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HOUSE BILL 689

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO LICENSING; CLARIFYING THE STATUTE OF LIMITATIONS ON
BOARD ACTIONS THAT AFFECT CONSTRUCTION INDUSTRIES.

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

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

"61-1-3.1. LIMITATIONS.--

A. Except as otherwise provided in this section, a
board shall not initiate an action that would [have any of the
effects] result in any of the actions specified in Subsections
D through N of Section 61-1-3 NMSA 1978 or an action related to
unlicensed activity [~~shall not be initiated by a board~~] later
than two years after the discovery by the board of the conduct
that would be the basis for the action [~~except as provided in
Subsection C of this section~~].

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

6 C. The New Mexico state board of psychologist
7 examiners shall not initiate an action that would result in any
8 of the actions specified in Subsections D through N of Section
9 61-1-3 NMSA 1978 later than five years after the conduct of the
10 psychologist or psychologist associate that is the basis for
11 the action. However, if the conduct that is the basis for the
12 action involves a minor or a person adjudicated incompetent,
13 the action shall be initiated, in the case of a minor, no later
14 than one year after the minor's eighteenth birthday or five
15 years after the conduct, whichever is last and, in the case of
16 a person adjudicated incompetent, one year after the
17 adjudication of incompetence is terminated or five years after
18 the conduct, whichever is last.

19 D. The New Mexico public accountancy board shall
20 not initiate an action [~~under~~] pursuant to the 1999 Public
21 Accountancy Act that would result in any of the actions
22 specified in Subsections D through N of Section 61-1-3 NMSA
23 1978 later than two years [~~following~~] after the discovery by
24 the board of a violation of that act.

25 E. The construction industries commission shall not

.174657.3

1 initiate an action, pursuant to the Construction Industries
2 Licensing Act that would result in any of the actions specified
3 in Subsections D through N of Section 61-1-3 NMSA 1978, later
4 than two years after the date of substantial completion as
5 defined in Section 37-1-27 NMSA 1978 or a certificate of
6 occupancy is issued pursuant to Subsection C of Section
7 60-13-45 NMSA 1978 in relation to the conduct that would be the
8 basis for the action."

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