Standard Operating Guidelines (IMS) .10 ISO Points	Yes
14. Are Automatic Aid Agreements Available?	Yes
15. Are By Laws Available	Yes
16. Is Station Manned on a 24 Hour Basis	Yes
17. Last 3 years of hose test performed ?	Yes

Records Checklist	Answers
1. Pre Plans	Yes
2. Is A Meeting Log on File?	Yes
3. Are Run Reports on file at Main Station?	Yes
4. Are Daily, Weekly, or Monthly Apparatus Inspections on File?	Yes
5. Accounting Ledger for (FPF) Monies on File?	Yes
6. Are Personnel Records on File?	Yes
7. Are Membership Applications on File?	Yes
8. Are Monthly SCBA Inspection Records on File	Yes
9. Breathing Air Compressor/Cascade Log on File?	Yes
10. Are Hydrant Records on File?	Yes
11. Is a PPE Clothing Inspection Log on File?	Yes
12. Are Accident / Sickness Claim Reports available at the Station?	Yes
13. Are training Records on File?	Yes
16. Inventory of Equipment purchased w/ FPF on File?	Yes

Station Appearance Checklist	Answers
1. Grounds	Good
2. Building Appearance	Good
3. Bay Area Appearance	Good
4. Office Appearance	Good
5. Storage	Good
6. Living Area	Good

Apparatus Inspections

Mobile Water Apparatus - - 1

Activity Performed: Mobile Water Apparatus
 Activity Date: 11/22/2021
 Next Service Type: N/A
 Location: N/A
 Date Due: N/A

Mobile Water Apparatus - General Checklist		Answers
1	Year	2021
2	Water Tank Capacity (Gallons)	2,000
3	Pump Capacity	500 GPM
4	Apparatus Unit #	1
5	Make	Any
6	Condition of Apparatus	Good
7	Do All Warning Devices Operate?	Yes
Mobile Water Apparatus - Required Equipment Checklist		Answers
1	Backup Alarm-Audible	Yes
2	Mounted Radios	Yes
3	Portable Radios	Yes
4	First Aid Kit	Yes
5	One - Hydrant Wrench	Yes
6	One - 2.5 Double Female	Yes
7	One - 2.5 Double Male	Yes
8	Portable Drop Tank	Yes
9	200 ft - Hose 2.5 or Larger	Yes
10	100 ft - 1 1/2, 1 3/4 or 2 Hose	Yes
11	One - 95 GPM Hand Nozzle	Yes
12	Two - Wheel Chocks	Yes
13	Two - Hand Lights	Yes
14	Fire Extinguisher Test & Inspections	Yes
15	Two - B-C Fire Extinguishers	Yes
16	Two combination spanner wrenches	Yes
17	Equipment mounted properly	Yes
18	Dump Valve	Yes
19	AED Provided?	Yes
20	20 ft - Suction Hose	Yes
21	One Traffic Vest for Each Seat?	Yes
22	Five - Orange Traffic Cones	Yes
23	List Items Associated to #22 <i>Traffic Cones</i>	Traffic Cones
24	Suction Strainer	Yes
25	Vehicle Data Recorder	Yes



Apparatus Inspections

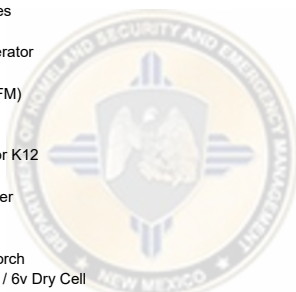
Service Apparatus - - 1

Activity Performed: Service Apparatus
 Activity Date: 11/22/2021
 Next Service Type: N/A

Location: N/A
 Date Due: N/A

Service Apparatus - General Checklist		Answers
1	Type of Vehicle	Any
2	Other	Any
3	Vehicle Year	2021
4	Vehicle Make	Any
5	Condition of Vehicle	Good
	<i>Good</i>	
6	Are All Warning Lights/Sirens Operational?	Yes

Service Apparatus - Required Equipment Checklist		Answers
1	Six - Salvage Covers (12'x14')	Yes
2	Four - 6 ft Pike Pole	Yes
3	Four - SCBA's (3000 PSI min.)	Yes
4	Four - Spare SCBA Tanks (3000 PSI Min)	Yes
5	Four - 6 Ft or Longer Pike Poles	Yes
6	Two - 3' or 4' Ft Pike Pole	Yes
7	One - 3000 Watt Electric Generator	Yes
8	Three - 500 Watt Flood Lights	Yes
9	One - Smoke Ejector (5000 CFM)	Yes
10	One - Mounted Radio	Yes
11	One - Portable Radio	Yes
12	One - Power Saw, Chainsaw or K12	Yes
13	One - 16 Ft Roof Ladder	Yes
14	One - 14 Ft Combination Ladder	Yes
15	One - 24' Ft Extension Ladder	Yes
16	One - 10 Ft Attic Ladder	Yes
17	One - Oxyacetylene Cutting Torch	Yes
18	Four - Handlights (4v Wet Cell / 6v Dry Cell	Yes



Apparatus Inspections

Wildland Apparatus - - 1

Activity Performed: Wildland Apparatus
 Activity Date: 11/22/2021 Location: N/A
 Next Service Type: N/A Date Due: N/A

Wildland - General Checklist		Answers
1	Method of Purchase	FPF
2	Tank Capacity (Req. 125)	400
3	Pump Capacity	140 GPM
4	Apparatus #	1
5	Make	Any
6	Year	2021
7	Condition	Good
	<i>Good</i>	
8	Test Plate	Yes
9	All Warning Devices Operate	Yes
Wildland - Required Equipment Checklist		Answers
1	Mounted Radio	Yes
2	Portable Radios	Yes
3	Hand Lights (2)	Yes
4	Axe (1 Any Type)	Yes
5	Spade Tip Shovel (1)	Yes
6	Fire Extinguisher Inspection Maintenance	Yes
7	Hydrant Wrench .	Yes
8	Fire Extinguisher (1- B/C)	Yes
9	Spanner Wrenches (2)	Yes
10	One traffic vest for each seating position	Yes
11	Back-Up Alarm	Yes
12	Hose (200') (1) "	Yes
13	Nozzles to fit hose	Yes
14	First Aid Kit (24 Unit)	Yes
15	Hand Pump Extinguisher (1)	Yes
16	Wheel Chocks (2)	Yes
17	Hard suction 20 ft.	Yes
18	Suction Strainer	Yes
19	Five traffic cones? Highway Flares? Or five illuminated warning devices that have illuminating capabilities.	Yes
20	List Items Associated to Question #20 Above	Traffic Cones
	<i>Traffic Cones</i>	
21	Back-Up Alarm	Yes



Apparatus Inspections

Initial Attack Apparatus - - 1

Activity Performed: Initial Attack Apparatus
 Activity Date: 11/22/2021 Location: N/A
 Next Service Type: N/A Date Due: N/A

Initial Attack Apparatus - General Checklist		Answers
1	Apparatus manufacturer	Any
2	Capacity of Water Tank	400
3	Type of Foam System	Any
4	Pump Capacity (in GPM)	750
5	Apparatus Unit #	1
6	Year of Apparatus	2021
7	Condition of Apparatus <i>Good</i>	Good
8	Do All Warning Devices Operate?	Yes

Initial Attack Apparatus - Required Equipment Checklist		Answers
1	Mounted Radios Installed?	Yes
2	Are Portable Radios Provided?	Yes
3	6LB Pick Head Axe Provided?	Yes
4	6 ft or Longer Pike Pole?	Yes
5	First Aid Kit provided?	Yes
6	One 2 1/2 or larger Double Male & Female Adapter?	Yes
7	2 1/2' Double Female	Yes
8	One 80 B/C Rated Fire Extinguisher Provided?	Yes
9	At Least two Spanner Wrenches Provided?	Yes
10	One Hydrant Wrench Provided?	Yes
11	At least two Handlights provided?	Yes
12	One 2 1/2 Gallon Water Extinguisher?	Yes
13	One Rubber Mallet?	Yes
14	At least two 95 GPM Combo-Fog Nozzles Provided?	Yes
15	300ft of 2 1/2 or larger Hose? "	Yes
16	400ft of 1 1/2", 1 3/4" or 2" Hose provided?	Yes
17	15 Ft. Soft Suction or 20 Ft. Hard Suction w/Strainers?	Yes
18	One 12' or larger extension ladder?	Yes
19	SCBAs provided? (one per Seat. At least 2)	Yes
20	Spare SCBA Cylinders Provided?	Yes
21	Wheel Chocks Provided?	Yes
22	5 Orange Traffic Cones?	Yes
23	List Items Associated to Question #22 Above <i>Traffic Cones</i>	Traffic Cones
24	Traffic Vest One Per Seat	Yes
25	One AED Provided?	Yes
26	Vehicle Data Recorder:	Yes

Apparatus Inspections

Aerial Apparatus - - 1

Activity Performed: Aerial Apparatus
 Activity Date: 11/22/2021 Location: N/A
 Next Service Type: N/A Date Due: N/A

Aerial Apparatus - General Information Checklist		Answers
1	Apparatus Manufacturer	Any
2	Year	2021
3	Aerial Unit #	1
4	Condition of Apparatus <i>Good</i>	Good
5	Pump Capacity	1250
6	Tank Capacity	300
7	Test Plate	Yes
8	Mounted Radios	Yes
9	Ladder/Stick Tested Annually?	Yes
10	Do All Warning Devices Operate?	Yes
11	Back-Up Alarm?	Yes
Aerial Apparatus - Required Equipment Checklist		Answers
1	One - 10' folding Ladder	Yes
2	Two - 16 Ft Roof Ladders	Yes
3	One - 24 Ft Extension Ladder	Yes
4	One - 35 Ft Extension Ladder	Yes
5	SCBAs 4 Minimum	Yes
6	Four - Spare SCBA Cylinders	Yes
7	PASS Device, 1 Per SCBA	Yes
8	Two - 6 Lb Flat Head Axes	Yes
9	Three - Pick Head Axes	Yes
10	Four - Pike Poles	Yes
11	Two - 3Ft or 4Ft Plaster Hooks with D-Handles	Yes
12	Two - Crowbars	Yes
13	Two - Claw Tools or Halligan Bars	Yes
14	Two - 12Lb Sledge Hammers	Yes
15	Portable Hand Lights 4	Yes
16	One - Dry Chemical Extinguisher 80 BC	Yes
17	Fire Extinguisher Test & Inspections	Yes
18	One - 2.5 Gallon Water Extinguisher	Yes
19	One - First Aid Kit	Yes
20	Six - 12Ft x 18Ft Salvage Covers	Yes
21	Four - Spanner Wrenches	Yes
22	Two - Scoop Shovels	Yes
23	One - 24 Inch Bolt Cutters	Yes
24	Four - Ladder Belts	Yes
25	150Ft of Light Use Rope	Yes
26	150Ft of General Use Rope	Yes
27	300Ft of Utility Rope	Yes
28	Tool Box and Tools	Yes
29	Two - Wheel Chocks	Yes
30	One - Rubber Mallet	Yes
31	Traffic Vests	Yes
32	Two - Hydrant Wrenches	Yes
33	2 1/2 Inch Double Male	Yes
34	2 1/2 Inch Double Female	Yes
35	Five - Orange Traffic Cones	Yes
36	List items associated to Question #35 above <i>Traffic Cones</i>	Traffic Cones
37	One - AED	Yes
38	Vehicle Data Recorder	Yes



Apparatus Inspections

Quint Apparatus - - 1

Activity Performed: Quint Apparatus
 Activity Date: 11/22/2021
 Next Service Type: N/A

Location: N/A
 Date Due: N/A

Quint Apparatus - General Checklist		Answers
1	Name of Manufacturer	Any
2	Ladder or Aerial Platform <i>Aerial Platform</i>	Aerial Platform
3	Size of Tank (300 Gal. min)	300
4	Pump Size	1250
5	Year of Apparatus	2021
6	Warning Lights Operational?	Yes
7	Back Up Alarm?	Yes
8	Are test records available?	Yes
9	Date of Last Test for Aerial Device	2021
Quint Apparatus - Required Equipment Checklist		Answers
1	2-16 Ft Roof Ladders?	Yes
2	14 Foot or longer Combination Ladder?	Yes
3	10 Foot Attic Ladder?	Yes
4	24 Ft. Extension Ladder Provided?	Yes
5	35ft Extension Ladder Provided?	Yes
6	20Ft Hard Suction or 15ft Supply	Yes
7	Suction Strainer	Yes
8	800 Feet of 2 1/2 Hose "	Yes
9	400ft of 1 1/2 or Larger Hose "	Yes
10	One - 200 GPM Nozzle	Yes
11	Two - 95 GPM Nozzles	Yes
12	One - Playpipe	Yes
13	Pickhead Axe	Yes
14	Flat Head Axe	Yes
15	6ft Pike Pole or Plaster Hook?	Yes
16	8ft Pike Pole?	Yes
17	Two - Handlights Mounted	Yes
18	One - 80 BC Fire Extinguisher	Yes
19	2.5 Gallon Water Extinguisher?	Yes
20	Four - SCBA's	Yes
21	Four - Spare SCBA Bottles	Yes
22	First Aid Kit / Jump Kit	Yes
23	Four - Spanner Wrenches	Yes
24	Two - Hydrant Wrenches	Yes
25	2 1/2 Double Male & Double Female	Yes
26	Rubber Mallet	Yes
27	Four - 12x14 Salvage Covers	Yes
28	Four - Ladder Belts	Yes
29	150ft of Light Life Safety Rope	Yes
30	150ft of General Life Safety Rope	Yes
31	Two - Wheel Chocks	Yes
32	Traffic Vest for Each Seat	Yes
33	Five Orange Traffic Cones?	Yes
34	List Items Associated to #33 Above <i>Traffic Cones</i>	Traffic Cones
35	One Automatic External Defibrillator (AED)	Yes
36	Vehicle Data Recorder?	Yes
37	Two - 12ft Pike Pole	Yes
38	Mounted Radio	Yes



Apparatus Inspections

Structural Apparatus - - 1

Activity Performed: Structural Apparatus

Activity Date: 11/22/2021

Next Service Type: N/A

Location: N/A

Date Due: N/A

Structural Apparatus - General Checklist

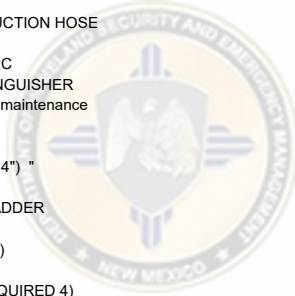
Answers

1	Year	2021
2	Make	Any
3	Foam System Type	Any
4	Unit #	1
5	Water Tank Capacity (Gallons)	1,000
6	Pump Capacity (750GPM Minimum)	1250
7	Do All Warning Lights Work?	Yes
8	Backup Alarm	Yes

Structural Apparatus - Required Equipment Checklist

Answers

1	First Aid Kit	Yes
2	One - 2 1/2" Play Pipe	Yes
3	2 1/2 or Larger Required 1200 ft"	Yes
4	1 1/2-2" (400 FT) "	Yes
5	15 ft SOFT OR 20 ft HARD SUCTION HOSE	Yes
6	SUCTION STRAINER (1)	Yes
7	FIRE EXTINGUISHER 1-80 B:C	Yes
8	2-1/2 GALLON WATER EXTINGUISHER	Yes
9	Fire Extinguisher inspection & maintenance	Yes
10	WHEEL CHOCKS (2)	Yes
11	8 FT PIKE POLE	Yes
12	2-SALVAGE COVERS (12 X 14") "	Yes
13	10 ft FOLDING/ATTIC	Yes
14	12 FT OR LONGER ROOF LADDER	Yes
15	24 FT. LADDER	Yes
16	HAND LIGHTS (2 REQUIRED)	Yes
17	SCBA REQUIRED (4)	Yes
18	SCBA SPARE BOTTLES (REQUIRED 4)	Yes
19	SCBA PASS DEVICES (4)	Yes
20	2 1/2 DOUBLE FEMALE REQUIRED (1) "	Yes
21	2 1/2 DOUBLE MALE (1)	Yes
22	Gated Wye 2 1/2 "	Yes
23	RUBBER MALLET	Yes
24	MOUNTED RADIOS	Yes
25	COMBINATION 95 GPM (2)	Yes
26	NOZZLE COMBINATION 200GPM	Yes
27	Master Stream 1000 GPM (ISO Required)	Yes
28	6LB FLAT HEAD AXE	Yes
29	Pick Head Axe	Yes
30	SPANNER WRENCHES (4)	Yes
31	HYDRANT WRENCHES (2)	Yes
32	1 HOSE CLAMP	Yes
33	FORCIBLE ENTRY TOOL	Yes
34	2 1/2 HYDRANT GATE VALVE "	Yes
35	Automatic External Defibrillator	Yes
36	1 Traffic Vest for Each Seat?	Yes
37	5 Illuminated Warning Devices/Cones?	Yes
38	List the Items Associated to Question #37 Above	Traffic Cones
	<i>Traffic Cones</i>	
39	Vehicle Data Recorder?	Yes
40	Equipment mounted properly	Yes





(Fire Chief to provide a written action plan on deficiencies listed on this report within 30 days of inspection)

Fire Support Coordinator



P.O. Box 27111 · Santa Fe · New Mexico · 87502
Office: 505-476-9600 · Fax: 505-476-9650

Class “E” Driver’s License

New Mexico (NMSA – 66-5-7-B) and Federal (383.3) regulations require the issuance of a Class “E” License. The Class “E” License is an exemption license which is a Non-Commercial License and authorizes a driver to operate a vehicle that is in excess of 26,001 pounds. This license will be issued to the applicant with a Vehicle Certification Form (available at New Mexico Motor Vehicle Division Field Offices) which is completed and signed by the Fire Chief.

This Vehicle Certification Form serves as the following:

- Shows applicant is employed as a firefighter or and emergency vehicle operator
- Is medically exempt
- Waivered from a Required road skills Test under regular Commercial Driver’s License (CDL) requirements

Requirements for Issuance of a Class “E” License

First Time - Renewals – Replacements

- Have a current New Mexico Driver’s License
- Have a Vehicle Certification Form Completed and Signed by the Fire Chief

This Vehicle Certification Form, with the Applicant’s Driver’s License must be presented at the local Customer Service Center (MVD Field Office) for issuance of a Class “E” License.

It is the responsibility of the Fire Chief to:

- Insure that the applicant’s are both knowledgeable in the safe operations of their vehicles and are skills tested in the driving operations of their vehicles.
- Records of both must be maintained.
- Notify the CDL Administration Office, New Mexico Motor Vehicle Division of any changes in the status of their drivers.

Further questions about the Class “E” license can be directed to the MVD Commercial Drivers Administration, at <https://www.mvd.newmexico.gov>.

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Automatic Aid Can Neighbors Help?

Question: What is the difference between mutual aid and automatic aid? Is it worth the trouble?

My Answer: Mutual aid is anything requested after a unit arrives on scene after it is needed during the fire or is not on the first alarm such as second or third alarm companies or outside aid. Automatic aid is apparatus from another department that always responds by written SOP on first-alarm structure fires. You never get full credit for automatic-aid apparatus; pump capacity, staffing or distribution. Automatic-aid companies cannot be more than five miles from the city limits of the community they are aiding. They only count if the community needs an engine, a ladder/service company, additional pump capacity, distribution or personnel.

The ISO grader will determine the number of needed apparatus. If the community is found deficient and a written automatic-aid agreement exists, the grader will include as many automatic-aid apparatus as deemed necessary for the community. When an engine or ladder /service company is needed by the community being graded, the community providing the apparatus goes through a mini-rating to determine the percentage of credit that will be -given for the apparatus. The unit in question is checked for pump size, hose carried, needed fire equipment and pump and hose tests (Firefighter's News, Oct./Nov. 1996). The review might look like this: The engine has a 750 gpm pump, carries 80 percent of the hose required and gets 5 12 points out of a possible 654 (78 percent) for tests and equipment. The math goes like this: multiply 80 percent (credit for the pump and hose) times 78 percent for equipment and testing. This equals 62.4 percent credit as an engine.

Next, the communications and training are reviewed for the automatic aid provider. A review of the communications facilities should reveal that they are equal to the city being rated; this is worth 20 percent credit in the category. The automatic aid department should receive alarms directly from the community requesting aid and use run cards for 10 percent credit in the category. A review of interdepartmental training records should reveal quarterly half-day drills for 35 percent credit in the category. Fire ground communications should share common mobile and portable frequencies for the full 10 percent credit. Ideally, the ISO looks for a joint communications dispatch facility for an additional 15 percent credit. If you add all the, percentages together, the maximum credit is 90 percent. The fire department in our example gets 75 percent credit out of 90 percent. Take the credit as an engine (62.4 percent) and multiply times the communications and training credit (75 percent). The result is 46.8 percent credit as an automatic-aid engine company. The best you can ever get is 90 percent automatic-aid engine credit if everything is perfect.

Automatic-aid ladder or service companies are figured by multiplying the percentage of equipment and testing points (Oct/Nov 1996 Firefighter's News) times communications and training percentage. The department owns a 75' pumper/aerial with every piece of equipment and all testing is current but needs a 100' ladder to reach the roof of all structures in the community; it totals 709 points out of a possible 784 for 90 percent. Now multiply 90 percent equipment-and testing-credit times 75 percent training and communications credit, which equals 67.5 percent credit as an automatic-aid truck company. If this was your only needed ladder company you would get 67.5 percent of the 5 points in the category, or 3.37 points. Pump capacity for allowable automatic-aid companies is figured by multiplying the percentage of credit as an automatic-aid engine company times gpm rating of the tested pump. In our example, the 750-gpm

engine only counts 46.8 percent of its pump capacity or 351 gpm. If the pump is not properly tested, expect to lose even more.

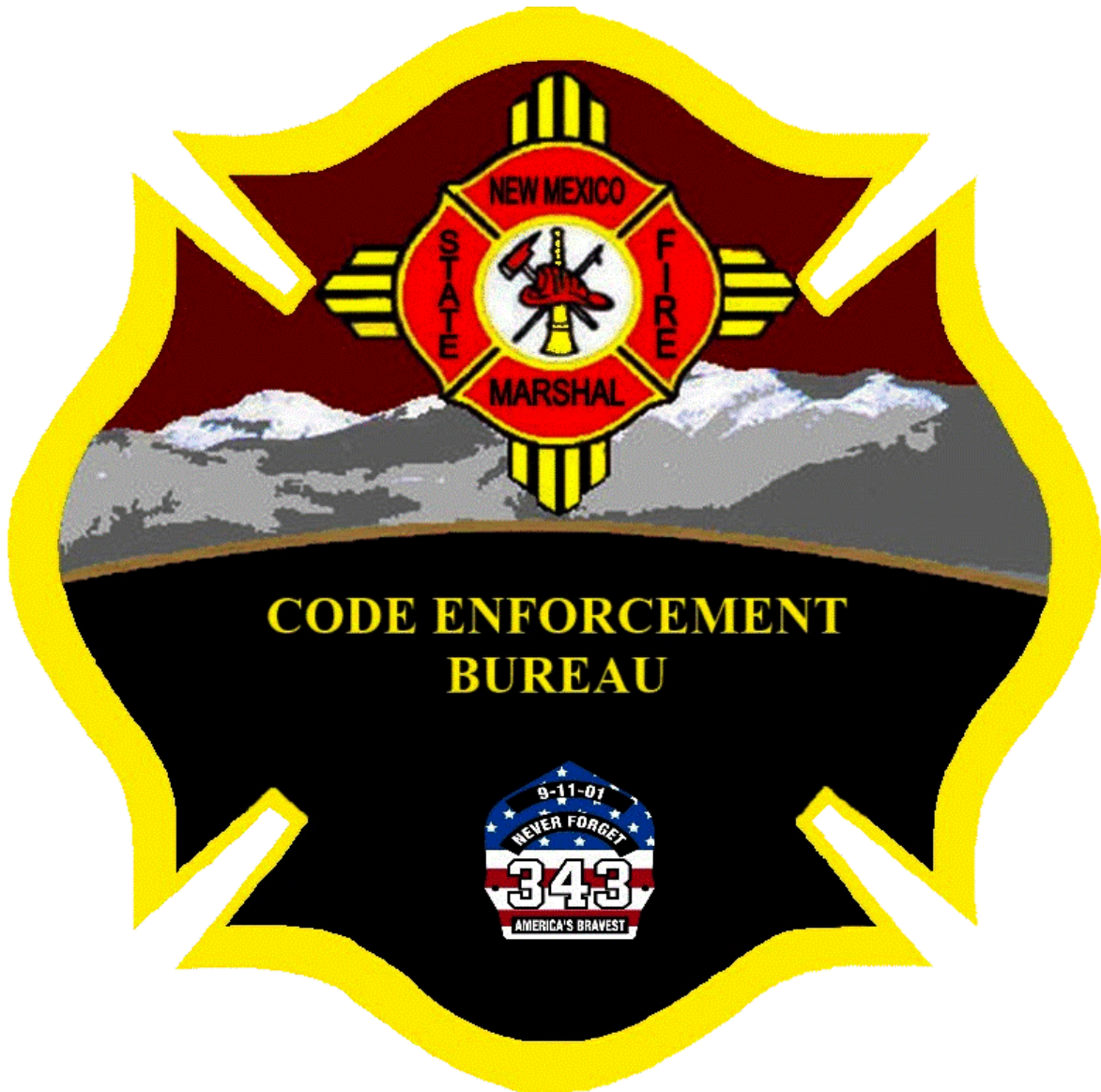
Average personnel responding on credited automatic-aid companies count at the same level of credit as an automatic-aid engine or ladder/service company. In our example, the automatic-aid engine averages a response of nine volunteers and the truck responds with six career members. The engine credit would be figured by multiplying 46.8 percent times nine volunteers or 4.2 members. Using ISO's formula for staffing, the volunteers are divided by three. This equals 1.4 paid firefighters, or 23 percent of what is supposed to be maximum on a career engine, or 35 percent-staffed for maximum credit as a volunteer company. The ladder company is figured by multiplying 67.5 percent times six, which equals 4.04 members; it is 67.5 percent staffed.

Why not just run mutual-aid companies when needed versus automatic-aid running every single structure fire on first alarm? Mutual aid companies are not counted in the municipal rating schedule. If a mutual-aid company does not roll on first alarm it does not count--period. The ISO will review your structure-fire call reports and see what actually responds on first alarm to determine credit. Mutual aid will count for fire department supply (FDS) rural water supply apparatus with no time or response distance limit. In a career department, the mutual-aid apparatus cannot respond until the first unit arrives on scene plus three additional minutes. In a volunteer department six minutes has to pass after arrival of the first-in unit before the mutual-aid company can respond. In a career department, about eight minutes must pass and in a volunteer department about 11 minutes must go by if you figure in the maximum response distance for the first-in unit as five miles from the station. Mutual-aid apparatus cannot exceed 35 mph to the fire, so you are looking at a response of two minutes per mile traveled plus the delay of eight to 11 minutes before you can respond. If the mutual-aid rig is carrying needed LDH, drop tanks, is a fill-site pumper, a special drafting unit, or packing a lot of water, it might arrive too late to help.

Automatic aid is a good thing but in the above examples, which are similar to what you can expect in real life, a lot of points will be lost in engine company, pump capacity, personnel, ladder/service company, distribution and divergence points. Reliance on automatic aid can be costly. In rural water supply situations, it might be the only way to utilize remote water sources or generate needed fire flows, however, the ideal use of a neighbor's apparatus that always gets all of the points in the category can be done in the form of a letter guaranteeing your department a reserve engine or ladder/service company in case one of yours goes out of service. Of course it needs to be fully equipped and tested.

Written automatic aid agreements can be worth their weight in gold if the apparatus is equipped, tested, and staffed. Sit down with other surrounding jurisdictions and write agreements to scratch each other's backs.

CODE ENFORCEMENT BUREAU



Code of New Mexico Rules Currentness
Title 10. Public Safety and Law Enforcement
Chapter 25. State Fire Marshal
Part 1. General Provisions (Refs & Annos)

N.M. Admin. Code 10.25.1

10.25.1. GENERAL PROVISIONS

10.25.1.1 ISSUING AGENCY: New Mexico Public Regulation Commission.

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

10.25.1.2 SCOPE: This rule applies to any person whose activities are regulated by the provisions of Sections 59A-52-1 through 59A-52-25 NMSA 1978 or the Fireworks Licensing and Safety Act, Section 60-2C-1 through 60-2C-11 NMSA 1978.

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

10.25.1.3 STATUTORY AUTHORITY: Sections 8-8-6, 8-8-15, 59A-52-2, 59A-52-15, 59A-52-16, and 60-2C-3 NMSA 1978.

[10.25.1.3 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

Credits

10.25.1.4 DURATION: Permanent.

[10.25.1.4 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.5 EFFECTIVE DATE: November 15, 2007, unless a later date is cited at the end of a section.

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

10.25.1.6 OBJECTIVE: The purpose of this rule is to set forth general provisions governing fire prevention, control of fires, and safe egress from and use of public occupancies.

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

10.25.1.7 DEFINITIONS: In addition to the definitions in Chapter 59A, Article 52 NMSA 1978; Sections 60-2C-2 and 60-2C-2.1 NMSA 1978; 10.25.1 NMAC; 10.25.5 NMAC; and the code adopted in 10.25.5 NMAC; as used in these rules:

A. AHJ means an authority having jurisdiction; this may refer to the fire marshal or to other authorities with concurrent jurisdiction such as a municipality or county that has enacted an ordinance concerning fire protection;

B. certificate of fitness means the fire marshal's approval of a fire protection installation, maintenance and inspection company obtained pursuant to [10.25.2 NMAC](#);

C. CID means the construction industries division of the regulation and licensing department;

D. commission means the New Mexico public regulation commission;

E. fire marshal means the state fire marshal as established under the State Fire Marshal Act, [Section 59A-52-1 et seq. NMSA 1978](#), or his designee; and

F. these rules means the rules adopted by the commission in Title 10, Chapter 25 NMAC.

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

10.25.1.8 REQUIREMENTS FOR FILED DOCUMENTS: In addition to the requirements stated here, particular rules may include other filing requirements. All documents required by these rules to be filed with the fire marshal, including applications referenced in [10.25.6 NMAC](#), shall be filed as follows.

A. Address for filing documents.

(1) Documents filed by mail shall be addressed to the New Mexico fire marshal division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269.

(2) Documents filed in person or by delivery service shall be delivered to the New Mexico fire marshal division located on the fourth floor of 1120 Paseo de Peralta, in Santa Fe, New Mexico.

B. Required format. All reports, articles, applications and other documents filed with the fire marshal shall be typewritten, clearly legible, on good quality white paper 8 1/2 x 11 inches in size, have a 1 inch margin on each side and at least a one-inch margin at the top and bottom of each page, and be signed or executed in black or blue-black ink.

C. Facsimile filing prohibited. The fire marshal will not accept documents for filing or applications submitted by facsimile.

D. Date of filing. The fire marshal shall consider any document filed pursuant to this rule as filed on the date it was received and stamped by the fire marshal's division, unless the document is returned pursuant to [12.3.1.11 NMAC](#), except that if the fire marshal receives a document after regular business hours, the fire marshal shall stamp and consider it received on the next regular business day.

[10.25.1.8 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.9 APPLICATIONS, FORMS AND GUIDELINES:

A. Mandatory applications. For ease and consistency of data entry, the fire marshal has prepared mandatory permit and license applications for compliance with 10.25.2 and 10.25.6 NMAC.

B. Optional permit application and guidelines. The fire marshal provides an optional permit application for display fireworks, described in Subsection E of 10.25.6.8 NMAC, and other guidelines to aid in fire prevention and safety, and to assist in carrying out certain requirements of these rules.

C. How to obtain. Interested persons may obtain copies of mandatory and optional applications, forms, and guidelines:

- (1) by calling the fire marshal division at 505-476-0080 or 1-800-244-6702;
- (2) at the fire marshal division located on the fourth floor of 1120 Paseo de Peralta in Santa Fe;
- (3) by writing to the fire marshal division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269; or
- (4) from the fire marshal website: <http://www.nmprc.state.nm.us/>.

[10.25.1.9 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.10 INCOMPLETE FILINGS:

A. A filing will be considered incomplete if:

- (1) it is unsigned;
- (2) it omits any information required by law or fire marshal rule or order;
- (3) it is not accompanied by the appropriate filing fee, paid as required by 12.3.1.14 NMAC; or
- (4) the fire marshal determines the filing is otherwise insufficient.

B. Return of incomplete filings. Any application returned by the fire marshal shall be deemed denied. The fire marshal shall return an incomplete filing with a statement indicating the nature of the insufficiency to:

- (1) the address on any cover letter included with the form or document;
- (2) if no cover letter was included, then to the return address on the envelope in which the document or form was received;
- (3) if no cover letter or envelope with return address were included, then to the address on any check delivered with the form or document for filing; or
- (4) if none of the above were included, then to any other address in the applicant's file.

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

10.25.1.11 INSPECTION OF DOCUMENTS: Any person who wishes to inspect public records or other documents relating to fires shall make a request to the fire marshal. The request shall meet the requirements of the Inspection of Public Records Act, [Sections 14-2-1 through 14-2-12 NMSA 1978](#), and shall follow the procedure required by that law.

[10.25.1.11 NMAC - N, 11/15/2007; A, 9/1/2008]

10.25.1.12 REQUESTS FOR COPIES:

A. Filing of request. A person shall make a request in writing for copies of a document or report and shall list all documents or information requested. A request may be mailed or delivered as provided in [12.3.1.9 NMAC](#), or sent by facsimile to (505) 827-3778. If a person cancels a request within 24 hours, the fire marshal shall not assess any fees.

B. Estimate of fees. When the fire marshal receives a request for copies, the fire marshal's office shall issue an informal estimate of fees. The fire marshal shall charge the fees enumerated in [Subsection C of 1.2.2.8 NMAC](#), Public Regulation Commission Rules of Procedure.

C. Completion of request.

(1) If the person approves the estimate, the fire marshal shall prepare the copies within the time periods provided in the Inspection of Public Records Act, [Section 14-2-1 et seq. NMSA 1978](#).

(2) When the requested documents are ready, the fire marshal shall provide a written statement of fees due and shall release the copies electronically upon payment of all fees due.

[10.25.1.12 NMAC - N, 11/15/2007; A, 9/1/2008; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.13 PAYMENT OF FEES: A person shall pay fees charged by the commission or the fire marshal by cashier's or company check or money order from funds on deposit with a United States financial institution, made payable to the New Mexico public regulation commission. The fire marshal will not accept personal checks or cash.

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

10.25.1.14 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.

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

10.25.1.15 APPEALS: A person aggrieved by any order of the fire marshal may appeal the decision:

A. to the commission in accordance with [Section 59A-52-21 NMSA 1978](#), by filing an appeal with the New Mexico Public Regulation Commission Docketing Office by mail to P.O. Box 1269, Santa Fe, New Mexico 87504-1269 or by delivery to the P.E.R.A. Building, Room 413, 1120 Paseo de Peralta, Santa Fe, New Mexico 87501; or

B. to district court in accordance with [Section 59A-52-22 NMSA 1978](#).

[10.25.1.15 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

HISTORY OF 10.25.1 NMAC: [RESERVED]

Current with all new rules, amendments, and repeals received by July 16, 2021

N.M. Admin. Code 10.25.1, NM ADC 10.25.1

Code of New Mexico Rules Currentness
Title 10. Public Safety and Law Enforcement
Chapter 25. State Fire Marshal
Part 2. Certificates of Fitness (Refs & Annos)

N.M. Admin. Code 10.25.2

10.25.2. CERTIFICATES OF FITNESS

10.25.2.1 ISSUING AGENCY: New Mexico Public Regulation Commission.

[10.25.2.1 NMAC - N, 11-15-07]

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, 11-15-07]

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, 11-15-07]

Credits

10.25.2.4 DURATION: Permanent.

[10.25.2.4 NMAC - N, 11-15-07]

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, 11-15-07]

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, 11-15-07]

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, 11-15-07]

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; and
- (4) portable fire extinguishers.

[10.25.2.8 NMAC - N, 11-15-07]

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;

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]

(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.

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, 11-15-07]

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, 11-15-07]

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, 11-15-07]

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, 11-15-07]

HISTORY OF 10.25.2 NMAC: [RESERVED]

Current with all new rules, amendments, and repeals received by July 16, 2021

N.M. Admin. Code 10.25.2, NM ADC 10.25.2

End of Document

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Code of New Mexico Rules Currentness
Title 10. Public Safety and Law Enforcement
Chapter 25. State Fire Marshal
Part 3. Parental Responsibility (Refs & Annos)

N.M. Admin. Code 10.25.3

10.25.3. PARENTAL RESPONSIBILITY

10.25.3.1 ISSUING AGENCY: New Mexico Public Regulation Commission, State Fire Marshal Division, Post Office Box 1269, Santa Fe, NM 87504-1269.

[10.25.3.1 NMAC - Rp, 10.25.3.1 NMAC, 11/26/2019]

10.25.3.2 SCOPE: This rule applies to all persons required to have a license issued by the state fire marshal in order to sell fireworks.

[10.25.3.2 NMAC - Rp, 10.25.3.2 NMAC, 11/26/2019]

10.25.3.3 STATUTORY AUTHORITY: Sections 8-8-6, 8-8-15, 40-5A-9 and 60-2C-3 NMSA 1978.

[10.25.3.3 NMAC - Rp, 10 25.3.3 NMAC, 11/26/2019]

Credits

10.25.3.4 DURATION: Permanent.

[10.25.3.4 NMAC - Rp, 10.25.3.4 NMAC, 11/26/2019]

10.25.3.5 EFFECTIVE DATE: November 26, 2019, unless a later date is cited at the end of a section.

[10.25.3.5 NMAC - Rp, 10.25.3.5 NMAC, 11/26/2019]

10.25.3.6 OBJECTIVE: The purpose of this rule is to implement the requirements of the Parental Responsibility Act, Sections 40-5A-1 to 40-5A-13 NMSA 1978, as they apply to the issuance, renewal, suspension or revocation of fireworks vendor licenses.

[10.25.3.6 NMAC - Rp, 10.25.3.6 NMAC, 11/26/2019]

10.25.3.7 DEFINITIONS: All terms defined in the Parental Responsibility Act shall have the same meanings in this rule unless defined below.

A. HSD means the New Mexico human services department.

B. License means a display distributor, distributor, manufacturer, retailer, specialty retailer or wholesaler license issued to an individual pursuant to the Fireworks Licensing and Safety Act, Sections 60-2C-1 to 60-2C-11 NMSA 1978.

C. Statement of compliance means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support.

D. Statement of non-compliance means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and order for support.

[10.25.3.7 NMAC - Rp, 10.25.3.7 NMAC, 11/26/2019]

10.25.3.8 SANCTIONS: If an applicant or licensee is not in compliance with a judgment and order for support, the state fire marshal shall:

A. deny an application for a license;

B. deny the renewal of a license;

C. have grounds for suspension or revocation of a license.

[10.25.3.8 NMAC - Rp, 10.25.3.8 NMAC, 11/26/2019]

10.25.3.9 CERTIFIED LIST:

A. Receipt of certified list from HSD: Upon receipt of HSDs certified list of obligors not in compliance with a judgment and order for support, the state fire marshal shall match the certified list of obligors against the current list of applicants and licensees. By the end of the month in which the certified list of obligors is received from HSD, the state fire marshal shall report to HSD the names of applicants and licensees who are on the certified list of obligors and the action the state fire marshal has taken in connection with such applicants and licensees.

B. Receipt of application: Upon the later receipt of an application for license or renewal, the state fire marshal shall match the applicant against the most recent certified list of obligors.

[10.25.3.9 NMAC - Rp, 10.25.3.9 NMAC, 11/26/2019]

10.25.3.10 INITIAL NOTICE:

A. Notification by letter: Upon determination that an applicant or licensee appears on HSD's certified list of obligors, the state fire marshal shall notify the applicant or licensee by letter that the applicant or licensee must provide the state fire marshal with a subsequent statement of compliance within 30 days of the date the state fire marshal mailed the notification.

B. Contents of letter: The notice letter to applicants and licensees shall advise that failure to timely provide the statement of compliance shall result in commencement of a formal hearing brought by the state fire marshal before the state fire board for rejection of an application or suspension or revocation of an issued license as provided in 10.25.3.11 NMAC.

C. Retailer permits: In order to ensure compliance with the Parental Responsibility Act, every distributor, wholesaler, or manufacturer, before issuing retail permits to individuals, must receive a letter of clearance from the state fire marshal or his designee, stating that the individual applicant is not on the HSD certified list of obligors in violation of a child support judgment and order. Retail permits issued by distributors, wholesalers, and manufacturers to individuals are invalid without state fire marshal's clearance being attached and available for display. Telefaxed transmission of the state fire marshal's clearance letter is permissible.

[10.25.3.10 NMAC - Rp, 10.25.3.10 NMAC, 11/26/2019]

10.25.3.11 PROCEEDING TO REJECT APPLICATION OR TO SUSPEND OR REVOKE LICENSE: If an applicant or licensee fails to respond to the initial notice as required by 10.25.3.10 NMAC, the state fire marshal shall file and serve a complaint upon the applicant or licensee. If the state fire marshal's complaint for rejection of an application or suspension or revocation of a license is based solely on the respondent's failure to comply with a judgment and order of support, and there are no additional grounds based on violations of the Fireworks Licensing and Safety Act, Sections 60-2C-1 to 60-2C-11 NMSA 1978, the complaint shall state:

A. the grounds for the state fire marshals proposed action, and

B. that a hearing shall be held before the state fire board at least 30 days after the date the complaint is mailed, unless the respondent applicant or licensee provides the state fire marshal with a statement of compliance prior to the hearing date.

[10.25.3.11 NMAC - Rp, 10.25.3.11 NMAC, 11/26/2019]

10.25.3.12 EVIDENCE AND PROOF: In any hearing under 10.25.3.11 NMAC, relevant evidence is limited to the accuracy or veracity of the statement of non-compliance. The statement of non-compliance is conclusive evidence requiring the state fire marshal to take the rejection, suspension or revocation action under 10.25.3.11 NMAC, and is rebuttable only with a subsequent statement of compliance. Upon presentation of the subsequent statement of compliance, the state fire marshal shall dismiss the rejection, suspension or revocation action if it is based solely upon licensee or permittees failure to comply with a judgment and order for support.

[10.25.3.12 NMAC - Rp, 10.25.3.12 NMAC, 11/26/2019]

10.25.3.13 ORDER: When an action to reject an application or suspend or revoke a license or permit is taken by the state fire marshal solely because the applicant, licensee or permittee is not in compliance with a judgment and order for support, the final order shall state that:

A. in application rejection actions, the respondent may reapply for a license at any time upon presentation of a subsequent statement of compliance filed with the state fire marshal;

B. in suspension actions, the respondent may be reinstated for a license at any time upon presentation of a subsequent statement of compliance filed with the state fire marshal;

C. in revocation actions, the respondent may reapply for a license at any time upon presentation of a subsequent statement of compliance filed with the state fire marshal.

[10.25.3.13 NMAC - Rp, 10.25.3.13 NMAC, 11/26/2019]

10.25.3.14 PROCEDURES: Proceedings and administrative hearings held pursuant to this rule shall be governed by [Section 60-2C-11 NMSA 1978](#) and the New Mexico public regulation commission rules of procedure, [1.2.2 NMAC](#).

[10.25.3.14 NMAC - Rp, 10.25.3.14 NMAC, 11/26/2019]

HISTORY OF 10.25.3 NMAC:

Pre-NMAC History: The material in this rule was originally filed with the State Records Center as:

SCC Rule 95-03-FM, Parental Responsibility Act Rule, filed 10/18/95.

History of Repealed Material:

10 NMAC 25. 3, State Fire Marshal - Parental Responsibility filed 5/9/1997 effective 6/28/2019.

10.25.3 NMAC, State Fire Marshal - Parental Responsibility filed 6/28/2019 effective 11/26/2019.

NMAC History:

10 NMAC 25. 3, State Fire Marshal - Parental Responsibility filed 5/9/1997 was replaced by 10.25.3 NMAC State Fire Marshal - Parental Responsibility, effective 6/28/2019.

10.25.3 NMAC, State Fire Marshal - Parental Responsibility filed 6/28/2019, as emergency rule, was replaced by 10.25.3 NMAC, State Fire Marshal - Parental Responsibility, effective 11/26/2019.

Current with all new rules, amendments, and repeals received by July 16, 2021

N.M. Admin. Code 10.25.3, NM ADC 10.25.3

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Code of New Mexico Rules Currentness
Title 10. Public Safety and Law Enforcement
Chapter 25. State Fire Marshal
Part 5. Fire Prevention and Public Occupancy (Refs & Annos)

N.M. Admin. Code 10.25.5

10.25.5. FIRE PREVENTION AND PUBLIC OCCUPANCY

10.25.5.1 ISSUING AGENCY: New Mexico Public Regulation Commission.

[10.25.5.1 NMAC - Rp, 10.25.5.1 NMAC, 11/26/2019]

10.25.5.2 SCOPE:

A. This rule establishes the state's minimum requirements that apply to structures, processes, premises and safeguards regarding:

- (1) the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
- (2) conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
- (3) fire hazards in the structure or on the premises from occupancy or operation;
- (4) matters related to the construction, extension, repair, alteration or removal of fire protection systems; and
- (5) conditions affecting the safety of firefighters and emergency responders during emergency operations.

B. This rule does not apply to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade in height built to the New Mexico Residential Building Code.

C. Other state agencies have adopted rules that may or may not apply and that may or may not affect this rule.

(1) The construction industries division of the New Mexico regulation and licensing department (CID) adopts regulations for all construction pursuant to Title 14 NMAC, Housing and Construction, Chapters 5 through 10 NMAC, setting forth the state's minimum requirements that include provisions on fire prevention.

(2) The New Mexico environmental improvement board has adopted rules for aboveground and underground storage tanks containing petroleum or hazardous substances and rules governing hazardous waste administered by the environment department in Title 20, Chapter 5 NMAC.

(3) The board of licensure for professional engineers and surveyors has adopted rules for the design of fire protection and alarm systems pursuant to Title 16, Chapter 39 NMAC.

(4) CID has jurisdiction over all contractors and journeymen installers of fire protection systems and establishes the minimum requirements for licenses and certificates pursuant to the Construction Industries Licensing Act and to [Title 14, Chapter 6, Part 6 NMAC](#) on CID license classifications and scopes.

D. AHJs, defined below, may adopt fire protection requirements that are more stringent than 10.25.5 NMAC, provided such requirements do not conflict with this rule. The authority for administration and interpretation of construction-related sections of the NMFC, defined below, that apply to construction projects requiring a building permit is the responsibility of the chief building official or the AHJ. The FM, defined below, shall have the authority for the administration and interpretation of fire protection systems and the chief building official of an AHJ shall have the authority for the administration and interpretation of building codes other than fire protections systems.

[10.25.5.2 NMAC - Rp, 10.25.5.2 NMAC, 11/26/2019]

10.25.5.3 STATUTORY AUTHORITY: [Sections 8-8-6, 8-8-15, 59A-52-15, and 59A-52-16 NMSA 1978.](#)

[10.25.5.3 NMAC - Rp, 10.25.5.3 NMAC, 11/26/2019]

Credits

10.25.5.4 DURATION: Permanent.

[10.25.5.4 NMAC - Rp, 10.25.5.4 NMAC, 11/26/2019]

10.25.5.5 EFFECTIVE DATE: November 26, 2019 unless a later date is cited at the end of a section.

[10.25.5.5 NMAC - Rp, 10.25.5.5 NMAC, 11/26/2019]

10.25.5.6 OBJECTIVE: The purpose of this rule is to prescribe minimum requirements for the installation, operation and maintenance of fire protection and life safety features in buildings and structures necessary to reasonably protect life and property from the hazards created by fire, explosion, and similar emergencies, and which minimum requirements shall not conflict with the provisions of the Construction Industries Licensing Act.

[10.25.5.6 NMAC - Rp, 10.25.5.6 NMAC, 11/26/2019]

10.25.5.7 DEFINITIONS: In addition to the definitions in [10.25.1 NMAC](#):

A. “Authority Having Jurisdiction (AHJ)” means an organization, office, or individual responsible for enforcing the minimum requirements of codes, standards and permits for approving equipment, materials and installations or a procedure within its jurisdiction.

B. “Certificate of Fitness” means the State Fire Marshall's verification document of a fire protection installation, maintenance and inspection company's competence in the methods and materials of the specific fire system subject to the permit, which is obtained pursuant to [10.25.2 NMAC](#).

C. “Fire Code Official” shall have the meaning provided in Section 202 of the IFC.

D. “Fire Marshal (FM)” means the fire marshal with the authority over permitting and inspections of fire systems within a particular political subdivision of the state.

E. “IFC” means the New Mexico currently-adopted international fire code, 2015 edition, published by the International Code Council and is available by contacting: Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.

F. “Life Safety Features” means compliance with NFPA 1 and NFPA 101 for structures built on or before November 15, 2007, and the NMFC for structures build after November 15, 2007.

G. “NFPA 1” means the fire prevention code, 1997 edition, published by the National Fire Protection Association and available by contacting: Secretary, Standards Council, National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101.

H. “NFPA 101” means the life safety code, 1997 edition, published by the National Fire Protection Association and available by contacting: Secretary, Standards Council, National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101.

I. “New Mexico Fire Code (NMFC)” means the New Mexico fire code created by this rule including the IFC currently-adopted by the construction industries division of the regulation and licensing department in New Mexico by reference.

J. “State Fire Marshal (SFM)” means the director of the state fire marshal division under the public regulation commission who has the authority for final determination of the application of the fire provisions of this rule throughout the state.

[10.25.5.7 NMAC - Rp, 10.25.5.7 NMAC, 11/26/2019]

10.25.5.8 ADOPTION OF NATIONAL STANDARD: The SFM adopts the IFC which is then incorporated by reference as revised in this rule. In this rule, revisions are numbered to correspond with the section numbering of the IFC and such revisions further amend such sections of the IFC. All references in the IFC to the International Mechanical Code mean the New Mexico Mechanical Code, CID [rule 14.9.2 NMAC](#). All references in the IFC to the International Plumbing Code mean the New Mexico Plumbing Code, CID [rule 14.8.2 NMAC](#). For purposes of this rule, the application of building code section 102.4 of the IFC, 2015 edition, means that the design and construction of new structures shall comply with the currently adopted New Mexico

Building Code (NMBC), CID rule 14.7.2 NMAC, and any alterations, additions, changes in use or changes in structures required by the NMFC, and shall be made in accordance with the currently adopted NMBC, CID rule 14.7.2 NMAC.

[10.25.5.8 NMAC - Rp, 10.25.5.8 NMAC, 11/26/2019]

10.25.5.9 CHAPTER 1 ADMINISTRATION:

A. Section 101 General.

- (1) **Section 101.1 Title.** Insert in brackets: New Mexico.
- (2) **Section 101.2 Scope.** This section of the IFC shall not apply. 10.25.5.2 NMAC defines the scope of this rule.
- (3) **Section 101.2.1 Appendices.** The appendices of the IFC shall not apply, except where adopted by an AHJ.
- (4) **Sections 101.3 through 101.5.** See the corresponding sections of the IFC.

B. Section 102.3 (Applicability, Change in use or occupancy.) Delete this section and replace with the following: “Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the NMBC. Subject to the approval of the building code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code and the NMBC for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.”

C. Section 104 General authority and responsibilities. If Section 104.6 (official records) or any other provision of the NMFC conflicts with the Inspection of Public Records Act, Sections 14-2-1 through 14-2-12 NMSA 1978, the provisions of the Inspection of Public Records Act shall control.

D. Section 105 permits. The following sections of the IFC are deleted: Section 105.6, Section 105.7.2 through 105.7.5, Section 105.7.8 through 105.7.16 and Section 105.7.18. All permits required through the CID permitting process are strictly within the authority of CID. The NMFC establishes the state minimum fire code allowing local jurisdictions and political subdivisions the ability to enact stricter ordinances provided the state minimum is complied with by all such jurisdictions. The SFM requires permits and licenses for fireworks as provided in 10.25.6 NMAC.

E. Certificates of fitness. The SFM requires certificates of fitness for the installation, inspection, maintenance and repair of fire protection systems as provided in 10.25.2 NMAC.

F. Section 105.3 Conditions of a Permit. This section is deleted in its entirety and replaced with the following language: “105.3 conditions of a permit. Such permission, if granted in Section 105.1.2.2, shall not be construed as

authority to violate, cancel or set aside any other provisions of this code or other applicable regulations or laws of the jurisdiction.”

G. Section 105.4.1 Construction documents: submittals. This section is deleted in its entirety and replaced with the following language:

(1) One set of construction documents shall be submitted to the Building Official, SFM or FM, who is the AHJ for the construction project.

(2) All construction documents that are submitted to the SFM shall comply with the plans submittal information provided by the SFM on their respective website and shall be submitted with the applicant's certificate of fitness number, permit application and permit number or building official unique identifier and shall comply with the approval process provided in 10.25.5.16 NMAC and with the CID regulation on permits, CID [rule 14.5.2 NMAC](#).

H. Section 106.2.2 Approval Required. Change the last sentence to read, “Any portions that do not comply shall be corrected and such portion shall not be covered or concealed prior to inspection as required by the fire code official.”

I. Section 108 Board of appeals. This section is deleted in its entirety and replaced with the following language: The appeal processes provided in [Sections 59A-52-21](#) and [59A-52-22 NMSA 1978](#) shall apply and may be initiated by filing an appeal as provided in [10.25.1 NMAC](#).

J. Section 109 Violations. The penalties listed in section 109.4 of the IFC shall not apply in New Mexico. The penalties authorized in [Sections 59A-52-24](#) and [59A-52-25 NMSA 1978](#) shall apply.

K. Section 111 Stop work order. The penalties listed in section 111.4 of the IFC shall not apply. The penalties authorized in [Sections 59A-52-24](#) and [59A-52-25 NMSA 1978](#) shall apply.

L. Section 113 Fees. This section of the IFC shall not apply.

[10.25.5.9 NMAC - Rp, 10.25.5.9 NMAC, 11/26/2019]

10.25.5.10 CHAPTER 2 DEFINITIONS:

A. Definitions defined by the SFM or the NMFC shall apply specifically to the enforcement and requirements of 10.25.5 NMAC. Terms not defined in this rule but defined in the New Mexico Building Code, CID [rule 14.7.2 NMAC](#), the New Mexico Residential Building Code, CID [rule 14.7.3 NMAC](#), the New Mexico Existing Building Code, CID [rule 14.7.7 NMAC](#), the New Mexico Mechanical Code, CID [rule 14.9.2 NMAC](#), the New Mexico Plumbing Code, CID [rule 14.8.2 NMAC](#), the New Mexico Electrical Code, CID [rule 14.10.4 NMAC](#), or the National Fire Protection Association's (NFPA) NFPA 54 shall have the meanings as ascribed in those codes.

B. Section 202 General Definitions. The definition of “record drawings” is deleted in its entirety and replaced with the following language: “record drawings” means submittals and amended submittals that document the location of all appurtenances of fire protection systems to include any corrections incurred during final acceptance.

[10.25.5.10 NMAC - Rp, 10.25.5.10 NMAC, 11/26/2019]

10.25.5.11 CHAPTER 3 GENERAL REQUIREMENTS:

A. Section 301.1 Scope. This section applies as mandated by the local AHJ.

B. Section 301.2 Permits. This Section shall apply to the extent mandated by the local AHJ.

C. Section 304.1.2 Vegetation. This section applies to the extent mandated by the local AHJ.

D. Section 307, Open burning, recreational fires and portable outdoor fireplaces. This section of the IFC applies only and to the extent mandated by the local AHJ.

E. Section 308.3 Group A Occupancies Exception #2. Delete the word “international” and replace with the word “New Mexico”.

[10.25.5.11 NMAC - Rp, 10.25.5.11 NMAC, 11/26/2019]

10.25.5.12 CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS: In section 405.5 Record keeping, item number 7 is deleted and replaced with the following language: “Problems encountered and corrective actions for the problems encountered.”

[10.25.5.12 NMAC - Rp, 10.25.5.12 NMAC, 11/26/2019]

10.25.5.13 CHAPTER 6 BUILDING SERVICES AND SYSTEMS: Amend section 603.9 to add “if required by the fire code official” at the end of the section.

[10.25.5.13 NMAC - Rp, 10.25.5.13 NMAC, 11/26/2019]

10.25.5.14 CHAPTER 9 FIRE PROTECTION SYSTEMS: Throughout chapter 9, the following shall apply:

A. Delete the term “International Mechanical Code” where used in this chapter and replace with the term “New Mexico Mechanical Code”.

B. Delete the term “International Plumbing Code” where used in this chapter and replace with the term “New Mexico Plumbing Code”.

C. Section 904.12 Commercial cooking systems. The replacement of commercial cooking equipment, including but not limited to a stove, hood, deep fryer, grill, griddle, or any other device used in the cooking process, shall comply with this Section and with the Uniform Mechanical Code as adopted by reference in CID rule 14.9.2.13 NMAC.

D. Section 905.3.4.1 Hose and Cabinet. Insert the following sentence at the end of this section, “Unless required by a fire code official, one and one-half inch hoses and hose cabinets are not required for class II and class III standpipe systems.

[10.25.5.14 NMAC - Rp, 10.25.5.13 NMAC, 11/26/2019]

10.25.5.15 CHAPTER 10 MEANS OF EGRESS: See Section 10 of the NMBC, CID rule 14.7.2 NMAC, and IFC section 1031, Maintenance of the Means of Egress.

[10.25.5.15 NMAC - Rp, 10.25.5.14 NMAC, 11/26/2019]

10.25.5.16 CHAPTER 56 EXPLOSIVES AND FIREWORKS: This chapter of the IFC and 10.25.6 NMAC apply to fireworks. If there is any conflict between this chapter of the IFC and the Fireworks Licensing and Safety Act, Sections 60-2C-1 through 60-2C-11 NMSA 1978, the Fireworks Licensing and Safety Act shall control.

[10.25.5.16 NMAC - Rp, 10.25.5.16 NMAC, 11/26/2019]

10.25.5.17 REPEAL OF CODES: NFPA 1 and NFPA 101 are repealed except as provided in 10.25.5.19 NMAC.

[10.25.5.17 NMAC - Rp, 10.25.5.16 NMAC, 11/26/2019]

10.25.5.18 APPROVAL OF FIRE PROTECTION SYSTEMS: Prior to beginning construction or occupancy of any building or structure regulated by the currently-adopted New Mexico Building Codes and the NMFC, the contractor shall apply for a permit and submit drawings for plan review by the AHJ and approval of the fire protection system from the SFM or FM, as appropriate, of a fire protection system for the building or structure. The review and approval of fire protection systems is in addition to all review required by CID pursuant to Title 14 of the New Mexico administrative code.

A. Filing drawings with the SFM for review.

(1) Documents required. The contractor shall submit one set of drawings for the building or structure. Submittals shall be in accordance with “Plans Submittal Information” obtained via the SFM website and this rule. For convenience, a contractor may submit additional sets of drawings and an envelope with prepaid postage directly to the SFM for the SFM's use in returning the drawings after review. Electronic filing of fire protection plans will be accepted via electronic plans review software that is compatible with software used by the SFM.

(2) Where to submit. The contractor shall submit drawings of the fire protection system to the fire code enforcement bureau of the SFM in compliance with [10.25.1 NMAC](#) or to an AHJ as required by the AHJ. The SFM shall not accept drawings by facsimile transmission.

(3) Requirements for drawings. The drawings shall clearly indicate fire protection systems in sufficient detail to establish compliance with applicable codes and standards, and shall include the signature and seal of the licensed professional engineer in accordance with the New Mexico Engineering and Surveying Practice Act (found at Chapter 61, Article 23 NMSA 1978) that prepared the drawings. Drawings submitted shall comply with plans submittal information provided by the SFM on its website.

(4) Fees. The SFM does not require any fees for review of fire protection systems.

B. Third party review. The FM or FM, as appropriate, in their sole discretion, may require third party review of drawings if specialized expertise or knowledge is needed, and shall so notify the contractor in writing with a cost estimate if so determined. If the contractor agrees to proceed with review, the contractor shall file written approval by the method provided in [10.25.1.8 NMAC](#) and shall pay directly to the third party the cost of such review before the SFM or FM, as appropriate, returns the drawings.

C. Return of drawings. If the SFM or FM, as appropriate, approves the drawings, the drawings shall be stamped "approved", with the SFM or FM, as appropriate, retaining one complete set of drawings or submittals. If the SFM or FM, as appropriate, rejects the drawings or submittals or does not approve the drawings, an explanation for the basis for rejection or non approval shall be given to the contractor. The contractor shall pick up approved drawings if prior arrangements have not been agreed to for return by mail.

D. Rejection. The SFM or FM, as appropriate, may reject fire protection system drawings for the following reasons:

- (1) the drawings are incomplete;
- (2) the drawings indicate a violation of these rules or applicable codes and standards;
- (3) the submitted drawings are not in accordance with Title 16, Chapter 39 NMAC;
- (4) no certificate of fitness is on file with the SFM;
- (5) the drawings or submittals contain a misrepresentation or inaccuracy;
- (6) third party review of the drawings or submittals reveals a violation of these rules, applicable codes or standards;
- (7) all SFM or FM requirements have not been included in the submittals; or

(8) any other valid reason as determined by the SFM.

E. Re-submission. If drawings are rejected, the contractor may correct the deficiencies noted in the rejection letter. New submittals shall be submitted by the same process for filing original drawings for review.

F. Construction.

(1) Construction may commence upon approval of plans and issuance of the proper permits.

(2) After installation of the fire protection system has been completed, a request for inspection shall be made to the FM. The request may be made orally or in writing to the FM or as otherwise required by the SFM.

G. Inspection and testing. The SFM or FM, as appropriate, will inspect the fire protection system of a building or structure within a reasonable period of time after a request for inspection. The SFM or FM, as appropriate, shall notify the AHJ of approval or rejection of drawings or of the fire protection system, and, if applicable, the AHJ may request a letter indicating the system is in compliance with approved plans and applicable codes and standards. The SFM or FM, as appropriate, shall not approve the installation if the inspection indicates:

(1) a violation of this rule or applicable codes and standards;

(2) the fire protection system was not installed in compliance with the drawings;

(3) the fire protection system was not installed by a licensed entity and certified journeyman;

(4) no valid certificate of fitness is on file with the SFM;

(5) the final acceptance testing of each fire protection system is not recorded as complete; or

(6) any other valid reason as determined by the SFM.

H. Re-inspection. If the FM does not approve the installation of the fire protection system and the responsible party corrects the deficiencies noted in the inspection, the responsible party may re-apply for inspection following the same procedure as for the initial inspection.

[10.25.5.18 NMAC - Rp, 10.25.5.18 NMAC, 11/26/2019]

10.25.5.19 CODE REQUIREMENTS FOR EXISTING BUILDINGS AND STRUCTURES: For purposes of this section, “constructed” shall mean that the contractor has begun any substantial portion in the design, permitting or building of a building

or structure. A change in occupancy requires approval from the appropriate building code official. All new construction, alteration, repair, and additions require adherence to applicable building codes and laws.

A. Existing buildings and structures.

- (1) Upon an inspection being conducted by the FM, an owner or contractor is not required to renovate or adapt an existing building or structure to comply with the currently-adopted NMFC, but shall comply with the requirements in place when the existing building or structure was constructed. See IFC, Section 104.
- (2) Following the adoption of this provision, an existing structure or part of a structure that changes its occupancy classification, however done, must comply with the currently-adopted NMFC.
- (3) Following the adoption of this provision, an existing fire protection system that is replaced, repaired, or altered by the FM, whose classification has not changed, shall comply with the currently-adopted NMFC. The system shall comply with the currently-adopted New Mexico Existing Building Code.
- (4) Fire protection systems constructed prior to November 15, 2007, which fall under NFPA 1, 1997 edition, and NFPA 101, 1997 edition, shall be required to have a permit using the requirements of the currently-adopted NMFC, section 105, for the installation of any new, altered, remodeled, repaired or partial fire protection system.
- (5) Fire protection systems plans which were initially submitted to the AHJ for review under the currently-adopted NMFC as per the requirements for new construction under [Subsection B of 10.25.2.19 NMAC](#) will be inspected per the currently-adopted NMFC.

B. New construction. Any new building, new alteration, new addition, or new structure after the effective date of the adoption of the currently-adopted NMFC shall comply with the currently-adopted NMFC.

C. Variance. The SFM may grant a variance from any of the requirements of this subsection if the applicant demonstrates to the SFM's satisfaction that the variance sought does not degrade the overall protection of individuals from fire and similar emergencies.

D. Hazard to life or property. Notwithstanding any other provision of these rules, if the FM or AHJ determines that a nonconforming facility constitutes an immediate hazard to life or property, the FM or AHJ shall so notify the contractor or owner of the facility in writing, and shall permit the contractor a reasonable period of time to comply with current rules. If the contractor does not comply with the notification and its requirements within the time specified, the FM or AHJ may order the owner or contractor to take the facility out of service.

[10.25.5.19 NMAC - Rp, 10.25.5.19 NMAC, 11/26/2019]

HISTORY OF 10.25.5 NMAC:

Pre-NMAC History: none.

History of Repealed Material:

10 NMAC 25.5, Fire Prevention (filed 05/09/1997) repealed 11/15/2007.

10.25.5 NMAC, Fire Prevention and Public Occupancy (filed 11/1/2007) repealed, effective 6/28/2019.

10.25.5 NMAC, Fire Prevention and Public Occupancy (filed 1/28/2019) repealed, effective 11/26/2019.

NMAC History:

[10 NMAC 25.6](#), Safe Handling and Sale of Fireworks, effective 6/9/1997.

10 NMAC 25.5, Fire Prevention (filed 05/09/1997) was replaced by 10.25.5 NMAC, Fire Prevention and Public Occupancy, effective 11/15/2007.

10.25.5 NMAC, Fire Prevention and Public Occupancy (filed 11/1/2007) was replaced by 10.25.5 NMAC, Fire Prevention and Public Occupancy, effective 6/28/2019.

10.25.5 NMAC, Fire Prevention and Public Occupancy (filed 6/28/2019), as emergency, was replaced by 10.25.5 NMAC, Fire Prevention and Public Occupancy, effective 11/26/2019.

Current with all new rules, amendments, and repeals received by July 16, 2021

N.M. Admin. Code 10.25.5, NM ADC 10.25.5

Code of New Mexico Rules Currentness
Title 10. Public Safety and Law Enforcement
Chapter 25. State Fire Marshal
Part 6. Safe Handling and Sale of Fireworks (Refs & Annos)

N.M. Admin. Code 10.25.6

10.25.6. SAFE HANDLING AND SALE OF FIREWORKS

10.25.6.1 ISSUING AGENCY: New Mexico Public Regulation Commission.

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

10.25.6.2 SCOPE: This rule applies to all persons applying for licenses or permits to sell fireworks in New Mexico and to all persons applying for certification as fireworks safety inspectors. It does not apply to local governing bodies for display fireworks.

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

10.25.6.3 STATUTORY AUTHORITY: Sections 8-8-6, 8-8-15, 59A-52-15, and 60-2C-3 NMSA 1978.

[10.25.6.3 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

Credits

10.25.6.4 DURATION: Permanent.

[10.25.6.4 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.6.5 EFFECTIVE DATE: November 15, 2007, unless a later date is cited at the end of a section.

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

10.25.6.6 OBJECTIVE: The purpose of this rule is to implement the Fireworks Licensing and Safety Act, Chapter 60, Article 2C NMSA 1978, so as to increase the observance of safety precautions in handling fireworks and decrease the number of fireworks related accidents in New Mexico.

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

10.25.6.7 DEFINITIONS: See the definitions in [10.25.1.7 NMAC](#).

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

10.25.6.8 LICENSES AND PERMITS FOR SALE OF FIREWORKS: The fire marshal issues licenses and permits as provided in [Section 60-2C-4 NMSA 1978](#). Local governing bodies may have additional requirements for fireworks sale or use.

A. Application procedures and forms. Any person may apply for a license or permit to sell fireworks as provided in [Section 60-2C-4 NMSA 1978](#) by submitting a required application to the fire marshal as provided in [10.25.1.9 NMAC](#). The following information shall be included in each application for a permit or license involving fireworks:

- (1) the applicant's name and mailing address;
- (2) the applicant's telephone number and social security number;
- (3) any company or corporate name or name the applicant is using for business purposes;
- (4) the type of permit or license requested;
- (5) the physical address where applicant will sell fireworks and a description of the type of structure in which applicant proposes to sell fireworks;
- (6) name and phone number of a contact person at the location where applicant proposes to sell fireworks;
- (7) the name and address of applicant's primary supplier of fireworks;
- (8) the following statement: "All information provided on and with this form is true and correct to the best of my knowledge and belief. I have read, reviewed and understand the New Mexico laws and rules regarding safe packaging, handling and sale of fireworks. I agree to fully comply with these laws and rules as a condition of obtaining and operating pursuant to a fireworks license or permit. I understand that the approval of this application depends upon compliance with [Sections 60-2C-1 through 60-2C-11 NMSA 1978](#) of the Fireworks Licensing and Safety Act. In the event that my license or permit is lost or destroyed, I understand that I shall immediately notify the Fire Marshal's office and that I am not entitled to a refund of the original application fees, but must submit a new application and pay a \$20.00 replacement fee for the type of license or permit required for that location. I understand that [Section 60-2C-4 NMSA 1978](#) does not permit the fire marshal to process applications for a license or permit during any holiday selling periods";
- (9) each application shall contain the date and notarized signature of the applicant; and
- (10) an applicant shall submit fees required by [Section 60-2C-4 NMSA 1978](#) with each application following the provisions of [10.25.1.13 NMAC](#).

B. Review of application. The fire marshal shall review all applications for licenses and permits. Unless otherwise prohibited by law, the fire marshal shall issue licenses and permits within 30 days of receipt of complete applications. The fire marshal shall disapprove and return incomplete applications within 30 days of receipt.

C. Damaged or lost license or permit. The fire marshal will not issue duplicate fireworks licenses or permits. If a license or permit is lost or damaged, the vendor shall immediately notify the fire marshal who shall revoke the license or permit. The fire marshal will not refund any fees for a lost or damaged license or permit. If the vendor wishes to continue to sell fireworks at that location, the vendor shall submit the \$20.00 fee required by [section 60-2C-4 NMSA 1978](#) for a replacement license or permit.

D. Special provisions for retailer permits. Applicants may obtain retailer permits for the sale of fireworks from the fire marshal or from a licensed manufacturer, distributor or wholesaler.

(1) Products list. Any person with a retailer permit shall maintain a complete written list of products for sale, available on inspection by an AHJ, of all fireworks at each retail location.

(2) Obtaining books of 20 retailer permits. A licensed manufacturer, distributor or wholesaler may obtain books of 20 retailer permits from the fire marshal by following the process in Subsection A of 10.25.6.8 NMAC.

(3) Requirements for resale of retailer permits. A licensed manufacturer, distributor or wholesaler may re-sell retailer permits in books of 20, by requiring the same mandatory application form, fees and other requirements in Subsection A of 10.25.6.8 NMAC. A licensed manufacturer, distributor or wholesaler shall account for all fees collected and permits sold.

(a) Semi-annual report. On January 31 and July 31 of each year, a licensed manufacturer, distributor or wholesaler that has purchased any books of 20 retailer permits shall provide a report to the fire marshal detailing the numbers of sold and unsold permits, with all information required by [Section 60-2C-3 NMSA 1978](#). The report shall include a copy of each permit application and permit issued, as well as the name and address of each location permitted for the sale of fireworks.

(b) Unsold permits. If a licensed manufacturer, distributor or wholesaler has not sold all permits in books of 20 purchased, it may request in writing that the fire marshal issue to it credit toward new permits. The written request shall contain a list of all unsold permit numbers and shall include the original unsold permits.

(c) Inspection list. On or before June 15 of each year, each licensed manufacturer, distributor and wholesaler shall provide to the fire marshal a list of locations of sales of fireworks for the retailer permits it has sold to assist the fire marshal in conducting inspections of these locations.

E. Display permit. The fire marshal provides an optional permit application for display fireworks as required by [Section 60-2C-9 NMSA 1978](#), available as provided in [10.25.1 NMAC](#), for the use of counties and municipalities requiring such display permits.

F. Revocation of license or permit.

(1) Notwithstanding any other provision of these rules, if the fire marshal determines that any licensee's or permittee's actions or facility constitutes:

(a) a hazard to life or property, the fire marshal shall so notify the licensee or permittee in writing, and shall permit him a reasonable period of time to comply with these rules and to eliminate the hazard; if the licensee or permittee does not comply with the notification and its requirements within the time specified, the fire marshal may revoke the applicable license or permit; for reinstatement, the licensee or permittee must comply with initial application requirements;

(b) an imminent hazard to life or property, the fire marshal shall order the licensee or permittee to eliminate the hazard immediately; if the licensee or permittee fails to eliminate the hazard immediately, the fire marshal shall revoke the applicable license or permit; for reinstatement, the licensee or permittee must comply with initial application requirements and demonstrate that the hazard has been eliminated.

(2) If any retailer possesses fireworks not permitted by [Section 60-2C-7 NMSA 1978](#), the fire marshal shall revoke the retailer's permit and confiscate the impermissible fireworks using the procedure required by 10.25.6.11 NMAC.

[10.25.6.8 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/29/2019]

10.25.6.9 FIREWORKS SAFETY INSPECTIONS.

A. Who may conduct inspections. Fireworks safety inspectors with authority to conduct inspections are:

- (1) the state fire marshal and his staff;
- (2) any person appointed by the state fire marshal; and
- (3) any person authorized by an AHJ.

B. When inspections may be conducted. A fireworks safety inspector may at reasonable hours enter and inspect a licensee's or permittee's premises, buildings, motor vehicles, and mobile, temporary or permanent structures to determine compliance with the Fireworks Licensing and Safety Act and these rules.

C. Inspection procedures. Fireworks safety inspectors shall conduct all inspections using the required form available from the fire marshal as provided in 25.5.1.9 NMAC. Inspectors shall provide completed forms to the fire marshal within 10 working days of the date of inspection.

D. Frequency of inspections. Fireworks safety inspectors shall inspect all retail locations at least twice during each sales period listed in Section 60-2C-8K NMSA 1978 and shall inspect all specialty retail locations within New Mexico semi-annually.

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

10.25.6.10 CITATIONS FOR FIREWORKS SAFETY VIOLATIONS:

A. A commissioned law enforcement officer shall issue a citation to or file charges in magistrate or municipal court against any person who violates any provision of the Fireworks Licensing and Safety Act or this rule.

B. Within five days of issuing a citation or filing charges, a law enforcement officer shall submit a detailed written report to the fire marshal describing the incident and violation.

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

10.25.6.11 CONFISCATION OF FIREWORKS:

A. A fireworks safety inspector may confiscate fireworks for either of the following reasons:

(1) the fireworks are not permissible fireworks enumerated in [Section 60-2C-7 NMSA 1978](#); or

(2) the person selling the fireworks does not have an appropriate license or permit.

B. Whenever a fireworks safety inspector confiscates fireworks, he shall issue a written receipt for the fireworks including an inventory of all items confiscated and shall provide an opportunity for the violator to sign the receipt. The fireworks safety inspector shall store all confiscated fireworks as evidence until final disposition of any enforcement case.

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

10.25.6.12 REQUIRED SAFETY PROVISIONS:

A. Tents and mobile structures used for the sale of fireworks shall comply with these rules, which adopt and incorporate by reference the IFC.

B. Licensees and permittees shall:

(1) maintain fire extinguishers at all sale locations in accordance with these rules, which adopt and incorporate by reference the IFC;

(2) train their employees in the proper use of fire extinguishers;

(3) exhibit the proper use of fire extinguishers when so requested by the AHJ during an inspection; and

(4) provide at least one method of fire alarm and emergency communication that is approved by the AHJ in each tent or other permanent or temporary structure used for selling fireworks.

C. No loose combustible material shall be permitted within any tent or other permanent or temporary structure used for selling fireworks.

D. All fireworks vendors shall provide to all purchasers of fireworks a safety-tips handout containing at a minimum the following information: "In order to ensure that you and your family have a safe holiday, the state fire board and the fire marshal offer the following safety tips.

(1) ALWAYS read and follow label directions.

(2) ALWAYS have an adult present when handling fireworks.

(3) ALWAYS buy from a reliable fireworks vendor.

(4) ALWAYS ignite fireworks outdoors.

(5) ALWAYS have water handy.

(6) ALWAYS light one fireworks at a time.

(7) ALWAYS store fireworks in a cool, dry place.

(8) ALWAYS dispose of fireworks properly.

(9) NEVER re-ignite malfunctioning fireworks.

(10) NEVER give fireworks to small children.

(11) NEVER experiment with or attempt to make your own fireworks.

(12) NEVER throw fireworks at another person.

(13) NEVER carry fireworks in your pockets.

(14) NEVER shoot fireworks in metal or glass containers.”

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

HISTORY OF 10.25.6 NMAC:

Pre-NMAC History: The material in this rule was originally filed with the commission of public records, state records center and archives as:

FM 81-1, Handling and Possession of Fireworks Bulletin, filed 6/26/1981.

An amended version of the rule may have been adopted by the State Fire Marshal effective 1/1/91, but it was never filed with the state records center in accordance with the State Rules Act.

History of Repealed Material:

10 NMAC 25.6, Safe Handling and Sale of Fireworks (filed 05/09/1997) repealed 11/15/2007.

Other History:

FM 81-1, Handling and Possession of Fireworks Bulletin (filed 6/26/1981) was renumbered, reformatted, amended and replaced by 10 NMAC 25.6, Safe Handling and Sale of Fireworks, effective 6/9/1997.

10 NMAC 25.6, Safe Handling and Sale of Fireworks (filed 05/09/1997) was replaced by 10.25.6 NMAC, Safe Handling and Sale of Fireworks, effective 11/15/2007.

Current with all new rules, amendments, and repeals received by July 16, 2021

N.M. Admin. Code 10.25.6, NM ADC 10.25.6

End of Document

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FIRE PREVENTION AND EVACUATION CONTROL IN

PUBLIC AND PRIVATE SCHOOLS

FOREWARD

The New Mexico State Fire Marshal's Office is an agency of the State of New Mexico under the Department of Homeland Security and Emergency Management created by statute and financed by legislative appropriations. The primary functions of the Fire Marshal's Office include the collection and dissemination of information to New Mexico citizens designed to assist them in the prevention and control of fire; to prescribe programs, including fire exit drills, for the teaching of fire safety to all school children; and to determine conditions which are fire hazards. This office is always available for assistance in such matters.

FIRE DRILLS

Required fire drills are the responsibility of the person/persons in charge of each school. In every public and private school in New Mexico, four emergency drills must be conducted within the first four weeks of the school year. These drills shall include one (1) emergency evacuation drill, one (1) shelter in place, and two (2) fire drills. During the remainder of the school year each school shall conduct at least four more emergency drills, at least two of which shall be fire drills.

It shall be the responsibility of the superintendent of schools, ultimately and the principal of each school specifically to see that the provisions of the requirements are carried out. The principal shall request the attendance; and make a concerted effort to gain the on-site participation of, a member of the fire department or Fire Marshal's Office at such fire exit drills for the purpose of instruction, and assessment and constructive criticism.

Failure to meet the provisions constitutes a misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00). NMSA 59A-52-24 (1978)

The State Fire Marshal; in order to meet the mandates of NMSA 59A-52-7 (1978), and deeming it necessary to accomplish the objectives of fire prevention and safe evacuation in schools, hereby issues this Fire Prevention and Evacuation Control in Public and Private Schools.

Every school in the state shall keep a copy of this requirement on hand for referential guidances.

Fire Chief's Handbook, 2022 ed.
4-11a School Fire Drill Procedure

1

ARTICLE 2B
Fire-Safer Cigarette and Firefighter Protection

Section

- 57-2B-1 Short title. (Effective January 1, 2010.)
- 57-2B-2 Definitions. (Effective January 1, 2010.)
- 57-2B-3 Test method and performance standard. (Effective January 1, 2010.)
- 57-2B-4 Certification and product change. (Effective January 1, 2010.)
- 57-2B-5 Marking of cigarette packaging. (Effective January 1, 2010.)
- 57-2B-6 (Effective January 1, 2010.)
- 57-2B-7 Implementation.
- 57-2B-8 Inspection. (Effective January 1, 2010.)
- 57-2B-9 Fire-Safer Cigarette and Firefighter Protection Act fund. (Effective January 1, 2010.)
- 57-2B-10 Sale outside of New Mexico. (Effective January 1, 2010.)
- 57-2B-11 Contingent repeal. (Effective January 1, 2010.)
- 57-2B-12 State preemption.

57-2B-1. Short title. (Effective January 1, 2010.)

This act may be cited as the "Fire-Safer Cigarette and Firefighter Protection Act".

History: Laws 2009, ch. 265, § 1.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 1 effective January 1, 2010.

57-2B-2. Definitions. (Effective January 1, 2010.)

As used in the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978]:

A. *"agent" means any person authorized by the taxation and revenue department to purchase and affix stamps on packages of cigarettes;*

B. *"cigarette" means:*

(1) any roll of tobacco wrapped in paper or in any substance not containing tobacco;

or

(2) any roll of tobacco wrapped in any substance containing tobacco that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette as described in Paragraph (1) of this subsection;

C. *"manufacturer" means:*

(1) any entity that manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced that are intended to be sold in New Mexico, including cigarettes intended to be sold in New Mexico through an importer; or

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(2) any entity that becomes a successor of an entity described in Paragraph (1) of this subsection;

D. "quality control and assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors and equipment-related problems do not affect the results of the testing and that the testing repeatability remains within the required repeatability values in Subsection C of Section 3 [57-2B-3 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act for all test trials used to certify cigarettes under that act;

E. "repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall ninety-five percent of the time;

F. "retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products;

G. "sale" or "sell" means a transfer of or an offer or agreement to transfer title or possession by exchange, barter or any other means. In addition to cash and credit sales, giving cigarettes as samples, prizes or gifts and exchanging cigarettes for any consideration other than money is a "sale"; and

H. "wholesale dealer" means any person other than a manufacturer who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale and any person who owns, operates or maintains one or more cigarette or tobacco product vending machines on premises owned or occupied by another person.

History: Laws 2009, ch. 265, § 2.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, §2 effective January 1, 2010.

57-2B-3. Test method and performance standard. (Effective January 1, 2010.)

A. Except as provided in Subsection K of this section, cigarettes shall not be sold or offered for sale in New Mexico unless:

(1) the cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section;

(2) a written certification has been filed by the manufacturer with the state fire marshal in accordance with Section 4 [57-2B-4 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act; and

(3) the cigarettes have been marked in accordance with Section 5 [57-2B-5 NMSA 1978] of that act.

B. Testing of cigarettes shall be conducted in accordance with the American society of testing and materials standard E2187-04 standard test method for measuring the ignition strength of cigarettes and shall be conducted on ten layers of filter paper. No more than

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certify that cigarette for sale in New Mexico, unless the state fire marshal demonstrates a reasonable basis why the alternative test should not be accepted under the Fire-Safer Cigarette and Firefighter Protection Act. All other applicable requirements of this section shall apply to the manufacturer.

H. Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years and shall make copies of the reports available to the state fire marshal and the attorney general upon written request. Any manufacturer who fails to make copies of the reports available within sixty days of receiving a written request may be assessed a civil penalty not to exceed ten thousand dollars (\$10,000) for each day after the sixtieth day that the manufacturer does not make the copies available.

I. The state fire marshal may adopt a subsequent American society of testing and materials standard test method for measuring the ignition strength of cigarettes upon a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with the American society of testing and materials standard E2187-04 and the performance standard in Subsection B of this section.

J. The state fire marshal shall review the effectiveness of this section and report findings and make recommendations to the legislature every three years.

K. The requirements of Subsection A of this section shall not prohibit:

(1) wholesale or retail dealers from selling their existing inventory of cigarettes on or after the effective date of this section if the wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes prior to the effective date and the wholesale or retail dealer can establish that the inventory was purchased prior to the effective date in comparable quantity to the inventory purchased during the same period of the prior year; or

(2) the sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of the cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for an assessment.

L. The Fire-Safer Cigarette and Firefighter Protection Act shall be interpreted and construed to effectuate its general purpose and to make that act uniform with the laws of those states that have enacted reduced cigarette ignition propensity laws as of the date that the Fire-Safer Cigarette and Firefighter Protection Act is enacted.

History: Laws 2009, ch. 265, § 3.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 3 effective January 1, 2010.

57-2B-4. Certification and product change. (Effective January 1, 2010.)

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certify that cigarette for sale in New Mexico, unless the state fire marshal demonstrates a reasonable basis why the alternative test should not be accepted under the Fire-Safer Cigarette and Firefighter Protection Act. All other applicable requirements of this section shall apply to the manufacturer.

H. Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years and shall make copies of the reports available to the state fire marshal and the attorney general upon written request. Any manufacturer who fails to make copies of the reports available within sixty days of receiving a written request may be assessed a civil penalty not to exceed ten thousand dollars (\$10,000) for each day after the sixtieth day that the manufacturer does not make the copies available.

I. The state fire marshal may adopt a subsequent American society of testing and materials standard test method for measuring the ignition strength of cigarettes upon a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with the American society of testing and materials standard E2187-04 and the performance standard in Subsection B of this section.

J. The state fire marshal shall review the effectiveness of this section and report findings and make recommendations to the legislature every three years.

K. The requirements of Subsection A of this section shall not prohibit:

(1) wholesale or retail dealers from selling their existing inventory of cigarettes on or after the effective date of this section if the wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes prior to the effective date and the wholesale or retail dealer can establish that the inventory was purchased prior to the effective date in comparable quantity to the inventory purchased during the same period of the prior year; or

(2) the sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of the cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for an assessment.

L. The Fire-Safer Cigarette and Firefighter Protection Act shall be interpreted and construed to effectuate its general purpose and to make that act uniform with the laws of those states that have enacted reduced cigarette ignition propensity laws as of the date that the Fire-Safer Cigarette and Firefighter Protection Act is enacted.

History: Laws 2009, ch. 265, § 3.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 3 effective January 1, 2010.

57-2B-4. Certification and product change. (Effective January 1, 2010.)

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A. Each manufacturer shall submit to the state fire marshal a written certification attesting that each cigarette listed in the certification has been tested in accordance with the test method and meets the performance standard in Section 3 [57-2B-3 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act.

B. Each cigarette listed in the certification shall be described with the following information:

- (1) the brand or the trade name on the package;
- (2) the style, such as light or ultralight;
- (3) the length in millimeters;
- (4) the circumference in millimeters;
- (5) the flavor, such as menthol or chocolate, if applicable;
- (6) whether the cigarette has a filter or is a nonfilter cigarette;
- (7) the package description, such as soft pack or box;
- (8) the marking pursuant to Section 5 [57-2B-5 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act;
- (9) the name, address and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
- (10) the date that the testing occurred.

C. The state fire marshal shall verify that the manufacture's certifications have been received by the state fire marshal and shall make the verified certifications available to the attorney general for purposes consistent with the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978] and to the taxation and revenue department for the purposes of ensuring compliance with this section.

D. Each cigarette certified under this section shall be recertified every three years.

E. For each cigarette listed in a certification, a manufacturer shall pay to the state fire marshal a fee of two hundred fifty dollars (\$250). The state fire marshal may adjust the amount of the fee by rule on an annual basis as necessary to defray the costs of processing, testing, enforcement and oversight activities required by the Fire-Safer Cigarette and Firefighter Protection Act, but in no case shall the fee exceed four hundred dollars (\$400). The state fire marshal may establish the amount of the fee by rule on an annual basis.

F. If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to the cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by the Fire-Safer Cigarette and Firefighter Protection Act, that cigarette shall not be sold or offered for sale in New Mexico until the manufacturer retests the cigarette in accordance with the testing standards set forth in Section 3 of that act and maintains records of that retesting as required by Section 3 of that act. Any altered cigarette

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that does not meet the performance standard set forth in Section 3 of that act shall not be sold in New Mexico.

History: Laws 2009, ch. 265, § 4.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 4 effective January 1, 2010.

57-2B-5. Marking of cigarette packaging. (Effective January 1, 2010.)

A. Cigarettes that are certified by a manufacturer in accordance with the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978] shall be marked to indicate compliance with that act. The marking shall be in eight-point type or larger and consist of the letters "FSC", which signifies fire standard compliant, and shall be permanently printed, stamped, engraved or embossed on the package at or near the universal product code.

B. A manufacturer shall use only one marking and shall apply this marking uniformly for all packages, including packs, cartons and cases, and for brands marketed by that manufacturer.

C. A manufacturer certifying cigarettes in accordance with Section 4 [57-2B-4 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act shall provide a copy of the certifications to all wholesale dealers and agents to which it sells cigarettes. Wholesale dealers, agents and retail dealers shall permit the state fire marshal, the taxation and revenue department and the attorney general to inspect markings of cigarette packaging marked in accordance with this section.

History: Laws 2009, ch. 265, § 5.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 5 effective January 1, 2010.

57-2B-6. (Effective January 1, 2010.)

A. A manufacturer, wholesale dealer, agent or any other person who knowingly sells cigarettes, other than through retail sales, in violation of Section 3 [57-2B-3 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act may be assessed a civil penalty not to exceed one hundred dollars (\$100) for each pack of the cigarettes sold; provided that in no case shall the penalty against any person or entity exceed one hundred thousand dollars (\$100,000) for sales during any thirty-day period.

B. A retail dealer who knowingly sells cigarettes in violation of Section 3 of the Fire-Safer Cigarette and Firefighter Protection Act may be assessed a civil penalty not to exceed one hundred dollars (\$100) for each pack of the cigarettes sold; provided that in no case shall the penalty against any retail dealer exceed twenty-five thousand dollars (\$25,000) for sales during any thirty-day period.

C. In addition to any penalty prescribed by law, any corporation, partnership, sole

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proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to Section 4 [57-2B-4 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act may be assessed a civil penalty of at least seventy-five thousand dollars (\$75,000), not to exceed two hundred fifty thousand dollars (\$250,000) for each false certification.

D. A person violating any other provision of the Fire-Safer Cigarette and Firefighter Protection Act may be assessed a civil penalty for a first offense not to exceed one thousand dollars (\$1,000), and for a subsequent offense subject to a civil penalty not to exceed five thousand dollars (\$5,000) for each violation.

E. Whenever a law enforcement agency or duly authorized representative of the state fire marshal discovers any cigarettes for which no certification has been filed as required by Section 4 of the Fire-Safer Cigarette and Firefighter Protection Act or that have not been marked as required by Section 5 [57-2B-5 NMSA 1978] of that act, the state fire marshal or law enforcement agency may seize and take possession of the cigarettes. Cigarettes seized pursuant to this section shall be destroyed; provided, however, that, prior to the destruction of any cigarette seized pursuant to these provisions, the attorney general and the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarettes.

F. In addition to any other remedy provided by law, the attorney general may file an action in district court for a violation of the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978], including petitioning for preliminary or permanent injunctive relief or to recover costs, damages and attorney fees. Each violation of the Fire-Safer Cigarette and Firefighter Protection Act or of rules or regulations adopted under that act constitutes a separate civil violation for which the state fire marshal or attorney general may obtain relief. Upon obtaining judgment for injunctive relief under this section, the state fire marshal or attorney general shall provide a copy of the judgment to all wholesale dealers and agents to which a cigarette has been sold.

History: Laws 2009, ch. 265, § 6.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 6 effective January 1, 2010.

57-2B-7. Implementation.

A. The state fire marshal may promulgate rules pursuant to the Administrative Procedures Act [12-8-1 NMSA 1978], necessary to effectuate the purposes of the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978] and for inspection, seizure and destruction of cigarettes pursuant to the Forfeiture Act [31-27-1 NMSA 1978].

B. The taxation and revenue department in the regular course of conducting inspections of wholesale dealers, agents and retail dealers, pursuant to the Cigarette Tax Act [7-12-1 NMSA 1978], may inspect cigarettes to determine if the cigarettes are marked as required by Section 5

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[57-2B-5 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act. If the cigarettes are not marked as required, the taxation and revenue department shall notify the state fire marshal.

History: Laws 2009, ch. 265, § 7.

Effective dates. — Laws 2009, ch. 265, § 13 made the provisions of Laws 2009, ch. 265, § 7 effective June 19, 2009.

57-2B-8. Inspection. (Effective January 1, 2010.)

To enforce the provisions of the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978], the attorney general, the taxation and revenue department and the state fire marshal, their duly authorized representatives and other law enforcement personnel may examine the books, papers, invoices and other records of any person in possession, control or occupancy of premises where cigarettes are placed, stored, sold or offered for sale, as well as the stock of cigarettes on the premises. Every person in the possession, control or occupancy of premises where cigarettes are placed, sold or offered for sale is hereby directed and required to give the attorney general, the taxation and revenue department and the state fire marshal and other law enforcement personnel the means, facilities and opportunity for the examinations authorized by this section.

History: Laws 2009, ch. 265, § 8.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 8 effective January 1, 2010.

57-2B-9. Fire-Safer Cigarette and Firefighter Protection Act fund. (Effective January 1, 2010.)

The "fire-safer cigarette and firefighter protection fund" is created in the state treasury. The fund consists of appropriations, income from investment of the fund, money otherwise accruing to the fund, certification fees paid under Section 4 [57-2B-4 NMSA 1978] of the Fire-Safer Cigarette and Firefighter Protection Act and money recovered as penalties under Section 6 [57-2B-6 NMSA 1978] of that act. Money in the fund shall not revert to any other fund at the end of a fiscal year. Money in the fund is appropriated to the state fire marshal to enforce the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978] and to support fire safety and prevention programs and shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the state fire marshal or the state fire marshal's authorized representative.

History: Laws 2009, ch. 265, § 9.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 9 effective January 1, 2010.

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57-2B-10. Sale outside of New Mexico. (Effective January 1, 2010.)

Nothing in the Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978] shall be construed to prohibit a person or entity from manufacturing or selling cigarettes that do not meet the requirements of Section 3 [57-2B-3 NMSA 1978] of that act if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that the cigarettes will not be sold or offered for sale to persons located in New Mexico.

History: Laws 2009, ch. 265, § 10.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 10 effective January 1, 2010.

57-2B-11. Contingent repeal. (Effective January 1, 2010.)

The Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978] is repealed, effective on the date that the New Mexico compilation commission receives certification from the state fire marshal that the federal government has adopted or enacted a reduced cigarette ignition propensity standard and that the standard is in effect.

History: Laws 2009, ch. 265, § 11.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 11 effective January 1, 2010.

57-2B-12. State preemption.

Cities, counties, home rule municipalities and other political subdivisions of the state shall not adopt or continue in effect any ordinance, rule, regulation, resolution or statute on cigarette testing and standards. The Fire-Safer Cigarette and Firefighter Protection Act [57-2B-1 NMSA 1978] preempts any local law, ordinance or regulation that conflicts with any provision of that act or any policy of the state of New Mexico implemented in accordance with that act, and, notwithstanding any other provision of law, a governmental unit of the state of New Mexico shall not enact or enforce an ordinance, local law or regulation conflicting with or preempted by that act.

History: Laws 2009, ch. 265, § 12.

Effective dates. — Laws 2009, ch. 265, § 13 makes Laws 2009, ch. 265, § 12 effective June 19, 2009.

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ARTICLE 2C

Fireworks Licensing and Safety

Section

- 60-2C-1** Short title.
- 60-2C-2** Definitions.
- 60-2C-2.1** Repealed.
- 60-2C-3** License or permit required for sale of fireworks; administration; permits and licenses.
- 60-2C-4** License and permit fees.
- 60-2C-5** Possession, sale or use of unauthorized fireworks unlawful.
- 60-2C-6** Exportation of fireworks from the state.
- 60-2C-7** Permissible fireworks.
- 60-2C-8** Retail sales or storage of fireworks; regulated activities.
- 60-2C-8.1** Extreme or severe drought conditions; restricted sale and use.
- 60-2C-9** Display fireworks.
- 60-2C-9.1** Theatrical pyrotechnics articles; compliance with national fire protection association standards required.
- 60-2C-10** Penalty; criminal.
- 60-2C-11** Penalty; civil.

60-2C-1. Short title. (1997)

Statute text

Chapter 60, Article 2C NMSA 1978 may be cited as the "Fireworks Licensing and Safety Act".

History

History: Laws 1989, ch. 346, § 1; 1997, ch. 17, § 1.

Annotations

The 1997 amendment, effective March 18, 1997, substituted "Chapter 60, Article 2C NMSA 1978" for "Sections 1 through 11 of this act".

ANNOTATION

Municipal or county regulation. — This article expressly removed from municipalities their general authority to regulate fireworks and replaced it with limited authority to regulate the use of aerial and ground audible devices. To the extent that municipalities have regulatory authority over specified devices, those devices are subject to double regulation as long as municipal regulations do not conflict with the requirements of this article. 1990 Op. Att'y Gen. No. 90-11.

This article denies all municipalities, including those with home rule charters, from regulating fireworks other than as provided by the statute. 1990 Op. Att'y Gen. No. 90-11.

A municipal ordinance that purports to prohibit all fireworks is contrary to the limited authority granted to municipalities under this article and, therefore, is void and without effect. 1990 Op. Att'y Gen. No. 90-11.

Counties have the same authority as municipalities to enact ordinances permitted by this article. 1990 Op. Att'y Gen. No. 90-11.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 31A Am. Jur. 2d Explosives §§ 2, 20, 48 to 56, 68, 70, 105, 111, 122, 125, 126; 56 Am. Jur. 2d Municipal Corporations § 204. Validity, construction, and application of state or local laws regulating the sale, possession, use, or transport of fireworks, 48 A.L.R.5th 659. 15 C.J.S. Commerce §§ 85, 94; 16B C.J.S. Constitutional Law § 861; 62 C.J.S. Municipal Corporations §§ 676, 687, 695, 711, 712, 735, 754.

60-2C-2. Definitions. (2007)

Statute text

As used in the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978]:

- A. "aerial shell" means a cylindrical or spherical cartridge containing a lift charge, burst charge and effect composition. Upon firing from a reloadable tube, the lift charge is consumed and the cartridge is expelled into the air;
- B. "aerial shell kit-reloadable tube" means a package or kit containing a cardboard, high-density polyethylene or equivalent launching tube and not more than twelve small aerial shells. Each aerial shell is limited to a maximum of sixty grams of total chemical composition, including lift charges, and the maximum diameter of each shell shall not exceed one and three-fourths inches;
- C. "bosque" means a cottonwood corridor adjacent to a river;
- D. "chaser" means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;
- E. "chemical composition" includes all pyrotechnic and explosive composition contained in a fireworks device, but does not include inert materials such as clay used for plugs or organic matter such as rice hulls used for density control;
- F. "cone fountain" means a cardboard or heavy paper cone containing no more than fifty grams of pyrotechnic composition that has the same effect as a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;
- G. "crackling device" means a sphere or paper tube that contains no more than twenty grams of pyrotechnic composition that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion. Crackling devices are not subject to the fifty-milligram limit of firecrackers;
- H. "cylindrical fountain" means a cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that produces a shower of colored sparks and sometimes a whistling effect or smoke. The device may be provided with a spike for insertion into the ground or a wood or plastic base for placing on the ground or a wood or cardboard handle to be hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;
- I. "Class B display distributor" means a person, firm or corporation selling display fireworks;
- J. "display fireworks" means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical

composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks;

K. "Class C distributor" means a person, firm or corporation selling fireworks to wholesalers and retailers for resale;

L. "explosive composition" means a chemical compound or mixture, the primary purpose of which is to function by explosion, producing an audible effect in a fireworks device;

M. "firecracker" means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report;

N. "fireworks" means devices intended to produce a visible or audible effect by combustion, deflagration or detonation and are categorized as "permissible fireworks" or "display fireworks", but does not include novelties or theatrical pyrotechnics articles;

O. "flitter sparkler" means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function;

P. "ground spinner" means a small, rapidly spinning device containing no more than twenty grams of pyrotechnic composition venting out an orifice usually on the side of the tube that when ignited produces a shower of sparks and color. "Ground spinner" is similar in operation to a wheel, but is intended to be placed flat on the ground and ignited;

Q. "helicopter" or "aerial spinner" means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight;

R. "illuminating torch" means a cylindrical tube containing no more than one hundred grams of pyrotechnic composition that produces a colored flame upon ignition and may be spiked, based or hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;

S. "manufacturer" means a person, firm or corporation engaged in the manufacture of fireworks;

T. "mine" or "shell" means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than sixty grams of total chemical composition, including lift charges, per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components producing reports containing a maximum one hundred thirty milligrams of explosive composition per report. A mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse, must be a dense-packed collection of mine or shell tubes and the total chemical composition, including lift charges, shall not exceed two hundred grams;

U. "missile-type rocket" means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;

V. "multiple tube devices" means a device that contains more than one cardboard tube and the ignition of one external fuse that causes all of the tubes to function in

sequence. The tubes are individually attached to a wood or plastic base or are dense-packed and are held together by glue, wire, string or other means that securely hold the tubes together during operation. A maximum total weight of five hundred grams of pyrotechnic composition shall be permitted; provided that the tubes are securely attached to a wood or plastic base and are separated from each other on the base by a distance of at least one-half inch. The connecting fuses on multiple tube devices shall be fused in sequence so that the tubes fire sequentially rather than all at once;

W. "novelties" means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, toy smoke devices, snakes, glowworms, sparklers or toy caps, and devices intended to produce unique visual or audible effects that contain sixteen milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers;

X. "permissible fireworks" or "consumer fireworks" means fireworks legal for sale to and use in New Mexico by the general public that comply with the latest construction, performance, composition and labeling requirements established by the United States consumer product safety commission and the United States department of transportation;

Y. "pyrotechnic composition" means a chemical mixture that on burning and without explosion produces visible or brilliant displays or bright lights or whistles or motion;

Z. "retailer" means a person, firm or corporation purchasing fireworks for resale to consumers;

AA. "roman candle" means a heavy paper or cardboard tube containing no more than twenty grams of chemical composition that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect;

BB. "specialty retailer" means a person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism;

CC. "stick-type rocket" means a cylindrical tube containing no more than twenty grams of chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight;

DD. "theatrical pyrotechnics articles" means a pyrotechnic device for professional use in the entertainment industry similar to permissible fireworks or consumer fireworks in chemical composition and construction but not intended and labeled for consumer use;

EE. "toy smoke device" means a small plastic or paper item containing no more than one hundred grams of pyrotechnic composition that produces white or colored smoke as the primary effect;

FF. "wheel" means a pyrotechnic device that is made to attach to a post or other surface and that revolves, producing a shower of color and sparks and sometimes a whistling effect, and that may have one or more drivers, each of which contains no more than sixty grams of pyrotechnic composition and the total wheel contains no more than two hundred grams total pyrotechnic composition;

GG. "wholesaler" means a person, firm or corporation purchasing fireworks for resale to retailers; and

HH. "wildlands" means lands owned by the governing body of a county or municipality that are designated for public recreational purposes and that are covered wholly or in part by timber, brush or native grass.

History

History: Laws 1989, ch. 346, § 2; 1991, ch. 133, § 1; 1997, ch. 17, § 2; 1999, ch. 58, § 1; 2007, ch. 268, § 1.

Annotations

The 1997 amendment, effective March 18, 1997, rewrote this section to the extent that a detailed comparison is impracticable.

The 1999 amendment, effective March 17, 1999, added Subsection BB and made minor stylistic changes.

The 2007 amendment, effective April 2, 2007, adds Subsections A through C, V through X and DD; excludes novelties and theatrical pyrotechnics articles from the definition of "fireworks"; increases the chemical composition of a mine or shell to sixty grams; requires "permissible fireworks" or "consumer fireworks" to comply with the requirements of the United States consumer product safety commission and the United States department of transportation; and defines "wildlands" to be lands owned by a county or municipality for public recreational purposes.

60-2C-2.1. Repealed. (2007)

History

History: Laws 1997, ch. 17, § 8; repealed by Laws 2007, ch. 268, § 6.

Annotations

Repeals. — Laws 2007, ch. 268, § 6 repeals 60-2C-2.1 NMSA 1978, being Laws 1997, ch. 17, § 8, relating to novelties, effective April 2, 2007. For provisions of former section, see the 2006 NMSA 1978 on New Mexico One Source of Law DVD.

60-2C-3. License or permit required for sale of fireworks; administration; permits and licenses. (1997)

Statute text

A. No person may sell, hold for sale, import, distribute or offer for sale, as manufacturer, distributor, wholesaler or retailer, any fireworks in this state unless such person has first obtained the appropriate license or permit.

B. The state fire marshal shall enforce the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978]. All license applications shall be submitted to the office of the state fire marshal. All retailers shall be required to purchase a retail fireworks permit for each retail location. The retail permit may be purchased from any licensed manufacturer, distributor or wholesaler or from the state fire marshal's office. Retail permits may be purchased at any time by the licensed manufacturer, distributor or wholesaler in books of twenty permits per book from the state fire marshal. Permits shall be numbered, and it shall be the responsibility of the licensed manufacturer, distributor or wholesaler to keep records of the purchases of these permits and to submit these records to the state fire marshal semi-annually on January 31 and July 31 of each year. Each semi-annual report

is to cover the preceding six-month period. **Retail permits that are unsold may be exchanged for new permits.**

C. The state fire marshal shall appoint the deputies and employees required to carry out the provisions of the Fireworks Licensing and Safety Act. The state fire marshal may also appoint any commissioned law enforcement officer or duly appointed fire chief or his designee with approval from the local governing body required to carry out the provisions of that act.

D. The state fire board shall formulate, adopt, promulgate and amend or revise rules and regulations for the safe handling of fireworks.

History

History: Laws 1989, ch. 346, § 3; 1991, ch. 133, § 2; 1997, ch. 17, § 3.

Annotations

Cross references. — For the Parental Responsibility Act, see Chapter 40, Article 5A NMSA 1978.

The 1991 amendment, effective June 14, 1991, in Subsections A and B, deleted "importer" following "wholesaler" and made related stylistic changes; in the second sentence in Subsection C, substituted "commissioned" for "certified" and inserted "or his designee"; and added Subsection D.

The 1997 amendment, effective March 18, 1997, in Subsection B, substituted "Retail permits" for "These permits" at the beginning of the fifth sentence and "ten permits" for "twenty permits" near the end of that sentence; and in Subsection C, substituted "fire chief or his designee" for "fire chief or his designate" in the second sentence.

60-2C-4. License and permit fees. (2007)

Statute text

A. An applicant for a license or permit under the Fireworks Licensing and Safety Act shall pay to the state fire marshal's office the following fees, which shall not be refundable:

(1) manufacturer license	\$1,500;
(2) Class C distributor license	2,000;
(3) wholesaler license	1,000;
(4) Class B display distributor license	1,000;
(5) specialty retailer license	750;
(6) retailer permit	100; or
(7) replacement permit	20.

B. **All licenses and permits shall be issued for one year beginning on February 1 of each year.** All licenses and permits shall be issued within thirty days from the date of receipt of application, **except that no application shall be processed during any holiday selling period in which permissible fireworks may be sold.**

C. Licenses issued pursuant to provisions of the Fireworks Licensing and Safety Act shall not be restricted in number or limited to any person without cause. Municipalities

and counties may require licenses or permits and reasonable fees, not to exceed twenty-five dollars (\$25.00), for the sale of fireworks.

D. Permit and license fees paid to the state fire marshal's office shall be deposited in the fire protection fund to be used by the state fire marshal to enforce and carry out the provisions and purposes of the Fireworks Licensing and Safety Act.

History

History: Laws 1989, ch. 346, § 4; 1991, ch. 133, § 3; 1997, ch. 17, § 4; 1999, ch. 58, § 2; 2007, ch. 268, § 2.

Annotations

The 1991 amendment, effective June 14, 1991, in Subsection A, rewrote Paragraph (4), which provided a fee of \$250 for an importer license, substituted "750" for "100" in Paragraph (5) and "100" for "50.00" in Paragraph (6) and added the exception at the end of Subsection B.

The 1997 amendment, effective March 18, 1997, substituted "processed during each holiday selling period in which permissible fireworks may be sold" for "processed from May 10 through July 10 of each year" at the end of the second sentence in Subsection B. The 1999 amendment, effective March 17, 1999, inserted "license" in Subsection A(4), substituted "twenty-five dollars (\$25.00)" for "fifty dollars (\$50.00)" in the second sentence of Subsection C, and made minor stylistic changes.

The 2007 amendment, effective April 2, 2007, imposes a fee of \$20.00 for a license replacement.

60-2C-5. Possession, sale or use of unauthorized fireworks unlawful. (1991)

Statute text

No individual, firm, partnership, corporation or association shall possess for retail sale in this state, sell or offer for sale at retail or possess or use any fireworks other than permissible fireworks.

History

History: Laws 1989, ch. 346, § 5; 1991, ch. 133, § 4.

Annotations

The 1991 amendment, effective June 14, 1991, inserted "or possess" near the end of the section.

60-2C-6. Exportation of fireworks from the state. (1989)

Statute text

Nothing in the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978] shall prohibit licensed wholesalers, distributors, importers or manufacturers from storing, selling, shipping or otherwise transporting fireworks as defined by the United States department of transportation to any person or entity outside the state of New Mexico.

History

History: Laws 1989, ch. 346, § 6.

60-2C-7. Permissible fireworks. (2007)

Statute text

A. Permissible fireworks are:

- (1) ground and hand-held sparkling devices:
 - (a) cone fountains;
 - (b) crackling devices;
 - (c) cylindrical fountains;
 - (d) flitter sparklers;
 - (e) ground spinners;
 - (f) illuminating torches; and
 - (g) wheels;
- (2) aerial devices:
 - (a) aerial shell kit-reloadable tubes;
 - (b) aerial spinners;
 - (c) helicopters;
 - (d) mines;
 - (e) missile-type rockets;
 - (f) multiple tube devices;
 - (g) roman candles;
 - (h) shells; and
 - (i) stick-type rockets, except as provided in Subsection B of this section; and
- (3) ground audible devices:
 - (a) chasers; and
 - (b) firecrackers.

B. The following types of fireworks are not permissible fireworks:

- (1) stick-type rockets having a tube less than five-eighths inch outside diameter and less than three and one-half inches in length; and
- (2) fireworks intended for sale to the public that produce an audible effect, other than a whistle, by a charge of more than one hundred thirty milligrams of explosive composition per report.

C. A municipality or county shall not by ordinance regulate and prohibit the sale or use of any permissible firework except aerial devices and ground audible devices.

History

History: Laws 1989, ch. 346, § 7; 1991, ch. 133, § 5; 1997, ch. 17, § 5; 2007, ch. 268, § 3.

Annotations

The 1997 amendment, effective March 18, 1997, rewrote this section to the extent that a detailed comparison is impracticable.

The 2007 amendment, effective April 2, 2007, adds aerial shell kit-reloadable tubes and multiple tube devices as permissible aerial devices and classifies as non-permissible fireworks stick-type rockets having a tube less than five-eighths inch outside diameter and less than three and one-half inches in length and fireworks that produce an audible effect by a charge of more than one hundred thirty milligrams of explosive composition per report.

60-2C-8. Retail sales or storage of fireworks; regulated activities. (2007)

Statute text

- A. Fireworks may not be sold at retail without a retail permit. The permit shall be at the location where the retail sale takes place.
- B. All places where fireworks are stored, sold or displayed shall be in compliance with the code of safety standards published by the national fire protection association for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnics articles.
- C. It is unlawful to offer for sale or to sell fireworks to children under the age of sixteen years or to an intoxicated person.
- D. At all places where fireworks are stored, sold or displayed, the words "NO SMOKING" shall be posted in letters at least four inches in height. Smoking, open flames and any ignition source are prohibited within twenty-five feet of fireworks stock.
- E. Fireworks shall not be stored, kept, sold or discharged within fifty feet of a gasoline pump or gasoline bulk station or a building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- F. All fireworks permittees and licensees shall keep and maintain upon the premises a fire extinguisher bearing an underwriters laboratories incorporated rated capacity of at least five-pound ABC per five hundred square feet of space used for fireworks sales or storage.
- G. Sales clerks and ancillary personnel employed or volunteering at temporary retail locations where fireworks are sold shall be at least sixteen years of age. A sales clerk shall be on duty to serve consumers at the time of purchase or delivery. Permissible fireworks may be offered for sale only at state-permitted or state-licensed retail locations.
- H. Fireworks shall not be discharged within one hundred fifty feet of a fireworks retail sales location.
- I. Fireworks shall not be sold or used on state forest land, wildlands or a bosque.
- J. A person shall not ignite fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall a person place or throw ignited fireworks into or at a motor vehicle or at or near a person or group of people.
- K. Fireworks devices that are readily accessible to handling by consumers or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source. If the fuse is a thread-wrapped safety fuse that has been coated with a nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse is not a safety fuse, the entire fuse shall be covered.
- L. Permissible fireworks may be sold at retail between June 20 and July 6 of each year, six days preceding and including new year's day, three days preceding and including Chinese new year, the sixteenth of September and cinco de Mayo of each year, except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.

History

History: Laws 1989, ch. 346, § 8; 1991, ch. 133, § 6; 1997, ch. 17, § 6; 2007, ch. 268, § 4.

Annotations

The 1991 amendment, effective June 14, 1991, substituted "shall" for "must" throughout the section, "Smoking, open flames and any ignition source are prohibited" for "Smoking is prohibited" at the beginning of the second sentence in Subsection C and "5 lb. ABC per five hundred square feet of space used for fireworks sales or storage" for "4-ABC" at the end of Subsection E and made a minor stylistic change in Subsection F.

The 1997 amendment, effective March 18, 1997, substituted "age of sixteen" for "age of twelve" in Subsection B, rewrote the last sentence of Subsection F, added Subsection H and redesignated the following subsections accordingly, and rewrote Subsection K.

The 2007 amendment, effective April 2, 2007, adds Subsection B and requires persons who sell fireworks to be at least sixteen years of age.

60-2C-8.1. Extreme or severe drought conditions; restricted sale and use. (1999)

Statute text

A. The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

B. Pursuant to any hearing under Subsection A of this section, the governing body of a municipality shall issue a proclamation declaring extreme or severe drought conditions within the boundaries of the incorporated municipality if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

C. The municipal governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

D. A municipal governing body's proclamation shall be effective for thirty days and the governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

E. The governing body of a county may hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the county affected by extreme or severe drought conditions. The findings of the governing body shall be

based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

F. Pursuant to any hearing under Subsection E of this section, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of the county if the governing body determines such conditions exist. The governing body's proclamation:

- (1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and
- (2) shall give the governing body the power to:
 - (a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;
 - (b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and
 - (c) ban or restrict the sale or use of display fireworks.

G. The county governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

H. Except as otherwise provided in this subsection, a proclamation shall be effective for thirty days, and the county governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

History

History: Laws 1997, ch. 17, § 9; 1999, ch. 58, § 3.

Annotations

The 1999 amendment, effective March 17, 1999, in Subsection A, in the first sentence substituted "governing body of a municipality" for "state fire board", substituted "within the boundaries of the incorporated municipality" for "in all or a portion of the state", and inserted "or severe"; in the second sentence substituted "governing body" for "state fire board" and deleted "and the U.S. department of agriculture" at the end of the sentence; in Subsection B, rewrote the introductory language, substituted "the governing body" for "local governments" in Paragraph (2), added Subparagraph (2)(b), redesignated former Subparagraph (2)(b) as Subparagraph (2)(c), and deleted Paragraph (3), which read "may ban or restrict the use of any type of fireworks on state lands within the affected drought area"; in Subsection C, rewrote the first sentence and added the second sentence; in Subsection D, in the first sentence, substituted "A municipal governing body's" for "Except as otherwise provided in this subsection" and inserted "or severe", in the first and second sentences, substituted "governing body" for "state fire board" and substituted "have improved" for "improve sufficiently to alleviate fire dangers" at the end of the second sentence; added Subsections E through H; and made minor stylistic changes.

60-2C-9. Display fireworks. (1997)

Statute text

Except as provided in Section 9 [60-26-8.1 NMSA 1978] of this act, nothing in the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978] shall prohibit the display of display fireworks, except that any individual, association, partnership, corporation, organization, county or municipality shall secure a written permit from the governing body of the county or municipality where the display is to be fired and the display fireworks shall be purchased from a distributor or display distributor licensed by the state fire marshal and the bureau of alcohol, tobacco and firearms at the United States department of the treasury.

History

History: Laws 1989, ch. 346, § 9; 1991, ch. 133, § 7; 1997, ch. 17, § 7.

Annotations

The 1991 amendment, effective June 14, 1991, inserted "or display distributor" near the end of the section.

The 1997 amendment, effective March 18, 1997, substituted "Display fireworks" for "Public display of fireworks" in the section heading, added the exception at the beginning of the section, substituted "the display of display fireworks" for "the public display of fireworks" following "shall prohibit" and substituted "the display is to be fired and the display fireworks shall" for "the public display is to be fired and the fireworks shall".

60-2C-9.1. Theatrical pyrotechnics articles; compliance with national fire protection association standards required. (2007)

Statute text

All places where theatrical pyrotechnics articles are manufactured, stored, sold or displayed shall be in compliance with the code of safety standards published by the national fire protection association for the use of pyrotechnics before a proximate audience.

History

History: Laws 2007, ch. 268, § 5.

Annotations

Cross references. — For the Child Labor Act, see 50-6-1.1 NMSA 1978.

Emergency clause. — Laws 2007, ch. 268, § 7 contains an emergency clause and was signed into law on April 2, 2007.

60-2C-10. Penalty; criminal. (1989)

Statute text

A. Any individual, firm, partnership or corporation that violates any provision of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978] is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both.

B. Nothing in the Fireworks Licensing and Safety Act shall apply to or prohibit any employees of the department of game and fish or the United States fish and wildlife

service from possessing fireworks for control of game birds and animals or to prohibit any law enforcement officer from possessing fireworks in the performance of his duties or to prohibit any municipality or civic organization therein from sponsoring and conducting in connection with any public celebration, an officially supervised and controlled fireworks display.

History

History: Laws 1989, ch. 346, § 10.

60-2C-11. Penalty; civil. (1989)

Statute text

A. If a person is found guilty of violating any of the provisions of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978], that person's license or permit may be revoked or suspended by the state fire marshal, his deputies or designees.

B. No individual, firm, corporation or partnership shall possess any fireworks for sale within New Mexico, other than those authorized in the Fireworks Licensing and Safety Act. The state fire marshal, his deputies or designees may at reasonable hours enter and inspect the permittee's premises, building, mobile or motor vehicle or temporary or permanent structure to determine compliance with the Fireworks Licensing and Safety Act. If any retailer has in his possession any fireworks in violation of that act, his permit shall be revoked and all such fireworks seized, and the fireworks shall be kept to be used as evidence. If any person has in his possession any fireworks in violation of that act, a warrant may be issued for the seizure of fireworks and the fireworks shall be safely kept to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender is discharged, the permissible fireworks shall be returned to the person in whose possession they were found; provided, however, that nothing in the Fireworks Licensing and Safety Act applies to the transportation of fireworks by regulated carriers.

History

History: Laws 1989, ch. 346, § 11.

Annotations

Severability clauses. — Laws 1989, ch. 346, § 14 provides for the severability of the Fireworks Licensing and Safety Act if any part or application thereof is held invalid.

**NEW MEXICO FIREFIGHTERS
TRAINING ACADEMY**



New Mexico Firefighters Training Academy

**600 Aspen Road
Socorro, New Mexico 87801
Telephone: (575)-835-7500**

The Academy is dedicated to meeting the needs of a complex and dynamic fire service by providing programs of the highest quality. The New Mexico Firefighters Training Academy's objectives and goals are:

- (1)** to provide training programs designed to develop the basic and advanced skills necessary for students to be more effective members of the fire service and society
- (2)** to provide the best instruction and training possible in all areas of the fire service
- (3)** to serve the public at large by providing education services, training, and counseling
- (4)** to provide a means to allow firefighters to demonstrate their ability to meet professional qualification standards.

The New Mexico Firefighters Training Academy was created as a part of the State Fire Marshal's Office by legislative action in 1987. A state-of-the-art facility was constructed in Socorro, and its doors were opened to our state's firefighters in January 1989. The Academy is currently a Bureau of the State Fire Marshal's Office, which falls under DHSEM. The Academy's mission is to meet the needs of a complex and dynamic fire service by providing training programs of the highest quality. The primary objective is to develop the basic and advanced skills necessary for emergency responders to best serve the citizens and guests of New Mexico.

Approximately 4,000 first responders are trained each year by the Academy's permanent staff, guest instructors, and a cadre of adjunct instructors from fire departments throughout the state. Although most of the students are members of the 367 fire departments in the state, many come from other states, Indian Nations, the private sector, and Mexico.

Currently, the Academy offers a broad array of fire-related courses ranging from entry-level to advanced management for chief officers. In addition to fire suppression classes, there are courses in various technical rescue, hazardous materials, terrorist response, instructor qualifications, and business management. The Academy also provides courses in specialized training through partnerships with the Federal Emergency Management Agency and the National Fire Academy. Classes are conducted throughout the state, as well as on the Socorro campus. Some larger fire departments with their own local academies also send their students to the state's facility to use the specialized burn props for the most realistic training experience possible.

Courses are designed to meet standards created by the National Fire Protection Association and to assist the local fire departments in complying with mandatory training requirements set by the State Fire Marshal's Office. Classes meeting those standards provide the fire service with certification programs to

judge a firefighter's ability and performance level. The Academy's certification programs are accredited by the International Fire Service Accreditation Congress.

In addition to assisting fire department's ability to provide qualified emergency responders, the Academy's efforts also benefit the state's citizens directly in regard to their insurance costs. The cost of fire insurance for a local area is often based on rating provided by the Insurance Services Organization. Much of that rating decision relies on the ability of the fire department to provide adequate response with fire suppression capabilities and training records are reviewed in the grading process.

REGISTRATION INFORMATION

Persons interested in enrolling in an Academy course should be associated with a fire department – either paid or volunteer – and must be at least 18 years old.

There are minimum and maximum student enrollment limits in each course that are enforced in order to best utilize the facility and instructors and provide maximum student involvement. Courses that have not met the minimum enrollment four weeks prior to the start of the class are subject to cancellation.

Any student who has been accepted into a course and cannot attend must notify the Academy prior to the start of the class. Students who have been accepted to a course and do not show up are subject to denial of application to future courses. We currently do not charge a course fee for most of the courses offered here at the Academy. However, certain courses require the purchase of student manuals essential to the course.

Students who drop out of a course will not receive certification for the course

The Academy has no means of providing food or lodging on campus at this time; consequently, students must make their own arrangements for both.

STUDENT SELECTION CRITERIA POLICY

The process for student selection to a course begins four (4) weeks prior to the start of the course. Students are selected according to the following criteria:

- 1.** Applications are grouped in the following order of priority by sponsoring agencies:
 - A.** New Mexico fire departments listed by the State Fire Marshal as receiving State Fire Funds.
 - B.** New Mexico fire departments listed by the State Fire Marshal as being on probation to receive State Fire Funds.
 - C.** Other New Mexico State Agencies.
 - D.** New Mexico Indian fire departments (non-federal).

- E. Federal agencies and agencies from other states.
 - F. Private industry.
 - G. Foreign agencies.
 - H. Unaffiliated individuals.
2. Applications within each group are reviewed individually in the following order:
 - A. Applications from individuals who previously were turned down for the same course.
 - B. Remaining applications in the order received at the Academy.
 3. Applications are accepted based on meeting any prerequisites and specific selection criteria.
 4. If student slots are still available after initial review, they will be filled on a first-come, first-served basis during the four weeks prior to the start of the course.

Some courses are designed for specific target audiences, and students are selected by invitation only.

STUDENT ATTENDANCE POLICY

Applications must be submitted for each class a student wishes to attend. This can be done using the online application process available at <https://www.nmdhsem.org/state-firemarshal/fire-training-academy/#academy>

If you need an account or have trouble accessing the online portal, please contact the fire academy for assistance.

It is the student's responsibility to contact the New Mexico Firefighters Training Academy to confirm receipt and eligibility of applications. NOTE: Only the most recent results for any pre- or co-requisite course will be considered for acceptance to a certification test.

If a student is accepted to a course but is unable to attend, the student must notify the Academy NO LATER THAN FIVE (5) WORKING DAYS PRIOR TO THE START OF THE CLASS. ***Failure to notify the Academy may result in rejection of future applications.***

Unless indicated otherwise, classes held at the Academy begin at 8 a.m. and end at 5 p.m. Students are expected to be in the classroom and ready for class at the designated time. Tardiness disrupts the instructor and the class and will not be tolerated.

While attending classes at the New Mexico Firefighters Training Academy, it is the student's responsibility to use good judgment in selecting the proper attire in order to project a professional image. The student should consider climate variations and various classroom activities when selecting their wardrobe. Students should dress in apparel that will reflect their professionalism and pride in the service they represent.

The Academy will provide assigned SCBA for student use. Students, under instructor supervision, will perform sanitizing of the SCBA. Students who would rather use their own face pieces may do so, provided the face pieces meet NIOSH and OSHA Standards. Students may use their own complete SCBA, provided it meets standards, is properly identified, and adequate spare cylinders are included.

When participating in practical exercises, full protective clothing meeting NFPA Standards must be worn unless the student is instructed otherwise. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the student's protective clothing. This includes full-length pants and long-sleeve shirt made from 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of the full-length pants and long-sleeve shirt.

TEST SCORES WILL NOT BE RELEASED OVER THE PHONE. Test scores will be mailed to the students. The release of test scores to someone other than the student or the Fire Chief or Training Officer will require written permission from the student.

Dress Code

It is each student's responsibility to use good judgment in selecting attire that projects a professional image and is appropriate for both climate differences and classroom activities. NM Firefighters Training Academy staff has the authority to make the determination that a student's attire may be inappropriate. Students whose attire is deemed inappropriate will be required to change into more appropriate clothing before being allowed to continue class.

Recommended Classroom Attire

Department uniform/work attire.

Shorts and cropped tops (tank tops, halter tops, etc.) will not be accepted as proper classroom attire for anyone.

Adjunct Program

Whereas it would be impossible for the "Full Time" staff at the NMFTA to meet the training needs of the entire state, therefore, the NMFTA created the NMFTA Adjunct Instructor Program. These instructors are selected from experienced firefighters throughout the state and are chosen for acceptance to the program, on a case-by-case basis, based on their knowledge, dedication and demonstrated desire for excellence in the fire service.

The NMFTA can provide vast amounts of training, both on the NMFTA campus located in Socorro, NM, and in the field at various fire departments and training facilities throughout the state, through the use of Adjunct Instructors.

In recent years, the term Adjunct Instructor has been used synonymously with Fire Service Instructor and In-house Instructor. To be perfectly correct, the term Adjunct Instructor refers to those individuals, who, after meeting the core requirements, are contracted on temporary assignments to teach the various courses offered by the NMFT A. While doing so Adjunct Instructors are representatives of the NMFT A and must utilize only approved curricula and delivery methods in compliance with NMFT A policies.

Adjunct Instructor Qualification Criteria

It is the intent of the New Mexico Firefighters Training Academy (NMFTA) to select only the most qualified instructors available to teach and assist the NMFTA staff with courses delivered on campus and in the field. Adjunct Instructors must possess a good balance of education, experience and teaching ability. To meet these goals, the following criteria have been established.

Core Requirements

The following requirements must be satisfied by all applicants:

1. Applicant must be at least twenty-one (21) years of age at time of application.
2. Applicant must have, at a minimum, a high-school diploma or its equivalent.
3. Applicant should be affiliated with a fire department, industrial or institutional fire brigade, a fire-training program, related public safety agency, or institution of higher education in a fire or emergency-related field. Individuals retired from any of the above organizations also qualify.
4. Applicant should have three (3) years of documented service with any of the organizations listed above.
5. Must meet the requirements of NFPA 1041 (Fire Service Instructor I) as well as the appropriate NFPA Standards for the class/classes you wish to teach.
6. Applicant must be certified as IFSAC Fire Service Instructor I.
7. Once accepted to the NMFT A Adjunct Program, the applicant is required to attend the next available Instructor Development Workshop. Failure to do so will void the application and the applicant must re-apply for consideration. These workshops will be provided twice a year, one in February and

one in August. The exact dates for these workshops will be posted on the NMFT A Calendar or you may contact NMFTA staff. (Month of workshop subject to change)

8. Adjuncts must attend Instructor Development Workshop at least once every two years. Failure to meet this requirement will result in immediate removal from the "Adjunct List" until the adjunct re-applies and the required training has been met. This removal shall be immediate and non-appealable.

9i Once accepted into the NMFT A Adjunct Program, an instructor shall participate, as either Lead Instructor or as an Assistant Instructor in an Academy-approved class at least twice every two years. Of these classes, at least one must be on NMFTA Campus or be audited by NMFTA Instructional Staff.(see page #10 "Requirements to maintain "Active Instructor")

Application Process

Individuals who meet the qualification requirements and wish to be considered for the Adjunct Instructor Program should apply to the NMFT A. Applications should include a fire service/instructional resume and contact information of three (3) references. Also included should be documentation showing successful completion of IFSAC Fire Service Instructor I.

Applications will be reviewed for compliance with all core requirements. If all core requirements are satisfied and the application is accepted, the applicant will then be counseled by NMFTA Staff as to further requirements before becoming authorized to teach (See item #7 of Core Requirement List). When necessary, the NMFTA will "Hire" and pay Adjunct Instructors to meet instructional needs throughout the state.

Periodic review of all instructors will be conducted by the Adjunct Coordinators and Training Operations Manager. Should an adjunct instructor become subject to review for any cause, the NMFTA will make a reasonable effort to bring the adjunct instructor into compliance with policy, however, we retain the right to remove an instructor from the program at any time.

NEW MEXICO FIREFIGHTERS

TRAINING ACADEMY

TRAINING OPPORTUNITIES

The New Mexico Firefighters Training Academy can offer on-site training to your department in the below areas:

- PPE/SCBA Basics
- Hose handling and loads
- Ladders
- Hose Streams/Fire Attack
- Basic pump operations
- Traffic Incident Management (4-hour Certification course)
- Incident Command
- Search and Rescue
- Basic Vehicle Extrication/Tool Familiarization
- Hazmat Identification
- Extinguisher Training
- Water Shuttle

We can send an instructor to your department at a time that is convenient to conduct non-certification basic level training. Most of this will be hands on skill-based training. If there are other areas of training not listed above, please contact your Academy District Coordinator or the Academy directly to discuss your needs.

We also offer 20+ IFSAC/Pro Board accredited certification level classes such as EVD, FFI/II, Hazmat A&O, Vehicle Extrication, Rope Rescue, etc. If you are interested in these courses, please feel free to contact us to discuss them further.



NMFTA Course Materials List



Course	Curriculum	Additional
Building Construction	Building Construction, Jones and Bartlett (Brannigans), 5th Edition	N/A
Driver Operator	Pumping Apparatus Driver/Operator Handbook, IFSTA, 3rd Edition	N/A
Firefighter I	Fundamentals of Firefighter Skills, Jones and Bartlett, 4th Edition	PPE
Firefighter II	Fundamentals of Firefighter Skills, Jones and Bartlett, 4th Edition	PPE
Haz-Mat Awareness & Operations	Hazardous Materials Awareness and Operations 4th Edition Jones and Bartlett	N/A
Haz-Mat Chemistry	Chemistry of Hazardous Materials, Brady, 6th Edition	N/A
Haz-Mat Technician	Hazardous Materials Technician 3rd Edition IFSTA	N/A
Inspector I & II	Fire Inspector Principles and Practices, Jones and Bartlett, 1st edition Revised	N/A
Instructor I	Fire and Emergency Services Instructor, Jones and Bartlett, 3rd Edition	N/A
Instructor II	Fire and Emergency Services Instructor, Jones and Bartlett, 3rd Edition	N/A
Instructor III	Fire and Emergency Services Instructor, Jones and Bartlett, 3rd Edition	N/A
Investigator I	Fire Investigator Principles and Practice 6th Edition	PPE for In-Person week
Officer I	Fire and Emergency Services Company Officer, IFSTA, 6th Edition	N/A
Officer II	Fire and Emergency Services Company Officer, IFSTA, 6th Edition	N/A
Officer III	Chief Officer IFSTA 4th Edition	N/A
Officer IV	Chief Officer IFSTA 4th Edition	N/A
Pump Operations & Hydraulics	Pumping Apparatus Driver/Operator Handbook, IFSTA, 3rd Edition	PPE
Rope Rescue I & II	CMC Rope Rescue manual, 6th Edition	Gloves, eye protection, and sturdy boots.
Vehicle Extrication	Vehicle Rescue and Extrication Revised 2nd Edition Jones and Bartlett	Full PPE, eye protection.

Course Descriptions

CERTIFICATION TESTING

Open testing day for participants who need to retest. Testing will be held on-site at the New Mexico Firefighters Training Academy in Socorro, NM. or other designated locations. **A General Admission Application form must be submitted at least 30 days prior to the test date.** Please contact the Fire Academy (1-800-734-6553) for more information. Minimum Enrollment: 10; Maximum Enrollment: 30.

FIREFIGHTER I/II COMBO ONLINE

This 120-hour course is designed to train the student as outlined in NFPA 1001, Fire Fighter Professional Qualifications. Course includes IFSAC and ProBoard Certification. Upon successful completion of this course, the student will be able to demonstrate the minimum job performance requirements (JPR'S) for a career or volunteer firefighter whose duties are primarily structural in nature. The book portion of this course is completed on-line followed by two weeks of hands-on training at NMFTA in Socorro, NM

Full protective clothing is required. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the students' protective clothing. This includes full-length pants and long-sleeve shirts made from at least 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of the full-length pants and long- sleeve shirt. Minimum Enrollment: 10; Maximum Enrollment: 24. Prerequisites: Basic Firefighter Emergency Medical Care and IFSAC/Pro Board Hazardous Materials: Awareness and Operations. The Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) will NOT be accepted as the Hazardous Materials prerequisite for any course.

FIRE APPARATUS DRIVER OPERATOR (EVD)

This is a 24-hour class comprised of both classroom instruction and the completion a series of practical skills that includes a driving course. This class is a prerequisite to the Driver Operator/Pumper operations course. The driver training course includes items which address both the attitude and knowledge of the potential emergency vehicle driver while responding to an emergency as well as an understanding of the emergency vehicle driver's responsibility during non-emergency situations. Course includes IFSAC Certification. Minimum Enrollment: 10; Maximum Enrollment: 16.

FIREFIGHTER I

This 80-hour course is designed to train the student to Level 1 as outlined in NFPA 1001, Professional Qualifications Standard. Course includes IFSAC and ProBoard Certification. **Full protective clothing is required. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the student's protective clothing. This includes full-length pants and long-sleeve shirt made from at least 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of the full-length pants and long-sleeve shirt.** Minimum Enrollment: 10; Maximum Enrollment: 24. Prerequisites: Basic Firefighter Emergency Medical Care and IFSAC/Pro Board Hazardous Materials: Awareness and Operations. The Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) will NOT be accepted as the Hazardous Materials prerequisite for any course.

FIREFIGHTER II

This 80-hour course is designed to train the student to Level 2 as outlined in NFPA 1001, Professional Qualifications Standard. Course includes IFSAC and ProBoard Certification. **Full protective clothing is required. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the student's protective clothing. This includes full-length pants and long-sleeve shirt made from at least 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of the full-length pants and long-sleeve shirt.** Minimum Enrollment: 10; Maximum Enrollment: 24. Prerequisites: IFSAC/Pro Board Firefighter I,

FIRE INSPECTOR I

This 40-hour course is a Fire Service Inspection course for both uniformed and civilian inspectors. This course will educate inspectors about the principles and techniques of fire prevention and life-safety inspection and code compliance. It addresses NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner, Level I. It is strongly recommended that students bring a laptop computer for use during this class. This is an IFSAC and ProBoard accredited course. Minimum Enrollment: 10; Maximum Enrollment: 24. Prerequisites: IFSAC/Pro Board Hazmat A&O

FIRE INVESTIGATOR I (Hybrid)

This course is designed to meet the requirements set forth in NFPA 1033 Professional Qualifications for Fire Investigator. This course will give a comprehensive understanding of the principles of fire investigation, scene examination, documentation, evidence collection/preservation, interview techniques, and post-incident investigations. The book portion of the course is done online as a self-study followed by a 40 hour in-person hands on session. Applicants should provide a copy or other documentation of a completed background check or letter from the Chief of Department when submitting the course application. PPE or coveralls, work boots, hard hat, and gloves are required. Course includes IFSAC Certification. Minimum Enrollment: 10. Maximum Enrollment: 20. Prerequisites: IFSAC/Pro Board Firefighter 1 or a letter of recommendation from Chief of Department and proof of completed background check.

FIRE OFFICER I

Fire Officer I is a forty (40) hour course designed to provide entry-level training in company operations and administration at the first-line supervisory level and to meet the requirements set forth by NFPA 1021, Fire Officer Professional Qualifications.

Upon successful completion of this course, the student will be able to qualify for certification at the Fire Officer I level (NFPA 1021) and function as an entry level company officer. The student will be able to effectively manage human resources, community/public relations, fire department organization and administration (including budgets, reports, and planning), fire inspections and investigations, community risk reduction, emergency services delivery, and safety.

This course will include both classroom and hands-on activities, including in-depth scenarios that will assist the student in the development and successful completion of the required JPR based student projects. It is strongly recommended that students bring a laptop computer for use during this class.

This course is designed to meet the requirements set forth by NFPA 1021, Fire Officer Professional Qualifications. The course includes IFSAC Certification. Minimum Enrollment: 10. Maximum Enrollment: 20. Prerequisites: IFSAC/Pro Board Fire Fighter II and IFSAC /Pro Board Fire Instructor I.

FIRE OFFICER II

This 40-hour course is designed to meet the requirements set forth by NFPA 1021, Fire Officer Professional Qualifications. This course will include both classroom and hands-on activities, including in-depth scenario. The course includes IFSAC Certification. It is strongly recommended that students bring a laptop computer for use during this class. Minimum Enrollment: 10; Maximum Enrollment: 20. Prerequisite: IFSAC/Pro Board Fire Officer I.

FIRE OFFICER III

This 40-hour course is designed to meet the requirements set forth by NFPA 1021, Fire Officer Professional Qualifications. Fire Officer 3 will be 100% JPR based, the student will be expected to complete a 2-year plan portfolio for their department which will be based upon the 22 JPR's listed on NFPA 1021-2114 standard. Students will have the option of either creating new documents for their Portfolio JPR's or you may use your department's existing SOP's, SOG's or policies. If you use an existing document to satisfy a JPR, you must write a brief explanation of the document (250 words or more) to validate that you understand the intent of the JPR. If you do make changes to an existing document, you are also required to explain what you did and why you did it. Course includes IFSAC Certification. **It is required that the student bring laptop, memory stick (flash drive or portable hard drive) the student will also need a 2-inch binder with tabs** Minimum Enrollment: 10; Maximum Enrollment: 14. Prerequisite: IFSAC/Pro Board Fire Officer 2.

FIRE OFFICER IV

Fire Officer IV is an eight 40 hour course designed to focus on the knowledge and skills required for the administrative and operational challenges of the fire service in the 21st century. .

Upon successful completion of this course, the student will be able to qualify for certification at the Fire Officer IV level (NFPA 1021) and function as the chief fire officer for an organization. The student will be able to participate in the day-to-day administrative and operationally focused process of fire service organizational activities. This includes human resources management (appraise, evaluate, and initiate changes), professional development, employee management, educational and training needs, employee assistance and incentive programs, community outreach and leadership, long range planning, community hazard analysis and risk reduction, disaster and civil disturbance planning, budgeting (capital improvements), and comprehensive health and safety programs.

This course is designed to meet the requirements set forth by NFPA 1021, Fire Officer Professional Qualifications. Fire Officer IV is 100% Project based. The course includes IFSAC Certification. Prerequisite: IFSAC/Pro Board Fire Officer III.

FIRE SERVICE INSTRUCTOR I

This 40-hour course is designed to train the student as outlined in NFPA 1041, Fire Service Professional Qualifications. The course includes IFSAC and ProBoard Certification. It will teach instructors and trainers how to organize and teach a course effectively using existing lesson plans. Upon successful completion of this course, the student will be able to make an effective classroom presentation based on appropriate lesson plans. It is strongly recommended that students bring a laptop computer for use during this class. Minimum Enrollment: 10; Maximum Enrollment: 16.

FIRE SERVICE INSTRUCTOR II

This 40-hour course is designed to train the student as outlined in NFPA 1041, Fire Service Professional Qualifications. Course includes IFSAC Certification. It will prepare the student to use instructional methodologies that address various learning styles and teaching methods, and to plan and develop lessons and programs for the purpose of delivering instruction. Upon successful completion of this course, the student will be able to describe and define instructional terms; use reference materials; use various instructional methods and techniques; use instructional materials and aids; evaluate learning; maintain training records and reports; describe concepts of learning; use communications methods and skills; and be aware of instructor roles and responsibilities. It is strongly recommended that students bring a laptop computer for use during this class. Minimum Enrollment: 10; Maximum Enrollment: 20. Prerequisite: IFSAC/Pro Board Fire Service Instructor I.

FIRE SERVICE INSTRUCTOR III

This 40-hour course is designed to train the student as outlined in NFPA 1041, Fire Service Professional Qualifications. The course includes IFSAC Certification.

The Fire Service Instructor III shall meet the requirements for Fire Service Instructor II and the JPRs (Job Performance Requirements) defined in Sections 6.2 through 6.5. Fire Service Instructor III course is a forty (40) hour course designed to focus on the knowledge and skills needed to develop comprehensive training curricula and programs for use by single or multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies. The course also focuses on the concepts needed to effectively manage a training program in addition to conducting course/program evaluation procedures to determine program validity and reliability.

Minimum Enrollment: 10; Maximum Enrollment: 14. Prerequisite: IFSAC/Pro Board Fire Service Instructor II. Prerequisite: Instructor 2

It is required that the student bring a laptop, memory stick (flash drive or portable hard drive) the student will also need a 2-inch binder with tabs.

FLAMMABLE LIQUIDS/LPG EMERGENCIES

Completion of this 40-hour course will meet the requirements of one module of the Firefighter II Certification Series. This course is designed to instruct the student in the handling of different types of flammable and combustible liquid emergencies. Subjects include Definitions, Properties, and Use in the Marketplace, Installations, Transportation, Water use, Foam Application, and Fireground Evolutions. **Full protective clothing is required. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the students' protective clothing. This includes full length pants and long-sleeve shirt made from at least 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of the full-length pants and long-sleeve shirt.** Minimum Enrollment: 10; Maximum Enrollment: 20. Prerequisites: IFSAC Firefighter I Certification.

HAZARDOUS MATERIALS: AWARENESS AND OPERATIONS

This 40-hour course will fulfill the prerequisite classes for the core Firefighter I and Firefighter II as well as Fire Inspector 1 courses. This course is designed to train the student to Awareness and Operations Level as well as mission specific competencies for PPE and Product Control as outlined in NFPA 470, Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications and OSHA 29 CFR 1910.120. Course includes IFSAC and Proboard Certification.

Minimum Enrollment: 10; Maximum Enrollment: 30.

HAZARDOUS MATERIALS: CHEMISTRY

This 40-hour course will fulfill the prerequisite class for Hazardous Materials: Technician. This course is designed to train the student as outlined in NFPA 470, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents and OSHA 29 CFR 1910.120. Minimum Enrollment: 10; Maximum Enrollment: 40.

HAZARDOUS MATERIALS: TECHNICIAN

This 80-hour course will fulfill the requirements for NFPA 470, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents and OSHA 29 CFR 1910.120. Course includes IFSAC Certification. Minimum Enrollment: 6; Maximum Enrollment: 14. Prerequisites: IFSAC/Pro Board Firefighter I Certification, IFSAC/Pro Board Hazardous Materials: Awareness & Operations, Hazardous Materials: Chemistry,

OPEN TEST DAY

Open testing day for participants who need to re-test. Testing will be held on or off-site; please refer to course calendar for test sites. **A General Admission Application form must be submitted to the NMFTA at least 30 days prior to the test date.** Please contact the Fire Academy (1-800-734-6553) for more information.

OPEN TRAINING DAY

NMFTA facilities will be available for requested training in all areas. A 30 -day advanced request, with application, will be required before any training is scheduled. Please contact the New Mexico Firefighters Training Academy for more information (1-800-734-6553). Minimum Enrollment: 10; Maximum Enrollment: 30.

FIRE APPARATUS DRIVER OPERATOR: PUMPER

This 40-hour course is designed for students who are responsible for operating apparatus with fire pumps. The course will introduce the student to the basic skills and knowledge required to operate a fire pump that provides the necessary water supply while maintaining the mechanical soundness of the pump. The course includes classroom instruction and outside practical skills. Protective clothing complying with NFPA Standards and long pants and long- sleeve shirts are required. The course includes IFSAC Certification. Minimum Enrollment: 10; Maximum Enrollment: 24. Prerequisites: IFSAC/Pro Board Firefighter I/II IFSAC/Pro Board Fire Apparatus Driver Operator (EVD)

TECHNICAL RESCUER: ROPE RESCUE 1

This 40-hour course meets the first two of the three levels of training described in Chapter 5 of NFPA 1670 Standard on Operations and Training for Technical Search and Rescue Incidents; a mixture of classroom instruction and practical skills experiences look at basic rope use concepts, incident organization, and rigging of equipment used to affect a rescue. The course includes IFSAC Certification. Leather boots and leather gloves, to be supplied by the student, are required. Helmets and harnesses will be supplied by the New Mexico Firefighters Training Academy. Students may use their own harnesses and personal protective equipment if it passes NFPA and NMFTA standards. Class size is limited. This is a prerequisite for Technical Rescuer Rope Rescue 2. Certification. Minimum Enrollment: 10; Maximum Enrollment: 18

TECHNICAL RESCUER: ROPE RESCUE 2

This 40-hour course meets the third level of training described in Chapter 5 of NFPA 1670, Standard on Operations and Training for Technical Search and Rescue Incidents, and General Requirements, Levels I & II of Chapter 6, NFPA 1006 Rescue Technician Professional Qualifications; a mixture of classroom instruction and practical skills experiences look at higher levels of skills involved in rope rescue. The course includes IFSAC Certification. Leather boots and leather gloves, to be supplied by the student, are required. Helmets and harnesses will be supplied by the New Mexico Firefighters Training Academy. Students may use their own harnesses and personal protective equipment if it passes NFPA and NMFTA standards. Class size is limited. Minimum Enrollment: 10; Maximum Enrollment: 18. Prerequisites: Technical Rescuer: Rope Rescue1.

STRUCTURAL FIREFIGHTING

Completion of this 40-hour course is designed to give the firefighter a comprehensive understanding of structural fires and suppression tactics. Subjects include fire flow Formula, Offensive and Defensive Attacks, Strategy and Tactics, Direct and Indirect Attacks, Incident Command System, and Fire ground Evolutions. **Full protective clothing is required. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the students' protective clothing. This includes full-length pants and long-sleeve shirt made from at least 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of full-length pants and long-sleeve shirt.** Minimum Enrollment: 10; Maximum Enrollment: 20. Prerequisites: IFSAC Firefighter I.

TECHNICAL RESCUER: VEHICLE RESCUE 1 (VEX)

This 32-hour course is designed to introduce the student to the basic concepts and skills of vehicle extrication. The course includes IFSAC Certification. Minimum Enrollment: 10; Maximum Enrollment: 16. PPE Required.

Live Fire Instructor

This course is designed to bring students into compliance with NFPA 1041 2019 Chapter 7 and better prepare students to act as instructors during live fire evolutions. Students will demonstrate proper PPE inspections, participate in and monitor live fire evolutions, demonstrate conducting PAR, and demonstrate the ability to properly conduct safe live fire evolutions. During the course students will participate in live fire evolutions that require the use of PPE and SCBA. Upon completion the student will have a better understanding of the requirements for conducting live fire evolutions while maintaining a safe training environment. Prerequisites: IFSAC/ Pro Board FFI/II, Fire Instructor I, 2 years of experience at a fire department, **Full protective clothing is required. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the students' protective clothing. This includes full-length pants and long-sleeve shirt made from at least 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of full-length pants and long-sleeve shirt.**

Live Fire Instructor In-Charge

This course is designed to bring students into compliance with NFAP 1041 Chapter 8 and prepare students to act as the instructor in-charge during live fire evolutions. Students will demonstrate a variety of skills to include preparing pre-burn plans, calculating water supply needs, maintaining safety on training grounds, how to conduct post burn critiques and reports. During the course students will participate in live fire that requires the use of PPE and SCBA. Upon completion students will be qualified to act as the instructor in-charge during live fire evolutions. Prerequisites: IFSAC/Pro Board FFI/IL, Fire Instructor I, II, Live Fire Instructor, 3 years' experience at a department. **Full protective clothing is required. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the students' protective clothing. This includes full-length pants and long-sleeve shirt made from at least 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of full-length pants and long-sleeve shirt**

Financial Information





**207 Shelby Street
Santa Fe, New Mexico 87501
Toll free: 1-877-275-6632
Phone: 505-984-1454
fax: 505-922-9644**

PUBLIC PROJECT REVOLVING FUND

2022 PPRF Legislative Authorization List: Renew your authorization or sign up to be on the list if your entity isn't currently authorized.

The Public Project Revolving Fund (PPRF) is the New Mexico Finance Authority's flagship program created in 1992 to assist a wide range of public entities in accessing the capital markets at low or below-market interest rates. NMFA's goals are to coordinate the planning and financing of state and local public projects, provide long-term planning based on state and local capital needs, facilitate cooperation regarding infrastructure among state and local governments, and finance economic development and other community development projects.

The PPRF is used to finance public projects such as infrastructure improvements, road projects, water system upgrades, fire and law enforcement equipment, public buildings, hospitals and healthcare facilities, electric and broadband utilities, quality of life projects, and more. The PPRF provides both market-rate loans and loans to disadvantaged communities at subsidized rates.

As a credit enhancement, NMFA's share of Governmental Gross Receipts Tax (GGRT) enables the PPRF to maintain adequate lending capacity and to remain highly rated in the bond market. NMFA uses available funds to make loans to borrowers and then replenishes the PPRF by issuing tax-exempt bonds secured by the PPRF loans made to qualified entities and the annual GGRT receipts.

NMFA serves a diverse range of borrowers and finances a wide range of project types. This diversity, coupled with the annual receipt of GGRT, helped the PPRF attain the highest bond ratings, offer low costs of issuance for borrowers, and subsidize interest rates on loans to disadvantaged entities. The PPRF's advantage is the ability to offer its borrowers the PPRF's 'AAA' interest rates and pass along the savings to New Mexico's communities. Communities are then able to maximize limited public dollars to use in public projects due to lower interest rates. Since the inception of the program through June 30, 2021, NMFA has made 1,919 loans totaling \$4.205 billion.

NMFA posts information about the PPRF, current pricing for PPRF loans and loan advisor contact information, as well as, information about NMFA's other loan programs on its web site at (www.nmfa.net).

Editor's note: – This section contains various parts of NMSA 13-1-1-199 regarding purchases and the procurement process. You should consult your local purchasing agent for specific policies.

13-1-126. Sole source procurement.

A contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office makes a determination, after conducting a good-faith review of available sources and consulting the using agency, that there is only one source for the required service, construction or item of tangible personal property. The state purchasing agent or a central purchasing office shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to the state agency or a local public body. A contract for the purchase of research consultant services by institutions of higher learning constitutes a sole source procurement.

History: Laws 1984, ch. 65, § 99; 1987, ch. 348, § 9.

13-1-127. Emergency procurements.

A. The state purchasing agent, a central purchasing office or a designee of either may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances. A written determination of the basis for the emergency procurement and for the selection of the particular contractor shall be included in the procurement file. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.

B. An emergency condition is a situation which creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- (1) The functioning of government;
- (2) The preservation or protection of property;
- (3) The health or safety of any person

History: Laws 1984, ch. 65, § 100; 1987, ch. 348, § 10.

13-1-128. Sole source and emergency procurements; content and submission or record.

All central purchasing offices shall maintain, for a minimum of three years, records of sole source and emergency procurements. The record of each such procurement shall be public record and shall contain:

- A. The contractor's name and address;
- B. The amount and term of the contract;
- C. A listing of the services, construction' or items of tangible personal property procured under the contract;
- D. The justification for the procurement method.

History: Laws 1984, ch. 65, § 101; 1987, ch. 348, § 11.

A. Notwithstanding the requirements of [Sections 13-1-102](#) through [13-1-118](#) NMSA 1978, the state purchasing agent, or a central purchasing office may contract for services, construction, or items of tangible personal property without the use of competitive sealed bids or competitive sealed proposals as follows:

- (1) at a price equal to or less than the contractor's current federal supply contract price (GSA), providing the contractor has indicated in writing a willingness to extend such contractor pricing, terms and conditions to the state agency or local public body and the purchase order adequately identifies the contract relied upon; or
- (2) with a business which has a current exclusive or nonexclusive price agreement with the state purchasing agent or a central purchasing office for the item, services, or construction meeting the same standards and specifications as the items to be procured if the following conditions are met:

- (a) the quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement; and
- (b) the purchase order adequately identifies the price agreement relied upon. The central purchasing office shall retain for public inspection and for the use of auditors a copy of each federal supply contractor state purchasing agent price agreement relied upon to make purchases without seeking competitive bids or proposals.

History: Laws 1984, ch. 65, § 102; 1991, ch. 254, § 1.

13-6-1. Disposition of obsolete, worn-out, or unusable tangible personal property.

A. The governing authority of each state agency, local public body, school district and state educational institution may dispose of any item of tangible personal property belonging to that authority and delete the item from its public inventory upon a specific finding by the authority that the item of property is:

- (1) of a current resale value of five thousand dollars (\$5,000) or less; and
- (2) worn-out, unusable, or obsolete to the extent that the item is no longer economical or safe for continued use by the body.

B. The governing authority shall, as a prerequisite to the disposition of any items of tangible personal property:

- (1) designate a committee of at least three officials of the governing authority to approve and oversee the disposition; and
- (2) give notification at least thirty days prior to its action making the deletion by sending a copy of its official finding and the proposed disposition of the property to the state auditor and the appropriate approval authority designated in [Section 13-6-2](#) NMSA 1978, duly sworn and subscribed under oath by each member of the authority approving the action.

C. A copy of the official finding and proposed disposition of the property sought to be disposed of shall be made a permanent part of the official minutes of the governing authority and maintained as a public record subject to the Inspection of Public Records Act [[Chapter 14, Article 2](#) NMSA 1978].

D. The governing authority shall dispose of the tangible personal property by negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico or by negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities or through the central purchasing office of the governing authority by means of competitive sealed bid or public auction or, if a state agency, through the federal property assistance bureau of the general services department.

E. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D of this section, the governing authority may sell or, if the property has no value, donate the property to any organization described in Section 501 (c) (3) of the Internal Revenue Code of 1986.

F. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D or E of this section, it may order that the property be destroyed or otherwise permanently disposed of in accordance with applicable laws.

G. If the governing authority determines that the tangible personal property is hazardous or contains hazardous materials and may not be used safely under any circumstances, the property shall be destroyed and disposed of pursuant to Subsection F of this section.

H. No tangible personal property shall be donated to an employee or relative of an employee of a state agency, local public body, school district or state educational institution; provided that nothing in this subsection precludes an employee from participating and bidding for public property at a public auction.

I. This section shall not apply to any property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act [[18-10-1](#) to [18-10-5](#) NMSA 1978].

History: 1953 Comp., § 6-1-7.1, enacted by Laws 1961, ch. 100, § 1; 1979, ch. 195, § 2; 1984, ch. 47, § 1; 1987, ch. 15, § 1; 1989, ch. 211, § 6; 1995, ch. 181, § 1; 1998, ch. 16, § 1.

13-6-2. Sale of property by state agencies or local public bodies; authority to sell or dispose of property; approval of appropriate approval authority.

A. Any state agency, local public body, school district or state educational institution is empowered to sell or otherwise dispose of real or personal property belonging to the state agency, local public body, school district or state educational institution. Except as provided in [Section 13-6-2.1](#) NMSA 1978 requiring state board of finance approval for certain transactions, sale or disposition of real or personal property having a current resale value of more than five thousand dollars (\$5,000) may be made by any state agency, local public body, school district or state educational institution if the sale or disposition has been approved by the state budget division of the department of finance and administration for state agencies, the local government division of the department of finance and administration for local public bodies, the state department of public education for school districts and the commission on higher education for state educational institutions.

B. Prior approval of the appropriate approval authority is not required if the property is to be used as a trade-in or exchange pursuant to the provisions of the Procurement Code [[13-1-28](#) to

[13-1-117](#) and [13-1-118](#) to [13-1-199](#) NMSA 1978

- C. The appropriate approval authority may condition the approval of the sale or other disposition of any real or personal property upon the property being offered for sale to a state agency, local public body, school district or state educational institution.
- D. The appropriate approval authority shall have the power to credit any payment received from the sale of any such real or personal property to the governmental body making the sale. The state agency, local public body, school district or state educational institution may convey all or any interest in the real or personal property without warranty.
- E. This section shall not apply to any computer software or hardware of any state agency.
- F. The provisions of this section shall not be applicable as to those institutions specifically enumerated in [Article 12, Section 11](#) of the constitution of New Mexico, the state land office or the state highway commission.

History: 1978 Comp., § 13-6-2, enacted by Laws 1979, ch. 195, § 3; 1980, ch. 89, § 17; 1984, ch. 47, § 2; 1987, ch. 15, § 2; 1989, ch. 211, § 7; 1989, ch. 380, § 3.

State of New Mexico Per Diem Rates

As Published by DFA on May 1, 2024. FY25 rates are effective July 1, 2024.

Per Diem Rate for Overnight Travel	FY21	FY22	FY23	FY24	FY25
In-State	85.00	151.00	155.00	157.00	166.00
In-State - County of Santa Fe (Special Area)	135.00	194.00	202.00	210.00	231.00
Out-of-State	115.00	151.00	155.00	157.00	166.00
International Travel (in US Dollars)	-	-	-	-	290.00

International Travel must be approved by oversight governing body

Meal Rates for Actual Reimbursements	FY21	FY22	FY23	FY24	FY25
In-State	30.00	55.00	59.00	59.00	59.00
Out-of-State	45.00	55.00	59.00	59.00	59.00
International Travel (in US Dollars)	-	-	-	-	103.00

Note: Meals are only reimbursable when using approved actual rates (per 24-hour period)

Note 2: Overnight lodging is limited to \$215 per night when using actuals. Amounts that exceed this limit must be preapproved by the Agency Head or Chairperson of the Governing Board.

Note 3: International travel must be approved by the oversight governing body.

Partial Day/Return from Travel/Same Day	FY21	FY22	FY23	FY24	FY25
less than 2 hours	-	-	-	-	-
2 hours but less than 6	12.00	18.00	20.00	20.00	20.00
6 hours but less than 12	20.00	40.00	42.00	42.00	42.00
12 hours but less then 24	30.00	55.00	59.00	59.00	59.00

OVERVIEW—TRAVEL

Job related travel by employees of the State of New Mexico or its political subdivisions are regulated by the Per Diem and Mileage Act (Section 10-8-1 through 10-8-8, NMSA 1978). Section 10-8-5 NMSA 1978 of the per diem and mileage act allows the Secretary of the Department of Finance and Administration (DFA) to establish rules and regulations to carry out the provisions of the act. The City will refer and adhere to the contents of **Section 2.42.2, NMAC**. Excerpts from this rule appear below.

Section 15-8-6, NMSA 1978 governs the use, markings and state government plates, for vehicles owned by the City and is covered in Section 4 Use of City Vehicles.

SCOPE 2.42.2.2 NMAC

In accordance with Section 10-8-1 to 10-8-8 NMSA 1978 (1995 Repl. Pamp.), 2.42.2 NMAC governs the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies.

OBJECTIVE 2.42.2.6 NMAC

To govern the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies.

SELECTED DEFINITIONS FROM 2.42.2.7 NMAC

For purposes of this rule “Home” means:

- For per diem purposes, the area within a 50-mile radius of the place of legal residence as defined in Section 1-1-7 NMSA 1978 (1995 Repl. Pamp.);
- For mileage purposes, the place of legal residence as defined in Section 1- 1-7 NMSA 1978.

“Nonsalaried public officer” means a public officer serving as a member of a board, advisory board, committee or commission who is not entitled to compensation, but is entitled to payment of per diem rates and mileage.

“Travel” means: for per diem purposes, being on official business away from home and at least 50 miles from the designated post of duty of the public officer or employee. However, nonsalaried public officers are eligible for per diem for attending meetings in accordance with Subsection C of 2.42.2.8 NMAC. As stated below.

PER DIEM RATES PRORATION 2.42.2.8 NMAC

Partial day per diem rate: Public officers or employees who occasionally and irregularly travel shall be reimbursed for travel which does not require overnight lodging, but includes time during a normal work day as follows:

- a) for less than 2 hours of travel beyond normal work day, none;
- b) for 2 hours, but less than 6 hours beyond the normal work day, \$20;
- c) for 6 six hours, but less than 12 hours beyond the normal work day, \$42;
- d) for 12 hours or more beyond the normal work day, \$59;

“Normal work day” means 8 hours within a nine-hour period for all public officers and employees both salaried and nonsalaried, regardless of the officers’ or employees’ regular work schedule.

Overnight travel: Regardless of the number of hours traveled, travel for public officers and employees where overnight lodging is required shall be reimbursed as follows:

- a) in state areas \$166;
- b) in state - County of Santa Fe (Special Area) \$231;
- c) out of state areas \$166;
- d) or reimbursement for actual expense in lieu of per diem rates under Rule 2.42.2.9 NMAC.

Return from overnight travel: On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be reimbursed according to the partial day per diem rates listed above. Calculation of the hours will begin with the time the traveler initially departed on travel.

Special area designations: For all officers and employees, the in state special area shall be Santa Fe.

NONSALARIED PUBLIC OFFICERS 10-8-4 NMSA 1978

Nonsalaried public officers of the state may elect to receive either:

- a) \$95.00 per meeting day for attending each board or committee meeting; or
- b) reimbursement for actual expense in lieu of per diem rates under Rule 2.42.2.9 NMAC as described below.

REIMBURSEMENT OF ACTUAL EXPENSES IN LIEU OF PER DIEM RATES 2.42.9 NMAC

Travel and Per Diem - Section 3

Where lodging and/or meals are provided or paid for by the City, or another entity, the public officer or employee must be reimbursement only for actual expenses under Rule 2.42.2.9 NMAC.

Upon written request of a public officer or an employee, agency heads may grant written approval for a public officer or employee of that agency or local public body to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.

For overnight travel for public officers and employees where overnight lodging is required, the public officer or employee will be reimbursed as follows:

- A. **Actual reimbursement for lodging:** A public officer or an employee may elect to be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax) in lieu of the per diem rate set forth in this Section. Whenever possible, public officers and employees should stay in hotels which offer government rates. Agencies, public officers or employees who incur lodging expenses in excess of \$215.00 per night must obtain the signature of the City Manager on the travel voucher prior to requesting reimbursement.
- B. **Actual reimbursement for meals:** Actual expenses for meals are limited by Section 10-8-4(K) (2) NMSA 1978 (1995 Repl. Pamp.) to a maximum of \$59.00 for in-state travel and \$59.00 for out-of-state travel for a 24-hour period.
- C. **Receipts required:** The public officer or employee must submit receipts for the actual meal and lodging expenses incurred. Under circumstances where the loss of receipts would create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board.
- D. **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made as described above. No reimbursement for actual expenses will be granted on the last day of travel.

TRAVEL ADVANCES 2.42.2.10, NMAC

- A. **Authorizations:** Upon written request accompanied by a travel voucher, agency heads and governing boards of local public bodies or their authorized designees may approve a public officer's or employee's request to be advanced up to 80 percent of per diem rates and mileage cost or for the actual cost of lodging and meals pursuant to 2.42.2.8 NMAC and 2.42.2.9 NMAC and for other travel expenses that may be reimbursed under 2.42.2.12 NMAC. Requests for travel advances shall not be submitted to the financial control division of the department of finance and administration more than two weeks prior to travel unless, by

processing the request earlier, significant savings can be realized for travel by common carrier or for registration fees for seminars and conferences.

B. **Travel period:** A travel advance may be authorized either for a single trip or on a monthly basis for public officers and employees who travel continually throughout the month. Payment shall be made only upon vouchers submitted with attached authorization for each travel period.

1) **Single trip advances:** Where a travel advance is made for a single trip, the officer or employee shall remit, within 5 working days of the return from the trip, a refund of any excess advance payment to the agency. The agency or local public body shall deposit the refund and reduce the disbursement recorded when the money was advanced.

2) **Monthly advances:** Where monthly advances are made, employees shall remit to the agency, at the end of each month, any excess advance payments together with a thorough accounting of all travel advances and expenditures as required by the secretary. Where a travel advance is approved for the next month, the agency head may authorize the use of excess advance payments from the previous month as part of the advance for the next month in lieu of having the employee remit the excess funds.

C. **Agency records:** Each agency is responsible for maintaining records of travel advances authorized by the agency head or the agency head's authorized designee.

1) **Employee ledgers:** Each state agency shall keep individual employee ledgers for travel advances. The ledger shall include the following information to provide an adequate audit trail:

- a) employee
- b) division
- c) fiscal year
- d) date of travel advance
- e) date of destination
- f) per diem advance paid
- g) earned
- h) additional per diem or refund due

2) **Year-end closing:** Each state agency shall review all travel advances prior to the end of the fiscal year and collect or pay all outstanding amounts if possible. Any receivables or payables outstanding at year end must be recorded on the books and records of the agency.

D. **Local public bodies:** Local public bodies may grant prior written approval for travel advances as authorized by regulation of the governing body of the local public body.

MILEAGE-PRIVATE CONVEYANCE 2.42.2.11 NMAC

Travel and Per Diem - Section 3

- A. **Rate:** Public officers and employees of state agencies shall be reimbursed for mileage accrued in the use of a private automobile or aircraft in the discharge of official duties as follows:
- 1) Unless the secretary has reduced the rates set for mileage for any class of public officials and for employees of state agencies pursuant to Section 10-8-5 (D) NMSA 1978, 100% of the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle.
- B. **Mileage:** Public officers and employees of local public bodies may be reimbursed for mileage accrued in the use of a private conveyance in the discharge of official duties, at the statutory rates unless such rates have been reduced by the governing bodies of the local public body pursuant to Section 10-8-5 (D) NMSA 1978.
- C. **Privately owned automobile:** For conveyance in the discharge of official duties by privately owned automobile, mileage accrued shall be reimbursed at the rate set forth in this section as follows:
- 1) pursuant to the mileage chart of the official state map published by the state highway and transportation department for distances in New Mexico and the most recent edition of the Rand-McNally road atlas for distances outside of New Mexico; or
 - 2) pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the traveler; and (a) the destination is not included on the official state map or on the Rand McNally road atlas, or, (b) at the destination(s) of the public officer or employee, the public officer or employee was required to use the private conveyance in performance of official duties.
- D. **Reimbursement limit for out of state travel:** Total mileage reimbursement for out of state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier.

REIMBURSEMENT FOR OTHER EXPENSES 2.42.2.12

Public officers and employees may be reimbursed for certain actual expenses in addition to per diem rates

- A. **Receipts required:** Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:
- 1) taxi or other transportation fares at the destination of the traveler;

Travel and Per Diem - Section 3

- (2) gratuities as allowed by the agency head or designee, not to exceed twenty percent per transaction;
- (3) parking fees;
- (4) actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;
- (5) rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;
- (6) registration fees for educational programs or conferences, provided, if the fee includes lodging or meals, then no per diem rates shall be paid and only actual expenses paid by the officer or employee and not included in the fee shall be reimbursed within the limits of 2.42.2.9 NMAC; and
- (7) professional fees or dues that are beneficial to the agency's operations or mission.
- (8) Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board.

PENALTY

Any public officer or employee covered by the Per Diem and Mileage Act who knowingly authorizes or who knowingly accepts payment in excess of the amount allowed by the Per Diem and Mileage Act or in excess of the amount authorized by the secretary or the governing board pursuant to Section 10-8-5NMSA 1978 is liable to the state in an amount that is twice the excess payment.

TRAVEL REQUESTS AND REIMBURSEMENT

All Travel Approval and Reimbursement Requests for out of town travel will be completed and approved by the Department Manager and the Department Head at least five working days before the date of departure. All out of state travel requests will require the additional approval of the City Manager.

Travel reimbursement may be paid to attend professional meetings if approved by the Department Manager and the Department Head. Mileage and per diem reimbursement will be paid at no more than the maximum rates approved by the New Mexico Department of Finance and Administration.

In the case of travel by common carriers, such as bus, train, or airplane, the employee must present a receipt for the actual fare paid and will receive full reimbursement.

Registration fees may not be paid as part of a travel voucher. All requests for registration fees must be made by separate voucher and the purchasing department will mail the registration fees directly to the organization. If a registration fee includes any meals and/or lodging, a proportional amount will be deducted from the per diem for that trip. Employees are expected to attend the entire training event paid for by the City, if the employee does not attend the entire event paid for by the City, the employee may be expected to reimburse the City the entire registration fee and all other costs incurred by the City for the Employee to attend the event.

Payments shall not be made by the City for gasoline, oil, lubrication, repair parts, tires, etc., for privately owned vehicles. Travel Advances may be made subject to the following requirements:

- Maximum of 80% of the estimated cost of the trip.
- Trip must be a minimum of one and one-half per diem days.
- The reimbursement voucher including all required receipts must be submitted within ten (10) working days after the trip is completed. Failure to complete on a timely basis will result in a deduction in the employee's payroll for the entire amount of the travel advance.
- In order to obtain the Travel Advance, the travel requests must be approved by the Department manager and the Department Head and submitted to finance at least 10 working days in advance of the trip.

Travel and Per Diem - Section 3

OUT OF STATE TRAVEL

Requests for out-of-state travel must be approved by the Department Manager, the Department Head and the City Manager at least 30 days before the departure date. All travel on commercial air lines will be booked no less than 21 days in advance.

PURCHASE ORDER REQUIRED

A purchase order for registration fees, air fare, or hotel/motel rooms will not be processed unless a copy of the approved travel and per diem request form has been properly executed as described above.

ACTUAL EXPENSES

If lodging is provided by the City, then the employee is considered to be traveling on "Actual Expenses", and not per diem. When traveling on Actual Expenses, the employee must submit his/her **itemized** meal receipts to be reimbursed up to a maximum of \$30 per day. If the employee only submits receipts for \$10, then that is all that will be paid. Also, when traveling on Actual Expenses, the employee must submit receipts for any other items to be reimbursed.

The employee traveling must complete the Travel Approval and Reimbursement Request Form. Employees must list the dates, descriptions and amounts.

PER DIEM

If the employee is traveling on per diem, he/she does not have to submit Meals & Lodging receipts. Receipts for airfare, parking, registration fees and any other reimbursements that are not for meals or lodging must be submitted. Registration fees may be pre-paid given proper approval and the issuance of a purchase order.

TRAVEL ADVANCES

Requests for travel advances need to be submitted on the Travel Approval and Reimbursement Request form to the Finance Department at least ten working days before the trip begins. Employees should be reasonable and not request advances more than one month before the trip. When lodging is covered by the City, employees will be advanced \$44 for in state travel per day and \$44 for out of state travel per day. Employees will be required to provide receipts for all meals purchased while on official business. Employees will repay the City all amounts advanced which are in excess of a valid receipt.

Travel and Per Diem - Section 3

Upon departure or returning from travel the City will pay for no meal the employee purchases within 35 miles of the City or the employee's legal place of residence.

The intent of the travel advance is to help employees having to pay for the majority of the trip out of their pocket, not to cover every cent of the expense. Travel advances are permissible, not mandatory.

REIMBURSEMENT VOUCHER

If the Reimbursement Voucher is submitted after 15 days past trip date, reimbursement will be forfeited and the employee will pay back the City all amounts advanced. (See IRS regulations below).

Receipts must be attached for the following expenses:

- a) Actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical
- b) Rental cars, provided less expensive public transportation is not available or appropriate
- c) Registration fees for educational programs or conferences, provided, if the fee includes lodging or
- d) Meals, then the per diem rates shall be reduced for the lodging or meals provided
- e) Mileage will be paid based on published mileage charts. Actual mileage will only be paid when starting and ending odometer readings are listed on the Travel Approval and Reimbursement Request form.

2) A copy of agenda or program from meeting attended must be attached.

MEMORANDUM REGARDING IRS REIMBURSEMENT REGULATIONS

Ref: IMPORTANT NOTICE REGARDING REIMBURSEMENTS

Please post this notice and announce to all of your staff so that all employees are aware of the changes regarding travel reimbursements, and any other reimbursements to employees.

If any of the conditions listed below are not met, according to Internal Revenue Regulations, the City does not have an accountable plan, and any non-taxable fringe benefits or reimbursements will become taxable to all employees. In order to insure that the City has an accountable plan, the guidelines for adequate accounting and reasonable period will be strictly adhered to from this date forward. If an employee's request for reimbursement is turned down for not meeting the criteria set forth, the employee may file form 2106 with his/her Federal income Tax return.

Travel and Per Diem - Section 3