

1 AN ACT

2 RELATING TO LICENSURE; ADDING AND CLARIFYING DEFINITIONS AND  
3 PROVISIONS OF THE UNIFORM LICENSING ACT; CLARIFYING  
4 PROVISIONS RELATED TO INCOMPLETE APPLICATIONS, HEARINGS AND  
5 EXPEDITED LICENSURE; ALLOWING VIRTUAL REMOTE HEARINGS AND  
6 RECORDING BY DIGITAL TECHNOLOGY; CHANGING DATES FOR ACTIONS  
7 RELATED TO HEARINGS AND DECISIONS; ALLOWING FOR SUMMARY  
8 SUSPENSION OF A LICENSE OR PROBATION OF A LICENSEE IN CERTAIN  
9 CASES AND REQUIRING A COURT TO ISSUE A PRELIMINARY INJUNCTION  
10 IN OTHER CASES; ALLOWING FOR APPEAL OF SUMMARY SUSPENSION AS  
11 A FINAL AGENCY ACTION; CHANGING ADMINISTRATION OF THE  
12 INTERIOR DESIGNERS ACT TO THE REGULATION AND LICENSING  
13 DEPARTMENT; CHANGING REQUIREMENTS FOR INTERIOR DESIGN  
14 LICENSURE AND THE RENEWAL, DENIAL, SUSPENSION AND REVOCATION  
15 OF LICENSES; TRANSFERRING APPROPRIATIONS, RECORDS AND  
16 CONTRACTS OF THE INTERIOR DESIGN BOARD TO THE REGULATION AND  
17 LICENSING DEPARTMENT; PROVIDING FOR EXPEDITED LICENSURE OF  
18 LICENSED PHYSICIANS, VETERINARIANS AND ALL LICENSE LEVELS OF  
19 SOCIAL WORKERS; AMENDING THE PRIVATE INVESTIGATIONS ACT;  
20 REQUIRING REGISTRATION FOR INSTRUCTORS AND PRIVATE PATROL  
21 EMPLOYEES; REQUIRING COURSEWORK TO PROVIDE TRAFFIC CRASH  
22 RECONSTRUCTION SERVICES; SPECIFYING LIMITATIONS ON UNLICENSED  
23 PERSONS; PROVIDING FOR LICENSE FEES AND BIENNIAL RENEWAL;  
24 CHANGING THE SUNSET DATE FOR THE PRIVATE INVESTIGATIONS  
25 ADVISORY BOARD; CHANGING AND INCREASING PENALTIES; AMENDING,

1 REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

2  
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

4 SECTION 1. Section 61-1-2 NMSA 1978 (being Laws 1957,  
5 Chapter 247, Section 2, as amended) is amended to read:

6 "61-1-2. DEFINITIONS.--As used in the Uniform Licensing  
7 Act:

8 A. "board" means:

9 (1) the construction industries commission,  
10 the construction industries division and the electrical  
11 bureau, mechanical bureau and general construction bureau of  
12 the construction industries division of the regulation and  
13 licensing department;

14 (2) the manufactured housing committee and  
15 the manufactured housing division of the regulation and  
16 licensing department;

17 (3) the crane operators licensure examining  
18 council;

19 (4) a board, commission or agency that  
20 administers a profession or occupation licensed pursuant to  
21 Chapter 61 NMSA 1978; and

22 (5) any other state agency to which the  
23 Uniform Licensing Act is applied by law;

24 B. "applicant" means a person who has applied for  
25 a license;

1           C. "expedited license", whether by examination,  
2 endorsement, credential or reciprocity, means a license  
3 issued to a person in this state based on licensure in  
4 another state or territory of the United States, the District  
5 of Columbia or a foreign country, as applicable;

6           D. "initial license" means the first regular  
7 license received from a board for a person who has not been  
8 previously licensed;

9           E. "license" means a certificate, permit or other  
10 authorization to engage in a profession or occupation  
11 regulated by a board;

12           F. "licensing jurisdiction" means another state or  
13 territory of the United States, the District of Columbia or a  
14 foreign country, as applicable;

15           G. "party" means a respondent licensee, applicant  
16 or unlicensed person who is the subject of a disciplinary  
17 proceeding or the civil administrative prosecutor  
18 representing the state and the board;

19           H. "probation" means to allow, for a stated period  
20 of time, the conduct authorized by a license, subject to  
21 conditions or other restrictions that are reasonably related  
22 to the grounds for probation;

23           I. "regular license" means a license that is not  
24 issued as a temporary or provisional license;

25           J. "revocation" means to prohibit the conduct

1 authorized by the license for an indefinite period of time;  
2 and

3 K. "suspension" means to prohibit, for a stated  
4 period of time, the conduct authorized by the license."

5 SECTION 2. Section 61-1-3 NMSA 1978 (being Laws 1957,  
6 Chapter 247, Section 3, as amended) is amended to read:

7 "61-1-3. OPPORTUNITY FOR LICENSEE OR APPLICANT TO HAVE  
8 HEARING.--Every licensee or applicant shall be afforded  
9 notice and an opportunity to be heard before the board has  
10 authority to take any action that would result in:

11 A. denial of permission to take an examination for  
12 licensing for which a complete application has been properly  
13 made as required by board rule;

14 B. denial of a license after examination for any  
15 cause other than failure to pass an examination;

16 C. denial of a license for which a complete  
17 application has been properly made as required by board rule  
18 on the basis of expedited licensure, reciprocity or  
19 endorsement or acceptance of a national certificate of  
20 qualification;

21 D. withholding the renewal of a license for which  
22 a complete application has been properly made for any cause  
23 other than:

24 (1) failure to pay any required renewal fee;

25 (2) failure to meet continuing education

1 requirements; or

2 (3) issuance of a temporary license  
3 extension if authorized by statute;

4 E. suspension of a license;

5 F. revocation of a license;

6 G. probation of a license, including restrictions  
7 or limitations on the scope of a practice;

8 H. the requirement that the applicant complete a  
9 program of remedial education or treatment;

10 I. monitoring of the practice by a supervisor  
11 approved by the board, excluding supervision required for  
12 initial licensure;

13 J. the censure or reprimand of the licensee or  
14 applicant, including an action that constitutes formal  
15 discipline or is subject to reporting to a state or national  
16 organization;

17 K. compliance with conditions of probation or  
18 suspension for a specific period of time;

19 L. payment of a fine;

20 M. corrective action, as specified by the board;

21 or

22 N. a refund to the consumer of fees that were  
23 billed to and collected from the consumer by the licensee."

24 SECTION 3. Section 61-1-3.1 NMSA 1978 (being Laws 1981,  
25 Chapter 349, Section 3, as amended) is amended to read:

1 "61-1-3.1. LIMITATIONS.--

2 A. An action that would have any of the effects  
3 specified in Subsections D through N of Section 61-1-3 NMSA  
4 1978 or an action related to unlicensed activity shall not be  
5 initiated by a board later than two years after the discovery  
6 by the board of the conduct that would be the basis for the  
7 action, except as provided in this section or otherwise  
8 provided by law. Discovery by the board is considered the  
9 date on which a complaint or other information that would  
10 reasonably connect the allegations to the person was received  
11 by a board or board staff.

12 B. The time limitation contained in Subsection A  
13 of this section shall be tolled by any civil or criminal  
14 litigation in which the licensee or applicant is a party  
15 arising from substantially the same facts, conduct or  
16 transactions that would be the basis for the board's action.

17 C. The New Mexico state board of psychologist  
18 examiners shall not initiate an action that would result in  
19 any of the actions specified in Subsections D through N of  
20 Section 61-1-3 NMSA 1978 later than five years after the  
21 conduct of the psychologist or psychologist associate that is  
22 the basis for the action. However, if the conduct that is  
23 the basis for the action involves a minor or a person  
24 adjudicated incompetent, the action shall be initiated, in  
25 the case of a minor, no later than one year after the minor's

1 eighteenth birthday or five years after the conduct,  
2 whichever is last and, in the case of a person adjudicated  
3 incompetent, one year after the adjudication of incompetence  
4 is terminated or five years after the conduct, whichever is  
5 last.

6 D. The New Mexico public accountancy board shall  
7 not initiate an action under the 1999 Public Accountancy Act  
8 that would result in any of the actions specified in  
9 Subsections D through N of Section 61-1-3 NMSA 1978 later  
10 than two years following the discovery by the board of a  
11 violation of that act."

12 SECTION 4. Section 61-1-3.2 NMSA 1978 (being Laws 2003,  
13 Chapter 334, Section 3) is amended to read:

14 "61-1-3.2. UNLICENSED ACTIVITY--DISCIPLINARY  
15 PROCEEDINGS--CIVIL PENALTY.--

16 A. A person who is not licensed to engage in a  
17 profession or occupation regulated by a board is subject to  
18 disciplinary proceedings by the board.

19 B. A board may impose a civil penalty in an amount  
20 not to exceed ten thousand dollars (\$10,000) for each  
21 violation against a person who, without an active license,  
22 engages in a profession or occupation regulated by the  
23 board."

24 SECTION 5. Section 61-1-3.4 NMSA 1978 (being Laws 2019,  
25 Chapter 209, Section 4) is amended to read:

1           "61-1-3.4. FINGERPRINTS NOT REQUIRED FOR LICENSE  
2 RENEWAL.--When a professional or occupational board requires  
3 submission of fingerprints as part of the initial license  
4 application, and a licensee has provided fingerprints and the  
5 license has been issued, the board shall not require a  
6 licensee to submit fingerprints again to renew the license,  
7 but a licensee shall submit to a background investigation if  
8 required by law or rule of the board."

9           SECTION 6. Section 61-1-3.5 NMSA 1978 (being Laws 2022,  
10 Chapter 39, Section 3) is amended to read:

11           "61-1-3.5. INCOMPLETE APPLICATION--NOTICE--  
12 EXPIRATION.--An application for licensure is considered  
13 incomplete if it is submitted on an application form missing  
14 required information or without providing required supporting  
15 documentation. If a board or a board's designee deems an  
16 application for licensure incomplete, the board or designee  
17 shall notify the applicant within thirty days from the date  
18 the application was received by the board or designee and  
19 include how the application is incomplete and what is needed  
20 to complete the application. An incomplete application  
21 expires one year from the date the application was first  
22 received by the board."

23           SECTION 7. Section 61-1-4 NMSA 1978 (being Laws 1957,  
24 Chapter 247, Section 4, as amended) is amended to read:

25           "61-1-4. NOTICE OF CONTEMPLATED BOARD ACTION--REQUEST



1 FOR HEARING--NOTICE OF HEARING.--

2 A. When investigating complaints against  
3 licensees, applicants or unlicensed persons, a board may  
4 issue civil investigative subpoenas prior to the issuance of  
5 a notice of contemplated action as provided in this section.  
6 The authority to issue a specific civil investigative  
7 subpoena under this section may be delegated by the board to  
8 staff.

9 B. When a board contemplates taking an action of a  
10 type specified in Subsection A, B or C of Section 61-1-3 NMSA  
11 1978, it shall serve upon the applicant a written notice  
12 containing a statement:

13 (1) that the applicant has failed to satisfy  
14 the board of the applicant's qualifications to be examined or  
15 to be issued a license, as the case may be;

16 (2) indicating in what respects the  
17 applicant has failed to satisfy the board;

18 (3) that the applicant may secure a hearing  
19 before the board by depositing in the mail within twenty days  
20 after service of the notice a certified return receipt  
21 requested letter addressed to the board and containing a  
22 request for a hearing; and

23 (4) calling the applicant's attention to the  
24 applicant's rights under Section 61-1-8 NMSA 1978.

25 C. In a board proceeding to take an action of a

1 type specified in Subsection A, B or C of Section 61-1-3 NMSA  
2 1978, the burden of satisfying the board of the applicant's  
3 qualifications shall be upon the applicant.

4 D. When a board contemplates taking an action of a  
5 type specified in Subsections D through N of Section 61-1-3  
6 NMSA 1978 or Section 61-1-3.2 NMSA 1978, it shall serve upon  
7 the licensee, applicant or unlicensed person a written notice  
8 containing a statement:

9 (1) that the board has sufficient evidence  
10 that, if not rebutted or explained, may justify the board in  
11 taking the contemplated action;

12 (2) indicating the general nature of the  
13 evidence and allegations, including specific laws or rules  
14 that are alleged to have been violated;

15 (3) that unless the licensee, applicant or  
16 unlicensed person within twenty days after service of the  
17 notice deposits in the mail a certified return receipt  
18 requested letter addressed to the board and containing a  
19 request for a hearing, the board may take the contemplated  
20 action; and

21 (4) calling the licensee's, applicant's or  
22 unlicensed person's attention to the rights provided in  
23 Section 61-1-8 NMSA 1978.

24 E. Except as provided in Section 61-1-15 NMSA  
25 1978, if the licensee, applicant or unlicensed person does

1 not mail a request for a hearing within the time and in the  
2 manner required by this section, the board may take the  
3 action contemplated in the notice and such action shall be  
4 final and not subject to judicial review as a matter of  
5 right.

6 F. If the licensee, applicant or unlicensed person  
7 does mail a request for a hearing as required by this  
8 section, the board shall, within twenty days of receipt of  
9 the request, notify the licensee, applicant or unlicensed  
10 person of the time and place of hearing, the name of the  
11 person who shall conduct the hearing for the board and the  
12 statutes and rules authorizing the board to take the  
13 contemplated action. The hearing shall be held not more than  
14 sixty nor less than fifteen days from the date the notice of  
15 hearing is deposited in the mail, certified return receipt  
16 requested, or the date of personal service.

17 G. All fines collected by a board shall be  
18 deposited to the credit of the current school fund as  
19 provided in Article 12, Section 4 of the constitution of New  
20 Mexico."

21 SECTION 8. Section 61-1-5 NMSA 1978 (being Laws 1957,  
22 Chapter 247, Section 5, as amended) is amended to read:

23 "61-1-5. METHOD OF SERVICE.--Any notice required to be  
24 served by Section 61-1-4 or 61-1-21 NMSA 1978 and any  
25 decision required to be served by Section 61-1-14 or 61-1-21

1 NMSA 1978 may be served either personally or by certified  
2 mail, return receipt requested, directed to the licensee,  
3 applicant or unlicensed person at the last known address as  
4 shown by the records of the board. Unlicensed persons with  
5 no address on record with the board shall receive notice by  
6 personal service. If the notice or decision is served  
7 personally, service shall be made in the same manner as is  
8 provided for service by the Rules of Civil Procedure for the  
9 District Courts. Where the notice or decision is served by  
10 certified mail, it shall be deemed to have been served on the  
11 date borne by the return receipt showing delivery or the last  
12 attempted delivery of the notice or decision to the addressee  
13 or refusal of the addressee to accept delivery of the notice  
14 or decision. Service of correspondence sent by a licensee,  
15 applicant or unlicensed person through other methods,  
16 including electronic mail or physical mail, should be  
17 reasonably accepted and processed by the board."

18 SECTION 9. Section 61-1-6 NMSA 1978 (being Laws 1957,  
19 Chapter 247, Section 6) is amended to read:

20 "61-1-6. VENUE OF HEARING.--Board hearings held  
21 pursuant to provisions of the Uniform Licensing Act shall be  
22 conducted at the election of the board in the county in which  
23 the licensee, applicant or unlicensed person maintains  
24 residence or in a county in which the act complained of  
25 occurred; except that in cases involving initial licensing,

1 hearings shall be held in the county where the board  
2 maintains its office. In any case, however, the person whose  
3 license or application is involved or the person who  
4 performed the unlicensed act and the board may agree that the  
5 hearing is to be held in some other county or by virtual  
6 remote means."

7 SECTION 10. Section 61-1-7 NMSA 1978 (being Laws 1957,  
8 Chapter 247, Section 7, as amended) is amended to read:

9 "61-1-7. HEARING OFFICERS--HEARINGS--PUBLIC--  
10 EXCEPTION--EXCUSAL--PROTECTION OF WITNESS AND INFORMATION.--

11 A. All hearings held pursuant to provisions of the  
12 Uniform Licensing Act shall be conducted either by the board  
13 or, at the election of the board, by a hearing officer who  
14 may be a member or employee of the board or any other person  
15 designated by the board in its discretion. A hearing officer  
16 shall, within thirty days after a hearing, submit to the  
17 board a report setting forth the hearing officer's findings  
18 of fact and recommendations.

19 B. All hearings held pursuant to provisions of the  
20 Uniform Licensing Act shall be open to the public; provided  
21 that in cases in which a constitutional right of privacy of a  
22 licensee, applicant or unlicensed person may be irreparably  
23 damaged, a board or hearing officer may hold a closed hearing  
24 if the board or hearing officer so desires and states the  
25 reasons for this decision in the record. The licensee,

1 applicant or unlicensed person may, for good cause shown,  
2 request a board or hearing officer to hold either a public or  
3 a closed hearing.

4 C. Each party may peremptorily excuse one board  
5 member or a hearing officer by filing with the board a notice  
6 of peremptory excusal at least twenty days prior to the date  
7 of the hearing, but this privilege of peremptory excusal may  
8 not be exercised in any case in which its exercise would  
9 result in less than a quorum of the board being able to hear  
10 or decide the matter. Any party may request that the board  
11 excuse a board member or a hearing officer for good cause by  
12 filing with the board a motion of excusal for cause at least  
13 twenty days prior to the date of the hearing. In any case in  
14 which a combination of peremptory excusals and excusals for  
15 good cause would result in less than a quorum of the board  
16 being able to hear or decide the matter, the peremptory  
17 excusals that would result in removing the member of the  
18 board necessary for a quorum shall not be effective.

19 D. In any case in which excusals for cause result  
20 in less than a quorum of the board being able to hear or  
21 decide the matter, the governor shall, upon request by the  
22 board, appoint as many temporary board members as are  
23 necessary for a quorum to hear or decide the matter. These  
24 temporary members shall have all of the qualifications  
25 required for permanent members of the board.

1           E. In any case in which excusals result in less  
2 than a quorum of the board being able to hear or decide the  
3 matter, the board, including any board members who have been  
4 excused, may designate a hearing officer to conduct the  
5 entire hearing.

6           F. Each board shall have power where a proceeding  
7 has been dismissed, either on the merits or otherwise, to  
8 relieve the licensee, applicant or unlicensed person from any  
9 possible odium that may attach by reason of the proceeding,  
10 by such public exoneration as it sees fit to make, if  
11 requested by the licensee, applicant or unlicensed person to  
12 do so.

13           G. There shall be no liability on the part of and  
14 no action for damages against a person who provides  
15 information to a board in good faith and without malice in  
16 the reasonable belief that such information is accurate. A  
17 party who directly or through an agent intimidates,  
18 threatens, injures or takes adverse action against a person  
19 for providing information to a board shall be subject to  
20 disciplinary action."

21           **SECTION 11.** Section 61-1-8 NMSA 1978 (being Laws 1957,  
22 Chapter 247, Section 8, as amended) is amended to read:

23           "61-1-8. RIGHTS OF PARTY ENTITLED TO HEARING.--

24           A. A party entitled to be heard pursuant to the  
25 provisions of the Uniform Licensing Act shall have the right

1 to be represented by counsel; to present all relevant  
2 evidence by means of witnesses, books, papers, documents and  
3 other evidence; to examine all opposing witnesses who appear  
4 on a matter relevant to the issues; and to have subpoenas and  
5 subpoenas duces tecum issued as of right prior to the  
6 commencement of the hearing to compel discovery and the  
7 attendance of witnesses and the production of relevant books,  
8 papers, documents and other evidence upon making written  
9 request for them to the board or hearing officer. The  
10 issuance of such subpoenas after the commencement of the  
11 hearing rests in the discretion of the board or the hearing  
12 officer. All notices issued pursuant to Section 61-1-4 NMSA  
13 1978 shall contain a statement of these rights.

14 B. Upon written request to another party, any  
15 party is entitled to:

16 (1) obtain the names and addresses of  
17 witnesses who will or may be called by the other party to  
18 testify at the hearing; and

19 (2) inspect and copy documents or items that  
20 the other party will or may introduce in evidence at the  
21 hearing.

22 C. The party to whom a request is made shall  
23 comply with the request within ten days after the service or  
24 delivery of the request. No request shall be made less than  
25 fifteen days before the hearing.



1           D. A party may take depositions after service of  
2 notice in accordance with the Rules of Civil Procedure for  
3 the District Courts. Depositions may be used as in  
4 proceedings governed by those rules."

5           **SECTION 12.** Section 61-1-9 NMSA 1978 (being Laws 1957,  
6 Chapter 247, Section 9, as amended) is amended to read:

7           "61-1-9. POWERS OF BOARD OR HEARING OFFICER IN  
8 CONNECTION WITH HEARINGS.--

9           A. In connection with any hearing held under the  
10 Uniform Licensing Act, the board or hearing officer shall  
11 have power to have counsel to develop the case; to subpoena,  
12 for purposes of discovery and of the hearing, witnesses and  
13 relevant books, papers, documents and other evidence; to  
14 administer oaths or affirmations to witnesses called to  
15 testify; to take testimony; to examine witnesses; and to  
16 direct a continuance of any case. Boards or hearing officers  
17 may also hold conferences before or during the hearing for  
18 the settlement or simplification of the issues, but such  
19 settlement or simplification shall only be with the consent  
20 of the party.

21           B. Geographical limits upon the subpoena power  
22 shall be the same as if the board or hearing officer were a  
23 district court sitting at the location at which the hearing  
24 or discovery proceeding is to take place. The method of  
25 service, including tendering of witness and mileage fees,

1 shall be the same as that under the Rules of Civil Procedure  
2 for the District Courts, except that those rules requiring  
3 the tender of fees in advance shall not apply to the state.

4 C. The board or hearing officer may impose any  
5 appropriate evidentiary sanction against a party or other  
6 person who fails to provide discovery or to comply with a  
7 subpoena."

8 SECTION 13. Section 61-1-12 NMSA 1978 (being Laws 1957,  
9 Chapter 247, Section 12, as amended) is amended to read:

10 "61-1-12. RECORD.--In all hearings conducted pursuant  
11 to the Uniform Licensing Act, a complete record shall be made  
12 of all evidence received during the course of the hearing.  
13 The record shall be preserved by any stenographic method in  
14 use in the district courts of this state or, in the  
15 discretion of the board, by digital recording technology.  
16 The board shall observe any standards pertaining to digital  
17 recordings established for the district courts of this  
18 state."

19 SECTION 14. Section 61-1-13 NMSA 1978 (being Laws 1957,  
20 Chapter 247, Section 13, as amended) is amended to read:

21 "61-1-13. DECISION.--

22 A. After a hearing has been completed, the members  
23 of the board shall proceed to consider the case and as soon  
24 as practicable shall render their decision, provided that the  
25 decision shall be rendered by a quorum of the board. In

1 cases in which the hearing is conducted by a hearing officer,  
2 all members who were not present throughout the hearing shall  
3 familiarize themselves with the record, including the hearing  
4 officer's report, before participating in the decision. In  
5 cases in which the hearing is conducted by the board, all  
6 members who were not present throughout the hearing shall  
7 thoroughly familiarize themselves with the entire record,  
8 including all evidence taken at the hearing, before  
9 participating in the decision.

10 B. A final decision and order based on the hearing  
11 shall be made by a quorum of the board and signed and  
12 executed by the person designated by the board within ninety  
13 days after the hearing is closed by the board."

14 SECTION 15. Section 61-1-14 NMSA 1978 (being Laws 1957,  
15 Chapter 247, Section 14, as amended) is amended to read:

16 "61-1-14. SERVICE OF DECISION.--Within fifteen days  
17 after the decision is signed and executed, the board shall  
18 serve upon the parties a copy of the written decision."

19 SECTION 16. Section 61-1-15 NMSA 1978 (being Laws 1957,  
20 Chapter 247, Section 15, as amended) is amended to read:

21 "61-1-15. PROCEDURE WHERE PERSON FAILS TO REQUEST OR  
22 APPEAR FOR HEARING.--If a person who has requested a hearing  
23 does not appear and no continuance has been granted, the  
24 board or hearing officer may hear the evidence of such  
25 witnesses as may have appeared, and the board may proceed to

1 consider the matter and dispose of it on the basis of the  
2 weight of the evidence before it in the manner required by  
3 Section 61-1-13 NMSA 1978. Where, because of accident,  
4 sickness or other extraordinary cause, a person fails to  
5 request a hearing or fails to appear for a hearing that the  
6 person has requested, the person may within a reasonable time  
7 apply to the board to reopen the proceeding, and the board  
8 upon finding such cause sufficient shall immediately fix a  
9 time and place for hearing and give the person notice as  
10 required by Sections 61-1-4 and 61-1-5 NMSA 1978. At the  
11 time and place fixed, a hearing shall be held in the same  
12 manner as would have been employed if the person had appeared  
13 in response to the original notice of hearing."

14 SECTION 17. Section 61-1-16 NMSA 1978 (being Laws 1957,  
15 Chapter 247, Section 16, as amended) is amended to read:

16 "61-1-16. CONTENTS OF DECISION.--The final decision and  
17 order of the board shall contain findings of fact made by the  
18 board, conclusions of law reached by the board, the order of  
19 the board based upon these findings of fact and conclusions  
20 of law and a statement informing the applicant or licensee of  
21 the applicant's or licensee's right to judicial review and  
22 the time within which such review shall be sought."

23 SECTION 18. Section 61-1-17 NMSA 1978 (being Laws 1957,  
24 Chapter 247, Section 17, as amended) is amended to read:

25 "61-1-17. PETITION FOR REVIEW.--A party entitled to a

1 hearing provided for in the Uniform Licensing Act, who is  
2 aggrieved by an adverse decision of a board issued after  
3 hearing, may obtain a review of the decision in the district  
4 court pursuant to the provisions of Section 39-3-1.1 NMSA  
5 1978."

6 SECTION 19. Section 61-1-19 NMSA 1978 (being Laws 1957,  
7 Chapter 247, Section 19, as amended) is amended to read:

8 "61-1-19. STAY.--At any time before or during the  
9 review proceeding pursuant to Section 61-1-17 NMSA 1978, the  
10 aggrieved party may apply to the board or file a motion in  
11 accordance with the Rules of Civil Procedure for the District  
12 Courts in the reviewing court for an order staying the  
13 operation of the board decision pending the outcome of the  
14 review. The board or court may grant or deny the stay in its  
15 discretion. No order granting or denying a stay shall be  
16 reviewable."

17 SECTION 20. Section 61-1-21 NMSA 1978 (being Laws 1957,  
18 Chapter 247, Section 21, as amended) is amended to read:

19 "61-1-21. POWER OF BOARD TO REOPEN THE CASE.--

20 A. At any time after the hearing and prior to the  
21 filing of a petition for review, the party aggrieved may  
22 request the board to reopen the case to receive additional  
23 evidence or for other cause.

24 B. The board need not reconvene and may be polled  
25 about whether to grant or refuse a request to reopen the

1 case. The board shall grant or refuse the request in  
2 writing, and that decision and the request shall be made a  
3 part of the record. The decision to grant or refuse a  
4 request to reopen the case shall be made, signed by the  
5 person designated by the board within fifteen days after the  
6 board receives the request and served upon the parties.

7 C. The granting or refusing of a request to reopen  
8 the case shall be within the board's discretion. The board  
9 may reopen the case on its own motion at any time before  
10 petition for review is filed; thereafter, it may do so only  
11 with the permission of the reviewing court. If the board  
12 reopens the case, it shall provide notice and a hearing to  
13 the applicant or licensee. The notice of the hearing shall  
14 be served upon the applicant or licensee within fifteen days  
15 after service of the decision to reopen the case. The  
16 hearing shall be held within forty-five days after service of  
17 the notice, and a decision shall be rendered, signed and  
18 served upon the applicant or licensee within thirty days  
19 after the hearing.

20 D. The board's decision to refuse a request to  
21 reopen the case shall not be reviewable except for an abuse  
22 of discretion."

23 SECTION 21. A new section of the Uniform Licensing Act,  
24 Section 61-1-25.1 NMSA 1978, is enacted to read:

25 "61-1-25.1. PRELIMINARY INJUNCTION AND HEARING--SUMMARY

1 SUSPENSION OR PROBATION.--

2 A. When a board finds that evidence in its  
3 possession indicates that a licensee poses a clear and  
4 immediate danger to the public health and safety if the  
5 licensee continues to practice, the board may seek a  
6 preliminary injunction from the district court in the county  
7 in which the principal office of the licensee is located or,  
8 if the principal office is not in New Mexico, in the district  
9 court for Santa Fe county. If the injunction is granted, the  
10 board shall hold an expedited hearing for the suspension of  
11 the license or probation of the licensee. The board shall  
12 follow the hearing procedures of the Uniform Licensing Act,  
13 but times shall be shortened in accordance with the  
14 injunction or at the request of the licensee.

15 B. A board may summarily suspend a license issued  
16 by the board or place a licensee on probation without a  
17 hearing, simultaneously with or at any time after the  
18 initiation of proceedings for a hearing provided pursuant to  
19 the Uniform Licensing Act, if the board finds that evidence  
20 in its possession indicates that the licensee:

21 (1) has been adjudged mentally incompetent  
22 by a final order or adjudication by a court of competent  
23 jurisdiction; or

24 (2) has pled guilty to or been found guilty  
25 of any offense directly related to the practice of the

1        respective license.

2                    C. A licensee is not required to comply with a  
3        summary action until service has been made or the licensee  
4        has actual knowledge of the order, whichever occurs first.  
5        The licensee may appeal the summary suspension as a final  
6        agency action as provided in Section 39-3-1.1 NMSA 1978.

7                    D. When a board takes action to summarily suspend  
8        a license or place a licensee on probation pursuant to this  
9        section, it shall serve upon the licensee a written notice  
10       containing a statement:

11                    (1) that the board has sufficient evidence  
12       to justify the board in issuing the summary suspension or  
13       probation;

14                    (2) indicating the general nature of the  
15       evidence and allegations, including specific laws or rules  
16       that are alleged to have been violated;

17                    (3) that unless the licensee within thirty  
18       days after service of the notice deposits in the mail a  
19       certified return receipt requested letter addressed to the  
20       board and containing a request for a hearing, the summary  
21       suspension or probation shall be final; and

22                    (4) that the licensee is entitled to a  
23       hearing by the board pursuant to the Uniform Licensing Act  
24       within fifteen days from the date a request for hearing is  
25       received by the board from the licensee."



1           SECTION 22. Section 61-1-31.1 NMSA 1978 (being Laws  
2 2016, Chapter 19, Section 1, as amended) is amended to read:

3           "61-1-31.1. EXPEDITED LICENSURE--ISSUANCE.--

4           A. A board that issues an occupational or  
5 professional license shall, as soon as practicable but no  
6 later than thirty days after an out-of-state licensee files a  
7 complete application for an expedited license accompanied by  
8 any required fees:

9                     (1) process the completed application; and

10                    (2) issue a license to the qualified  
11 applicant who submits satisfactory evidence that the  
12 applicant:

13                             (a) holds a license that is current and  
14 in good standing issued by another licensing jurisdiction;

15                             (b) has practiced and held an active  
16 license in the profession or occupation for which expedited  
17 licensure is sought for a period required by New Mexico law;  
18 and

19                             (c) provides fingerprints and other  
20 information necessary for a state or national criminal  
21 background check or both if required by law or rule of the  
22 board.

23           B. An expedited license is a one-year provisional  
24 license that confers the same rights, privileges and  
25 responsibilities as regular licenses issued by a board;

1 provided that a board may allow for the initial term of an  
2 expedited license to be greater than one year by board rule  
3 or may extend an expedited license upon a showing of  
4 extenuating circumstances.

5 C. Before the end of the expedited license term  
6 and upon application, a board shall issue a regular license  
7 through its license renewal process. If a board requires a  
8 state or national examination for initial licensure that was  
9 not required when the out-of-state applicant was licensed in  
10 the other licensing jurisdiction, the board shall issue the  
11 expedited license and may require the license holder to pass  
12 the required examination prior to renewing the license.

13 D. A board by rule shall determine those states  
14 and territories of the United States and the District of  
15 Columbia from which the board will not accept an applicant  
16 for expedited licensure and determine any foreign countries  
17 from which the board will accept an applicant for expedited  
18 licensure. The list of those licensing jurisdictions shall  
19 be posted on the board's website. The list of disapproved  
20 licensing jurisdictions shall include the specific reasons  
21 for disapproval. The lists shall be reviewed by the board  
22 annually to determine if amendments to the rule are  
23 warranted."

24 SECTION 23. Section 61-1-31.2 NMSA 1978 (being Laws  
25 2022, Chapter 39, Section 8) is amended to read:

1           "61-1-31.2. TEMPORARY OR PROVISIONAL LICENSE--EVIDENCE  
2 OF INSURANCE.--A board may issue a temporary or other  
3 provisional license, including an expedited license, to a  
4 person licensed in another licensing jurisdiction, which may  
5 be limited as to time, practice or other condition of a  
6 regular license. If a board requires licensees to carry  
7 professional or occupational liability or other insurance,  
8 the board shall require the applicant for a temporary or  
9 provisional license to show evidence of having required  
10 insurance that will cover the person in New Mexico during the  
11 term of the temporary or provisional license. Each board  
12 shall provide information on the board's website that  
13 describes the insurance requirements for practice in New  
14 Mexico, if applicable."

15           **SECTION 24.** Section 61-1-34 NMSA 1978 (being Laws 2013,  
16 Chapter 33, Section 1, as amended) is amended to read:

17           "61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE  
18 MEMBERS, INCLUDING SPOUSES AND DEPENDENTS, AND  
19 VETERANS--WAIVER OF FEES.--

20           A. A board that issues an occupational or  
21 professional license pursuant to Chapter 61 NMSA 1978 shall,  
22 as soon as practicable but no later than thirty days after a  
23 military service member or a veteran files a complete  
24 application, and provides a background check if required:

25                   (1) process the application; and

1                   (2) issue a license prima facie to a  
2 qualified applicant who submits satisfactory evidence that  
3 the applicant holds a license that is current and in good  
4 standing, issued by another jurisdiction, including a branch  
5 of the armed forces of the United States.

6                   B. A license issued pursuant to this section is a  
7 provisional license but shall confer the same rights,  
8 privileges and responsibilities as a regular license. If the  
9 military service member or veteran was licensed in a  
10 licensing jurisdiction that did not require examination, a  
11 board may require the military service member or veteran to  
12 take a board-required examination prior to renewing the  
13 license.

14                  C. A military service member or a veteran who is  
15 issued a license pursuant to this section shall not be  
16 charged an initial or renewal licensing fee for the first  
17 three years of licensure.

18                  D. Each board that issues a license to practice a  
19 trade or profession shall, upon the conclusion of the state  
20 fiscal year, prepare a report on the number and type of  
21 licenses that were issued during the fiscal year under this  
22 section. The report shall be provided to the director of the  
23 office of military base planning and support not later than  
24 ninety days after the end of the fiscal year.

25                  E. As used in this section:

1 (1) "licensing fee" means a fee charged at  
2 the time an initial or renewal application for a professional  
3 or occupational license is submitted to the state agency,  
4 board or commission and any fee charged for the processing of  
5 the application for such license; "licensing fee" does not  
6 include a fee for an annual inspection or examination of a  
7 licensee, a late fee or a fee charged for copies of  
8 documents, replacement licenses or other expenses related to  
9 a professional or occupational license;

10 (2) "military service member" means a person  
11 who is:

12 (a) serving in the armed forces of the  
13 United States as an active duty member, or in an active  
14 reserve component of the armed forces of the United States,  
15 including the national guard;

16 (b) the spouse of a person who is  
17 serving in the armed forces of the United States or in an  
18 active reserve component of the armed forces of the United  
19 States, including the national guard, or a surviving spouse  
20 of a member who at the time of the member's death was serving  
21 on active duty; or

22 (c) the child of a military service  
23 member if the child is also a dependent of that person for  
24 federal income tax purposes; and

25 (3) "veteran" means a person who has

1 received an honorable discharge or separation from military  
2 service."

3 SECTION 25. Section 61-1-36 NMSA 1978 (being Laws 2021  
4 (1st S.S.), Chapter 3, Section 8) is amended to read:

5 "61-1-36. CRIMINAL CONVICTIONS--EXCLUSION FROM  
6 LICENSURE--DISCLOSURE REQUIREMENT.--

7 A. A board shall not exclude from licensure a  
8 person who is otherwise qualified on the sole basis that the  
9 person has been previously arrested for or convicted of a  
10 crime, unless the person has a disqualifying criminal  
11 conviction.

12 B. By December 31, 2021, each board shall  
13 promulgate and post on the board's website rules relating to  
14 licensing requirements to list the specific criminal  
15 convictions that could disqualify an applicant from receiving  
16 a license on the basis of a previous felony conviction.  
17 Rules relating to licensing requirements promulgated by a  
18 board shall not use the terms "moral turpitude" or "good  
19 character". A board shall only list potentially  
20 disqualifying criminal convictions.

21 C. In an administrative hearing or agency appeal,  
22 a board shall carry the burden of proof on the question of  
23 whether the exclusion from occupational or professional  
24 licensure is based upon a potentially disqualifying criminal  
25 conviction.

1 D. No later than October 31 of each year, while  
2 ensuring the confidentiality of individual applicants, a  
3 board shall make available to the public an annual report for  
4 the prior fiscal year containing the following information:

5 (1) the number of applicants for licensure  
6 and, of that number, the number granted a license;

7 (2) the number of applicants for licensure  
8 or license renewal with a potential disqualifying criminal  
9 conviction who received notice of potential disqualification;

10 (3) the number of applicants for licensure  
11 or license renewal with a potential disqualifying criminal  
12 conviction who provided a written justification with evidence  
13 of mitigation or rehabilitation; and

14 (4) the number of applicants for licensure  
15 or license renewal with a potential disqualifying criminal  
16 conviction who were granted a license, denied a license for  
17 any reason or denied a license because of the conviction.

18 E. As used in this section, "disqualifying  
19 criminal conviction" means a conviction for a crime that is  
20 job-related for the position in question and consistent with  
21 business necessity."

22 **SECTION 26.** Section 61-1-37 NMSA 1978 (being Laws 2022,  
23 Chapter 39, Section 2) is amended to read:

24 "61-1-37. RESIDENCY IN NEW MEXICO NOT A REQUIREMENT FOR  
25 LICENSURE.--A person who otherwise meets the requirements for

1 a professional or occupational license shall not be denied  
2 licensure or license renewal because the person does not live  
3 in New Mexico."

4 SECTION 27. Section 61-6-11.1 NMSA 1978 (being Laws  
5 2001, Chapter 96, Section 10, as amended) is amended to read:

6 "61-6-11.1. TELEMEDICINE LICENSE.--

7 A. The board shall issue a licensed physician a  
8 telemedicine license to allow the practice of medicine across  
9 state lines to an applicant who holds a full and unrestricted  
10 license to practice medicine in another state or territory of  
11 the United States. The board shall establish by rule the  
12 requirements for licensure; provided that the requirements  
13 shall not be more restrictive than those required for  
14 expedited licensure.

15 B. A telemedicine license shall be issued for a  
16 period not to exceed three years and may be renewed upon  
17 application, payment of fees as provided in Section 61-6-19  
18 NMSA 1978 and compliance with other requirements established  
19 by rule of the board."

20 SECTION 28. Section 61-6-13 NMSA 1978 (being Laws 1989,  
21 Chapter 269, Section 9, as amended by Laws 2021, Chapter 54,  
22 Section 32 and by Laws 2021, Chapter 70, Section 8) is  
23 amended to read:

24 "61-6-13. PHYSICIAN EXPEDITED LICENSURE.--

25 A. The board may grant an expedited license to a



1 qualified applicant licensed in another state or territory of  
2 the United States, the District of Columbia or a foreign  
3 country as provided in Section 61-1-31.1 NMSA 1978. The  
4 board shall process the application as soon as practicable  
5 but no later than thirty days after the out-of-state medical  
6 or osteopathic physician files an application for expedited  
7 licensure accompanied by any required fee if the applicant:

8 (1) holds a license that is current and in  
9 good standing issued by another licensing jurisdiction  
10 approved by the board; and

11 (2) has practiced medicine or osteopathy as  
12 a licensed physician for at least three years.

13 B. If the board issues an expedited license to a  
14 person whose prior licensing jurisdiction did not require  
15 examination, the board may require a person to pass an  
16 examination before applying for license renewal.

17 C. The board by rule shall determine those states  
18 and territories of the United States and the District of  
19 Columbia from which it will not accept an applicant for  
20 expedited licensure and shall determine any foreign countries  
21 from which it will accept an applicant for expedited  
22 licensure. The board shall post the lists of disapproved and  
23 approved licensing jurisdictions on the board's website. The  
24 list of disapproved licensing jurisdictions shall include the  
25 specific reasons for disapproval. The lists shall be

1 reviewed annually to determine if amendments to the rule are  
2 warranted. The board may require fingerprints and other  
3 information necessary for a state and national criminal  
4 background check."

5 SECTION 29. Section 61-14-10 NMSA 1978 (being Laws  
6 1967, Chapter 62, Section 7, as amended) is amended to read:

7 "61-14-10. EXPEDITED AND TEMPORARY LICENSE.--

8 A. The board shall issue an expedited license to a  
9 qualified applicant licensed in another state or territory of  
10 the United States, the District of Columbia or a foreign  
11 country as provided in Section 61-1-31.1 NMSA 1978. The  
12 board shall process the application as soon as practicable  
13 but no later than thirty days after the out-of-state  
14 veterinarian files an application for expedited licensure  
15 accompanied by any required fee if the applicant:

16 (1) holds a license that is current and in  
17 good standing issued by another licensing jurisdiction  
18 approved by the board; and

19 (2) has practiced veterinary medicine for at  
20 least five years.

21 B. If the board issues an expedited license to a  
22 person whose prior licensing jurisdiction did not require  
23 examination, the board may require the person to pass an  
24 examination before applying for license renewal.

25 C. The board by rule shall determine those states

1 and territories of the United States and the District of  
2 Columbia from which it will not accept an applicant for  
3 expedited licensure and shall determine any foreign countries  
4 from which it will accept an applicant for expedited  
5 licensure. The board shall post the lists of disapproved and  
6 approved licensing jurisdictions on the board's website. The  
7 list of disapproved licensing jurisdictions shall include the  
8 specific reasons for disapproval. The lists shall be  
9 reviewed annually to determine if amendments to the rule are  
10 warranted.

11 D. The board may issue without examination a  
12 temporary permit to practice veterinary medicine to:

13 (1) a qualified applicant for a license  
14 pending examination, provided the applicant is a graduate  
15 veterinarian and employed by and working under the direct  
16 supervision of a licensed veterinarian; provided that:

17 (a) the temporary permit shall expire  
18 the day after the notice of results of the first examination  
19 given after the permit is issued;

20 (b) a qualified applicant for a license  
21 pending examination may, at the board's discretion, be  
22 exempted from the requirement of working under the direct  
23 supervision of a licensed veterinarian, provided the  
24 applicant submits a written request for such exemption; and

25 (c) no additional temporary permit

1 shall be issued to an applicant who has failed the required  
2 components of the New Mexico examination in this or any other  
3 state or any other territory, district or commonwealth of the  
4 United States; or

5 (2) a nonresident veterinarian validly  
6 licensed and in good standing with the licensing authority in  
7 another state or territory of the United States, the District  
8 of Columbia or a foreign country if the nonresident  
9 veterinarian is employed by or has a contract with the state,  
10 a municipality or a county to provide veterinary services at  
11 a nationally accredited zoo or aquarium located in New  
12 Mexico; provided that the temporary permit shall be issued  
13 for a period lasting no more than six months and no more than  
14 two consecutive six-month temporary permits shall be issued  
15 to any one veterinarian.

16 E. A temporary permit to practice veterinary  
17 medicine may be summarily revoked by a majority vote of the  
18 board without a hearing."

19 **SECTION 30.** Section 61-24C-3 NMSA 1978 (being Laws  
20 1989, Chapter 53, Section 3, as amended) is amended to read:

21 "61-24C-3. DEFINITIONS.--As used in the Interior  
22 Designers Act:

23 A. "applicant" means a person applying to the  
24 department for an interior designer license;

25 B. "department" means the regulation and licensing

1 department;

2 C. "interior design" means services that do not  
3 necessarily require performance by an architect, such as  
4 administering contracts for fabrication, procurement or  
5 installation in the implementation of designs, drawings and  
6 specifications for any interior design project and  
7 consultations, studies, drawings and specifications in  
8 connection with reflected ceiling plans, space utilization,  
9 furnishings or the fabrication of nonstructural elements  
10 within and surrounding interior spaces of buildings, but  
11 specifically excluding mechanical and electrical systems,  
12 except for specifications of fixtures and their location  
13 within interior spaces; and

14 D. "licensed interior designer" or "licensed  
15 designer" means a person licensed pursuant to the Interior  
16 Designers Act."

17 SECTION 31. Section 61-24C-5 NMSA 1978 (being Laws  
18 1989, Chapter 53, Section 5, as amended) is amended to read:

19 "61-24C-5. POWERS AND DUTIES OF THE DEPARTMENT.--The  
20 department:

21 A. shall administer, coordinate and enforce the  
22 provisions of the Interior Designers Act. The department may  
23 investigate allegations of violations of the provisions of  
24 the Interior Designers Act;

25 B. shall adopt rules to carry out the purposes and

1 policies of the Interior Designers Act, including rules  
2 relating to professional conduct, standards of professional  
3 examination and licensure, and reasonable license,  
4 application, renewal and late fees;

5 C. shall require a licensee, as a condition of the  
6 renewal of the license, to undergo continuing education  
7 requirements pursuant to the Interior Designers Act;

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

11 E. may adopt a common seal for use by licensed  
12 interior designers; and

13 F. shall do all other things reasonable and  
14 necessary to carry out the provisions of the Interior  
15 Designers Act."

16 SECTION 32. Section 61-24C-8 NMSA 1978 (being Laws  
17 1989, Chapter 53, Section 8) is amended to read:

18 "61-24C-8. REQUIREMENTS FOR LICENSURE.--Each applicant  
19 for licensure shall apply to the department. Except as  
20 otherwise provided in the Interior Designers Act, each  
21 applicant shall take and pass the national council for  
22 interior design qualification examination or another  
23 nationally recognized examination approved by the department  
24 and have an active certification from the national council  
25 for interior design qualification or another nationally

1 recognized certification."

2 SECTION 33. Section 61-24C-9 NMSA 1978 (being Laws  
3 1989, Chapter 53, Section 9) is amended to read:

4 "61-24C-9. LICENSE WITHOUT EXAMINATION.--If a person  
5 applies for licensure but does not satisfy the requirements  
6 of Section 61-24C-8 NMSA 1978, the department may on a case-  
7 by-case basis review and issue a license to an applicant who  
8 provides evidence to the department that the applicant:

9 A. has active licensure in another state or  
10 country where the qualifications are equal to or exceed those  
11 required by the Interior Designers Act and the applicant  
12 complies with all other requirements of the Interior  
13 Designers Act; or

14 B. has apprenticed for at least eight years under  
15 a licensed interior designer who passed the national council  
16 for interior design qualification examination or another  
17 nationally recognized examination approved by the  
18 department."

19 SECTION 34. Section 61-24C-10 NMSA 1978 (being Laws  
20 1989, Chapter 53, Section 10, as amended) is amended to read:

21 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,  
22 SUSPENSION OR REVOCATION.--

23 A. A license shall be issued to every person who  
24 presents satisfactory evidence of possessing the  
25 qualifications of education, experience and, as appropriate,

1 the examination performance required by the provisions of the  
2 Interior Designers Act; provided that the applicant has  
3 reached the age of majority and, except as provided in  
4 Section 61-1-34 NMSA 1978, pays the required fees.

5 B. Each original license shall authorize the  
6 holder to use the title of and be known as a licensed  
7 interior designer from the date of issuance to the next  
8 renewal date unless the license is suspended or revoked.

9 C. All licenses shall expire four years after the  
10 date of issuance and shall be renewed by submitting a  
11 completed renewal application, and except as provided in  
12 Section 61-1-34 NMSA 1978, accompanied by the required fees.

13 D. A license may not be renewed until the licensee  
14 submits satisfactory evidence to the department that, since  
15 the initial issuance or last renewal if the license has been  
16 renewed, the licensee has participated in not less than  
17 twenty hours of continuing education approved by the  
18 department. The department may make exceptions from this  
19 continuing education requirement in cases that the licensee  
20 provides evidence of an emergency or hardship.

21 E. The holder of a license that has expired  
22 through failure to renew may renew the license, upon approval  
23 of the department.

24 F. In accordance with the provisions of the  
25 Uniform Licensing Act, the department may deny, refuse to



1 renew, suspend or revoke a license or impose probationary  
2 conditions when the licensee has:

3 (1) obtained the license by means of fraud,  
4 misrepresentation or concealment of material facts;

5 (2) committed an act of fraud or deceit in  
6 professional conduct;

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

11 (4) been found by the department to have  
12 aided or abetted an unlicensed person in violating the  
13 provisions of the Interior Designers Act; or

14 (5) failed to comply with the provisions of  
15 the Interior Designers Act or rules adopted pursuant to that  
16 act."

17 **SECTION 35.** Section 61-24C-11 NMSA 1978 (being Laws  
18 1989, Chapter 53, Section 11, as amended) is amended to read:

19 "61-24C-11. LICENSE REQUIRED--PENALTY.--

20 A. A person shall not knowingly:

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

25 (2) use or present as the person's own the

1 license of another;

2 (3) give false or forged evidence to the  
3 department or a department employee for the purpose of  
4 obtaining a license;

5 (4) use or attempt to use an interior design  
6 license that has been suspended, revoked or placed on  
7 inactive status; or

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

10 B. A person who violates a provision of this  
11 section shall be penalized pursuant to the provisions of the  
12 Uniform Licensing Act; provided that a licensee or applicant  
13 shall be afforded notice and an opportunity to be heard  
14 before the department has authority to take any action that  
15 would result in a penalty or fine, including suspension,  
16 revocation, denial or withholding of a license or other  
17 corrective action."

18 **SECTION 36.** Section 61-24C-14 NMSA 1978 (being Laws  
19 1989, Chapter 53, Section 14, as amended) is amended to read:

20 "61-24C-14. LICENSE FEES.--Except as provided in  
21 Section 61-1-34 NMSA 1978, any fees for an original license  
22 or renewal of license, late charges or any other fees  
23 authorized by the provisions of the Interior Designers Act  
24 shall be set by rule of the department. The fee for initial  
25 licensure shall not exceed two hundred dollars (\$200)."

1           SECTION 37. Section 61-24C-16 NMSA 1978 (being Laws  
2 1989, Chapter 53, Section 16, as amended) is amended to read:

3           "61-24C-16. FUND ESTABLISHED--DISPOSITION--METHOD OF  
4 PAYMENT.--

5           A. There is created the "interior design fund".

6           B. All money collected under the Interior  
7 Designers Act shall be deposited with the state treasurer.  
8 The state treasurer shall credit the money to the interior  
9 design fund.

10           C. Payments out of the interior design fund shall  
11 be on vouchers issued by the superintendent of regulation and  
12 licensing upon warrants drawn by the department of finance  
13 and administration in accordance with the budget approved by  
14 that department.

15           D. All amounts paid to the interior design fund  
16 are subject to appropriation by the legislature and shall be  
17 used only for meeting necessary expenses incurred in  
18 executing the provisions and duties of the Interior Designers  
19 Act and for promoting interior design education and standards  
20 in the state. All money unused at the end of any fiscal year  
21 shall remain in the interior design fund for use in  
22 accordance with the provisions of the Interior Designers  
23 Act."

24           SECTION 38. Section 61-27B-3 NMSA 1978 (being Laws  
25 1993, Chapter 212, Section 3, as amended) is amended to read:

1 "61-27B-3. LICENSE OR REGISTRATION REQUIRED.--It is  
2 unlawful for an individual to:

3 A. act as a private investigator, private patrol  
4 operator, security guard, private investigations employee,  
5 private investigations manager or private patrol operations  
6 manager or to make any representation as being a licensee or  
7 registrant unless the individual is licensed by the  
8 department pursuant to the Private Investigations Act;

9 B. render physical protection for remuneration as  
10 a bodyguard unless the individual is licensed as a private  
11 investigator or a private patrol operator;

12 C. continue to act as a private investigator,  
13 private patrol operator, security guard, private  
14 investigations employee, private investigations manager or  
15 private patrol operations manager if the individual's license  
16 issued pursuant to the Private Investigations Act has  
17 expired;

18 D. falsely represent that the individual is  
19 employed by a licensee;

20 E. practice polygraphy for any remuneration  
21 without a license issued by the department in accordance with  
22 the Private Investigations Act; or

23 F. provide instruction to individuals to qualify  
24 for licensure as security guards or any other person who is  
25 required to have professional training to be licensed,

1 certified or registered pursuant to the Private  
2 Investigations Act without a registration in good standing  
3 issued by the department in accordance with the Private  
4 Investigations Act."

5 SECTION 39. Section 61-27B-4 NMSA 1978 (being Laws  
6 1993, Chapter 212, Section 4, as amended) is amended to read:

7 "61-27B-4. PERSONS EXEMPTED--LIMITATIONS ON UNLICENSED  
8 ACTIVITIES.--

9 A. As used in this section, "temporary" means a  
10 period of time not to exceed the duration of one private  
11 event or one school or nonprofit organization event, as  
12 described in Paragraphs (2) and (3) of Subsection B of this  
13 section.

14 B. The Private Investigations Act does not apply  
15 to:

16 (1) an individual employed exclusively and  
17 regularly by one employer in connection with the affairs of  
18 that employer, provided that the individual patrols or  
19 provides security only on the premises of the employer as  
20 limited by the employer;

21 (2) an individual employed exclusively to  
22 provide temporary security at a private event that is not  
23 open to the public;

24 (3) individuals providing temporary security  
25 at athletic or other youth events and where the events occur

1 under the auspices of a public or private school or a  
2 nonprofit organization;

3 (4) an attorney licensed in New Mexico, or  
4 the attorney's employee working under the direct supervision  
5 of the attorney, conducting private investigations while  
6 engaged in the practice of law;

7 (5) an officer or employee of the United  
8 States or this state or a political subdivision of the United  
9 States or this state while that officer or employee is  
10 engaged in the performance of the officer's or employee's  
11 official duties;

12 (6) a person engaged exclusively in the  
13 business of obtaining and furnishing information concerning  
14 the financial rating of persons;

15 (7) a charitable philanthropic society or  
16 association duly incorporated under the laws of this state  
17 that is organized and maintained for the public good and not  
18 for private profit;

19 (8) a licensed collection agency or an  
20 employee of the agency while acting within the scope of  
21 employment while making an investigation incidental to the  
22 business of the agency, including an investigation of the  
23 location of a debtor or the debtor's property;

24 (9) admitted insurers, adjusters, agents and  
25 insurance brokers licensed by the state performing duties in

1 connection with insurance transactions by them; or

2 (10) an institution subject to the  
3 jurisdiction of the director of the financial institutions  
4 division of the department or the comptroller of currency of  
5 the United States.

6 C. A private investigator licensed in New Mexico  
7 shall not offer or provide traffic crash reconstruction in  
8 New Mexico unless the private investigator has successfully  
9 completed a traffic crash reconstruction course approved by  
10 rule of the department. A person, other than a certified and  
11 commissioned law enforcement officer or a New Mexico  
12 professional engineer, who wishes to offer or provide traffic  
13 crash reconstruction in New Mexico must be licensed as a  
14 private investigator and meet the requirements of this  
15 subsection.

16 D. Skip tracing in New Mexico shall be offered or  
17 provided only by:

18 (1) an employee of a New Mexico state or  
19 local law enforcement agency;

20 (2) a private investigator; or

21 (3) an attorney licensed to practice in New  
22 Mexico or the attorney's employee working under the direct  
23 supervision of the attorney."

24 SECTION 40. Section 61-27B-5 NMSA 1978 (being Laws  
25 1993, Chapter 212, Section 5, as amended) is amended to read:

1 "61-27B-5. ADMINISTRATION OF ACT--RULES.--

2 A. The department shall enforce and administer the  
3 provisions of the Private Investigations Act in accordance  
4 with the Uniform Licensing Act.

5 B. The department shall keep a record of each  
6 individual licensee.

7 C. The department shall promulgate rules in  
8 accordance with the State Rules Act and enforce those rules  
9 necessary to carry out the provisions of the Private  
10 Investigations Act, including establishing professional  
11 ethical standards.

12 D. The department shall promulgate rules  
13 regarding:

14 (1) licensing private investigators, private  
15 investigations managers, private investigation companies,  
16 private patrol operators, private patrol operations managers,  
17 private patrol employees and polygraph examiners;

18 (2) registering private investigations  
19 employees, security guards, private patrol employees and  
20 instructors;

21 (3) establishing minimum training and  
22 educational standards for licensure and registration;

23 (4) establishing continuing education  
24 requirements;

25 (5) establishing and operating a branch



1 office;

2 (6) creating a policy on reciprocity with  
3 other licensing jurisdictions of the United States;

4 (7) providing permits for security guards  
5 for special events; and

6 (8) conducting background investigations."

7 SECTION 41. Section 61-27B-7 NMSA 1978 (being Laws  
8 1993, Chapter 212, Section 6, as amended) is amended to read:

9 "61-27B-7. REQUIREMENTS FOR PRIVATE INVESTIGATOR  
10 LICENSURE.--

11 A. The department shall issue a license as a  
12 private investigator to an individual who files a completed  
13 application accompanied by the required fees and who submits  
14 satisfactory evidence that the applicant has met all  
15 requirements set forth by the department in rule, including  
16 that the applicant:

17 (1) is at least twenty-one years of age;

18 (2) has successfully passed an examination  
19 as required by department rule;

20 (3) has not been convicted of a felony  
21 offense, an offense involving dishonesty or an offense  
22 involving an intentional violent act or the illegal use or  
23 possession of a deadly weapon and has not been found to have  
24 violated professional ethical standards as defined by the  
25 department; and

1 (4) has at least three years' experience  
2 that has been acquired within the five years preceding the  
3 filing of the application with the department of actual work  
4 performed in:

5 (a) investigation for the purpose of  
6 obtaining information with reference to a crime or wrongs  
7 done or threatened against the United States;

8 (b) investigation of persons;

9 (c) the location, disposition or  
10 recovery of lost or stolen property;

11 (d) the cause or responsibility for  
12 fire, losses, motor vehicle or other accidents or damage or  
13 injury to persons or property; or

14 (e) securing evidence to be used before  
15 a court, administrative tribunal, board or investigating  
16 committee or for a law enforcement officer.

17 B. Years of qualifying experience and the precise  
18 nature of that experience shall be substantiated by written  
19 certification from employers and shall be subject to  
20 independent verification by the department as it deems  
21 warranted. The burden of proving necessary experience is on  
22 the applicant."

23 SECTION 42. A new section of the Private Investigations  
24 Act is enacted to read:

25 "REQUIREMENTS FOR REGISTRATION AS INSTRUCTOR--CURRICULUM

1 APPROVAL--FIREARMS TRAINING.--

2 A. Every individual seeking to register as an  
3 instructor shall complete an application on a form provided  
4 by the department and submit the required application fee.  
5 The application shall include:

6 (1) fingerprints and other information for a  
7 state and federal criminal history background check submitted  
8 in accordance with rules of the department;

9 (2) proof of instructor certification issued  
10 by a law enforcement academy, federal government entity, the  
11 military or the federal law enforcement training centers or  
12 one year of verifiable training experience or the equivalent  
13 to be reviewed and recommended by the private investigations  
14 advisory board and approved by the department;

15 (3) proof of further qualifying training  
16 specific to advanced levels of training the instructor is  
17 applying for as provided by rule of the department; and

18 (4) any other information sought by the  
19 department.

20 B. The department shall register each successful  
21 instructor applicant.

22 C. A level two or level three registered  
23 instructor may teach individuals who are seeking licensure as  
24 a level one security guard. A registered instructor shall  
25 not teach above the instructor's registration level. The

1 department may suspend, revoke or refuse to renew the  
2 registration of an instructor who teaches above the  
3 instructor's registration level.

4 D. If a level three instructor offers firearms  
5 certification, the instructor shall provide proof of the  
6 instructor's current firearms certification to the  
7 department.

8 E. The department shall approve the curriculum for  
9 level one, two and three security guard training. The  
10 private investigations advisory board shall review curricula  
11 submitted for approval and make recommendations to the  
12 department for final action.

13 F. The registration of an instructor registered  
14 with the department on the effective date of this section  
15 shall remain in effect until renewal unless the department  
16 suspends, revokes or refuses to renew the registration."

17 **SECTION 43.** Section 61-27B-8 NMSA 1978 (being Laws  
18 2007, Chapter 115, Section 8) is amended to read:

19 "61-27B-8. PRIVATE INVESTIGATION COMPANY--REQUIREMENTS  
20 FOR LICENSURE.--

21 A. The department shall issue a license for a  
22 private investigation company to a person that files a  
23 completed application accompanied by the required fees and  
24 that submits satisfactory evidence that the applicant:

25 (1) if an individual, has not been convicted

1 of a felony offense, an offense involving dishonesty, an  
2 offense involving an intentional violent act or the illegal  
3 use or possession of a deadly weapon and has not been found  
4 to have violated professional ethical standards; or if a  
5 legal business entity, the owners, officers or directors of  
6 the entity, either singly or collectively, have not been  
7 convicted of a felony offense or an offense involving  
8 intentional violent acts or the illegal use or possession of  
9 deadly weapons and have not been found to have violated  
10 professional ethical standards;

11 (2) has an owner or a licensed private  
12 investigations manager who is licensed as a private  
13 investigator and who manages the daily operations of the  
14 private investigation company;

15 (3) maintains a physical location in New  
16 Mexico where records are maintained and made available for  
17 department inspection;

18 (4) maintains a New Mexico registered agent  
19 if the applicant is a private investigation company located  
20 outside of New Mexico; and

21 (5) meets all other requirements set forth  
22 in the rules of the department.

23 B. A private investigation company shall maintain  
24 a general liability certificate of insurance in an amount  
25 required by the department. The department shall suspend the

1 license issued pursuant to this section of a private  
2 investigation company that fails to maintain an effective  
3 general liability certificate of insurance as required. The  
4 department shall not reinstate the license of a private  
5 investigation company that has had its license suspended  
6 pursuant to this subsection until an application is submitted  
7 to the department with the necessary fees and a copy of the  
8 private investigation company's general liability certificate  
9 of insurance in effect. The department may deny an  
10 application for reinstatement of a private investigation  
11 company's license, notwithstanding the applicant's compliance  
12 with this subsection for:

13 (1) a reason that would justify a denial to  
14 issue a new private investigation company license or that  
15 would be cause for a suspension or revocation of a private  
16 investigation company's license; or

17 (2) the performance by the applicant of an  
18 act requiring a license issued pursuant to the Private  
19 Investigations Act while the applicant's license is under  
20 suspension for failure to maintain the applicant's general  
21 liability certificate of insurance in effect."

22 SECTION 44. Section 61-27B-14 NMSA 1978 (being Laws  
23 2007, Chapter 115, Section 14) is amended to read:

24 "61-27B-14. PRIVATE INVESTIGATIONS OR PRIVATE PATROL  
25 EMPLOYEE--REGISTRATION--REQUIREMENTS.--

1           A. Every individual who seeks employment or is  
2 currently employed as a private investigations employee or  
3 who provides services on a contract basis to a private  
4 investigation company shall file an application for  
5 registration as a private investigations employee with the  
6 department.

7           B. Every individual who seeks employment as or is  
8 currently employed as a private patrol employee or who  
9 provides services on a contract basis to a private patrol  
10 company shall file an application for registration as a  
11 private patrol employee with the department.

12           C. The department shall issue a registration for a  
13 private investigations or private patrol employee to an  
14 individual who files a completed application accompanied by  
15 the required fees and who submits satisfactory evidence that  
16 the applicant:

17                   (1) is at least twenty-one years of age;

18                   (2) possesses a high school diploma or its  
19 equivalent;

20                   (3) has successfully completed an  
21 examination as required by department rule;

22                   (4) has not been convicted of a felony  
23 involving an intentional violent act or the illegal use or  
24 possession of a deadly weapon and has not been found to have  
25 violated professional ethical standards;

1                   (5) shall be employed by, or shall contract  
2 with a private investigation company to provide investigation  
3 services for, a private investigation company, under the  
4 direct control and supervision of a private investigator or  
5 shall be employed by, or shall contract with a private patrol  
6 company to provide private patrol services for, a private  
7 patrol company under the direct control and supervision of a  
8 private patrol operations manager or a level three security  
9 guard, as applicable; and

10                   (6) meets other requirements set forth in  
11 rules of the department.

12                   D. If the contract or employment of a private  
13 investigations employee with a private investigation company  
14 or a private patrol employee with a private patrol company  
15 terminates for any reason, the registration of the individual  
16 as a private investigations employee or private patrol  
17 employee immediately terminates. The private investigations  
18 employee or private patrol employee shall turn over the  
19 employee's registration to the private investigation company  
20 or private patrol company upon ceasing employment with that  
21 company.

22                   E. A private investigation company or private  
23 patrol company shall notify the department within thirty days  
24 from the date of termination of employment of a private  
25 investigations employee or private patrol employee, as



1 applicable, of the employment termination and return the  
2 employee's registration to the department."

3 SECTION 45. Section 61-27B-18 NMSA 1978 (being Laws  
4 2007, Chapter 115, Section 18) is amended to read:

5 "61-27B-18. SECURITY GUARD--LEVEL THREE--REGISTRATION--  
6 REQUIREMENTS.--

7 A. Every individual seeking employment or employed  
8 as a level three security guard shall file an application for  
9 registration with the department.

10 B. The department shall issue a registration for a  
11 level three security guard to an individual who files a  
12 completed application accompanied by the required fees and  
13 who submits satisfactory evidence that the applicant:

14 (1) is at least twenty-one years of age;

15 (2) meets the requirements to be granted  
16 registration as a level two security guard and maintains in  
17 good standing a current registration as a level two security  
18 guard;

19 (3) has successfully completed an  
20 examination as required by department rule;

21 (4) possesses a high school diploma or its  
22 equivalent;

23 (5) in addition to the training required to  
24 be registered as a level two security guard and before the  
25 applicant shall be placed for the first time at a guard post

1 as a level three security guard, has completed a curriculum  
2 approved by the department consisting of the minimum training  
3 for firearm certification prescribed by the department;  
4 provided that the additional training required by the  
5 department is provided by:

6 (a) a public educational institution in  
7 New Mexico or an educational institution licensed by the  
8 higher education department pursuant to the Post-Secondary  
9 Educational Institution Act;

10 (b) an in-house training program  
11 provided by a licensed private patrol company using a  
12 curriculum approved by the department;

13 (c) the New Mexico law enforcement  
14 academy; or

15 (d) any other department-approved  
16 educational institution using a curriculum approved by the  
17 department and complying with department standards set forth  
18 in department rules;

19 (6) is firearm certified by the New Mexico  
20 law enforcement academy or the national rifle association;

21 (7) is employed by a private patrol company  
22 under the direct supervision of a licensed private patrol  
23 operator, another level three security guard or a private  
24 patrol operations manager; and

25 (8) meets other requirements set forth in

1 department rules.

2 C. A private patrol company shall notify the  
3 department within thirty days from the date of termination of  
4 a level two security guard of the employment termination."

5 SECTION 46. Section 61-27B-20 NMSA 1978 (being Laws  
6 2007, Chapter 115, Section 20, as amended) is amended to  
7 read:

8 "61-27B-20. FEES.--Except as provided in Section  
9 61-1-34 NMSA 1978, the department shall establish a schedule  
10 of reasonable fees as follows:

11 A. private investigator fees:

12 (1) application fee, not to exceed one  
13 hundred dollars (\$100);

14 (2) initial private investigator's license  
15 fee or license renewal fee, not to exceed three hundred  
16 dollars (\$300); and

17 (3) initial private investigations manager  
18 license fee or license renewal fee, not to exceed two hundred  
19 dollars (\$200);

20 B. private patrol operator fees:

21 (1) application fee, not to exceed one  
22 hundred dollars (\$100);

23 (2) initial private patrol operator's  
24 license fee or license renewal fee, not to exceed three  
25 hundred dollars (\$300); and

1                   (3) initial private patrol operations  
2 manager license fee or license renewal fee, not to exceed two  
3 hundred dollars (\$200);

4                   C. private investigations employee or private  
5 patrol employee, initial registration fee or registration  
6 renewal fee, not to exceed one hundred dollars (\$100);

7                   D. private investigation company or private patrol  
8 company, initial license fee or renewal license fee, not to  
9 exceed three hundred dollars (\$300);

10                  E. security guard fees:

11                   (1) level one or level two security guard  
12 registration fee or registration renewal fee, not to exceed  
13 fifty dollars (\$50.00); and

14                   (2) level three security guard registration  
15 fee or registration renewal fee, not to exceed seventy-five  
16 dollars (\$75.00);

17                  F. polygraph examiners:

18                   (1) application fee, not to exceed one  
19 hundred dollars (\$100);

20                   (2) initial polygraph examiner's license fee  
21 or license renewal fee, not to exceed four hundred dollars  
22 (\$400); and

23                   (3) examination fee, not to exceed one  
24 hundred dollars (\$100);

25                  G. instructors:

1 (1) application fee, not to exceed one  
2 hundred dollars (\$100); and

3 (2) initial registration or registration  
4 renewal, not to exceed one hundred dollars (\$100); and

5 H. other fees applying to private investigators,  
6 private patrol operators, polygraph examiners and  
7 instructors:

8 (1) change in license fee, not to exceed two  
9 hundred dollars (\$200);

10 (2) late fee on license or registration  
11 renewals, not to exceed one hundred dollars (\$100);

12 (3) special event permit fee, not to exceed  
13 one hundred dollars (\$100); and

14 (4) special event license fee for a private  
15 patrol company, not to exceed fifty dollars (\$50.00)."

16 **SECTION 47.** Section 61-27B-21 NMSA 1978 (being Laws  
17 2007, Chapter 115, Section 21) is amended to read:

18 "61-27B-21. LICENSE AND REGISTRATION RENEWAL.--

19 A. A license or registration granted pursuant to  
20 the provisions of the Private Investigations Act shall be  
21 renewed by the department biennially unless the term of the  
22 license is set by the department in rule to be a longer  
23 period.

24 B. A licensee or registrant with an expired  
25 license or registration shall not perform an activity for

1 which a license or registration is required pursuant to the  
2 Private Investigations Act until the license or registration  
3 has been renewed or reinstated.

4 C. The department may require proof of continuing  
5 education credits or other proof of competency as a  
6 requirement of renewal or reinstatement of a license or  
7 registration.

8 D. A license or registration issued to a person  
9 pursuant to the Private Investigations Act shall not be  
10 transferred or assigned."

11 SECTION 48. Section 61-27B-24 NMSA 1978 (being Laws  
12 1993, Chapter 212, Section 11, as amended) is amended to  
13 read:

14 "61-27B-24. LIABILITY INSURANCE.--

15 A private investigation company or a private patrol  
16 company shall maintain a general liability certificate of  
17 insurance in an amount required by the department."

18 SECTION 49. Section 61-27B-31 NMSA 1978 (being Laws  
19 2007, Chapter 115, Section 31) is amended to read:

20 "61-27B-31. FIREARMS.--A private investigator, a  
21 private patrol operator, a private investigations employee, a  
22 level three security guard or a private patrol employee may  
23 carry a firearm upon successful completion of mandatory  
24 firearm training required by rules of the department and  
25 successfully passing a psychological evaluation prescribed by

1 the department to determine suitability for carrying a  
2 firearm."

3 SECTION 50. Section 61-27B-36 NMSA 1978 (being Laws  
4 2007, Chapter 115, Section 35, as amended) is amended to  
5 read:

6 "61-27B-36. TERMINATION OF AGENCY LIFE--DELAYED  
7 REPEAL.--The private investigations advisory board is  
8 terminated on July 1, 2029 pursuant to the Sunset Act. The  
9 board shall continue to operate according to the provisions  
10 of the Private Investigations Act until July 1, 2030.  
11 Effective July 1, 2030, Chapter 61, Article 27B NMSA 1978 is  
12 repealed."

13 SECTION 51. Section 61-31-13 NMSA 1978 (being Laws  
14 1989, Chapter 51, Section 13, as amended) is amended to read:

15 "61-31-13. EXPEDITED LICENSURE.--

16 A. Upon application of an out-of-state licensed  
17 social worker, the board shall license a qualified applicant  
18 for the licensure level sought as provided in Section 61-l-  
19 31.1 NMSA 1978.

20 B. The board shall process the application as soon  
21 as practicable but no later than thirty days after the out-  
22 of-state social worker submits a complete application for  
23 expedited licensure accompanied by any required fee.

24 C. If the board issues an expedited license to a  
25 person whose prior licensing jurisdiction did not require

1 examination, the board may require the person to pass an  
2 examination before applying for license renewal.

3 D. The board by rule shall determine those states  
4 and territories of the United States and the District of  
5 Columbia from which it will not accept an applicant for  
6 expedited licensure and shall determine any foreign countries  
7 from which it will accept an applicant for expedited  
8 licensure. The board shall post the lists of disapproved and  
9 approved licensing jurisdictions on the board's website. The  
10 list of disapproved licensing jurisdictions shall include the  
11 specific reasons for disapproval. The lists shall be  
12 reviewed annually to determine if amendments to the rule are  
13 warranted."

14 SECTION 52. TEMPORARY PROVISION--TRANSFER OF  
15 APPROPRIATIONS, RECORDS AND CONTRACTS TO THE REGULATION AND  
16 LICENSING DEPARTMENT.--On the effective date of this act:

17 A. all functions, appropriations, money, records  
18 and files of the interior design board relating to the  
19 Interior Designers Act shall be transferred to the regulation  
20 and licensing department;

21 B. all contractual obligations of the interior  
22 design board relating to the Interior Designers Act shall be  
23 binding on the regulation and licensing department; and

24 C. the rules, orders and decisions of the interior  
25 design board relating to the Interior Designers Act shall



1 remain in effect until repealed or amended.

2 SECTION 53. REPEAL.--Sections 61-24C-4, 61-24C-6,  
3 61-24C-7, 61-24C-12, 61-24C-17 and 61-27B-35 NMSA 1978 (being  
4 Laws 1989, Chapter 53, Sections 4, 6, 7 and 12, Laws 1993,  
5 Chapter 83, Section 5 and Laws 2007, Chapter 115, Section 36,  
6 as amended) are repealed.

7 SECTION 54. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2023. \_\_\_\_\_

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