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AN ACT  
RELATING TO CERTIFIED PUBLIC ACCOUNTANTS; PERMITTING  
CERTIFIED PUBLIC ACCOUNTANTS LICENSED IN ANOTHER STATE TO  
PERFORM SERVICES IN NEW MEXICO; AMENDING AND REPEALING  
SECTIONS OF THE NMSA 1978.

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

Section 1. Section 61-28B-3 NMSA 1978 (being Laws 1999,  
Chapter 179, Section 3, as amended) is amended to read:

"61-28B-3. DEFINITIONS.--As used in the 1999 Public  
Accountancy Act:

A. "attest" means to provide the following  
financial statement services:

(1) an audit or other engagement performed  
in accordance with the statements on auditing standards;

(2) a review of a financial statement  
performed in accordance with the statement on standards for  
accounting and review services;

(3) an examination of prospective financial  
information performed in accordance with the statements on  
standards for attestation engagements; and

(4) an engagement to be performed in  
accordance with the auditing standards of the public company  
accounting oversight board;

B. "board" means the New Mexico public accountancy SB 353  
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1 board;

2 C. "certificate" means the legal recognition  
3 issued to identify a certified public accountant or a  
4 registered public accountant pursuant to the 1999 Public  
5 Accountancy Act or prior law;

6 D. "certified public accountant" means a person  
7 certified by this state or by another state to practice  
8 public accountancy and use the designation;

9 E. "contingent fee" means a fee established for  
10 the performance of a service pursuant to an arrangement in  
11 which no fee will be charged unless a specific finding or  
12 result is attained or upon which the amount of the fee is  
13 dependent upon a finding or result. "Contingent fee" does  
14 not mean a fee set by the court or a public authority on a  
15 tax matter;

16 F. "director" means the executive director of the  
17 board;

18 G. "firm" means a sole proprietorship,  
19 professional corporation, partnership, limited liability  
20 company, limited liability partnership or other legal  
21 business entity that practices public accountancy;

22 H. "licensee" means a certified public accountant,  
23 certified public accountant firm, registered public  
24 accountant or registered public accountant firm;

25 I. "peer review" means a study, appraisal or

1 review of one or more aspects of the professional work of a  
2 firm by a certified public accountant who is not affiliated  
3 with the firm being reviewed;

4 J. "permit" means the annual authority granted to  
5 practice as a certified public accountant firm or a  
6 registered public accountant firm;

7 K. "practice" means performing or offering to  
8 perform public accountancy for a client or potential client  
9 by a person who makes a representation to the public as being  
10 a permit holder or registered firm;

11 L. "public accountancy" means the performance of  
12 one or more kinds of services involving accounting or  
13 auditing skills, including the issuance of reports on  
14 financial statements, the performance of one or more kinds of  
15 management, financial advisory or consulting services, the  
16 preparation of tax returns or the furnishing of advice on tax  
17 matters;

18 M. "registered public accountant" means a person  
19 who is registered by the board to practice public accountancy  
20 and use the designation;

21 N. "report" means an opinion or other writing  
22 that:

23 (1) states or implies assurance as to the  
24 reliability of any financial statements;

25 (2) includes or is accompanied by a

1 statement or implication that the person issuing it has  
2 special knowledge or competency in accounting or auditing  
3 indicated by the use of names, titles or abbreviations likely  
4 to be understood to identify the author of the report as a  
5 licensee; and

6 (3) includes the following types of reports  
7 as they are defined by board rule:

8 (a) a compilation report;

9 (b) a review report; or

10 (c) an audit report; and

11 O. "substantial equivalency" means a determination  
12 by the board that the education, examination and experience  
13 requirements for certification of another jurisdiction are  
14 comparable to or exceed the requirements of Paragraph (1) of  
15 Subsection A of Section 61-28B-26 NMSA 1978."

16 Section 2. Section 61-28B-8 NMSA 1978 (being Laws 1999,  
17 Chapter 179, Section 8, as amended) is amended to read:

18 "61-28B-8. QUALIFICATIONS FOR A CERTIFICATE AS A  
19 CERTIFIED PUBLIC ACCOUNTANT.--

20 A. An applicant for a certificate shall complete  
21 the application form provided by the board and demonstrate to  
22 the board's satisfaction that the applicant:

23 (1) is of good moral character and lacks a  
24 history of dishonest or felonious acts; and

25 (2) meets the education, experience and

1 examination requirements of the board.

2 B. The board may refuse to grant a certificate on  
3 the ground that the applicant failed to satisfy the  
4 requirement of good moral character.

5 C. After July 1, 2008, the education requirement  
6 for examination shall be a baccalaureate degree or its  
7 equivalent conferred by a college or university acceptable to  
8 the board, with thirty semester hours in accounting or the  
9 equivalent as determined by the board. An applicant for a  
10 certificate shall have at least one hundred fifty semester  
11 hours of college education or its equivalent earned at a  
12 college or university acceptable to the board.

13 D. The examination for certification shall be  
14 offered via a computer-based testing system at least four  
15 times per year at a designated testing center and shall test  
16 an applicant's knowledge of the subjects of accounting and  
17 auditing and other related subjects as prescribed by the  
18 board. The board shall prescribe the method of applying for  
19 the examination and the dissemination of scores, and it shall  
20 rely on the American institute of certified public  
21 accountants for the grading of the examination. The board  
22 may use all or any part of the uniform certified public  
23 accountant examination services of the national association  
24 of state boards of accountancy to perform administrative  
25 services with respect to the examination. The board or its

1 designee shall report all eligibility and score data to the  
2 national candidate database, and it shall, to the extent  
3 possible, provide that the passing scores are uniform with  
4 passing scores of other states.

5 E. An applicant must pass all sections of the  
6 examination to qualify for a certificate. A passing scaled  
7 score for each section shall be seventy-five. Sections may  
8 be taken individually and in any order. An applicant may not  
9 take a failed test section within the same three-month  
10 examination window. Credit for any section passed shall be  
11 valid for eighteen months from the actual date the applicant  
12 took that section, without having to attain a minimum score  
13 on any failed test section and without regard to whether the  
14 applicant has taken other test sections. An applicant must  
15 pass all four test sections within a continuous  
16 eighteen-month period, which begins on the date that the  
17 first section passed is taken. If all four test sections are  
18 not passed within the continuous eighteen-month period,  
19 credit for any test section passed outside the eighteen-month  
20 period will expire, and that test section must be retaken.

21 F. An applicant who has passed at least two  
22 sections of the paper and pencil examination, as of the  
23 launch date of the computer-based examination, will retain  
24 credit for the corresponding test sections of the  
25 computer-based examination.

1           G. An applicant who has passed at least two  
2 sections of the paper and pencil examination, as of the  
3 launch date of the computer-based examination, shall be given  
4 a transition period to complete any remaining test sections  
5 of the computer-based examination.

6           H. An applicant shall be given credit for  
7 examination sections passed in another state if such credit  
8 would have been given in New Mexico.

9           I. The board may waive or defer requirements of  
10 this section regarding the circumstances in which sections of  
11 the examination must be passed, upon a showing that, by  
12 reason of circumstances beyond the applicant's control, the  
13 applicant was unable to meet the requirement.

14           J. An applicant for initial issuance of a  
15 certified public accountant certificate shall show that the  
16 applicant has had at least one year of experience. This  
17 experience shall include providing service or advice  
18 involving the use of accounting, attest, management advisory,  
19 financial advisory, tax or consulting skills as verified by a  
20 certified public accountant who meets requirements prescribed  
21 by the board. The experience is acceptable if it was gained  
22 through employment in government, industry, academia or  
23 public practice."

24           Section 3. Section 61-28B-11 NMSA 1978 (being Laws  
25 1999, Chapter 179, Section 11) is amended to read:

1 "61-28B-11. CERTIFICATES ISSUED TO HOLDERS OF A  
2 CERTIFICATE, LICENSE OR PERMIT ISSUED BY ANOTHER STATE.--

3 A. The board may issue a certificate to a holder  
4 of a certificate, license or permit issued by another state  
5 upon a showing that the applicant:

6 (1) passed the examination required for  
7 issuance of the applicant's certificate with grades that  
8 would have been passing grades at the time in New Mexico;

9 (2) passed the examination upon which the  
10 applicant's out-of-state certificate was based and has two  
11 years of experience acceptable to the board or meets  
12 equivalent requirements prescribed by board rule, within the  
13 ten years immediately preceding the application; and

14 (3) if the applicant's certificate, license  
15 or permit was issued more than four years prior to  
16 application, has fulfilled the board's requirements of  
17 continuing professional education.

18 B. A person licensed by another state who wishes  
19 to establish a principal place of business in New Mexico  
20 shall apply to the board for a certificate prior to  
21 establishing the business. The board may issue a certificate  
22 to the person if the person provides proof from a  
23 board-approved national qualification appraisal service that  
24 the person's certified public accountant qualifications are  
25 substantially equivalent to the certified public accountant



1 certification requirements of Paragraph (1) of Subsection A  
2 of Section 61-28B-26 NMSA 1978.

3 C. The board may issue a certificate to a holder  
4 of a substantially equivalent foreign designation; provided  
5 that:

6 (1) the foreign authority that granted the  
7 designation makes similar provision to allow a person who  
8 holds a valid certificate issued by New Mexico to obtain such  
9 foreign authority's comparable designation;

10 (2) the foreign designation:

11 (a) was duly issued by a foreign  
12 authority that regulates the practice of public accountancy  
13 and the foreign designation has not expired or been revoked  
14 or suspended;

15 (b) entitles the holder to issue  
16 reports upon financial statements; and

17 (c) was issued upon the basis of  
18 educational, examination and experience requirements  
19 established by the foreign authority or by law; and

20 (3) the applicant:

21 (a) received the designation based on  
22 educational and examination standards substantially  
23 equivalent to those in effect in New Mexico at the time the  
24 foreign designation was granted;

25 (b) completed an experience requirement

1 in the jurisdiction that granted the foreign designation that  
2 is substantially equivalent to the requirement provided for  
3 in the 1999 Public Accountancy Act or has completed four  
4 years of professional experience in New Mexico or meets  
5 equivalent requirements prescribed by the board within the  
6 ten years immediately preceding the application; and

7 (c) passed a uniform qualifying  
8 examination on national standards and an examination on the  
9 laws, rules and code of ethical conduct in effect in New  
10 Mexico that is acceptable to the board.

11 D. An applicant for initial issuance or renewal of  
12 a certificate pursuant to this section shall list all foreign  
13 and domestic jurisdictions in which the applicant has applied  
14 for or holds a designation to practice public accountancy.  
15 The applicant shall also list any past denial, revocation or  
16 suspension of a certificate, license or permit. An applicant  
17 or certificate holder shall notify the board in writing,  
18 within thirty days of the occurrence of any issuance, denial,  
19 revocation or suspension of a designation or commencement of  
20 a disciplinary or enforcement action by any jurisdiction.

21 E. The board has the sole authority to interpret  
22 the application of the provisions of this section."

23 Section 4. Section 61-28B-13 NMSA 1978 (being Laws  
24 1999, Chapter 179, Section 13, as amended) is amended to  
25 read:

1 "61-28B-13. FIRM PERMITS TO PRACTICE, ATTEST  
2 EXPERIENCE, PEER REVIEW.--

3 A. The board may grant or renew a permit to  
4 practice as a certified public accountant firm to an  
5 applicant that demonstrates its qualifications in accordance  
6 with this section.

7 B. A permit issued pursuant to this section shall  
8 be required for the following:

9 (1) a firm with an office in New Mexico  
10 performing attest services as defined by the 1999 Public  
11 Accountancy Act;

12 (2) a firm with an office in New Mexico that  
13 uses the title "CPA" or "CPA firm"; or

14 (3) a firm that does not have an office in  
15 New Mexico but performs attest services for a client whose  
16 principal place of business is in New Mexico.

17 C. A firm without an office in New Mexico may  
18 perform services described in Paragraph (2) of Subsection A  
19 of Section 61-28B-3 NMSA 1978 for a client whose principal  
20 place of business is in New Mexico and may use the title  
21 "CPA" or "CPA firm" without a permit issued pursuant to this  
22 section only if:

23 (1) it performs services through a person  
24 with practice privileges under Section 61-28B-26 NMSA 1978;

25 (2) a simple majority of the ownership of

1 the firm belongs to holders of a certificate who are licensed  
2 in some state pursuant to Paragraph (1) of Subsection H of  
3 this section; and

4 (3) the firm has undergone a peer review  
5 pursuant to Subsection L of this section.

6 D. A firm not subject to the requirements of  
7 Subsection B or C of this section may perform other  
8 professional services while using the title "CPA" or "CPA  
9 firm" in New Mexico without a permit issued pursuant to this  
10 section only if:

11 (1) the firm performs services through a  
12 person with practice privileges pursuant to Section 61-28B-26  
13 NMSA 1978; and

14 (2) the firm can lawfully perform services  
15 in the state that is the firm's principal place of business.

16 E. Permits shall be issued and renewed for periods  
17 of not more than two years, expiring on June 30 of the year  
18 of expiration. Failure to pay the renewal fee shall be cause  
19 for the board to withhold renewal of a permit without prior  
20 hearing pursuant to the provisions of the Uniform Licensing  
21 Act. If the renewal fee and delinquency fee are not paid  
22 within ninety days after the expiration of the permit, the  
23 permit shall be subject to cancellation. A firm whose permit  
24 has been canceled for failure to pay the annual renewal fee  
25 may secure reinstatement of the permit upon application and

1 payment of the renewal fee and upon approval by the board.

2 F. The board shall grant or deny an application  
3 for a permit no later than ninety days after the complete  
4 application is filed.

5 G. If an applicant appeals the decision of the  
6 board to deny a permit, the board may issue a provisional  
7 permit for no longer than ninety days while the board  
8 reconsiders its decision.

9 H. An applicant for initial issuance or renewal of  
10 a permit shall demonstrate that:

11 (1) a simple majority of the ownership of  
12 the firm, in terms of financial interests, profits, losses,  
13 dividends, distributions, options, redemptions and voting  
14 rights of all partners, officers, shareholders, members or  
15 managers, belongs to holders of a certificate who are  
16 licensed in some state. A partner, officer, shareholder,  
17 member or manager, whose principal place of business is in  
18 New Mexico, and who performs professional services in New  
19 Mexico, must hold a valid certificate. The firm and all  
20 owners must comply with the 1999 Public Accountancy Act. A  
21 person with practice privileges pursuant to Section 61-28B-26  
22 NMSA 1978 who performs services for which a permit is  
23 required pursuant to this section shall not be required to  
24 obtain a certificate from New Mexico pursuant to Section  
25 61-28B-9 NMSA 1978. A firm may include owners who are not

1 certificate holders; provided that:

2 (a) the firm designates a New Mexico  
3 certificate holder, or in the case of a firm that must have a  
4 permit, a licensee of another state who meets the  
5 requirements of Subsection A of Section 61-28B-26 NMSA 1978,  
6 who is responsible for the proper registration of the firm  
7 and identifies that person to the board;

8 (b) all owners who are not certificate  
9 holders are active participants in the certified public  
10 accountant firm or registered public accountant firm or  
11 affiliated entities; and

12 (c) the firm complies with the 1999  
13 Public Accountancy Act; and

14 (2) a certificate holder, or a person  
15 qualifying for practice privileges pursuant to Section  
16 61-28B-26 NMSA 1978, who is responsible for supervising  
17 attest services or signs or authorizes someone to sign the  
18 accountant's report on the financial statements on behalf of  
19 the firm meets the experience requirements set out in the  
20 professional standards for such services.

21 I. An applicant for initial issuance or renewal of  
22 a permit shall be required to register each office of the  
23 firm within New Mexico with the board and to show that all  
24 attest services rendered in this state are under the charge  
25 of a person holding a valid certificate issued pursuant to

1 the 1999 Public Accountancy Act or the corresponding  
2 provision of prior law or by some other state.

3 J. An applicant for initial issuance or renewal of  
4 a permit shall list all foreign and domestic jurisdictions in  
5 which it has applied for or holds permits as a certified  
6 public accountant firm and list any past denial, revocation  
7 or suspension of a permit by any jurisdiction. Each permit  
8 holder or applicant shall notify the board in writing, within  
9 thirty days of the occurrence of a change in the identities  
10 of partners, officers, shareholders, members or managers  
11 whose principal place of business is in this state, a change  
12 in the number or location of offices within this state, a  
13 change in the identity of the persons in charge of such  
14 offices and any issuance, denial, revocation or suspension of  
15 a permit by another jurisdiction.

16 K. A firm that falls out of compliance with the  
17 provisions of the 1999 Public Accountancy Act due to changes  
18 in firm ownership or personnel shall take corrective action  
19 to bring the firm back into compliance as quickly as  
20 possible. The board may grant a six-month period for a firm  
21 to take the corrective action. Failure to bring the firm  
22 back into compliance within six months shall result in the  
23 suspension or revocation of the firm permit.

24 L. As a condition to permit renewal, the board  
25 shall require the applicant to undergo a peer review

1 conducted in accordance with board rules. The review shall  
2 include a verification that a person in the firm, or a person  
3 qualifying for practice privileges pursuant to Section  
4 61-28B-26 NMSA 1978, who is responsible for supervising  
5 attest services and signs or authorizes someone to sign the  
6 accountant's report on the financial statements on behalf of  
7 the firm meets the experience requirements set out in the  
8 professional standards for the services as required by the  
9 board.

10 M. If a partner, shareholder or member is a legal  
11 business entity, that legal business entity must be a firm.

12 N. Attest services may only be provided by a  
13 certificate holder or a member of a firm that satisfies the  
14 requirements of this section. Attest services may not be  
15 performed by a certificate holder who is a member of a firm  
16 that does not meet the certificate holder's ownership  
17 requirements set forth in this section."

18 Section 5. Section 61-28B-17 NMSA 1978 (being Laws  
19 1999, Chapter 179, Section 17, as amended) is amended to  
20 read:

21 "61-28B-17. ENFORCEMENT--UNLAWFUL ACTS.--

22 A. Except as otherwise provided in the 1999 Public  
23 Accountancy Act, it is unlawful for a person to engage in  
24 practice in New Mexico unless the person is a licensee.

25 B. Except as otherwise provided in the 1999 Public SB 353  
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1 Accountancy Act, no person shall issue a report or financial  
2 statement for a person or a governmental unit or issue a  
3 report using any form of language conventionally used  
4 respecting an audit or review of financial statements, unless  
5 the person holds a current license or permit. The state  
6 auditor and the state auditor's auditing staff are considered  
7 to be in the practice of public accountancy.

8 C. With the exception of persons cited in Section  
9 61-28B-18 NMSA 1978, a person who prepares a financial  
10 accounting and related statements and who is not the holder  
11 of a certificate or a permit under the provisions of that act  
12 shall use the following statement in the transmittal letter:

13 "I (we) have prepared the accompanying financial statements  
14 of (name of entity) as of (time period) and for the (time  
15 period) ending (date). This presentation is limited to  
16 preparing in the form of financial statements information  
17 that is the representation of management (owners). I (we)  
18 have not audited or reviewed the accompanying financial  
19 statements and accordingly do not express an opinion or any  
20 other form of assurance on them."

21 D. No person shall indicate by title, designation,  
22 abbreviation, sign, card or device that the person is a  
23 certified public accountant or a registered public accountant  
24 unless the person is currently certified by the board  
25 pursuant to the 1999 Public Accountancy Act or is a firm

1 currently permitted by the board pursuant to that act.

2 Unless the person is a holder of a current certificate or  
3 permit, no person shall use any title, initials or  
4 designation intended to or substantially likely to indicate  
5 to the public that the person is a certified public  
6 accountant or registered public accountant.

7 E. No person shall engage in practice unless:

8 (1) the person holds a valid certificate or  
9 current permit; or

10 (2) the person is an employee supervised by  
11 a licensee pursuant to Section 61-28B-18 NMSA 1978 and not a  
12 partner, officer, shareholder or member of a firm.

13 F. No person or firm holding a certificate or  
14 permit shall engage in practice using a professional or firm  
15 name or designation that is misleading about the legal form  
16 of the firm; provided, however, that names of one or more  
17 former partners, shareholders or members may be included in  
18 the name of a firm or its successors.

19 G. No person shall sell, offer to sell or  
20 fraudulently obtain or furnish any certificate or permit nor  
21 shall the person fraudulently register as a certified public  
22 accountant or registered public accountant or practice in  
23 this state without being granted a certificate or permit as  
24 provided in the 1999 Public Accountancy Act.

25 H. A licensee or the licensee's firm shall not

1 receive a commission to recommend or refer a product or  
2 service to a client or to recommend to anyone else a product  
3 or service to be supplied by a client during the period the  
4 licensee or the licensee's firm is engaged to perform the  
5 following services for that client and during the period  
6 covered by any historical financial statements involved in  
7 the services:

8 (1) an audit or review of a financial  
9 statement;

10 (2) a compilation of a financial statement  
11 when the licensee expects or might reasonably expect that a  
12 third party will use the financial statement, and the  
13 compilation report does not disclose the lack of independence  
14 by the licensee; or

15 (3) an examination of prospective financial  
16 information.

17 I. A licensee or the licensee's firm that is not  
18 prohibited from receiving a commission by Subsection H of  
19 this section and that is paid or expects to be paid a  
20 commission shall disclose that fact in writing to the person  
21 for whom the licensee or the licensee's firm performs a  
22 service or refers or recommends a product or service. A  
23 licensee or firm that accepts or pays a referral fee for a  
24 service or to obtain a client shall disclose such acceptance  
25 or payment to the client in writing.

1           J. A licensee or the licensee's firm shall not  
2 charge or receive a contingent fee for a client for whom the  
3 licensee or the licensee's firm performs the following  
4 services:

5                   (1) an audit or review of a financial  
6 statement;

7                   (2) a compilation of a financial statement  
8 when the licensee expects or reasonably might expect that a  
9 third party will use the financial statement and the  
10 compilation report does not disclose a lack of independence;

11                   (3) an examination of prospective financial  
12 information; or

13                   (4) preparation of an original or amended  
14 tax return or claim for tax refund, except in the case of  
15 federal, state or other taxes in which the findings are those  
16 of the tax authorities and not those of the licensee or in  
17 the case of professional services for which fees are to be  
18 fixed by courts or other public authorities and that are  
19 therefore indeterminate in amount at the time the  
20 professional services are undertaken.

21           K. No licensee shall sign or certify any financial  
22 statements if the licensee knows the same to be materially  
23 false or fraudulent.

24           L. For the purposes of this section, a person with  
25 practice privileges pursuant to Section 61-28B-26 NMSA 1978

1 shall be substantially equivalent to a certificate holder  
2 pursuant to Section 61-28B-9 NMSA 1978. Terms or references  
3 that refer to a certificate holder pursuant to  
4 Section 61-28B-9 NMSA 1978 shall include a person with  
5 practice privileges pursuant to Section 61-28B-26 NMSA 1978.

6 M. For the purposes of this section, a firm  
7 practicing under Subsection C or D of Section 61-28B-13 NMSA  
8 1978 may perform the services specified by the applicable  
9 provisions of the 1999 Public Accountancy Act and may use the  
10 terms "CPA" or "CPA firm" without obtaining a permit. Terms  
11 or references that refer to a firm holding a permit pursuant  
12 to Subsection B of Section 61-28B-13 NMSA 1978 shall include  
13 a firm practicing pursuant to Subsection C or D of Section  
14 61-28B-13 NMSA 1978."

15 Section 6. Section 61-28B-26 NMSA 1978 (being Laws  
16 1999, Chapter 179, Section 26) is amended to read:

17 "61-28B-26. PRACTICE PRIVILEGE AND DISCIPLINE FOR A  
18 CERTIFICATE HOLDER FROM A STATE WHOSE ACCOUNTANCY STATUTE IS  
19 SUBSTANTIALLY EQUIVALENT.--

20 A. A person whose principal place of business is  
21 not in New Mexico shall be presumed to have qualifications  
22 substantially similar to New Mexico's requirements and may  
23 exercise all the practice privileges of certificate holders  
24 of New Mexico without the need to obtain a certificate  
25 pursuant to Section 61-28B-9 NMSA 1978 if the person:

1                   (1) holds a valid license as a certified  
2 public accountant from any state that requires, as a  
3 condition of licensure, that a person:

4                   (a) have at least one hundred fifty  
5 semester hours of college education, including a  
6 baccalaureate or higher degree conferred by a college or  
7 university acceptable to the board;

8                   (b) achieve a passing grade on the  
9 uniform certified public accountant examination; and

10                  (c) possess at least one year of  
11 experience, including providing any type of service or advice  
12 involving the use of accounting, attest, compilation,  
13 management advisory, financial advisory, tax or consulting  
14 skills, which may be obtained through government, industry,  
15 academic or public practice, all of which can be verified by  
16 a licensee; or

17                  (2) holds a valid license as a certified  
18 public accountant from any state that does not meet the  
19 requirements of Paragraph (1) of Subsection A of this  
20 section, but the person's certified public accountant  
21 qualifications are substantially equivalent to those  
22 requirements. A person who passed the uniform certified  
23 public accountant examination and holds a valid license  
24 issued by any other state prior to January 1, 2012 may be  
25 exempt from the education requirement in Subparagraph (a) of

1 Paragraph (1) of this subsection.

2 B. Notwithstanding any other provision of law, a  
3 person who qualifies for the practice privilege pursuant to  
4 this section may offer or render professional services  
5 whether in person or by mail, telephone or electronic means,  
6 and no notice, fee or other submission shall be required of  
7 the person.

8 C. A person licensed in another state exercising  
9 the practice privilege afforded pursuant to this section and  
10 the firm that employs the licensee simultaneously shall  
11 consent, as a condition of exercising the practice privilege:

12 (1) to submit to the personal and  
13 subject-matter jurisdiction and disciplinary authority of the  
14 board;

15 (2) to comply with the 1999 Public  
16 Accountancy Act and the rules adopted by the board;

17 (3) to cease offering or rendering  
18 professional attest services in New Mexico in the event the  
19 license from the state of the person's principal place of  
20 business is no longer valid; and

21 (4) to the appointment of the state board  
22 that issued the license as agent upon whom process may be  
23 served in any action or proceeding by the New Mexico public  
24 accountancy board against the licensee.

25 D. A certificate or permit holder of New Mexico

1 that offers or renders an attest service or uses its  
2 certified public accountant title in another state shall be  
3 subject to disciplinary action in New Mexico for an act  
4 committed in another state for which it would be subject to  
5 discipline in the other state. Notwithstanding the  
6 provisions of Sections 61-28B-15 and 61-28B-16 NMSA 1978, the  
7 board shall investigate any complaint made by the board of  
8 accountancy in another state."

9 Section 7. REPEAL.--Section 61-28B-10 NMSA 1978 (being  
10 Laws 1999, Chapter 179, Section 10) is repealed. \_\_\_\_\_

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