

1 SENATE BILL 219

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO OCCUPATIONS; REMOVING PROOF OF CITIZENSHIP OR LEGAL  
12 RESIDENCY REQUIREMENTS FOR CERTAIN PROFESSIONALS; ALLOWING FOR  
13 SUBMISSION OF AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER FOR  
14 CERTAIN OCCUPATIONAL LICENSE OR PERMIT APPLICATIONS.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 56-12-7 NMSA 1978 (being Laws 1985,  
18 Chapter 228, Section 7) is amended to read:

19 "56-12-7. APPLICATION FOR PERMIT--REQUIREMENTS.--

20 A. Each application for an original or a renewal  
21 permit shall be submitted in writing to the local government  
22 and contain such information as is required by the local  
23 government and be accompanied by the applicable permit fee  
24 amount.

25 B. Each application shall be accompanied by the

.218554.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 name, social security number or individual taxpayer  
2 identification number, address and date of birth of each agent,  
3 servant and employee of the applicant engaged in the business  
4 of pawn transactions. Changes in such list [~~must~~] shall be  
5 indicated on each renewal application.

6 C. Every pawnbroker shall furnish with each  
7 application for an original or renewal permit proof of  
8 execution and delivery of the bond to the local government."

9 SECTION 2. Section 59A-11-2 NMSA 1978 (being Laws 1984,  
10 Chapter 127, Section 181, as amended) is amended to read:

11 "59A-11-2. APPLICATION FOR LICENSE--INDIVIDUAL.--

12 A. Where a license is required under the Insurance  
13 Code for categories referred to in Section 59A-11-1 NMSA 1978,  
14 application by an individual shall be filed with, and on a form  
15 prescribed by, the superintendent. The application shall be  
16 signed by the applicant, under oath if required by the form.

17 B. The application form may require information  
18 about the applicant as to:

19 (1) name, date of birth, social security  
20 number or individual taxpayer identification number, residence  
21 and business address, if applicable;

22 (2) personal history, business experience in  
23 general;

24 (3) experience or special training or  
25 education in the kind of business to be transacted under the

.218554.1

1 license applied for;

2 (4) previous licensing;

3 (5) type of license applied for and kinds of  
4 insurance or transactions to be covered thereby;

5 (6) proof of applicant's identity; and

6 (7) such other pertinent information and  
7 matters as the superintendent may reasonably require.

8 C. The application form shall also require  
9 information as to additional matters expressly required to be  
10 included therein in articles of the Insurance Code relating to  
11 particular licenses.

12 D. The application shall be accompanied by the  
13 applicable license application filing fee specified in Section  
14 59A-6-1 NMSA 1978 and by the fee specified in such fee schedule  
15 for any examination required under the Insurance Code to be  
16 taken and passed by the applicant prior to licensing.

17 E. The superintendent may require a criminal  
18 history background investigation of the applicant for a license  
19 by means of fingerprint checks by the department of public  
20 safety and the federal bureau of investigation.

21 F. The superintendent may obtain from the  
22 department of public safety and the federal bureau of  
23 investigation, at the expense of the applicant for a license,  
24 criminal history information concerning each applicant, using  
25 the applicant's fingerprints or other identifying information.

.218554.1

underscoring material = new  
~~[bracketed material] = delete~~

1 The information shall be used by the superintendent solely in  
2 determining whether to grant the application."

3 SECTION 3. Section 59A-13-4 NMSA 1978 (being Laws 1984,  
4 Chapter 127, Section 232, as amended) is amended to read:

5 "59A-13-4. QUALIFICATIONS FOR LICENSE AS ADJUSTER.--

6 A. The superintendent shall license as an adjuster  
7 only an individual who is otherwise in compliance with Chapter  
8 59A, Articles 11 and 13 NMSA 1978 and who has furnished  
9 evidence satisfactory to the superintendent that the applicant  
10 for license:

11 (1) is not less than eighteen years of age;

12 (2) is a bona fide resident of this state, or  
13 of a state or country that permits residents of this state to  
14 act as adjusters therein, except that under circumstances of  
15 necessity the superintendent may waive the requirement of  
16 reciprocity;

17 (3) can demonstrate a good business  
18 reputation, and intends to engage in a bona fide manner in the  
19 business of adjusting insurance claims;

20 (4) has passed any examination required for  
21 licensing; and

22 (5) has filed the bond required under Section  
23 59A-13-5 NMSA 1978.

24 B. Paragraphs (2) and (5) of Subsection A of this  
25 section shall not apply as to staff adjusters.

.218554.1

underscoring material = new  
[bracketed material] = delete

1 C. Individuals holding licenses as adjusters on the  
2 effective date of the Insurance Code shall be deemed to meet  
3 the qualifications for the license except as provided in  
4 Chapter 59A, Articles 11 and 13 NMSA 1978.

5 D. A business entity applying for an independent  
6 adjuster license for the purposes of portable electronics  
7 insurance in New Mexico shall submit the names, addresses,  
8 social security numbers or individual taxpayer identification  
9 numbers, criminal and administrative histories, background  
10 checks, biographical statements and fingerprints of all  
11 executive officers and directors of the applicant and of all  
12 executive officers and directors of entities owning and any  
13 individuals owning, directly or indirectly, fifty-one percent  
14 or more of the outstanding voting securities of the applicant.  
15 Any nonresident business entity applicant whose resident state  
16 has enacted into law provisions that are substantively  
17 duplicative of the provisions of this subsection shall not be  
18 required to submit criminal histories, background checks,  
19 biographical statements and fingerprints for its executive  
20 officers, directors and owners of outstanding voting  
21 securities."

22 SECTION 4. Section 59A-13-6 NMSA 1978 (being Laws 1984,  
23 Chapter 127, Section 234, as amended) is amended to read:

24 "59A-13-6. EMERGENCY ADJUSTERS.--

25 A. In the event of an emergency requiring the

underscored material = new  
[bracketed material] = delete

1 immediate expansion of adjuster services in New Mexico, an  
2 insurer or a public adjuster licensed in New Mexico may request  
3 authority from the superintendent to employ adjusters to assist  
4 with the emergency who are not licensed in New Mexico but who  
5 have fulfilled all licensing requirements in their home state  
6 and are in good standing in their home state. An insurer or  
7 public adjuster requesting such authority shall provide the  
8 superintendent with the following information:

9 (1) the nature of the emergency and the  
10 affected region of the state;

11 (2) a list of the adjusters that the insurer  
12 or public adjuster shall use that are not licensed in New  
13 Mexico. This list shall include each adjuster's name, home  
14 address, last four digits of individual taxpayer identification  
15 number or last four digits of social security number, national  
16 producer number, home state and the effective date of the  
17 contract between the adjuster and the insurer or public  
18 adjuster;

19 (3) the name, contact information, national  
20 producer number and New Mexico license number for the  
21 individual designated by the insurer or public adjuster who  
22 will be responsible for the conduct of these adjusters; and

23 (4) any other information that the  
24 superintendent may require.

25 B. The adjustment of claims by the adjusters listed

.218554.1

underscoring material = new  
[bracketed material] = delete

1 in Paragraph (2) of Subsection A of this section shall be  
2 limited to claims arising from the emergency.

3 C. Use of the listed adjusters shall be limited to  
4 the ninety days immediately following the emergency, unless an  
5 extension of time is requested by the insurer or public  
6 adjuster and granted by the superintendent.

7 D. A request by an insurer or public adjuster to  
8 employ adjusters to assist with an emergency who are not  
9 licensed in New Mexico but who are currently licensed and in  
10 good standing in their home state shall be deemed approved if  
11 such a request is not disapproved by the superintendent within  
12 three business days of its submission to the superintendent.

13 E. An insurer or public adjuster that requests  
14 authorization pursuant to this section may commence employing  
15 the adjusters listed in Paragraph (2) of Subsection A of this  
16 section while awaiting the superintendent's decision on their  
17 request."

18 SECTION 5. Section 59A-51-4 NMSA 1978 (being Laws 1984,  
19 Chapter 127, Section 931, as amended) is amended to read:

20 "59A-51-4. QUALIFICATIONS FOR LICENSE.--Applicants for  
21 license as bail bondsman or solicitor pursuant to the  
22 provisions of the Bail Bondsmen Licensing Law shall:

23 A. be an individual not less than eighteen years of  
24 age;

25 ~~[B. be a citizen of the United States;~~

.218554.1

underscored material = new  
[bracketed material] = delete

1           ~~G.~~ B. be a high school graduate or have passed a  
2 high school equivalency examination;

3           ~~D.~~ C. not be a law enforcement, adjudication,  
4 jail, court or prosecution official or an employee thereof or  
5 an attorney, official authorized to admit to bail or state or  
6 county officer;

7           ~~E.~~ D. if for license as bondsman, pass a written  
8 examination testing the applicant's knowledge and competence to  
9 engage in the bail bondsman business;

10           ~~F.~~ E. be of good personal and business  
11 reputation;

12           ~~G.~~ F. if to act as a property bondsman, be  
13 financially responsible and provide the surety bond or deposit  
14 in lieu thereof as required in accordance with Section 59A-51-8  
15 NMSA 1978;

16           ~~H.~~ G. if to act as a limited surety agent, be  
17 appointed by an authorized surety insurer; and

18           ~~I.~~ H. if for license as a solicitor, have been so  
19 appointed by a licensed bail bondsman subject to issuance of  
20 the solicitor license."

21           SECTION 6. Section 60-13A-6 NMSA 1978 (being Laws 1993,  
22 Chapter 162, Section 6) is amended to read:

23           "60-13A-6. REGISTRATION APPLICATION--CONTENTS.--

24           A. An application for registration as an employee  
25 leasing contractor shall be signed by an individual for the

.218554.1

underscored material = new  
[bracketed material] = delete

1 applicant and verified by ~~[him]~~ the applicant under oath before  
2 a notary public. It shall contain:

3 (1) the applicant's full name, the title of  
4 ~~[his]~~ the applicant's position with the employee leasing  
5 contractor and a statement that ~~[he]~~ the applicant is  
6 authorized to act on behalf of the employee leasing contractor  
7 in connection with the application;

8 (2) the business name, if any, of the  
9 applicant;

10 (3) the applicant's legal entity status;

11 (4) if the applicant is an individual, ~~[his]~~  
12 the applicant's:

13 (a) age; and

14 (b) date and place of birth [~~and social~~  
15 ~~security number~~];

16 (5) the applicant's state and federal tax  
17 identification numbers and employer identification number;

18 (6) the current residence street or location  
19 address of the principal office of the applicant and a current  
20 mailing address if different from the residency address;

21 (7) a signature by:

22 (a) an individual sole proprietor if the  
23 applicant is a proprietorship;

24 (b) each of the general partners if the  
25 applicant is a partnership; or

.218554.1

underscored material = new  
[bracketed material] = delete

1 (c) a corporate officer having authority  
2 to make the application if the applicant is a corporation;

3 (8) for a corporate applicant, the name and  
4 residence street address of the corporation's agent for the  
5 service of process; and

6 (9) proof of compliance with Section ~~[5 of the~~  
7 ~~Employee Leasing Act]~~ 60-13A-5 NMSA 1978.

8 B. ~~[Any]~~ Changes in information required to be  
9 included in the application for registration as an employee  
10 leasing contractor shall be reported to the department by the  
11 employee leasing contractor within thirty days of the date the  
12 change occurs. Failure by the employee leasing contractor to  
13 comply with this requirement constitutes cause for the  
14 department to cancel the employee leasing contractor's  
15 registration."

16 SECTION 7. Section 61-2-8 NMSA 1978 (being Laws 1973,  
17 Chapter 353, Section 7) is amended to read:

18 "61-2-8. QUALIFICATIONS FOR LICENSURE AS AN  
19 OPTOMETRIST.--Each applicant for licensure as an optometrist  
20 shall furnish evidence satisfactory to the board that the  
21 applicant:

- 22 A. has reached the age of majority;  
23 B. is of good moral character and of temperate  
24 habits;  
25 C. has completed at least an approved four-year

.218554.1

underscored material = new  
[bracketed material] = delete

1 high school course of study or the equivalent [~~thereof~~] as  
2 determined by regulations of the board; and

3 ~~[D. is a citizen of the United States or has taken~~  
4 ~~out his first naturalization papers; and~~

5 ~~E.]~~ D. has graduated and been awarded a doctor of  
6 optometry degree from a school or college of optometry approved  
7 and accredited by the board [~~and~~]. In the event the applicant  
8 applies for licensure by endorsement, [~~he~~] the applicant shall  
9 have been awarded a doctor of optometry degree from a school or  
10 college of optometry, approved and accredited by the board,  
11 which had a minimum course of study of four thousand clock  
12 hours of instruction leading to [~~such~~] that degree."

13 **SECTION 8.** Section 61-6-13 NMSA 1978 (being Laws 1989,  
14 Chapter 269, Section 9, as amended) is amended to read:

15 "61-6-13. LICENSURE BY ENDORSEMENT.--

16 A. The board may grant a license by endorsement to  
17 an applicant who:

18 (1) has graduated from an accredited United  
19 States or Canadian medical school;

20 (2) is board certified in a specialty  
21 recognized by the American board of medical specialties;

22 (3) has been a licensed physician in the  
23 United States or Canada and has practiced medicine in the  
24 United States or Canada immediately preceding the application  
25 for at least three years;

.218554.1

1 (4) holds an unrestricted license in another  
2 state or Canada; and

3 (5) was not the subject of a disciplinary  
4 action in a state or province.

5 B. The board may grant a license by endorsement to  
6 an applicant who:

7 (1) has graduated from a medical school  
8 located outside the United States or Canada;

9 (2) is of good moral character;

10 ~~[(3) is in compliance with the United States~~  
11 ~~immigration laws;~~

12 ~~[(4)]~~ (3) is board certified in a specialty  
13 recognized by the American board of medical specialties;

14 ~~[(5)]~~ (4) has been a licensed physician in the  
15 United States or Canada and has practiced medicine in the  
16 United States or Canada immediately preceding the application  
17 for at least three years;

18 ~~[(6)]~~ (5) holds an unrestricted license in  
19 another state or Canada; and

20 ~~[(7)]~~ (6) was not the subject of disciplinary  
21 action in a state or province.

22 C. An endorsement provided pursuant to this section  
23 shall certify that the applicant has passed an examination that  
24 meets with board approval and that the applicant is in good  
25 standing in that jurisdiction. In cases when the applicant is

1 board certified, has not been the subject of disciplinary  
2 action that would be reportable to the national practitioner  
3 data bank or the healthcare integrity and protection data bank  
4 and has unusual skills and experience not generally available  
5 in this state, and patients residing in this state have a  
6 significant need for such skills and experience, the board may  
7 waive a requirement imposing time limits for examination  
8 completion that are different from requirements of the state  
9 where the applicant is licensed.

10 D. An applicant for licensure under this section  
11 may be required to personally appear before the board or a  
12 designated agent for an interview.

13 E. An applicant for licensure under this section  
14 shall pay an application fee as provided in Section 61-6-19  
15 NMSA 1978.

16 F. The board may require fingerprints and other  
17 information necessary for a state and national criminal  
18 background check."

19 SECTION 9. Section 61-12D-10 NMSA 1978 (being Laws 1997,  
20 Chapter 89, Section 10, as amended) is amended to read:

21 "61-12D-10. LICENSURE--QUALIFICATIONS.--

22 A. An applicant for licensure as a physical  
23 therapist shall submit a completed application and have the  
24 following minimum qualifications:

- 25 (1) be of good moral character;

1 (2) be a graduate of an accredited physical  
2 therapy program approved by the board;

3 (3) have successfully passed the national  
4 physical therapy examination approved by the board; and

5 (4) have successfully passed the state  
6 jurisprudence examination.

7 B. An applicant for licensure as a physical  
8 therapist who has been educated outside the United States shall  
9 submit a completed application and meet the following minimum  
10 qualifications in addition to those required in Paragraphs (1),  
11 (3) and (4) of Subsection A of this section:

12 (1) provide satisfactory evidence that the  
13 applicant's education is substantially equivalent to the  
14 requirements of physical therapists educated in accredited  
15 educational programs in the United States, as determined by the  
16 board. If the board determines that a foreign-educated  
17 applicant's education is not substantially equivalent, it may  
18 require completion of additional course work before proceeding  
19 with the application process;

20 (2) provide evidence that the applicant is a  
21 graduate of a school of training that is recognized by the  
22 foreign country's own ministry of education or similar  
23 institution;

24 (3) provide written proof of authorization to  
25 practice as a physical therapist without limitations in the

underscoring material = new  
[bracketed material] = delete

1 legal jurisdiction where the [~~postsecondary~~] post-secondary  
2 institution from which the applicant has graduated is located;

3 [~~(4) provide proof of legal authorization to~~  
4 ~~reside and seek employment in the United States or its~~  
5 ~~territories;~~

6 ~~(5)]~~ (4) have the applicant's educational  
7 credentials evaluated by a board-approved credential evaluation  
8 agency;

9 [~~(6)]~~ (5) pass all approved English  
10 proficiency examinations as may be prescribed by the board if  
11 English is not the applicant's primary language; and

12 [~~(7)]~~ (6) participate in an interim supervised  
13 clinical practice period as may be prescribed by the board.

14 C. The board may issue an interim permit to a  
15 foreign-trained applicant who satisfies the board's  
16 requirements. An interim permit shall be issued for the  
17 purpose of participating in a supervised clinical practice  
18 period.

19 D. If the foreign-educated physical therapist  
20 applicant is a graduate of a college accredited by the  
21 commission on accreditation in physical therapy education, the  
22 requirements of Paragraphs (1), (2), [~~(5)]~~ (4) and [~~(7)]~~ (6) of  
23 Subsection B of this section are waived.

24 E. An applicant for licensure as a physical  
25 therapist assistant shall submit a completed application and

.218554.1

1 meet the following minimum requirements:

2 (1) be of good moral character;

3 (2) be a graduate of an accredited physical  
4 therapist assistant program approved by the board;

5 (3) have successfully passed the national  
6 physical therapy examination approved by the board; and

7 (4) have successfully passed the state  
8 jurisprudence examination.

9 F. An applicant for licensure as a physical  
10 therapist or physical therapist assistant shall file a written  
11 application on forms provided by the board. A nonrefundable  
12 application fee and the cost of the examination shall accompany  
13 the completed written application.

14 G. Applicants who fail to pass the examinations  
15 shall be subject to requirements determined by board  
16 regulations prior to being approved by the board for subsequent  
17 testing.

18 H. The board or its designee shall issue a license  
19 to a physical therapist or physical therapist assistant who has  
20 a valid unrestricted license from another United States  
21 jurisdiction and who meets all requirements for licensure in  
22 New Mexico.

23 I. Prior to licensure, if prescribed by the board,  
24 the board or its designee may issue a temporary nonrenewable  
25 license to a physical therapist or physical therapist assistant

underscoring material = new  
~~[bracketed material] = delete~~

1 who has completed the education and experience requirements of  
2 the Physical Therapy Act. The temporary license shall allow  
3 the applicant to practice physical therapy under the  
4 supervision of a licensed physical therapist until a permanent  
5 license is approved that shall include passing the national  
6 physical therapy examination.

7 J. The board or its designee may issue a temporary  
8 license to a physical therapist or physical therapist assistant  
9 performing physical therapy while teaching an educational  
10 seminar who has met the requirements established by regulation  
11 of the board.

12 K. A physical therapist or physical therapist  
13 assistant licensed under the provisions of the Physical Therapy  
14 Act shall renew the physical therapist's or physical therapist  
15 assistant's license as specified in board rules. A person who  
16 fails to renew the person's license by the date of expiration  
17 shall not practice physical therapy as a physical therapist or  
18 physical therapist assistant in New Mexico.

19 L. Reinstatement of a lapsed license following a  
20 renewal deadline requires payment of a renewal fee and late  
21 fee.

22 M. Reinstatement of a physical therapist or  
23 physical therapist assistant license that has lapsed for more  
24 than three years, without evidence of continued practice in  
25 another state pursuant to a valid unrestricted license in that

.218554.1

underscored material = new  
~~[bracketed material] = delete~~

1 state, requires reapplication and payment of fees, as specified  
2 in board rules. The board shall promulgate rules establishing  
3 the qualifications for reinstatement of a lapsed license.

4 N. The board may establish, by rule, activities to  
5 periodically assess continuing competence to practice physical  
6 therapy.

7 O. A physical therapist shall refer a patient to  
8 the patient's licensed health care provider if:

9 (1) after thirty days of initiating physical  
10 therapy intervention, the patient has not made measurable or  
11 functional improvement with respect to the primary complaints  
12 of the patient; provided that the thirty-day limit shall not  
13 apply to:

14 (a) treatment provided for a condition  
15 related to a chronic, neuromuscular or developmental condition  
16 for a patient previously diagnosed by a licensed health care  
17 provider as having a chronic, neuromuscular or developmental  
18 condition;

19 (b) services provided for health  
20 promotion, wellness, fitness or maintenance purposes; or

21 (c) services provided to a patient who  
22 is participating in a program pursuant to an individual  
23 education plan or individual family service plan under federal  
24 law; or

25 (2) at any time, the physical therapist has

.218554.1

underscored material = new  
[bracketed material] = delete

1 reason to believe the patient has symptoms or conditions  
2 requiring treatment that is beyond the scope of practice of the  
3 physical therapist.

4 P. As used in this section, "licensed health care  
5 provider" means:

6 (1) a physician licensed pursuant to the  
7 Medical Practice Act;

8 (2) an osteopathic physician licensed pursuant  
9 to [~~Chapter 61, Article 10 NMSA 1978~~] the Osteopathic Medicine  
10 Act;

11 (3) a chiropractic physician licensed pursuant  
12 to the Chiropractic Physician Practice Act;

13 (4) a podiatrist licensed pursuant to the  
14 Podiatry Act;

15 (5) a dentist licensed pursuant to the Dental  
16 Health Care Act;

17 (6) a doctor of oriental medicine licensed  
18 pursuant to the Acupuncture and Oriental Medicine Practice Act;

19 (7) a certified nurse practitioner licensed  
20 pursuant to the Nursing Practice Act;

21 (8) a certified nurse-midwife licensed  
22 pursuant to the Nursing Practice Act and registered with the  
23 public health division of the department of health as a  
24 certified nurse-midwife;

25 (9) a certified nurse specialist licensed

.218554.1

underscored material = new  
[bracketed material] = delete

1 pursuant to the Nursing Practice Act; or

2 (10) a physician assistant licensed pursuant  
3 to the Medical Practice Act."

4 SECTION 10. Section 61-18A-11 NMSA 1978 (being Laws 1987,  
5 Chapter 252, Section 11, as amended) is amended to read:

6 "61-18A-11. QUALIFICATION OF MANAGER APPLICANTS.--The  
7 licensed manager to be actively in charge of a collection  
8 agency shall:

9 [~~A.~~] ~~be a citizen of the United States;~~

10 [~~B.~~] A. have reached the age of majority;

11 [~~C.~~] B. not have been convicted of a felony or  
12 crime involving moral turpitude;

13 [~~D.~~] C. be a graduate of a high school or provide  
14 proof to the director that [~~he~~] the licensed manager is  
15 possessed of the equivalent of a high school education;

16 [~~E.~~] D. pass the examination required;

17 [~~F.~~] E. pay the examination fee to the director;

18 [~~G.~~] F. have been actively and continuously engaged  
19 or employed in the collection of accounts receivable for at  
20 least two of the five years next preceding the filing of the  
21 application; and

22 [~~H.~~] G. have a good credit record."

23 SECTION 11. Section 61-24D-6 NMSA 1978 (being Laws 2019,  
24 Chapter 239, Section 6) is amended to read:

25 "61-24D-6. LICENSURE.--

.218554.1

underscored material = new  
[bracketed material] = delete

1           A. Unless otherwise provided in the Home Inspector  
2 Licensing Act, an applicant for a license shall:

3                   (1) complete an application on forms provided  
4 by the board;

5                   (2) provide documentation to establish that  
6 the applicant is at least eighteen years of age [~~and a legal~~  
7 ~~resident of the United States~~];

8                   (3) provide the board with the applicant's  
9 fingerprints and all information necessary for a state and  
10 national criminal background check;

11                   (4) provide proof of and maintain insurance  
12 coverage as provided in Section [~~12 of the Home Inspector~~  
13 ~~Licensing Act~~] 61-24D-12 NMSA 1978;

14                   (5) have completed at least eighty hours of  
15 classroom training, the content of which shall be established  
16 by rule of the board;

17                   (6) pass a national home inspector licensing  
18 examination and any additional licensing examinations as  
19 prescribed by the board; and

20                   (7) have completed at least eighty hours of  
21 field training, or its equivalent, as determined by the board.

22           B. Paragraphs (5) and (7) of Subsection A of this  
23 section shall not apply to a person who has:

24                   (1) worked as a home inspector in each of the  
25 twenty-four months immediately preceding the effective date of

.218554.1

underscored material = new  
~~[bracketed material] = delete~~

1 the Home Inspector Licensing Act; and

2 (2) performed at least one hundred home  
3 inspections for compensation in the twenty-four months  
4 immediately preceding the effective date of the Home Inspector  
5 Licensing Act.

6 C. After the board's review of all information  
7 obtained by the board and submitted by the applicant as  
8 required by this section, if all of the requirements for  
9 licensure are met, the board shall issue a license to the  
10 applicant."

11 SECTION 12. Section 61-29-9 NMSA 1978 (being Laws 1959,  
12 Chapter 226, Section 8, as amended) is amended to read:

13 "61-29-9. QUALIFICATIONS FOR LICENSE.--

14 A. Licenses shall be granted only to persons who  
15 meet the requirements for licensure prescribed by law and are  
16 deemed by the commission to be of good repute and competent to  
17 transact the business of a qualifying broker or an associate  
18 broker in a manner that safeguards the interests of the public.

19 B. An applicant for a qualifying broker's license  
20 or an associate broker's license shall ~~[be a legal resident of~~  
21 ~~the United States and]~~ have reached the age of majority. Each  
22 applicant for a qualifying broker's license or an associate  
23 broker's license shall have passed the real estate broker's  
24 examination approved by the commission and shall:

25 (1) furnish the commission with certificates

.218554.1

1 of completion of ninety hours of classroom instruction  
2 consisting of commission-approved thirty-hour courses in real  
3 estate principles and practice, real estate law and broker  
4 basics; or

5 (2) in the case of an out-of-state applicant,  
6 furnish the commission with a certified license history from  
7 the real estate licensing jurisdiction in the state or states  
8 in which the applicant is currently or has been previously  
9 licensed as a real estate broker, or certificates of completion  
10 of those courses issued by the course sponsor or provider,  
11 certifying that the applicant has or had a license in that  
12 state and has completed the equivalent of sixty classroom hours  
13 of prelicensing education approved by that licensing  
14 jurisdiction in real estate principles and practice and real  
15 estate law. Upon receipt of such documentation, the commission  
16 may waive sixty hours of the ninety hours of prelicensing  
17 education required to take the New Mexico real estate broker's  
18 examination and may waive the national portion of the  
19 examination. The applicant shall complete the commission-  
20 approved thirty-hour broker basics class to be eligible to take  
21 the state portion of the New Mexico real estate broker's  
22 examination.

23 C. An applicant for a qualifying broker's license  
24 shall have passed the New Mexico real estate broker's  
25 examination and had an active associate broker's license or

1 equivalent real estate license for at least two of the last  
2 five years immediately preceding application for a qualifying  
3 broker's license and shall furnish the commission with a  
4 certificate of completion of the commission-approved thirty-  
5 hour brokerage office administration course and any additional  
6 educational courses required by the commission by rule.

7 D. Notwithstanding Subsection C of this section, a  
8 qualifying broker shall not supervise associate brokers until  
9 the qualifying broker has had an active associate broker's or  
10 qualifying broker's license or equivalent real estate license  
11 for at least four years. Licensees who hold an active or  
12 inactive qualifying broker's license on January 1, 2018 are  
13 exempt from this subsection.

14 E. The commission shall require the information it  
15 deems necessary from every applicant to determine that  
16 applicant's honesty, trustworthiness and competency."

17 SECTION 13. Section 61-30-10.1 NMSA 1978 (being Laws  
18 1992, Chapter 54, Section 8, as amended) is amended to read:

19 "61-30-10.1. QUALIFICATION FOR REAL ESTATE APPRAISER  
20 TRAINEE.--

21 A. Registration as a real estate appraiser trainee  
22 shall be granted only to persons who are deemed by the board to  
23 be of good repute and competent to render appraisals.

24 B. Each applicant for registration as a real estate  
25 appraiser trainee shall ~~[be a legal resident of the United~~

.218554.1

underscoring material = new  
[bracketed material] = delete

1 ~~States, except as otherwise provided in Section 61-30-20 NMSA~~  
2 ~~1978, and]~~ have reached the age of majority.

3 C. Each applicant for registration as a real estate  
4 appraiser trainee shall meet the education requirements as  
5 established for the real estate appraiser trainee  
6 classification issued by the appraiser qualifications board of  
7 the appraisal foundation and adopted by rule pursuant to the  
8 Real Estate Appraisers Act.

9 D. The board shall require such information as it  
10 deems necessary from every applicant to determine the  
11 applicant's honesty, trustworthiness and competency."

12 SECTION 14. Section 61-30-11 NMSA 1978 (being Laws 1990,  
13 Chapter 75, Section 11, as amended) is amended to read:

14 "61-30-11. QUALIFICATIONS FOR LICENSE.--

15 A. Licenses shall be granted only to persons who  
16 are deemed by the board to be of good repute and competent to  
17 render appraisals.

18 B. Each applicant for a license as a state licensed  
19 residential real estate appraiser shall ~~[be a legal resident of~~  
20 ~~the United States, except as otherwise provided in Section~~  
21 ~~61-30-20 NMSA 1978, and]~~ have reached the age of majority.

22 C. Each applicant for a license as a state licensed  
23 residential real estate appraiser shall have additional  
24 experience and education requirements as established for the  
25 licensed classification issued by the appraiser qualifications

.218554.1

underscoring material = new  
~~[bracketed material] = delete~~

1 board of the appraisal foundation and adopted by rule pursuant  
2 to the Real Estate Appraisers Act.

3 D. The board shall require such information as it  
4 deems necessary from every applicant to determine the  
5 applicant's honesty, trustworthiness and competency.

6 E. Persons who do not meet the qualifications for  
7 licensure are not qualified for appraisal assignments involving  
8 federally related transactions."

9 SECTION 15. Section 61-30-12 NMSA 1978 (being Laws 1990,  
10 Chapter 75, Section 12, as amended) is amended to read:

11 "61-30-12. QUALIFICATIONS FOR CERTIFIED RESIDENTIAL AND  
12 GENERAL REAL ESTATE APPRAISERS.--

13 A. Certified classification shall be granted only  
14 to persons who are deemed by the board to be of good repute and  
15 competent to render appraisals.

16 B. Each applicant for a state certified residential  
17 or general real estate appraiser classification shall ~~[be a~~  
18 ~~legal resident of the United States, except as otherwise~~  
19 ~~provided in Section 61-30-20 NMSA 1978, and]~~ have reached the  
20 age of majority.

21 C. Each applicant for a residential certificate as  
22 a state certified real estate appraiser shall have performed  
23 actively as a real estate appraiser and shall have additional  
24 experience and education requirements as established for the  
25 residential certification classification issued by the

.218554.1

underscoring material = new  
~~[bracketed material] = delete~~

1 appraiser qualifications board of the appraisal foundation and  
2 adopted by rule pursuant to the Real Estate Appraisers Act.

3 D. Each applicant for a general certificate as a  
4 state certified real estate appraiser shall have performed  
5 actively as a real estate appraiser and have additional  
6 experience and education requirements as established for the  
7 general certification classification issued by the appraiser  
8 qualifications board of the appraisal foundation and adopted  
9 pursuant to the Real Estate Appraisers Act.

10 E. The board shall require such information as it  
11 deems necessary from every applicant to determine the  
12 applicant's honesty, trustworthiness and competency."