

1 HOUSE BILL 372

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PROFESSIONAL LICENSES; CHANGING ADMINISTRATION OF  
12 THE INTERIOR DESIGNERS ACT TO THE REGULATION AND LICENSING  
13 DEPARTMENT; CHANGING REQUIREMENTS FOR INTERIOR DESIGN LICENSURE  
14 AND THE RENEWAL, DENIAL, SUSPENSION AND REVOCATION OF LICENSES;  
15 TRANSFERRING APPROPRIATIONS, RECORDS AND CONTRACTS OF THE  
16 INTERIOR DESIGN BOARD TO THE REGULATION AND LICENSING  
17 DEPARTMENT; CHANGING A PRESCRIBED PENALTY; REPEALING SECTIONS  
18 OF THE INTERIOR DESIGNERS ACT.

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. Section 61-24C-3 NMSA 1978 (being Laws 1989,  
22 Chapter 53, Section 3, as amended) is amended to read:

23 "61-24C-3. DEFINITIONS.--As used in the Interior  
24 Designers Act:

25 [~~A. "board" means the interior design board]~~

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1           A. "applicant" means a person applying to the  
2 department for an interior designer license;

3           B. "department" means the regulation and licensing  
4 department;

5           [~~B.~~] C. "interior design" means services that do  
6 not necessarily require performance by an architect, such as  
7 administering contracts for fabrication, procurement or  
8 installation in the implementation of designs, drawings and  
9 specifications for any interior design project and  
10 consultations, studies, drawings and specifications in  
11 connection with reflected ceiling plans, space utilization,  
12 furnishings or the fabrication of nonstructural elements within  
13 and surrounding interior spaces of buildings, but specifically  
14 excluding mechanical and electrical systems, except for  
15 specifications of fixtures and their location within interior  
16 spaces; and

17           [~~C.~~] D. "licensed interior designer" or "licensed  
18 designer" means a person licensed pursuant to the Interior  
19 Designers Act."

20           SECTION 2. Section 61-24C-5 NMSA 1978 (being Laws 1989,  
21 Chapter 53, Section 5, as amended) is amended to read:

22           "61-24C-5. POWERS AND DUTIES OF THE [~~BOARD~~] DEPARTMENT.--  
23 The [~~board~~] department:

24           A. shall administer, coordinate and enforce the  
25 provisions of the Interior Designers Act. The [~~board~~]

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1 department may investigate allegations of violations of the  
2 provisions of the Interior Designers Act;

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

10 C. shall require a licensee, as a condition of the  
11 renewal of the license, to undergo continuing education  
12 requirements [~~as set forth in~~] pursuant to the Interior  
13 Designers Act;

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

17 [~~E. shall conduct hearings and keep records and~~  
18 ~~minutes necessary to carry out its functions~~;

19 F.] E. may adopt a common seal for use by licensed  
20 interior designers; and

21 [~~G.~~] F. shall do all other things reasonable and  
22 necessary to carry out the [~~purposes~~] provisions of the  
23 Interior Designers Act."

24 SECTION 3. Section 61-24C-8 NMSA 1978 (being Laws 1989,  
25 Chapter 53, Section 8) is amended to read:

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1           "61-24C-8. REQUIREMENTS FOR LICENSURE.--Each applicant  
2 for licensure shall apply to the [~~board~~] department. Except as  
3 otherwise provided in the Interior Designers Act, each  
4 applicant shall take and pass [~~a nationally standardized~~  
5 ~~examination.~~ The board may adopt substantially all or part of  
6 the examination and grading procedures of the national council  
7 for interior design qualifications. Prior to examination, the  
8 applicant shall provide substantial evidence to the board that  
9 the applicant:

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

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

16           C. ~~has completed at least three years of an~~  
17 ~~interior design curriculum from an accredited institution and~~  
18 ~~has completed three years of diversified interior design~~  
19 ~~experience;~~

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

23           E. ~~has apprenticed under a designer who has passed~~  
24 ~~the national council for interior design qualification~~  
25 ~~examination or a licensed designer for a minimum of eight~~

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1 ~~years] the national council for interior design qualification~~  
2 ~~examination or another nationally recognized examination~~  
3 ~~approved by the department and have an active certification~~  
4 ~~from the national council for interior design qualification or~~  
5 ~~another nationally recognized certification.~~"

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

8 "61-24C-9. LICENSE WITHOUT EXAMINATION.--~~[A.] If [any] a~~  
9 ~~person applies for licensure [within one year after the~~  
10 ~~effective date of the Interior Designers Act and that person~~  
11 ~~has successfully completed the national council of interior~~  
12 ~~design qualification examination or has completed at least~~  
13 ~~eight years of full-time, diversified experience in the~~  
14 ~~practice of interior design, that person may be issued a~~  
15 ~~license without examination. Licensure pursuant to this~~  
16 ~~subsection shall be subject to the board's discretionary review~~  
17 ~~of the experience qualification.~~

18 B. ~~The board may accept, in lieu of examination,~~  
19 ~~satisfactory evidence of licensure in another state or country~~  
20 ~~where the qualifications are equal to or exceed those required~~  
21 ~~by the provisions of the Interior Designers Act, provided that~~  
22 ~~the applicant holds a current license in the other jurisdiction~~  
23 ~~and has complied with all other requirements of the Interior~~  
24 ~~Designers Act.~~

25 C. ~~The board may accept, in lieu of examination,~~

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1 ~~satisfactory evidence of licensure or certification by the~~  
2 ~~national council for interior design qualifications]~~ but does  
3 not satisfy the requirements of Section 61-24C-8 NMSA 1978, the  
4 department may on a case-by-case basis review and issue a  
5 license to an applicant who provides evidence to the department  
6 that the applicant:

7 A. has active licensure in another state or country  
8 where the qualifications are equal to or exceed those required  
9 by the Interior Designers Act and the applicant complies with  
10 all other requirements of the Interior Designers Act; or

11 B. has apprenticed for at least eight years under a  
12 licensed interior designer who passed the national council for  
13 interior design qualification examination or another nationally  
14 recognized examination approved by the department."

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

17 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,  
18 SUSPENSION OR REVOCATION.--

19 A. A license shall be issued to every person who  
20 presents satisfactory evidence of possessing the qualifications  
21 of education, experience and, as appropriate, the examination  
22 performance required by the provisions of the Interior  
23 Designers Act; provided that the applicant has reached the age  
24 of majority and, except as provided in Section 61-1-34 NMSA  
25 1978, pays the required fees.

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1           B. Each original license shall authorize the holder  
2 to use the title of and be known as a licensed interior  
3 designer from the date of issuance to the next renewal date  
4 unless the license is suspended or revoked.

5           C. All licenses shall expire [~~annually~~] four years  
6 after the date of issuance and shall be renewed by submitting a  
7 completed renewal application, and except as provided in  
8 Section 61-1-34 NMSA 1978, accompanied by the required fees.

9           D. A license may not be renewed until the licensee  
10 submits satisfactory evidence to the [~~board~~] department that,  
11 [~~during the last year~~] since the initial issuance or last  
12 renewal if the license has been renewed, the licensee has  
13 participated in not less than eight hours of continuing  
14 education approved by the [~~board. The board shall approve only~~  
15 ~~continuing education that builds upon basic knowledge of~~  
16 ~~interior design. The board~~] department. The department may  
17 make exceptions from [~~the~~] this continuing education  
18 requirement in cases that the licensee provides evidence of an  
19 emergency or hardship [~~cases~~].

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

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

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

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

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

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

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

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

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

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

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

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

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1 person shall not knowingly:

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

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

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

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

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

15 B. A person who violates a provision of this  
16 section ~~[is guilty of a misdemeanor and shall be sentenced~~  
17 ~~under the provisions of the Criminal Sentencing Act to~~  
18 ~~imprisonment in the county jail for a definite term of less~~  
19 ~~than one year or to the payment of a fine of not more than one~~  
20 ~~thousand dollars (\$1,000) or to both imprisonment or fine, in~~  
21 ~~the discretion of the judge]~~ shall be penalized pursuant to the  
22 provisions of the Uniform Licensing Act; provided that a  
23 licensee or applicant shall be afforded notice and an  
24 opportunity to be heard before the department has authority to  
25 take any action that would result in a penalty or fine,

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1 including suspension, revocation, denial or withholding of a  
2 license or other corrective action."

3 SECTION 7. Section 61-24C-16 NMSA 1978 (being Laws 1989,  
4 Chapter 53, Section 16, as amended) is amended to read:

5 "61-24C-16. FUND ESTABLISHED--DISPOSITION--METHOD OF  
6 PAYMENT.--

7 A. There is created the "interior design [~~board~~]  
8 fund".

9 B. All [~~funds received by the board and~~] money  
10 collected under the Interior Designers Act shall be deposited  
11 with the state treasurer. The state treasurer shall credit the  
12 money to the interior design [~~board~~] fund.

13 C. Payments out of the interior design [~~board~~] fund  
14 shall be on vouchers issued by the [~~secretary-treasurer~~]  
15 superintendent of [~~the board~~] regulation and licensing upon  
16 warrants drawn by the department of finance and administration  
17 in accordance with the budget approved by that department.

18 D. All amounts paid to the interior design [~~board~~]  
19 fund are subject to appropriation by the legislature and shall  
20 be used only for meeting necessary expenses incurred in  
21 executing the provisions and duties of the Interior Designers  
22 Act and for promoting interior design education and standards  
23 in the state. All money unused at the end of any fiscal year  
24 shall remain in the interior design [~~board~~] fund for use in  
25 accordance with the provisions of [~~that act~~] the Interior

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1 Designers Act."

2 SECTION 8. TEMPORARY PROVISION--TRANSFER OF  
3 APPROPRIATIONS, RECORDS AND CONTRACTS TO THE REGULATION AND  
4 LICENSING DEPARTMENT.--On the effective date of this act:

5 A. all functions, appropriations, money, records  
6 and files of the interior design board relating to the Interior  
7 Designers Act shall be transferred to the regulation and  
8 licensing department;

9 B. all contractual obligations of the interior  
10 design board relating to the Interior Designers Act shall be  
11 binding on the regulation and licensing department; and

12 C. the rules, orders and decisions of the interior  
13 design board relating to the Interior Designers Act shall  
14 remain in effect until repealed or amended.

15 SECTION 9. REPEAL.--Sections 61-24C-4, 61-24C-6,  
16 61-24C-7, 61-24C-12 and 61-24C-17 NMSA 1978 (being Laws 1989,  
17 Chapter 53, Sections 4, 6, 7 and 12 and Laws 1993, Chapter 83,  
18 Section 5, as amended) are repealed.

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