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AN ACT

RELATING TO INTERIOR DESIGNERS; EXTENDING THE SUNSET DATE FOR  
THE INTERIOR DESIGN BOARD; STREAMLINING LICENSURE  
REQUIREMENTS; CREATING A SEAL OR STAMP; ALLOWING INTERIOR  
DESIGNERS TO SUBMIT PLANS FOR PERMITS; AMENDING, REPEALING  
AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 61-24C-3 NMSA 1978 (being Laws 1989,  
Chapter 53, Section 3, as amended) is amended to read:

"61-24C-3. DEFINITIONS.--As used in the Interior  
Designers Act:

A. "board" means the interior design board;

B. "building" means a structure consisting of a  
foundation, floors, walls, columns, girders, beams and a roof  
or a combination of those parts, with or without other parts  
or appurtenances;

C. "building shell" means a building framework,  
perimeter and exterior walls, the building core and columns  
and other structural, mechanical and load-bearing elements of  
the building;

D. "building shell system" means a mechanical,  
plumbing, fire protection, electrical, structural or  
motorized vertical transportation system designed for or  
located within a building shell;

1           E. "interior construction document" means detailed  
2 drawings and specifications sealed and signed by a licensed  
3 interior designer certifying compliance with applicable  
4 current building codes, ordinances, laws and regulations that  
5 define the work to be constructed in such form as is required  
6 for approval of a construction permit by a building official  
7 or fire marshal and may be combined with documents prepared  
8 under the responsible control, seal and signature of other  
9 registered or licensed professionals;

10           F. "interior design" means the rendering of or the  
11 offering to render designs, consultations, studies, planning,  
12 drawings, specifications, contract documents or other  
13 technical submissions and the administration of interior  
14 construction of a building in order to enhance and protect  
15 the health, safety and welfare of the public. "Interior  
16 design" includes:

17                   (1) space planning, finishes, furnishings  
18 and the design for fabrication of nonstructural interior  
19 construction within interior spaces of buildings;

20                   (2) responsibility for life safety design of  
21 proposed elements or modifications of existing nonstructural  
22 and nonengineered elements of construction, including  
23 partitions, doors, stairways and paths of egress connecting  
24 to exits or exitways;

25                   (3) modification of existing building

1 construction so as to alter the number of persons for which  
2 the egress systems of the building are designed; and

3 (4) reviewing, analyzing and evaluating  
4 building codes, fire codes, accessibility standards,  
5 including the federal Americans with Disabilities Act of  
6 1990, or other federal, state or local regulations, codes and  
7 standards;

8 G. "licensed interior designer" means a person  
9 licensed pursuant to the Interior Designers Act;

10 H. "nonengineered" means not pertaining to  
11 engineering;

12 I. "nonstructural interior construction" means the  
13 construction of elements that do not include a load-bearing  
14 wall, a load-bearing column or other load-bearing element of  
15 a building essential for the structural integrity of the  
16 building;

17 J. "responsible charge" means the amount of  
18 control over and detailed knowledge of the content of  
19 technical submissions during their preparation as is  
20 ordinarily exercised by registered or licensed professionals  
21 applying the required professional standard of care, as  
22 defined by the rules adopted by the respective boards  
23 governing such professionals; and

24 K. "superintendent" means the superintendent of  
25 regulation and licensing."

1 SECTION 2. Section 61-24C-4 NMSA 1978 (being Laws 1989,  
2 Chapter 53, Section 4, as amended) is amended to read:

3 "61-24C-4. INTERIOR DESIGN BOARD CREATED--MEMBERS--  
4 TERMS--COMPENSATION.--

5 A. There is created the "interior design board".  
6 The board shall be administratively attached to the  
7 regulation and licensing department. The board shall consist  
8 of five members appointed by the governor for staggered terms  
9 of three years. Members shall be appointed in a manner that  
10 the terms of not more than two members expire on December 31  
11 of each year. A vacancy shall be filled by appointment by  
12 the governor for the unexpired term. A board member shall  
13 not serve consecutive terms.

14 B. All members of the board shall be residents of  
15 New Mexico. No more than two members shall be appointed from  
16 the same congressional district. Three members of the board  
17 shall be licensed interior designers and two members shall be  
18 chosen to represent the public and shall not have been  
19 licensed as interior designers or have a significant  
20 financial interest, direct or indirect, in the occupation  
21 regulated.

22 C. Three members of the board shall constitute a  
23 quorum for the transaction of business, but no final action  
24 shall be taken unless at least three members vote in favor of  
25 a proposal."

1 SECTION 3. Section 61-24C-5 NMSA 1978 (being Laws 1989,  
2 Chapter 53, Section 5, as amended) is amended to read:

3 "61-24C-5. POWERS AND DUTIES OF THE BOARD.--The board:

4 A. shall administer, coordinate and enforce the  
5 provisions of the Interior Designers Act. The board may  
6 investigate allegations of violations of the provisions of  
7 the Interior Designers Act;

8 B. shall adopt rules to carry out the purposes and  
9 policies of the Interior Designers Act, including rules  
10 relating to professional conduct, standards of performance  
11 and professional examination and licensure, reasonable  
12 license, application, renewal and late fees and the  
13 establishment of ethical standards of practice for a licensed  
14 interior designer in New Mexico;

15 C. shall require a licensee, as a condition of the  
16 renewal of the license, to undergo continuing education  
17 requirements as set forth in the Interior Designers Act;

18 D. shall maintain an official roster showing the  
19 name, address and license number of each interior designer  
20 licensed pursuant to the Interior Designers Act;

21 E. may conduct hearings and keep records and  
22 minutes necessary to carry out its functions in administering  
23 the Interior Designers Act;

24 F. shall adopt a common seal or stamp for use by  
25 licensed interior designers;

1 G. shall prescribe the form of a certificate of  
2 registration for a licensed interior designer; and

3 H. shall do all things reasonable and necessary to  
4 carry out the purposes of the Interior Designers Act."

5 SECTION 4. Section 61-24C-8 NMSA 1978 (being Laws 1989,  
6 Chapter 53, Section 8) is amended to read:

7 "61-24C-8. REQUIREMENTS FOR LICENSURE--RECIPROCITY.--

8 A. Each applicant for licensure shall submit to  
9 the board:

10 (1) proof of having reached twenty-one years  
11 of age;

12 (2) a completed application, as required by  
13 the board;

14 (3) the fees for licensure, as required by  
15 the board;

16 (4) proof of having passed the examination  
17 administered by the national council for interior design  
18 qualifications or its successor entity; and

19 (5) proof of having acquired a minimum  
20 degree from a college or university in a program of study of:

21 (a) architecture accredited by the  
22 national architectural accrediting board or another national  
23 accrediting organization recognized by the board; or

24 (b) interior design approved by the  
25 council of interior design accreditation or a substantially

1 equivalent program of study approved by the board.

2 B. The board may issue a license to an applicant  
3 who holds a valid license, certificate or registration as an  
4 interior designer issued by another state, political  
5 territory or jurisdiction if, in the board's determination,  
6 the requirements for the license, certificate or registration  
7 equal or exceed the requirements for licensure pursuant to  
8 the Interior Designers Act."

9 SECTION 5. Section 61-24C-10 NMSA 1978 (being Laws  
10 1989, Chapter 53, Section 10, as amended) is amended to read:

11 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,  
12 SUSPENSION OR REVOCATION.--

13 A. A license shall be issued to every person who  
14 presents satisfactory evidence of possessing the  
15 requirements for licensure.

16 B. Each original license shall authorize the  
17 holder to use the title of and be known as a licensed  
18 interior designer from the date of issuance to the next  
19 renewal date unless the license is suspended or revoked.

20 C. All licenses shall expire annually and shall be  
21 renewed by submitting a completed renewal application,  
22 accompanied by the required fees.

23 D. A license shall not be renewed until the  
24 licensee submits satisfactory evidence to the board that,  
25 during the last year, the licensee has participated in not

1 less than twelve hours of continuing education approved by  
2 the board. The board shall approve only continuing education  
3 that focuses on:

- 4 (1) the health and wellness of building  
5 occupants;
- 6 (2) public safety, including the application  
7 of fire codes and building codes;
- 8 (3) resiliency;
- 9 (4) sustainability; or
- 10 (5) the application of federal, state and  
11 local laws pertaining to accessibility standards, including  
12 the Americans with Disabilities Act of 1990.

13 E. The holder of a license that has expired  
14 through failure to renew may renew the license at any time  
15 within two years from the date on which the license expired,  
16 upon approval of the board.

17 F. The board may promulgate policies and  
18 procedures providing for the establishment of an inactive  
19 status for licensees temporarily not engaged in the practice  
20 of interior design.

21 G. In accordance with the provisions of the  
22 Uniform Licensing Act, the board may deny, refuse to renew,  
23 suspend or revoke a license or impose probationary conditions  
24 when the licensee has:

- 25 (1) obtained the license by means of fraud,



1 misrepresentation or concealment of material facts;

2 (2) committed an act of fraud or deceit in  
3 professional conduct or been convicted of a felony;

4 (3) made any representation as being a  
5 licensed interior designer prior to being issued a license,  
6 except as authorized under the provisions of the Interior  
7 Designers Act;

8 (4) been found by the board to have aided or  
9 abetted an unlicensed person in violating the provisions of  
10 the Interior Designers Act; or

11 (5) failed to comply with the provisions of  
12 the Interior Designers Act or rules adopted pursuant to that  
13 act."

14 SECTION 6. Section 61-24C-11 NMSA 1978 (being Laws  
15 1989, Chapter 53, Section 11, as amended) is amended to read:

16 "61-24C-11. LICENSE REQUIRED--PENALTY.--

17 A. No person shall knowingly:

18 (1) use the name or title of licensed  
19 interior designer when the person is not the holder of a  
20 current, valid license issued pursuant to the Interior  
21 Designers Act;

22 (2) use or present as the person's own the  
23 license of another;

24 (3) give false or forged evidence to the  
25 board for the purpose of obtaining a license;

1 (4) use or attempt to use an interior design  
2 license that has been suspended, revoked or placed on  
3 inactive status; or

4 (5) conceal information relative to  
5 violations of the Interior Designers Act.

6 B. A person who violates a provision of this  
7 section is guilty of a misdemeanor and shall be sentenced  
8 under the provisions of the Criminal Sentencing Act to  
9 imprisonment in the county jail for a definite term of less  
10 than one year or to the payment of a fine of not more than  
11 one thousand dollars (\$1,000) or to both imprisonment or  
12 fine, in the discretion of the judge."

13 SECTION 7. A new section of the Interior Designers Act  
14 is enacted to read:

15 "SEAL OR STAMP.--

16 A. The board shall authorize the use of a seal or  
17 stamp by licensed interior designers. Use of the seal or  
18 stamp shall attest that all interior construction documents  
19 were prepared and reviewed by a licensed interior designer.

20 B. A licensed interior designer shall place the  
21 licensed interior designer's stamp or seal on all interior  
22 construction documents prepared by or under the responsible  
23 charge of the licensed interior designer and shall place the  
24 licensed interior designer's signature across the seal or  
25 stamp; provided that this subsection shall not prohibit any

1 licensed architect who has reviewed or supervised the  
2 preparation of drawings or other documents prepared by a  
3 licensed interior designer from applying the licensed  
4 architect's seal to the drawings or other documents.

5 C. The seal or stamp shall bear the licensed  
6 interior designer's name and license number and the words  
7 "Licensed Interior Designer - State of New Mexico". The seal  
8 or stamp shall be embossed, be two inches in diameter and  
9 consist of two concentric circles. The annular space between  
10 the two circles shall contain the great seal of the state of  
11 New Mexico."

12 SECTION 8. A new section of the Interior Designers Act  
13 is enacted to read:

14 "PERMIT AUTHORITY.--A licensed interior designer who  
15 signs, stamps or seals interior construction documents may  
16 submit the interior construction documents to a county,  
17 municipal or state authority for the purpose of obtaining a  
18 requisite permit for an interior design project."

19 SECTION 9. A new section of the Interior Designers Act  
20 is enacted to read:

21 "SCOPE OF PRACTICE--EFFECT ON PRACTICE OF ARCHITECTURE  
22 AND INTERIOR DECORATION.--

23 A. Nothing in the Interior Designers Act shall be  
24 construed as:

25 (1) amending or in any manner affecting the

1 definition of the practice of architecture;

2 (2) prohibiting an architect from practicing  
3 interior design; provided that an architect does not use the  
4 title "licensed interior designer" unless the architect has  
5 been issued a license for interior design pursuant to the  
6 Interior Designers Act; or

7 (3) prohibiting or restricting the practice  
8 or activities of an interior decorator or individual offering  
9 interior decorating services, including selection of surface  
10 materials, window treatments, wall coverings, paint, floor  
11 coverings or lighting fixtures.

12 B. Licensed interior designers shall collaborate  
13 and coordinate with licensed architects or engineers for work  
14 that is excluded from interior design, including:

15 (1) the design of or responsibility for the  
16 building shell or any building shell systems; or

17 (2) construction that materially affects  
18 building life safety systems pertaining to fire safety  
19 protection, such as fire-rated vertical shafts in multistory  
20 structures and fire-rated protection of structural elements  
21 with the exception of incidental restoration of fire  
22 protection to elements, affected by nonstructural elements of  
23 construction, smoke evacuation, emergency sprinkler systems  
24 and emergency alarm systems."

25 SECTION 10. Section 61-24C-17 NMSA 1978 (being Laws

1 1993, Chapter 83, Section 5, as amended) is amended to read:

2 "61-24C-17. TERMINATION OF AGENCY LIFE--DELAYED  
3 REPEAL.--The interior design board is terminated on  
4 July 1, 2023 pursuant to the provisions of the Sunset Act.  
5 The board shall continue to operate according to the  
6 provisions of the Interior Designers Act until July 1, 2024.  
7 Effective July 1, 2024, Chapter 61, Article 24C NMSA 1978 is  
8 repealed."

9 SECTION 11. REPEAL.--Sections 61-24C-2 and 61-24C-9  
10 NMSA 1978 (being Laws 1989, Chapter 53, Sections 2 and 9, as  
11 amended) are repealed.

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