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SENATE BILL 181

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO INTERIOR DESIGNERS; 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
installation in the implementation of designs, drawings and~~

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

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

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

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

21 E. "interior design document" means detailed
22 drawings and specifications that define the work to be
23 constructed in such form as is required for approval of a
24 construction permit by a building official or fire marshal and
25 may be combined with documents prepared under the responsible

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1 control, seal and signature of other registered or licensed
2 professionals;

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

9 (1) space planning, finishes, furnishings and
10 the design for fabrication of nonstructural interior
11 construction within interior spaces of buildings;

12 (2) responsibility for life safety design of
13 proposed elements or modifications of existing nonstructural
14 and nonengineered elements of construction, including
15 partitions, interior doors and paths of egress connecting to
16 exits or exitways;

17 (3) modification of existing nonstructural
18 interior building construction so as to alter the number of
19 persons for which the egress systems of the building are
20 designed; and

21 (4) reviewing, analyzing and evaluating
22 building codes, fire codes, federal, state and local laws
23 pertaining to accessibility standards or other federal, state
24 or local regulations, codes and standards;

25 ~~[G.]~~ G. "licensed interior designer" [or "licensed

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1 ~~designer"]~~ means a person licensed pursuant to the Interior
2 Designers Act;

3 H. "nonengineered" means not pertaining to
4 engineering;

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

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

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

18 "61-24C-4. INTERIOR DESIGN BOARD CREATED--MEMBERS--
19 TERMS--COMPENSATION.--

20 A. There is created the "interior design board".
21 The board shall be administratively attached to the regulation
22 and licensing department. The board shall consist of five
23 members appointed by the governor for staggered terms of three
24 years. [~~appointed in a manner that the term of one member~~
25 ~~shall expire on December 31, 1990; the terms of two members~~

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

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

20 C. Three members of the board shall constitute a
21 quorum for the transaction of business, but no final action
22 shall be taken unless at least three members vote in favor of a
23 proposal."

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

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1 "61-24C-5. POWERS AND DUTIES OF THE BOARD.--The board
2 shall:

3 A. [~~shall~~] administer, coordinate and enforce the
4 provisions of the Interior Designers Act. The board may
5 investigate allegations of violations of the provisions of the
6 Interior Designers Act;

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

14 C. [~~shall~~] require a licensee, as a condition of
15 the renewal of the license, to undergo continuing education
16 requirements as set forth in the Interior Designers Act;

17 D. [~~shall~~] maintain an official roster showing the
18 name, address and license number of each interior designer
19 licensed pursuant to the Interior Designers Act;

20 E. [~~shall~~] conduct hearings and keep records and
21 minutes necessary to carry out its functions in administering
22 the Interior Designers Act;

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

25 G. [~~shall~~] prescribe the form of a certificate of

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1 registration for a licensed interior designer; and

2 H. do all things reasonable and necessary to carry
3 out the purposes of the Interior Designers Act."

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

6 "61-24C-8. REQUIREMENTS FOR LICENSURE--RECIPROCITY.--

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

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

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

21 ~~C. has completed at least three years of an~~
22 ~~interior design curriculum from an accredited institution and~~
23 ~~has completed three years of diversified interior design~~
24 ~~experience;~~

25 ~~D. is a graduate of a two-year interior design~~

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1 ~~program from an accredited institution and has completed four~~
2 ~~years of diversified interior design experience; or~~

3 ~~E. has apprenticed under a designer who has passed~~
4 ~~the national council for interior design qualification~~
5 ~~examination or a licensed designer for a minimum of eight~~
6 ~~years] submit to the board:~~

7 (1) proof of having reached twenty-one years
8 of age;

9 (2) a completed application, as required by
10 the board;

11 (3) the fees for licensure, as required by the
12 board;

13 (4) proof of having passed the examination
14 administered by the national council for interior design
15 qualification or its successor entity; and

16 (5) proof of having acquired a minimum degree
17 from a college or university in a program of study of:

18 (a) architecture accredited by the
19 national architectural accrediting board or another national
20 accrediting organization recognized by the board; or

21 (b) interior design approved by the
22 council for interior design accreditation or a substantially
23 equivalent program of study approved by the board.

24 B. The board may issue a license to a person who
25 holds a valid license, certificate or registration as an

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1 interior designer issued by another state, political territory
2 or jurisdiction if, in the board's determination, the
3 requirements for the license, certificate or registration equal
4 or exceed the requirements for licensure pursuant to the
5 Interior Designers Act."

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

8 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,
9 SUSPENSION OR REVOCATION.--

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

17 B. Each original license shall authorize the holder
18 to use the title of and be known as a licensed interior
19 designer from the date of issuance to the next renewal date
20 unless the license is suspended or revoked.

21 C. All licenses shall expire annually and shall be
22 renewed by submitting a completed renewal application,
23 accompanied by the required fees.

24 D. A license [~~may~~] shall not be renewed until the
25 licensee submits satisfactory evidence to the board that,

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1 during the last year, the licensee has participated in not less
2 than ~~[eight]~~ twelve hours of continuing education approved by
3 the board. The board shall approve only continuing education
4 that ~~[builds upon basic knowledge of interior design. The~~
5 ~~board may make exceptions from the continuing education~~
6 ~~requirement in emergency or hardship cases]~~ focuses on:

7 (1) the health, safety and welfare of building
8 occupants;

9 (2) public safety, including the application
10 of fire codes and building codes; or

11 (3) the application of federal, state and
12 local laws pertaining to accessibility standards.

13 E. The holder of a license that has expired through
14 failure to renew may renew the license at any time within two
15 years from the date on which the license expired, upon approval
16 of the board.

17 F. The board may promulgate policies and procedures
18 providing for the establishment of an inactive status for
19 licensees temporarily not engaged in the practice of interior
20 design.

21 G. In accordance with the provisions of the Uniform
22 Licensing Act, the board may deny, refuse to renew, suspend or
23 revoke a license or impose probationary conditions when the
24 licensee has:

25 (1) obtained the license by means of fraud,

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1 misrepresentation or concealment of material facts;

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

4 (3) made any representation as being a
5 licensed interior designer prior to being issued a license,
6 except as authorized under the provisions of the Interior
7 Designers Act;

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

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

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

16 "61-24C-11. LICENSE REQUIRED--PENALTY.--

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

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

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

25 (3) give false or forged evidence to the board

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1 ~~[or a board member]~~ for the purpose of obtaining a license;

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

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

7 B. A person who violates a provision of this
8 section is guilty of a misdemeanor and shall be sentenced under
9 the provisions of the Criminal Sentencing Act to imprisonment
10 in the county jail for a definite term of less than one year or
11 to the payment of a fine of not more than one thousand dollars
12 (\$1,000) or to both imprisonment or fine, in the discretion of
13 the judge."

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

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

17 A. The board shall authorize the use of a seal or
18 stamp by licensed interior designers. Use of the seal or stamp
19 shall attest that all interior design documents were prepared
20 and reviewed by a licensed interior designer for compliance
21 with applicable state and local building codes, ordinances,
22 laws and regulations.

23 B. A licensed interior designer shall place the
24 licensed interior designer's stamp or seal on all interior
25 design documents prepared by or under the responsible charge of

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1 the licensed interior designer and shall place the licensed
2 interior designer's signature across the seal or stamp;
3 provided that this subsection shall not prohibit any licensed
4 architect who has reviewed or supervised the preparation of
5 drawings or other documents prepared by a licensed interior
6 designer from applying the licensed architect's seal to the
7 drawings or other documents.

8 C. A licensed interior designer who signs, stamps
9 or seals interior design documents may submit the interior
10 design documents to a county, municipal or state authority for
11 the purpose of obtaining a requisite permit for an interior
12 design project."

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

15 "[NEW MATERIAL] SCOPE OF PRACTICE--EFFECT ON PRACTICE OF
16 ARCHITECTURE AND INTERIOR DECORATION.--Nothing in the Interior
17 Designers Act shall be construed to:

18 A. amend or in any manner affect the definition of
19 the practice of architecture; or

20 B. prohibit an individual from practicing interior
21 design; provided that the individual does not use the title
22 "licensed interior designer" unless the individual has been
23 issued a license for interior design pursuant to the Interior
24 Designers Act."

25 SECTION 9. REPEAL.--Sections 61-24C-2 and 61-24C-9 NMSA
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1 1978 (being Laws 1989, Chapter 53, Sections 2 and 9, as
2 amended) are repealed.

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