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This is an emergency amendment to 10.25.1 NMAC, Sections 3, 4, 8, 9, 12 and 15 effective 6/28/2019.

10.25.1.3 STATUTORY AUTHORITY: Sections 8-8-15, 8-8-21, 59A-52-2, 59A-52-15, 59A-52-16, and 60-2C-3 NMSA 1978. As required by Subsection C of Section 8-8-15 NMSA 1978 of the Public Regulation Commission Act and by Paragraph (1) of Subsection A of Section 14-4-5.6 NMSA 1978 of the State Rules Act, this rule is adopted as an emergency rule because the rule is necessary to prevent an imminent peril to, and to preserve, the public peace, health, safety, or general welfare to govern fire prevention, control of fires, and safe egress from and use of public occupancies.

[10.25.1.3 NMAC - N, 11/15/2007; A/E, 6/28/2019]

10.25.1.4 DURATION: ~~Permanent.~~ Temporary. As provided by Subsection E of Section 14-4-5.6 NMSA 1978 of the State Rules Act, this emergency rule is temporary and shall remain in effect until a permanent rule takes effect under the normal rulemaking process. If no permanent rule is adopted within 180 days from the effective date of the emergency rule, the emergency rule shall expire and may not be readopted as an emergency rule.

[10.25.1.4 NMAC - N, 11/15/2007; A/E, 6/28/2019]

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's Office]~~ 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's Office]~~ Marshal Division located on the ~~[second]~~ fourth floor of ~~[142 West Palace Avenue]~~ 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 ~~[office]~~ 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]

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's office]~~ marshal division at ~~[505-827-3550]~~ 505-476-0080 or 1-800-244-6702;

(2) at the fire ~~[marshal's office]~~ marshal division located on the ~~[second]~~ fourth floor of ~~[142 West Palace Avenue]~~ 1120 Paseo de Peralta in Santa Fe;

(3) by writing to the fire ~~[marshal's office]~~ marshal division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269; or

(4) from the fire ~~[marshal's]~~ marshal website: [http://www.nmprc.state.nm.us/\[sfm.htm\]](http://www.nmprc.state.nm.us/[sfm.htm]).

[10.25.1.9 NMAC - N, 11/15/2007; A/E, 6/28/2019]

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 [~~twenty-four (24)~~] 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]

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 [406] 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]