

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 181

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

AN ACT

RELATING TO INTERIOR DESIGNERS; STREAMLINING LICENSURE
REQUIREMENTS; CREATING A SEAL OR STAMP; 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
specifications for any interior design project and

.212663.2

underscored material = new
[bracketed material] = delete

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

8 C. "licensed interior designer" ~~[or "licensed~~
9 ~~designer"]~~ means a person licensed pursuant to the Interior
10 Designers Act; and

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

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

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

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

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

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

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

25 SECTION 3. Section 61-24C-5 NMSA 1978 (being Laws 1989,

.212663.2

1 Chapter 53, Section 5, as amended) is amended to read:

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

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

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

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

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

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

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

1 G. ~~[shall]~~ prescribe the form of a certificate of
2 registration for a licensed interior designer; and

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

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

7 "61-24C-8. REQUIREMENTS FOR LICENSURE--RECIPROCITY.--

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

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

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

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

.212663.2

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

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

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

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

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

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

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

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

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

25 B. The board may issue a license to a person who

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

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

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

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

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

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

25 D. A license ~~[may]~~ shall not be renewed until the

.212663.2

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

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

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

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

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

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

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

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

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

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

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

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

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

17 "61-24C-11. LICENSE REQUIRED--PENALTY.--

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

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

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

.212663.2

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

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

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

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

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

17 "[NEW MATERIAL] SEAL OR STAMP.--An interior designer may,
18 upon licensure, obtain the seal or stamp of the design
19 authorized by the board, which design bears the licensee's name
20 and the legend "Licensed Interior Designer - State of New
21 Mexico". All plans, specifications and reports prepared by a
22 licensed interior designer or under a licensed interior
23 designer's responsible charge shall be signed and sealed or
24 stamped by that licensed interior designer."

25 SECTION 8. A new section of the Interior Designers Act is

1 enacted to read:

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

5 A. amend or in any manner affect the definition of
6 the practice of architecture; or

7 B. prohibit an individual from practicing interior
8 design; provided that the individual does not use the title
9 "licensed interior designer" unless the individual has been
10 issued a license for interior design pursuant to the Interior
11 Designers Act."

12 SECTION 9. REPEAL.--Sections 61-24C-2 and 61-24C-9 NMSA
13 1978 (being Laws 1989, Chapter 53, Sections 2 and 9, as
14 amended) are repealed.

underscoring = new
~~bracketed material~~ = delete