

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 456

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

AN ACT

RELATING TO INTERIOR DESIGNERS; EXTENDING THE SUNSET DATE FOR
THE INTERIOR DESIGN BOARD; STREAMLINING LICENSURE REQUIREMENTS;
CREATING A SEAL OR STAMP; ALLOWING INTERIOR DESIGNERS TO SUBMIT
PLANS FOR PERMITS; AMENDING, REPEALING AND ENACTING 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 board;

~~[B. "interior design" means services that do not
necessarily require performance by an architect, such as
administering contracts for fabrication, procurement or~~

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1 ~~installation in the implementation of designs, drawings and~~
2 ~~specifications for any interior design project and~~
3 ~~consultations, studies, drawings and specifications in~~
4 ~~connection with reflected ceiling plans, space utilization,~~
5 ~~furnishings or the fabrication of nonstructural elements within~~
6 ~~and surrounding interior spaces of buildings, but specifically~~
7 ~~excluding mechanical and electrical systems, except for~~
8 ~~specifications of fixtures and their location within interior~~
9 ~~spaces; and]~~

10 B. "building" means a structure consisting of a
11 foundation, floors, walls, columns, girders, beams and a roof
12 or a combination of those parts, with or without other parts or
13 appurtenances;

14 C. "building shell" means a building framework,
15 perimeter and exterior walls, the building core and columns and
16 other structural, mechanical and load-bearing elements of the
17 building;

18 D. "building shell system" means a mechanical,
19 plumbing, fire protection, electrical, structural or motorized
20 vertical transportation system designed for or located within a
21 building shell;

22 E. "interior construction document" means detailed
23 drawings and specifications sealed and signed by a licensed
24 interior designer certifying compliance with applicable current
25 building codes, ordinances, laws and regulations that define

1 the work to be constructed in such form as is required for
2 approval of a construction permit by a building official or
3 fire marshal and may be combined with documents prepared under
4 the responsible control, seal and signature of other registered
5 or licensed professionals;

6 F. "interior design" means the rendering of or the
7 offering to render designs, consultations, studies, planning,
8 drawings, specifications, contract documents or other technical
9 submissions and the administration of interior construction of
10 a building in order to enhance and protect the health, safety
11 and welfare of the public. "Interior design" includes:

12 (1) space planning, finishes, furnishings and
13 the design for fabrication of nonstructural interior
14 construction within interior spaces of buildings;

15 (2) responsibility for life safety design of
16 proposed elements or modifications of existing nonstructural
17 and nonengineered elements of construction, including
18 partitions, doors, stairways and paths of egress connecting to
19 exits or exitways;

20 (3) modification of existing building
21 construction so as to alter the number of persons for which the
22 egress systems of the building are designed; and

23 (4) reviewing, analyzing and evaluating
24 building codes, fire codes, accessibility standards, including
25 the federal Americans with Disabilities Act of 1990, or other

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1 federal, state or local regulations, codes and standards;

2 ~~[G.]~~ G. "licensed interior designer" [~~or "licensed~~
3 ~~designer"~~] means a person licensed pursuant to the Interior
4 Designers Act;

5 H. "nonengineered" means not pertaining to
6 engineering;

7 I. "nonstructural interior construction" means the
8 construction of elements that do not include a load-bearing
9 wall, a load-bearing column or other load-bearing element of a
10 building essential for the structural integrity of the
11 building;

12 J. "responsible charge" means the amount of control
13 over and detailed knowledge of the content of technical
14 submissions during their preparation as is ordinarily exercised
15 by registered or licensed professionals applying the required
16 professional standard of care, as defined by the rules adopted
17 by the respective boards governing such professionals; and

18 K. "superintendent" means the superintendent of
19 regulation and licensing."

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

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

24 A. There is created the "interior design board".
25 The board shall be administratively attached to the regulation

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1 and licensing department. The board shall consist of five
2 members appointed by the governor for staggered terms of three
3 years. [~~appointed in a manner that the term of one member shall~~
4 ~~expire on December 31, 1990; the terms of two members shall~~
5 ~~expire on December 31, 1991; and the terms of the last two~~
6 ~~members shall expire on December 31, 1992. Thereafter]~~ Members
7 shall be appointed [~~for terms of three years or less~~] in a
8 manner that the terms of not more than two members expire on
9 December 31 of each year. A vacancy shall be filled by
10 appointment by the governor for the unexpired term. A board
11 member shall not serve consecutive terms.

12 B. All members of the board shall be residents of
13 New Mexico. No more than two members shall be appointed from
14 the same congressional district. Three members of the board
15 shall be licensed interior designers and two members shall be
16 chosen to represent the public and shall not have been licensed
17 as interior designers or have a significant financial interest,
18 direct or indirect, in the occupation regulated. [~~For purposes~~
19 ~~of this section, the interior designer members of the initial~~
20 ~~board shall have offered interior design services for at least~~
21 ~~five years, shall have passed the national council for interior~~
22 ~~design qualification examination and shall have become~~
23 ~~registered by November 1, 1989.]~~

24 C. Three members of the board shall constitute a
25 quorum for the transaction of business, but no final action

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1 shall be taken unless at least three members vote in favor of a
2 proposal."

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

5 "61-24C-5. POWERS AND DUTIES OF THE BOARD.--The board:

6 A. shall administer, coordinate and enforce the
7 provisions of the Interior Designers Act. The board may
8 investigate allegations of violations of the provisions of the
9 Interior Designers Act;

10 B. shall adopt [~~regulations~~] rules to carry out the
11 purposes and policies of the Interior Designers Act, including
12 [~~regulations~~] rules relating to professional conduct, standards
13 of performance and professional examination and licensure,
14 reasonable license, application, renewal and late fees and the
15 establishment of ethical standards of practice for a licensed
16 interior designer in New Mexico;

17 C. shall require a licensee, as a condition of the
18 renewal of the license, to undergo continuing education
19 requirements as set forth in the Interior Designers Act;

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

23 E. [~~shall~~] may conduct hearings and keep records
24 and minutes necessary to carry out its functions in
25 administering the Interior Designers Act;

1 F. ~~[may]~~ shall adopt a common seal or stamp for use
2 by licensed interior designers; ~~[and]~~

3 G. shall prescribe the form of a certificate of
4 registration for a licensed interior designer; and

5 ~~[G.]~~ H. shall do all things reasonable and
6 necessary to carry out the purposes of the Interior Designers
7 Act."

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

10 "61-24C-8. REQUIREMENTS FOR LICENSURE--RECIPROCITY.--

11 A. Each applicant for licensure shall ~~[apply to the~~
12 ~~board. Except as otherwise provided in the Interior Designers~~
13 ~~Act, each applicant shall take and pass a nationally~~
14 ~~standardized examination. The board may adopt substantially~~
15 ~~all or part of the examination and grading procedures of the~~
16 ~~national council for interior design qualifications. Prior to~~
17 ~~examination, the applicant shall provide substantial evidence~~
18 ~~to the board that the applicant:~~

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

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

25 ~~C. has completed at least three years of an~~

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1 ~~interior design curriculum from an accredited institution and~~
2 ~~has completed three years of diversified interior design~~
3 ~~experience;~~

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

7 ~~E. has apprenticed under a designer who has passed~~
8 ~~the national council for interior design qualification~~
9 ~~examination or a licensed designer for a minimum of eight~~
10 ~~years] submit to the board:~~

11 ~~(1) proof of having reached twenty-one years~~
12 ~~of age;~~

13 ~~(2) a completed application, as required by~~
14 ~~the board;~~

15 ~~(3) the fees for licensure, as required by the~~
16 ~~board;~~

17 ~~(4) proof of having passed the examination~~
18 ~~administered by the national council for interior design~~
19 ~~qualifications or its successor entity; and~~

20 ~~(5) proof of having acquired a minimum degree~~
21 ~~from a college or university in a program of study of:~~

22 ~~(a) architecture accredited by the~~
23 ~~national architectural accrediting board or another national~~
24 ~~accrediting organization recognized by the board; or~~

25 ~~(b) interior design approved by the~~

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1 council of interior design accreditation or a substantially
 2 equivalent program of study approved by the board.

3 B. The board may issue a license to an applicant
 4 who holds a valid license, certificate or registration as an
 5 interior designer issued by another state, political territory
 6 or jurisdiction if, in the board's determination, the
 7 requirements for the license, certificate or registration equal
 8 or exceed the requirements for licensure pursuant to the
 9 Interior Designers Act."

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

12 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,
 13 SUSPENSION OR REVOCATION.--

14 A. A license shall be issued to every person who
 15 presents satisfactory evidence of possessing the
 16 ~~[qualifications of education, experience and, as appropriate,~~
 17 ~~the examination performance required by the provisions of the~~
 18 ~~Interior Designers Act, provided that the applicant has reached~~
 19 ~~the age of majority and pays the required fees]~~ requirements
 20 for licensure.

21 B. Each original license shall authorize the holder
 22 to use the title of and be known as a licensed interior
 23 designer from the date of issuance to the next renewal date
 24 unless the license is suspended or revoked.

25 C. All licenses shall expire annually and shall be

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1 renewed by submitting a completed renewal application,
2 accompanied by the required fees.

3 D. A license [~~may~~] shall not be renewed until the
4 licensee submits satisfactory evidence to the board that,
5 during the last year, the licensee has participated in not less
6 than [~~eight~~] twelve hours of continuing education approved by
7 the board. The board shall approve only continuing education
8 that [~~builds upon basic knowledge of interior design. The~~
9 ~~board may make exceptions from the continuing education~~
10 ~~requirement in emergency or hardship cases~~] focuses on:

11 (1) the health and wellness of building
12 occupants;

13 (2) public safety, including the application
14 of fire codes and building codes;

15 (3) resiliency;

16 (4) sustainability; or

17 (5) the application of federal, state and
18 local laws pertaining to accessibility standards, including the
19 Americans with Disabilities Act of 1990.

20 E. The holder of a license that has expired through
21 failure to renew may renew the license at any time within two
22 years from the date on which the license expired, upon approval
23 of the board.

24 F. The board may promulgate policies and procedures
25 providing for the establishment of an inactive status for

1 licensees temporarily not engaged in the practice of interior
2 design.

3 G. In accordance with the provisions of the Uniform
4 Licensing Act, the board may deny, refuse to renew, suspend or
5 revoke a license or impose probationary conditions when the
6 licensee has:

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

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

11 (3) made any representation as being a
12 licensed interior designer prior to being issued a license,
13 except as authorized under the provisions of the Interior
14 Designers Act;

15 (4) been found by the board to have aided or
16 abetted an unlicensed person in violating the provisions of the
17 Interior Designers Act; or

18 (5) failed to comply with the provisions of
19 the Interior Designers Act or [~~regulations~~] rules adopted
20 pursuant to that act."

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

23 "61-24C-11. LICENSE REQUIRED--PENALTY.--

24 A. [~~After the results of the first examination held~~
25 ~~pursuant to the Interior Designers Act are announced~~] No person

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1 shall knowingly:

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

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

7 (3) give false or forged evidence to the board
8 [~~or a board member~~] for the purpose of obtaining a license;

9 (4) use or attempt to use an interior design
10 license that has been suspended, revoked or placed on inactive
11 status; or

12 (5) conceal information relative to violations
13 of the Interior Designers Act.

14 B. A person who violates a provision of this
15 section is guilty of a misdemeanor and shall be sentenced under
16 the provisions of the Criminal Sentencing Act to imprisonment
17 in the county jail for a definite term of less than one year or
18 to the payment of a fine of not more than one thousand dollars
19 (\$1,000) or to both imprisonment or fine, in the discretion of
20 the judge."

21 SECTION 7. A new section of the Interior Designers Act is
22 enacted to read:

23 "[NEW MATERIAL] SEAL OR STAMP.--

24 A. The board shall authorize the use of a seal or
25 stamp by licensed interior designers. Use of the seal or stamp

1 shall attest that all interior construction documents were
2 prepared and reviewed by a licensed interior designer.

3 B. A licensed interior designer shall place the
4 licensed interior designer's stamp or seal on all interior
5 construction documents prepared by or under the responsible
6 charge of the licensed interior designer and shall place the
7 licensed interior designer's signature across the seal or
8 stamp; provided that this subsection shall not prohibit any
9 licensed architect who has reviewed or supervised the
10 preparation of drawings or other documents prepared by a
11 licensed interior designer from applying the licensed
12 architect's seal to the drawings or other documents.

13 C. 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 SECTION 8. A new section of the Interior Designers Act is
21 enacted to read:

22 "[NEW MATERIAL] PERMIT AUTHORITY.--A licensed interior
23 designer who signs, stamps or seals interior construction
24 documents may submit the interior construction documents to a
25 county, municipal or state authority for the purpose of

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1 obtaining a requisite permit for an interior design project."

2 SECTION 9. A new section of the Interior Designers Act is
3 enacted to read:

4 "[NEW MATERIAL] SCOPE OF PRACTICE--EFFECT ON PRACTICE OF
5 ARCHITECTURE AND INTERIOR DECORATION.--

6 A. Nothing in the Interior Designers Act shall be
7 construed as:

8 (1) amending or in any manner affecting the
9 definition of the practice of architecture;

10 (2) prohibiting an architect from practicing
11 interior design; provided that an architect does not use the
12 title "licensed interior designer" unless the architect has
13 been issued a license for interior design pursuant to the
14 Interior Designers Act; or

15 (3) prohibiting or restricting the practice or
16 activities of an interior decorator or individual offering
17 interior decorating services, including selection of surface
18 materials, window treatments, wall coverings, paint, floor
19 coverings or lighting fixtures.

20 B. Licensed interior designers shall collaborate
21 and coordinate with licensed architects or engineers for work
22 that is excluded from interior design, including:

23 (1) the design of or responsibility for the
24 building shell or any building shell systems; or

25 (2) construction that materially affects

1 building life safety systems pertaining to fire safety
 2 protection, such as fire-rated vertical shafts in multistory
 3 structures and fire-rated protection of structural elements
 4 with the exception of incidental restoration of fire protection
 5 to elements, affected by nonstructural elements of
 6 construction, smoke evacuation, emergency sprinkler systems and
 7 emergency alarm systems."

8 SECTION 10. Section 61-24C-17 NMSA 1978 (being Laws 1993,
 9 Chapter 83, Section 5, as amended) is amended to read:

10 "61-24C-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--
 11 The interior design board is terminated on July 1, [~~2017~~] 2023
 12 pursuant to the provisions of the Sunset Act. The board shall
 13 continue to operate according to the provisions of the Interior
 14 Designers Act until July 1, [~~2018~~] 2024. Effective July 1,
 15 [~~2018~~] 2024, Chapter 61, Article 24C NMSA 1978 is repealed."

16 SECTION 11. REPEAL.--Sections 61-24C-2 and 61-24C-9 NMSA
 17 1978 (being Laws 1989, Chapter 53, Sections 2 and 9, as
 18 amended) are repealed.