



**NEW MEXICO ASSOCIATION OF REALTORS®
VENDOR CERTIFICATION - 2019**

! THE NM REAL ESTATE COMMISSION RULES REQUIRE THAT ALL BROKERS HIRING VENDORS OR EMPLOYEES TO PERFORM MAINTENANCE, REPAIR OR RENOVATION ACTIVITIES MUST USE VENDORS/EMPLOYEES WHO ARE CERTIFIED, LICENSED, INSURED AND/OR BONDED AS (AND ONLY IF) REQUIRED BY LOCAL, STATE AND/OR FEDERAL LAW. FOR INFORMATION ON THE USE OF CERTIFIED RENOVATORS UNDER THE LEAD-BASED PAINT RENOVATION, REPAIR AND PAINTING RULE, SEE NMAR FORM 2315.

1. PROPERTY MANAGER AND/OR BROKER: _____
2. PROPERTY ADDRESS / DESCRIPTION: _____
3. WORK PERFORMED:
 - A. ALL WORK NEEDED/AS REQUESTED BY PROPERTY MANAGER AND/OR BROKER
 - B. DESCRIPTION OF SPECIFIC JOB: _____
4. IF APPLICABLE, VENDOR LICENSE/CERTIFICATION NUMBER (NOTE: A Business License does **NOT** qualify as a vendor license.): _____
5. IF APPLICABLE, LICENSE/CERTIFICATION EXPIRATION DATE: _____
6. IF APPLICABLE, LICENSING/CERTIFYING ENTITY: _____
7. VENDOR HAS INSURANCE \$ _____ / \$ _____ IS BONDED \$ _____.
Per Claim Aggregate Bond Amount
8. DEFINITION OF CONTRACTOR AND EXCLUSIONS UNDER NEW MEXICO LAW: SEE EXHIBIT "A".
9. HANDYMAN EXCEPTION: Check if Applicable. NOTE: A HANDYMAN MUST PRESENT THE CARD ISSUED TO HIM/HER BY THE CONSTRUCTION INDUSTRIES DIVISION ("DIVISION") THAT CERTIFIES HIS/HER STATUS AS A HANDYMAN. HANDYMAN CERTIFICATION MUST BE RENEWED ANNUALLY. NEW MEXICO LAW DOES **NOT** REQUIRE A HANDYMAN TO BE INSURED OR BONDED.
 - A. The vendor works on one undertaking or project at a time;
 - B. The project or undertaking, in the aggregate or singly, does not exceed \$7,200 compensation a year, that work being casual, minor or inconsequential, such as handyman repairs (See Exhibit A for definitions of these terms);
 - C. The project or undertaking does NOT pertain to the installation, connection or repair of electrical wiring, plumbing or gas fitting; (See Exhibit A for further explanation of these terms);
 - D. The work is not part of a larger or major operation undertaken by the vendor or different contractor;
 - E. The vendor does not advertise or maintain a sign, card or other device which would indicate to the public that he/she is qualified to engage in the business of contracting; and
 - F. The vendor files annually with the Division on a form prescribed by the Division a declaration stating that:
 - i) he/she is not a contractor within the meaning of the Construction Industries Licensing Act;
 - ii) that the work he/she performs is casual, minor or inconsequential and will not include more than one undertaking or project at one time; and
 - iii) that the total amount of such contract, in the aggregate or singly, will not exceed \$7,200 compensation a year (not including materials).

BY SIGNATURE HERETO, VENDOR AFFIRMS THE FOREGOING:

Name of Vendor Company (If applicable)

Name of Individual Vendor Performing Services

Signature Date



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EXHIBIT “A”

NOTE: THE FOLLOWING ARE EXEMPT FROM NM CONTRACTOR LICENSING AND HANDYMAN REQUIREMENTS (FOR PRE-1978 HOMES, THE EPA LEAD-BASED PAINT RENOVATION, REPAIR AND PAINTING RULE CERTIFICATION MAY STILL APPLY – SEE NMAR FORM 2315):

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| • FENCING | • SANDBLASTING |
| • TILE | • PAINTING |
| • FIXTURES/CABINETS/MILLWORK | • WELDING |
| • FLOORING | • NON-REPAIR TYPE SERVICES SUCH AS CLEANING, HAULING & YARDWORK |

NEW MEXICO LAW DEFINES THE TERM "CONTRACTOR" AS FOLLOWS:

Any person who undertakes, offers to undertake by bid or other means or purports to have the capacity to undertake, by himself or through others, contracting. Contracting includes constructing, altering, repairing, installing or demolishing of any:

1. road, highway, bridge, parking area or related project;
2. building, stadium or other structure;
3. airport, subway or similar facility;
4. park, trail, bridle path, athletic field, golf course or similar facility;
5. dam, reservoir, canal, ditch or similar facility;
6. sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station or similar facility;
7. sewerage, water, gas or other pipeline;
8. transmission line;
9. radio, television or other tower;
10. water, oil or other storage tank;
11. shaft, tunnel or mining appurtenance;
12. leveling or clearing land;
13. excavating earth;
14. air conditioning, conduit, heating or other similar mechanical works;
15. electrical wiring, plumbing or plumbing fixture, consumers' gas piping, gas appliances or water conditioners; or similar work, structures or installations which are covered by applicable codes adopted under the provisions of the Construction Industries Licensing Act;
16. the term includes subcontractor and specialty contractor;
17. the term includes a construction manager who coordinates and manages the building process; who is a member of the construction team with the owner, architect, engineer and other consultants required for the building project; and who utilizes his skill and knowledge of general contracting to develop schedules, prepare project construction estimates, study labor conditions and advise concerning construction.

THE TERM “CONTRACTOR” DOES NOT INCLUDE:

1. any person who merely furnishes materials or supplies at the site without fabricating them into, or consuming them in the performance of, the work of a contractor;
2. an individual who, by himself or with the aid of others who are paid wages and who receive no other form of compensation, builds or makes installations, alterations or repairs in or to a single-family dwelling owned and occupied or to be occupied by him; provided that the installation, building, alteration or repair is required to be done in conformity with all other provisions of the Construction Industries Licensing Act [60-13-1 NMSA 1978] and with the orders, rules, regulations, standards and codes adopted pursuant to that act;



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a person who acts on his own account to build or improve a single-family residence for his personal use, including the building or improvement of a free standing storage building located on that residential property; provided that the construction or improvement is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with the orders, rules, regulations, standards and codes adopted pursuant to that act; and provided further that he does not engage in commercial construction;

3. a person who, by himself or with the aid of others who are paid wages and receive no other form of compensation, builds or makes installations, repairs or alterations in or to a building or other improvement on a farm or ranch owned, occupied or operated by him, or makes installations of electrical wiring that are not to be connected to electrical energy supplied from a power source outside the premises of the farm or ranch owned, occupied or operated by him; provided that the state codes and any local codes adopted pursuant to Subsection F of Section 60-13-44 NMSA 1978 shall not require any permits or inspections for such construction on a farm or ranch except for electrical wiring to be connected to a power source outside the premises;
4. an individual who works only for wages;
5. a person who performs work consisting of short-term depreciable improvements to commercial property to provide needed repairs and maintenance for items not covered by building codes adopted by the construction industry commission if the total amount paid the person for the work on a single undertaking, including materials, services and wages of those who work for him, does not exceed the sum of five thousand dollars (\$5,000).
6. persons involved with activities involving petroleum, gas or water wells; public utility or rural electric cooperatives; telephone or telegraph companies; rural electric cooperatives; pipeline companies; mining, gas and oil companies and radio and television broadcasters. For details regarding these exemptions see NMSA 60-13-3(D).
7. **HANDYMAN EXCEPTION:** an individual who works on one undertaking or project at a time that, in the aggregate or singly, does not exceed seven thousand two hundred dollars (\$7,200) compensation a year, the work being **casual, minor or inconsequential** (defined below), such as handyman repairs, provided that this exemption shall not apply to:
 - A. any undertaking or project pertaining to the installation, connection or repair or **electrical wiring, plumbing or gas fitting** (defined below);
 - B. the work is not part of a larger or major operation undertaken by the same individual or different contractor;
 - C. the individual does not advertise or maintain a sign, card or other device which would indicate to the public that he is qualified to engage in the business of contracting; and
 - D. the individual files annually with the division, on a form prescribed by the division, a declaration substantially to the effect that he is not a contractor (as defined above), that the work he performs is casual, minor or inconsequential and will not include more than one undertaking or project at one time and that the total amount of such contracts, in the aggregate or singly, will not exceed seven thousand two hundred dollars (\$7,200) compensation a year.

DEFINITIONS: The following terms as used above have the following meanings:

1. **Casual** - means employment for irregular periods and occurring without regularity for various property owners
2. **Inconsequential** - means of little importance or unimportant, cosmetic;
3. **Minor** - means smaller in size or degree, less important;
4. **Electrical wiring** - means all wiring, conductors, fixtures, devices, conduits, appliances or other equipment, including generating equipment such as solar electricity generating equipment of not over ten kilowatt capacity, used in connection with the general distribution or use of electrical energy;
5. **Plumbing** - means the installing, altering and repairing of all plumbing fixtures, fixture traps and soil, waste, supply and vent pipes, with their devices, appurtenances and connections, through which water, waste, sewage, oil and air are carried, when done within the property lines of the building or structure to be served by the plumbing or to the point of connection with the utility system. This definition shall not be construed as prohibiting the installation by a "fixed works" licensee of service lines from the utility system to a point five feet outside the building or structure to be served by the plumbing;
6. **Fixtures** - include closet bowls, lavatories, bathtubs, showers, kitchen sinks, laundry trays, hot water tanks, softeners, urinals, bidets, service sinks, shower pans, drink fountains, water compressors, water coolers, septic tanks or similar systems of sewage disposal and such other similar fixtures used in plumbing as designated by the mechanical bureau;
7. **Gas fitting** - means the installing, altering and repairing of consumers' gas piping and the installation of appliances utilizing natural gas as fuel and their appurtenances in or upon premises of the consumers;



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8. **Softener or Water Conditioner** - means any appliance, apparatus, fixture and equipment that is designed to soften, filter or change the mineral content of water, whether permanent or portable; and
9. **Certificate of Competence** - means evidence of competence issued by the division to a journeyman electrician, journeyman plumber, journeyman gas fitter, journeyman pipe fitter or journeyman welder working on pipelines, collection lines or compressor stations.

PERMITTED HANDYMAN TASKS:

- Minor or inconsequential repairs to buildings or other structures (no structural repairs).
- Repair holes in interior walls;
- Repair broken windows and doors (no replacement);
- Repair portions of porches and decks (no structural work or complete replacement);
- Repair wooden or concrete stairs/steps (no complete replacement);
- Repair siding excluding any work on stucco.

PROHIBITED HANDYMAN TASKS:

- Advertise as a contractor or impart to the general public he is any manner qualified to engage in the business of contracting;
- Work on any projects as a sub-contractor to a licensed contractor;
- Add on a room to an existing building or remodel any portion of an existing room or building;
- Build or erect an entire building or any other structure such as a porch, deck, shed, gazebo or other garden structure;
- Perform any kind of roof construction or roof repair;
- Perform any kind of stucco application or stucco repair;
- Use the services of others or hire employees or sub-contractors;
- Combine with others, including other handyman certificate holders, to accomplish work;
- Perform any plumbing, mechanical, or electrical work;
- Work on more than one undertaking at a time;
- Build a driveway.