AN ACT

RELATING TO OCCUPATIONS; REMOVING PROOF OF CITIZENSHIP OR
LEGAL RESIDENCY REQUIREMENTS FOR CERTAIN PROFESSIONALS;
ALLOWING FOR SUBMISSION OF AN INDIVIDUAL TAXPAYER
IDENTIFICATION NUMBER FOR CERTAIN OCCUPATIONAL LICENSE OR
PERMIT APPLICATIONS.

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

SECTION 1. Section 56-12-7 NMSA 1978 (being Laws 1985,
Chapter 228, Section 7) is amended to read:

"56-12-7. APPLICATION FOR PERMIT--REQUIREMENTS.--

A. Each application for an original or a renewal permit shall be submitted in writing to the local government and contain such information as is required by the local government and be accompanied by the applicable permit fee amount.

B. Each application shall be accompanied by the name, social security number or individual taxpayer identification number, address and date of birth of each agent, servant and employee of the applicant engaged in the business of pawn transactions. Changes in such list shall be indicated on each renewal application.

C. Every pawnbroker shall furnish with each application for an original or renewal permit proof of execution and delivery of the bond to the local government."
SECTION 2. Section 59A-11-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 181, as amended) is amended to read:

"59A-11-2. APPLICATION FOR LICENSE--INDIVIDUAL.--

A. Where a license is required under the Insurance Code for categories referred to in Section 59A-11-1 NMSA 1978, application by an individual shall be filed with, and on a form prescribed by, the superintendent. The application shall be signed by the applicant, under oath if required by the form.

B. The application form may require information about the applicant as to:

(1) name, date of birth, social security number or individual taxpayer identification number, residence and business address, if applicable;

(2) personal history, business experience in general;

(3) experience or special training or education in the kind of business to be transacted under the license applied for;

(4) previous licensing;

(5) type of license applied for and kinds of insurance or transactions to be covered thereby;

(6) proof of applicant's identity; and

(7) such other pertinent information and matters as the superintendent may reasonably require.
C. The application form shall also require information as to additional matters expressly required to be included therein in articles of the Insurance Code relating to particular licenses.

D. The application shall be accompanied by the applicable license application filing fee specified in Section 59A-6-1 NMSA 1978 and by the fee specified in such fee schedule for any examination required under the Insurance Code to be taken and passed by the applicant prior to licensing.

E. The superintendent may require a criminal history background investigation of the applicant for a license by means of fingerprint checks by the department of public safety and the federal bureau of investigation.

F. The superintendent may obtain from the department of public safety and the federal bureau of investigation, at the expense of the applicant for a license, criminal history information concerning each applicant, using the applicant's fingerprints or other identifying information. The information shall be used by the superintendent solely in determining whether to grant the application."

SECTION 3. Section 59A-13-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 232, as amended) is amended to read:

"59A-13-4. QUALIFICATIONS FOR LICENSE AS ADJUSTER.--
A. The superintendent shall license as an adjuster only an individual who is otherwise in compliance with Chapter 59A, Articles 11 and 13 NMSA 1978 and who has furnished evidence satisfactory to the superintendent that the applicant for license:

(1) is not less than eighteen years of age;
(2) is a bona fide resident of this state, or of a state or country that permits residents of this state to act as adjusters therein, except that under circumstances of necessity the superintendent may waive the requirement of reciprocity;
(3) can demonstrate a good business reputation, and intends to engage in a bona fide manner in the business of adjusting insurance claims;
(4) has passed any examination required for licensing; and
(5) has filed the bond required under Section 59A-13-5 NMSA 1978.

B. Paragraphs (2) and (5) of Subsection A of this section shall not apply as to staff adjusters.

C. Individuals holding licenses as adjusters on the effective date of the Insurance Code shall be deemed to meet the qualifications for the license except as provided in Chapter 59A, Articles 11 and 13 NMSA 1978.

D. A business entity applying for an independent
adjuster license for the purposes of portable electronics insurance in New Mexico shall submit the names, addresses, social security numbers or individual taxpayer identification numbers, criminal and administrative histories, background checks, biographical statements and fingerprints of all executive officers and directors of the applicant and of all executive officers and directors of entities owning and any individuals owning, directly or indirectly, fifty-one percent or more of the outstanding voting securities of the applicant. Any nonresident business entity applicant whose resident state has enacted into law provisions that are substantively duplicative of the provisions of this subsection shall not be required to submit criminal histories, background checks, biographical statements and fingerprints for its executive officers, directors and owners of outstanding voting securities."

SECTION 4. Section 59A-13-6 NMSA 1978 (being Laws 1984, Chapter 127, Section 234, as amended) is amended to read:

"59A-13-6. EMERGENCY ADJUSTERS.--

A. In the event of an emergency requiring the immediate expansion of adjuster services in New Mexico, an insurer or a public adjuster licensed in New Mexico may request authority from the superintendent to employ adjusters to assist with the emergency who are not licensed in New Mexico but who have fulfilled all licensing
requirements in their home state and are in good standing in their home state. An insurer or public adjuster requesting such authority shall provide the superintendent with the following information:

(1) the nature of the emergency and the affected region of the state;

(2) a list of the adjusters that the insurer or public adjuster shall use that are not licensed in New Mexico. This list shall include each adjuster's name, home address, last four digits of individual taxpayer identification number or last four digits of social security number, national producer number, home state and the effective date of the contract between the adjuster and the insurer or public adjuster;

(3) the name, contact information, national producer number and New Mexico license number for the individual designated by the insurer or public adjuster who will be responsible for the conduct of these adjusters; and

(4) any other information that the superintendent may require.

B. The adjustment of claims by the adjusters listed in Paragraph (2) of Subsection A of this section shall be limited to claims arising from the emergency.

C. Use of the listed adjusters shall be limited to the ninety days immediately following the emergency, unless
an extension of time is requested by the insurer or public
adjuster and granted by the superintendent.

D. A request by an insurer or public adjuster to
employ adjusters to assist with an emergency who are not
licensed in New Mexico but who are currently licensed and in
good standing in their home state shall be deemed approved if
such a request is not disapproved by the superintendent
within three business days of its submission to the
superintendent.

E. An insurer or public adjuster that requests
authorization pursuant to this section may commence employing
the adjusters listed in Paragraph (2) of Subsection A of this
section while awaiting the superintendent's decision on their
request."

SECTION 5. Section 59A-51-4 NMSA 1978 (being Laws 1984,
Chapter 127, Section 931, as amended) is amended to read:

"59A-51-4. QUALIFICATIONS FOR LICENSE.--Applicants for
license as bail bondsman or solicitor pursuant to the
provisions of the Bail Bondsmen Licensing Law shall:

A. be an individual not less than eighteen years
of age;

B. be a high school graduate or have passed a high
school equivalency examination;

C. not be a law enforcement, adjudication, jail,
court or prosecution official or an employee thereof or an
attorney, official authorized to admit to bail or state or county officer;

D. if for license as bondsman, pass a written examination testing the applicant's knowledge and competence to engage in the bail bondsman business;

E. be of good personal and business reputation;

F. if to act as a property bondsman, be financially responsible and provide the surety bond or deposit in lieu thereof as required in accordance with Section 59A-51-8 NMSA 1978;

G. if to act as a limited surety agent, be appointed by an authorized surety insurer; and

H. if for license as a solicitor, have been so appointed by a licensed bail bondsman subject to issuance of the solicitor license."

SECTION 6. Section 60-13A-6 NMSA 1978 (being Laws 1993, Chapter 162, Section 6) is amended to read:

"60-13A-6. REGISTRATION APPLICATION--CONTENTS.--

A. An application for registration as an employee leasing contractor shall be signed by an individual for the applicant and verified by the applicant under oath before a notary public. It shall contain:

(1) the applicant's full name, the title of the applicant's position with the employee leasing contractor and a statement that the applicant is authorized to act on
behalf of the employee leasing contractor in connection with the application;

(2) the business name, if any, of the applicant;

(3) the applicant's legal entity status;

(4) if the applicant is an individual, the applicant's:

(a) age; and

(b) date and place of birth;

(5) the applicant's state and federal tax identification numbers and employer identification number;

(6) the current residence street or location address of the principal office of the applicant and a current mailing address if different from the residency address;

(7) a signature by:

(a) an individual sole proprietor if the applicant is a proprietorship;

(b) each of the general partners if the applicant is a partnership; or

(c) a corporate officer having authority to make the application if the applicant is a corporation;

(8) for a corporate applicant, the name and residence street address of the corporation's agent for the
(9) proof of compliance with Section 60-13A-5 NMSA 1978.

B. Changes in information required to be included in the application for registration as an employee leasing contractor shall be reported to the department by the employee leasing contractor within thirty days of the date the change occurs. Failure by the employee leasing contractor to comply with this requirement constitutes cause for the department to cancel the employee leasing contractor's registration."

SECTION 7. Section 61-2-8 NMSA 1978 (being Laws 1973, Chapter 353, Section 7) is amended to read:

"61-2-8. QUALIFICATIONS FOR LICENSURE AS AN OPTOMETRIST.--Each applicant for licensure as an optometrist shall furnish evidence satisfactory to the board that the applicant:

A. has reached the age of majority;

B. is of good moral character and of temperate habits;

C. has completed at least an approved four-year high school course of study or the equivalent as determined by regulations of the board; and

D. has graduated and been awarded a doctor of optometry degree from a school or college of optometry
approved and accredited by the board. In the event the
applicant applies for licensure by endorsement, the applicant
shall have been awarded a doctor of optometry degree from a
school or college of optometry, approved and accredited by
the board, which had a minimum course of study of four
thousand clock hours of instruction leading to that degree."

SECTION 8. Section 61-6-13 NMSA 1978 (being Laws 1989,
Chapter 269, Section 9, as amended) is amended to read:

"61-6-13. LICENSURE BY ENDORSEMENT.--

A. The board may grant a license by endorsement to
an applicant who:

   (1) has graduated from an accredited
United States or Canadian medical school;
   (2) is board certified in a specialty
recognized by the American board of medical specialties;
   (3) has been a licensed physician in the
United States or Canada and has practiced medicine in the
United States or Canada immediately preceding the application
for at least three years;
   (4) holds an unrestricted license in another
state or Canada; and
   (5) was not the subject of a disciplinary
action in a state or province.

B. The board may grant a license by endorsement to
an applicant who:
(1) has graduated from a medical school located outside the United States or Canada;
(2) is of good moral character;
(3) is board certified in a specialty recognized by the American board of medical specialties;
(4) has been a licensed physician in the United States or Canada and has practiced medicine in the United States or Canada immediately preceding the application for at least three years;
(5) holds an unrestricted license in another state or Canada; and
(6) was not the subject of disciplinary action in a state or province.

C. An endorsement provided pursuant to this section shall certify that the applicant has passed an examination that meets with board approval and that the applicant is in good standing in that jurisdiction. In cases when the applicant is board certified, has not been the subject of disciplinary action that would be reportable to the national practitioner data bank or the healthcare integrity and protection data bank and has unusual skills and experience not generally available in this state, and patients residing in this state have a significant need for such skills and experience, the board may waive a requirement imposing time limits for examination completion that are
different from requirements of the state where the applicant is licensed.

D. An applicant for licensure under this section may be required to personally appear before the board or a designated agent for an interview.

E. An applicant for licensure under this section shall pay an application fee as provided in Section 61-6-19 NMSA 1978.

F. The board may require fingerprints and other information necessary for a state and national criminal background check."

SECTION 9. Section 61-12D-10 NMSA 1978 (being Laws 1997, Chapter 89, Section 10, as amended) is amended to read:

"61-12D-10. LICENSURE--QUALIFICATIONS.--

A. An applicant for licensure as a physical therapist shall submit a completed application and have the following minimum qualifications:

(1) be of good moral character;

(2) be a graduate of an accredited physical therapy program approved by the board;

(3) have successfully passed the national physical therapy examination approved by the board; and

(4) have successfully passed the state jurisprudence examination.

B. An applicant for licensure as a physical
therapist who has been educated outside the United States shall submit a completed application and meet the following minimum qualifications in addition to those required in Paragraphs (1), (3) and (4) of Subsection A of this section:

(1) provide satisfactory evidence that the applicant's education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs in the United States, as determined by the board. If the board determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process;

(2) provide evidence that the applicant is a graduate of a school of training that is recognized by the foreign country's own ministry of education or similar institution;

(3) provide written proof of authorization to practice as a physical therapist without limitations in the legal jurisdiction where the post-secondary institution from which the applicant has graduated is located;

(4) have the applicant's educational credentials evaluated by a board-approved credential evaluation agency;

(5) pass all approved English proficiency examinations as may be prescribed by the board if English is
not the applicant's primary language; and

(6) participate in an interim supervised
clinical practice period as may be prescribed by the board.

C. The board may issue an interim permit to a
foreign-trained applicant who satisfies the board's
requirements. An interim permit shall be issued for the
purpose of participating in a supervised clinical practice
period.

D. If the foreign-educated physical therapist
applicant is a graduate of a college accredited by the
commission on accreditation in physical therapy education,
the requirements of Paragraphs (1), (2), (4) and (6) of
Subsection B of this section are waived.

E. An applicant for licensure as a physical
therapist assistant shall submit a completed application and
meet the following minimum requirements:

(1) be of good moral character;

(2) be a graduate of an accredited physical
therapist assistant program approved by the board;

(3) have successfully passed the national
physical therapy examination approved by the board; and

(4) have successfully passed the state
jurisprudence examination.

F. An applicant for licensure as a physical
therapist or physical therapist assistant shall file a
written application on forms provided by the board. A nonrefundable application fee and the cost of the examination shall accompany the completed written application.

G. Applicants who fail to pass the examinations shall be subject to requirements determined by board regulations prior to being approved by the board for subsequent testing.

H. The board or its designee shall issue a license to a physical therapist or physical therapist assistant who has a valid unrestricted license from another United States jurisdiction and who meets all requirements for licensure in New Mexico.

I. Prior to licensure, if prescribed by the board, the board or its designee may issue a temporary nonrenewable license to a physical therapist or physical therapist assistant who has completed the education and experience requirements of the Physical Therapy Act. The temporary license shall allow the applicant to practice physical therapy under the supervision of a licensed physical therapist until a permanent license is approved that shall include passing the national physical therapy examination.

J. The board or its designee may issue a temporary license to a physical therapist or physical therapist assistant performing physical therapy while teaching an educational seminar who has met the requirements established...
by regulation of the board.

K. A physical therapist or physical therapist assistant licensed under the provisions of the Physical Therapy Act shall renew the physical therapist's or physical therapist assistant's license as specified in board rules. A person who fails to renew the person's license by the date of expiration shall not practice physical therapy as a physical therapist or physical therapist assistant in New Mexico.

L. Reinstatement of a lapsed license following a renewal deadline requires payment of a renewal fee and late fee.

M. Reinstatement of a physical therapist or physical therapist assistant license that has lapsed for more than three years, without evidence of continued practice in another state pursuant to a valid unrestricted license in that state, requires reapplication and payment of fees, as specified in board rules. The board shall promulgate rules establishing the qualifications for reinstatement of a lapsed license.

N. The board may establish, by rule, activities to periodically assess continuing competence to practice physical therapy.

O. A physical therapist shall refer a patient to the patient's licensed health care provider if:

(1) after thirty days of initiating physical
therapy intervention, the patient has not made measurable or functional improvement with respect to the primary complaints of the patient; provided that the thirty-day limit shall not apply to:

(a) treatment provided for a condition related to a chronic, neuromuscular or developmental condition for a patient previously diagnosed by a licensed health care provider as having a chronic, neuromuscular or developmental condition;

(b) services provided for health promotion, wellness, fitness or maintenance purposes; or

(c) services provided to a patient who is participating in a program pursuant to an individual education plan or individual family service plan under federal law; or

(2) at any time, the physical therapist has reason to believe the patient has symptoms or conditions requiring treatment that is beyond the scope of practice of the physical therapist.

P. As used in this section, "licensed health care provider" means:

(1) a physician licensed pursuant to the Medical Practice Act;

(2) an osteopathic physician licensed pursuant to the Osteopathic Medicine Act;
(3) a chiropractic physician licensed pursuant to the Chiropractic Physician Practice Act;
(4) a podiatrist licensed pursuant to the Podiatry Act;
(5) a dentist licensed pursuant to the Dental Health Care Act;
(6) a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act;
(7) a certified nurse practitioner licensed pursuant to the Nursing Practice Act;
(8) a certified nurse-midwife licensed pursuant to the Nursing Practice Act and registered with the public health division of the department of health as a certified nurse-midwife;
(9) a certified nurse specialist licensed pursuant to the Nursing Practice Act; or
(10) a physician assistant licensed pursuant to the Medical Practice Act."

SECTION 10. Section 61-18A-11 NMSA 1978 (being Laws 1987, Chapter 252, Section 11, as amended) is amended to read:
"61-18A-11. QUALIFICATION OF MANAGER APPLICANTS.--The licensed manager to be actively in charge of a collection agency shall:
A. have reached the age of majority;
B. not have been convicted of a felony or crime involving moral turpitude;
C. be a graduate of a high school or provide proof to the director that the licensed manager is possessed of the equivalent of a high school education;
D. pass the examination required;
E. pay the examination fee to the director;
F. have been actively and continuously engaged or employed in the collection of accounts receivable for at least two of the five years next preceding the filing of the application; and
G. have a good credit record."

SECTION 11. Section 61-24D-6 NMSA 1978 (being Laws 2019, Chapter 239, Section 6) is amended to read: "61-24D-6. LICENSURE.--
A. Unless otherwise provided in the Home Inspector Licensing Act, an applicant for a license shall:
   (1) complete an application on forms provided by the board;
   (2) provide documentation to establish that the applicant is at least eighteen years of age;
   (3) provide the board with the applicant's fingerprints and all information necessary for a state and national criminal background check;
(4) provide proof of and maintain insurance coverage as provided in Section 61-24D-12 NMSA 1978;

(5) have completed at least eighty hours of classroom training, the content of which shall be established by rule of the board;

(6) pass a national home inspector licensing examination and any additional licensing examinations as prescribed by the board; and

(7) have completed at least eighty hours of field training, or its equivalent, as determined by the board.

B. Paragraphs (5) and (7) of Subsection A of this section shall not apply to a person who has:

(1) worked as a home inspector in each of the twenty-four months immediately preceding the effective date of the Home Inspector Licensing Act; and

(2) performed at least one hundred home inspections for compensation in the twenty-four months immediately preceding the effective date of the Home Inspector Licensing Act.

C. After the board's review of all information obtained by the board and submitted by the applicant as required by this section, if all of the requirements for licensure are met, the board shall issue a license to the applicant."
SECTION 12. Section 61-29-9 NMSA 1978 (being Laws 1959, Chapter 226, Section 8, as amended) is amended to read:

"61-29-9. QUALIFICATIONS FOR LICENSE.--

A. Licenses shall be granted only to persons who meet the requirements for licensure prescribed by law and are deemed by the commission to be of good repute and competent to transact the business of a qualifying broker or an associate broker in a manner that safeguards the interests of the public.

B. An applicant for a qualifying broker's license or an associate broker's license shall have reached the age of majority. Each applicant for a qualifying broker's license or an associate broker's license shall have passed the real estate broker's examination approved by the commission and shall:

(1) furnish the commission with certificates of completion of ninety hours of classroom instruction consisting of commission-approved thirty-hour courses in real estate principles and practice, real estate law and broker basics; or

(2) in the case of an out-of-state applicant, furnish the commission with a certified license history from the real estate licensing jurisdiction in the state or states in which the applicant is currently or has been previously licensed as a real estate broker, or
certificates of completion of those courses issued by the

course sponsor or provider, certifying that the applicant has

or had a license in that state and has completed the

equivalent of sixty classroom hours of prelicensing education

approved by that licensing jurisdiction in real estate

principles and practice and real estate law. Upon receipt of

such documentation, the commission may waive sixty hours of

the ninety hours of prelicensing education required to take

the New Mexico real estate broker's examination and may waive

the national portion of the examination. The applicant shall

complete the commission-approved thirty-hour broker basics

class to be eligible to take the state portion of the

New Mexico real estate broker's examination.

C. An applicant for a qualifying broker's license

shall have passed the New Mexico real estate broker's

examination and had an active associate broker's license or

equivalent real estate license for at least two of the last

five years immediately preceding application for a qualifying

broker's license and shall furnish the commission with a

certificate of completion of the commission-approved

thirty-hour brokerage office administration course and any

additional educational courses required by the commission by

rule.

D. Notwithstanding Subsection C of this section,
a qualifying broker shall not supervise associate brokers
until the qualifying broker has had an active associate broker's or qualifying broker's license or equivalent real estate license for at least four years. Licensees who hold an active or inactive qualifying broker's license on January 1, 2018 are exempt from this subsection.

E. The commission shall require the information it deems necessary from every applicant to determine that applicant's honesty, trustworthiness and competency."

SECTION 13. Section 61-30-10.1 NMSA 1978 (being Laws 1992, Chapter 54, Section 8, as amended) is amended to read:

"61-30-10.1. QUALIFICATION FOR REAL ESTATE APPRAISER TRAINEE.--

A. Registration as a real estate appraiser trainee shall be granted only to persons who are deemed by the board to be of good repute and competent to render appraisals.

B. Each applicant for registration as a real estate appraiser trainee shall have reached the age of majority.

C. Each applicant for registration as a real estate appraiser trainee shall meet the education requirements as established for the real estate appraiser trainee classification issued by the appraiser qualifications board of the appraisal foundation and adopted by rule pursuant to the Real Estate Appraisers Act.

D. The board shall require such information as it
SECTION 14. Section 61-30-11 NMSA 1978 (being Laws 1990, Chapter 75, Section 11, as amended) is amended to read:

"61-30-11. QUALIFICATIONS FOR LICENSE.--

A. Licenses shall be granted only to persons who are deemed by the board to be of good repute and competent to render appraisals.

B. Each applicant for a license as a state licensed residential real estate appraiser shall have reached the age of majority.

C. Each applicant for a license as a state licensed residential real estate appraiser shall have additional experience and education requirements as established for the licensed classification issued by the appraiser qualifications board of the appraisal foundation and adopted by rule pursuant to the Real Estate Appraisers Act.

D. The board shall require such information as it deems necessary from every applicant to determine the applicant's honesty, trustworthiness and competency.

E. Persons who do not meet the qualifications for licensure are not qualified for appraisal assignments involving federally related transactions."

SECTION 15. Section 61-30-12 NMSA 1978 (being Laws
1990, Chapter 75, Section 12, as amended) is amended to read:

"61-30-12. QUALIFICATIONS FOR CERTIFIED RESIDENTIAL AND
GENERAL REAL ESTATE APPRAISERS.--

A. Certified classification shall be granted only
to persons who are deemed by the board to be of good repute
and competent to render appraisals.

B. Each applicant for a state certified
residential or general real estate appraiser classification
shall have reached the age of majority.

C. Each applicant for a residential certificate as
a state certified real estate appraiser shall have performed
actively as a real estate appraiser and shall have additional
experience and education requirements as established for the
residential certification classification issued by the
appraiser qualifications board of the appraisal foundation
and adopted by rule pursuant to the Real Estate Appraisers
Act.

D. Each applicant for a general certificate as a
state certified real estate appraiser shall have performed
actively as a real estate appraiser and have additional
experience and education requirements as established for the
general certification classification issued by the appraiser
qualifications board of the appraisal foundation and adopted
pursuant to the Real Estate Appraisers Act.

E. The board shall require such information as it
deems necessary from every applicant to determine the
applicant's honesty, trustworthiness and competency."