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SENATE BILL 456

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO INTERIOR DESIGNERS; TRANSFERRING POWERS AND DUTIES UNDER THE INTERIOR DESIGNERS ACT TO THE REGULATION AND LICENSING DEPARTMENT; STREAMLINING LICENSURE REQUIREMENTS; CREATING A SEAL; ALLOWING INTERIOR DESIGNERS TO SUBMIT PLANS FOR PERMITS; MAKING TECHNICAL AND CONFORMING CHANGES; REPEALING SECTIONS OF THE NMSA 1978.

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

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

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

A. "board" means the interior design advisory board;

B. "department" means the regulation and licensing

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1 department;

2 [B-] C. "interior design" means services that do
3 not 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 within
10 and surrounding interior spaces of buildings, but specifically
11 excluding mechanical and electrical systems, except for
12 specifications of fixtures and their location within interior
13 spaces; ~~and~~

14 G-] D. "licensed interior designer" or "licensed
15 designer" means a person licensed pursuant to the Interior
16 Designers Act; and

17 E. "superintendent" means the superintendent of
18 regulation and licensing."

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

21 "61-24C-4. INTERIOR DESIGN ADVISORY BOARD CREATED--
22 MEMBERS--TERMS--COMPENSATION.--

23 A. [~~There is created~~] The superintendent may
24 appoint an "interior design advisory board". The purpose of
25 the board shall be [~~administratively attached to the regulation~~

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1 ~~and licensing department]~~ to advise the department on matters
2 regarding the administration and enforcement of the Interior
3 Designers Act. The board shall consist of [~~five~~] three members
4 appointed by the [~~governor~~] superintendent for staggered terms
5 of three years, appointed in a manner that the term of [~~one~~
6 ~~member shall expire on December 31, 1990; the terms of two~~
7 ~~members shall expire on December 31, 1991; and the terms of the~~
8 ~~last two members shall expire on December 31, 1992.~~

9 ~~Thereafter, members shall be appointed for terms of three years~~
10 ~~or less in a manner that the terms of]~~ not more than two
11 members expire on December 31 of each year. A vacancy shall be
12 filled by appointment by the [~~governor~~] superintendent for the
13 unexpired term. A board member shall not serve consecutive
14 terms.

15 B. All members of the board shall be residents of
16 New Mexico. No more than two members shall be [~~appointed from~~
17 ~~the same congressional district. Three members of the board~~
18 ~~shall be]~~ licensed interior designers and [~~two members~~] one
19 member shall be chosen to represent the public and shall not
20 have been licensed as an interior [~~designers~~] designer or have
21 a significant financial interest, direct or indirect, in the
22 occupation regulated. For purposes of this section, the
23 interior designer members of the initial board shall have
24 offered interior design services for at least five years, shall
25 have passed the national council for interior design

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1 qualification examination and shall have become registered by
2 [~~November 1, 1989~~] July 1, 2017.

3 C. [~~Three members of the board shall constitute a~~
4 ~~quorum for the transaction of business, but no final action~~
5 ~~shall be taken unless at least three members vote in favor of a~~
6 ~~proposal~~] A member of the board appointed under the authority
7 of this section shall receive as the member's sole remuneration
8 for services as a member those amounts authorized under the Per
9 Diem and Mileage Act."

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

12 "61-24C-5. POWERS AND DUTIES OF THE [~~BOARD~~] DEPARTMENT.--
13 The [~~board~~] department:

14 A. shall administer, coordinate and enforce the
15 provisions of the Interior Designers Act. The [~~board~~]
16 department may investigate allegations of violations of the
17 provisions of the Interior Designers Act;

18 B. shall adopt regulations to carry out the
19 purposes and policies of the Interior Designers Act, including
20 regulations relating to professional conduct, standards of
21 performance and professional examination and licensure,
22 reasonable license, application, renewal and late fees and the
23 establishment of ethical standards of practice for a licensed
24 interior designer in New Mexico;

25 C. shall require a licensee, as a condition of the

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1 renewal of the license, to undergo continuing education
2 requirements as set forth in the Interior Designers Act;

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

6 E. ~~shall~~ may conduct hearings and keep records
7 and minutes necessary to carry out its functions in
8 administering the Interior Designers Act;

9 F. ~~may~~ shall adopt a common seal or stamp for use
10 by licensed interior designers; and

11 G. shall do all things reasonable and necessary to
12 carry out the purposes of the Interior Designers Act."

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

15 "61-24C-8. REQUIREMENTS FOR LICENSURE--RECIPROCIITY---

16 A. Each applicant for licensure shall apply to the
17 [~~board. Except as otherwise provided in the Interior Designers~~
18 ~~Act~~] department.

19 B. Each applicant shall [~~take and pass a nationally~~
20 ~~standardized examination. The board may adopt substantially~~
21 ~~all or part of~~] submit adequate proof, as determined by the
22 department, of:

23 (1) passing the examination [~~and grading~~
24 ~~procedures of~~] administered by the national council for
25 interior design qualifications; [~~Prior to examination, the~~

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1 ~~applicant shall provide substantial evidence to the board that~~
2 ~~the applicant:~~

3 ~~A. is a graduate of a five-year interior design~~
4 ~~program from an accredited institution and has completed at~~
5 ~~least one year of diversified interior design experiences;~~

6 ~~B. is a graduate of a four-year interior design~~
7 ~~program from an accredited institution and has completed at~~
8 ~~least two years of diversified interior design experience;~~

9 ~~C. has completed at least three years of an~~
10 ~~interior design curriculum from an accredited institution and~~
11 ~~has completed three years of diversified interior design~~
12 ~~experience;~~

13 ~~D. is a graduate of a two-year interior design~~
14 ~~program from an accredited institution and has completed four~~
15 ~~years of diversified interior design experience; or~~

16 ~~E. has apprenticed under a designer who has passed~~
17 ~~the national council for interior design qualification~~
18 ~~examination or a licensed designer for a minimum of eight~~
19 ~~years]~~

20 (2) licensure in another state or country
21 where the qualifications are equal to or exceed those required
22 by the provisions of the Interior Designers Act, provided that
23 the applicant holds a current license in the other
24 jurisdiction; or

25 (3) licensure or certification by the national

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1 council for interior design qualifications."

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

4 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,
5 SUSPENSION OR REVOCATION.--

6 A. A license shall be issued to every person who
7 presents satisfactory evidence of possessing the
8 [~~qualifications of education, experience and, as appropriate,~~
9 ~~the examination performance required by the provisions of the~~
10 ~~Interior Designers Act]~~ requirements for licensure, provided
11 that the applicant has reached the age of majority and pays the
12 required fees.

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

17 C. All licenses shall expire annually and shall be
18 renewed by submitting a completed renewal application,
19 accompanied by the required fees.

20 D. A license may not be renewed until the licensee
21 submits satisfactory evidence to the [~~board~~] department that,
22 during the last year, the licensee has participated in not less
23 than [~~eight~~] ten hours of continuing education approved by the
24 [~~board~~] department. The [~~board~~] department shall approve only
25 continuing education that builds upon basic knowledge of

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1 interior design. The [~~board~~] department may make exceptions
2 from the continuing education requirement in emergency or
3 hardship cases.

4 E. The holder of a license that has expired through
5 failure to renew may renew the license at any time within two
6 years from the date on which the license expired, upon approval
7 of the [~~board~~] department.

8 F. The [~~board~~] department may promulgate policies
9 and procedures providing for the establishment of an inactive
10 status for licensees temporarily not engaged in the practice of
11 interior design.

12 G. In accordance with the provisions of the Uniform
13 Licensing Act, the [~~board~~] department may deny, refuse to
14 renew, suspend or revoke a license or impose probationary
15 conditions when the licensee has:

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

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

20 (3) made any representation as being a
21 licensed interior designer prior to being issued a license,
22 except as authorized under the provisions of the Interior
23 Designers Act;

24 (4) been found by the [~~board~~] department to
25 have aided or abetted an unlicensed person in violating the

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1 provisions of the Interior Designers Act; or

2 (5) failed to comply with the provisions of
3 the Interior Designers Act or regulations adopted pursuant to
4 that act."

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

7 "61-24C-11. LICENSE REQUIRED--PENALTY.--

8 A. ~~[After the results of the first examination held~~
9 ~~pursuant to the Interior Designers Act are announced]~~ No person
10 shall knowingly:

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

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

16 (3) give false or forged evidence to the
17 ~~[board or a board member]~~ department for the purpose of
18 obtaining a license;

19 (4) use or attempt to use an interior design
20 license that has been suspended, revoked or placed on inactive
21 status; or

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

24 B. A person who violates a provision of this
25 section is guilty of a misdemeanor and shall be sentenced under

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1 the provisions of the Criminal Sentencing Act to imprisonment
2 in the county jail for a definite term of less than one year or
3 to the payment of a fine of not more than one thousand dollars
4 (\$1,000) or to both imprisonment or fine, in the discretion of
5 the judge."

6 SECTION 7. Section 61-24C-12 NMSA 1978 (being Laws 1989,
7 Chapter 53, Section 12, as amended) is amended to read:

8 "61-24C-12. PENALTIES LEVIED BY THE [~~BOARD~~] DEPARTMENT.--
9 Upon a finding by the [~~board~~] department of a violation of the
10 provisions of the Interior Designers Act, the [~~board~~]
11 department may:

- 12 A. refuse to approve an application for licensure;
- 13 B. refuse to renew an existing license;
- 14 C. revoke or suspend a license;
- 15 D. impose an administrative fine;
- 16 E. issue a reprimand;
- 17 F. assess the costs of disciplinary proceedings, as
18 provided in the Uniform Licensing Act; or
- 19 G. invoke any combination of the above listed
20 penalties."

21 SECTION 8. Section 61-24C-14 NMSA 1978 (being Laws 1989,
22 Chapter 53, Section 14) is amended to read:

23 "61-24C-14. LICENSE FEES.--The fees for an original
24 license or renewal of license, late charges or any other fees
25 authorized by the provisions of the Interior Designers Act

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1 shall be set by [~~regulation of~~] the [~~board~~] department. The
2 fee for initial licensure shall not exceed two hundred dollars
3 (\$200)."

4 SECTION 9. Section 61-24C-16 NMSA 1978 (being Laws 1989,
5 Chapter 53, Section 16, as amended) is amended to read:

6 "61-24C-16. FUND ESTABLISHED--DISPOSITION--METHOD OF
7 PAYMENT.--

8 A. There is created the "interior design [~~board~~]
9 profession fund".

10 B. All funds received by the [~~board~~] department and
11 money collected under the Interior Designers Act shall be
12 deposited with the state treasurer. The state treasurer shall
13 credit the money to the interior design [~~board~~] profession
14 fund.

15 C. Payments out of the interior design [~~board~~]
16 profession fund shall be on vouchers issued by the [~~secretary-~~
17 ~~treasurer of the board~~] superintendent upon warrants drawn by
18 the department of finance and administration in accordance with
19 the budget approved by that department.

20 D. All amounts paid to the interior design [~~board~~]
21 profession fund are subject to appropriation by the legislature
22 and shall be used only for meeting necessary expenses incurred
23 in executing the provisions and duties of the Interior
24 Designers Act and for promoting interior design education and
25 standards in the state. All money unused at the end of any

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1 fiscal year shall remain in the interior design [~~board~~]
2 profession fund for use in accordance with the provisions of
3 that act."

4 SECTION 10. A new section of the Interior Designers Act
5 is enacted to read:

6 "[NEW MATERIAL] SEAL.--

7 A. The department shall authorize the use of a seal
8 or stamp by licensed interior designers and may adopt a version
9 of a seal or stamp created by the interior design advisory
10 board. Use of the seal or stamp shall attest that all interior
11 design documents were prepared and reviewed by a licensed
12 interior designer.

13 B. The seal or stamp shall bear the licensed
14 interior designer's name and license number and the words
15 "Licensed Interior Designer - State of New Mexico". The seal
16 or stamp shall be embossed, be two inches in diameter and
17 consist of two concentric circles. The annular space between
18 the two circles shall contain the great seal of the state of
19 New Mexico.

20 C. A licensed interior designer shall place the
21 licensed interior designer's stamp or seal on all plans,
22 specifications, reports or documents prepared by the licensed
23 interior designer and shall place the licensed interior
24 designer's signature across the seal or stamp."

25 SECTION 11. A new section of the Interior Designers Act

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1 is enacted to read:

2 "[NEW MATERIAL] PERMIT AUTHORITY.--A licensed interior
3 designer who signs, stamps or seals a plan, specification,
4 report or document shall have the authority to submit the plan,
5 specification, report or document to a county, municipal or
6 state authority for the purpose of obtaining a requisite permit
7 for an interior design project. A county, municipal or state
8 authority shall not refuse to accept a plan, specification,
9 report or document submitted by a licensed interior designer
10 for the purpose of obtaining a requisite permit, unless:

11 A. the signature, stamp or seal of the licensed
12 interior designer is absent; or

13 B. the plan, specification, report or document, in
14 whole or part, does not conform to standards of reasonable
15 professional skill and diligence as determined by the
16 department."

17 SECTION 12. TEMPORARY PROVISION--TRANSFERS--STATUTORY
18 REFERENCES.--

19 A. All functions, appropriations, money, records,
20 files, furniture, equipment, supplies and other property of the
21 interior design board are transferred to the regulation and
22 licensing department.

23 B. All contractual obligations of the interior
24 design board shall be binding on the regulation and licensing
25 department.

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C. All references in law to the interior design board shall be deemed to be references to the regulation and licensing department.

SECTION 13. REPEAL.--Sections 61-24C-7, 61-24C-9 and 61-24C-17 NMSA 1978 (being Laws 1989, Chapter 53, Sections 7 and 9 and Laws 1993, Chapter 83, Section 5, as amended) are repealed.

SECTION 14. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.