

HOUSE BILL 323

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PROFESSIONAL LICENSURE; REVISING EXEMPTIONS FOR ENGINEERS Hf11→; **CREATING AN EXEMPTION FROM THE ENGINEERING AND SURVEYING PRACTICE ACT FOR RURAL ELECTRIC DISTRIBUTION COOPERATIVES**←Hf11 .

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

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

.229148.2AIC March 6, 2025 (7:32pm)

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Amendments: new = →bold, blue, highlight←

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

A. A New Mexico licensed architect who has complied with all of the laws of New Mexico relating to the practice of architecture has the right to engage in the incidental practice, as defined by regulation, of activities properly classified as engineering; provided that the architect shall not make any representation as being a professional engineer or as performing engineering services; and further provided that the architect shall perform only that part of the work for which the architect is professionally qualified and shall use qualified professional engineers or others for those portions of the work in which the contracting architect is not qualified. Furthermore, the architect shall assume all responsibility for compliance with all laws, codes, regulations and ordinances of the state or its political subdivisions pertaining to all documents bearing the architect's professional seal.

B. An engineer employed by a business entity who performs only the engineering services involved in the operation of the business entity's or an affiliated business entity's business shall be exempt from the provisions of the Engineering and Surveying Practice Act; provided that neither the employee nor the employer offers engineering services to the public; and provided further that any such engineering services are limited to the legal boundaries Hf11→~~of the~~

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~~property owned, leased or lawfully operated by the business entity or an affiliated business entity that employs the engineer}~~ ←Hf11 Hf11→ of the property owned, leased or lawfully operated by the business entity or an affiliated business entity that employs the engineer ←Hf11 Hf11→ ~~that the business entity or an affiliated business entity that employs the engineer owns, leases, has an easement or a right of way on or lawfully operates~~ ←Hf11 . Performance of engineering on public works projects pursuant to Section 61-23-26 NMSA 1978 Hf11→ ~~{or within off-premises easements}~~ ←Hf11 Hf11→ or within off-premises easements ←Hf11 constitutes engineering services to the public and is subject to the Engineering and Surveying Practice Act. Hf11→ " ←Hf11

Hf11→ C. A rural electric distribution cooperative shall be exempt from the provisions of the Engineering and Surveying Practice Act; provided that the cooperative's services are not offered to the public and are performed only within the legal boundaries of the property that the cooperative owns, leases, has an easement or right of way on or lawfully operates." ←Hf11