

CHAPTER 83

CHAPTER 83, LAWS 2002

AN ACT

RELATING TO EMERGENCIES; PROVIDING FOR THE TEMPORARY
LICENSURE OF CERTAIN PERSONS DURING AN EMERGENCY; DECLARING
AN EMERGENCY.

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

Section 1. Section 61-1-2 NMSA 1978 (being Laws 1957, Chapter 247, Section 2, as amended by Laws 1993, Chapter 49, Section 31 and by Laws 1993, Chapter 171, Section 25 and also by Laws 1993, Chapter 295, Section 1) is amended to read:

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

A. "board" means:

(1) the construction industries commission, the construction industries division and the electrical bureau, mechanical bureau and general construction bureau of the construction industries division of the regulation and licensing department;

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

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

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

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

C. "license" means a certificate, permit or other authorization to engage in each of the professions and occupations regulated by the boards enumerated in Subsection A of this section;

D. "revoke a license" means to prohibit the conduct authorized by the license;

E. "suspend a license" means to prohibit, for a stated period of time, the conduct authorized by the license. "Suspend a license" also means to allow, for a stated period of time, the conduct authorized by the

license, subject to conditions that are reasonably related to the grounds for suspension; and

F. "emergency" includes any man-made or natural disaster causing or threatening widespread physical or economic harm that is beyond local control and requires the resources of the state."

Section 2. A new section of the Uniform Licensing Act is enacted to read:

"OUT-OF-STATE LICENSE HOLDERS--POWERS--DUTIES.--During an emergency, a person who holds a license, certificate or other permit that is issued by a state or territory of the United States and that evidences the meeting of qualifications for professional, mechanical or other skills may be credentialed, if appropriate and approved by the department of health or the department of public safety, to render aid involving those skills to meet an emergency, subject to such limitations and conditions as the governor may prescribe by executive order or otherwise. Such a person shall be considered a public employee for the purposes of the Tort Claims Act when approved to perform such duties."

Section 3. A new section of the Uniform Licensing Act is enacted to read:

"APPLICATION.--The provisions of Section 2 of this act apply to a person from any state or territory whether or not a party to the Emergency Management Assistance Compact."

Section 4. A new section of the Uniform Licensing Act is enacted to read:

"IN-STATE LICENSE HOLDERS--POWERS--DUTIES.--During an emergency, a person who holds a license, certificate or other permit that is issued by the state of New Mexico and that evidences the meeting of qualifications for professional, mechanical or other skills may be credentialed, if appropriate and approved by the department of health or the department of public safety, to render aid involving those skills to meet a declared emergency, and shall be considered a public employee for the purposes of the Tort Claims Act when approved to perform such duties."

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SENATE BILL 136
WITH EMERGENCY CLAUSE
SIGNED MARCH 5, 2002