

1 HOUSE BILL 323

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Joseph L. Sanchez and Randall T. Pettigrew

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9  
10 AN ACT

11 RELATING TO PROFESSIONAL LICENSURE; REVISING EXEMPTIONS FOR  
12 ENGINEERS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 61-23-22 NMSA 1978 (being Laws 1993,  
16 Chapter 218, Section 17, as amended) is amended to read:

17 "61-23-22. ENGINEERING--EXEMPTIONS.--

18 A. A New Mexico licensed architect who has complied  
19 with all of the laws of New Mexico relating to the practice of  
20 architecture has the right to engage in the incidental  
21 practice, as defined by regulation, of activities properly  
22 classified as engineering; provided that the architect shall  
23 not make any representation as being a professional engineer or  
24 as performing engineering services; and further provided that  
25 the architect shall perform only that part of the work for

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1 which the architect is professionally qualified and shall use  
2 qualified professional engineers or others for those portions  
3 of the work in which the contracting architect is not  
4 qualified. Furthermore, the architect shall assume all  
5 responsibility for compliance with all laws, codes, regulations  
6 and ordinances of the state or its political subdivisions  
7 pertaining to all documents bearing the architect's  
8 professional seal.

9 B. An engineer employed by a business entity who  
10 performs only the engineering services involved in the  
11 operation of the business entity's or an affiliated business  
12 entity's business shall be exempt from the provisions of the  
13 Engineering and Surveying Practice Act; provided that neither  
14 the employee nor the employer offers engineering services to  
15 the public; and provided further that any such engineering  
16 services are limited to the legal boundaries ~~[of the property~~  
17 ~~owned, leased or lawfully operated by the business entity or an~~  
18 ~~affiliated business entity that employs the engineer]~~ that the  
19 business entity or an affiliated business entity that employs  
20 the engineer owns, leases, has an easement or a right of way on  
21 or lawfully operates. Performance of engineering on public  
22 works projects pursuant to Section 61-23-26 NMSA 1978 ~~[or~~  
23 ~~within off-premises easements]~~ constitutes engineering services  
24 to the public and is subject to the Engineering and Surveying  
25 Practice Act."

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