

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS COMMITTEE
SUBSTITUTE FOR HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 384

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

AN ACT

RELATING TO LICENSURE; ADDING AND CLARIFYING DEFINITIONS AND
PROVISIONS OF THE UNIFORM LICENSING ACT; CLARIFYING PROVISIONS
RELATED TO INCOMPLETE APPLICATIONS, HEARINGS AND EXPEDITED
LICENSURE; ALLOWING VIRTUAL REMOTE HEARINGS AND RECORDING BY
DIGITAL TECHNOLOGY; CHANGING DATES FOR ACTIONS RELATED TO
HEARINGS AND DECISIONS; ALLOWING FOR SUMMARY SUSPENSION OF A
LICENSE OR PROBATION OF A LICENSEE IN CERTAIN CASES AND
REQUIRING A COURT TO ISSUE A PRELIMINARY INJUNCTION IN OTHER
CASES; ALLOWING FOR APPEAL OF SUMMARY SUSPENSION AS A FINAL
AGENCY ACTION; CHANGING ADMINISTRATION OF THE INTERIOR
DESIGNERS ACT TO THE REGULATION AND LICENSING DEPARTMENT;
CHANGING REQUIREMENTS FOR INTERIOR DESIGN LICENSURE AND THE
RENEWAL, DENIAL, SUSPENSION AND REVOCATION OF LICENSES;
TRANSFERRING APPROPRIATIONS, RECORDS AND CONTRACTS OF THE
INTERIOR DESIGN BOARD TO THE REGULATION AND LICENSING

.226016.2

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~~[bracketed material] = delete~~

1 DEPARTMENT; PROVIDING FOR EXPEDITED LICENSURE OF LICENSED
2 PHYSICIANS, VETERINARIANS AND ALL LICENSE LEVELS OF SOCIAL
3 WORKERS; AMENDING THE PRIVATE INVESTIGATIONS ACT; REQUIRING
4 REGISTRATION FOR INSTRUCTORS AND PRIVATE PATROL EMPLOYEES;
5 REQUIRING COURSEWORK TO PROVIDE TRAFFIC CRASH RECONSTRUCTION
6 SERVICES; SPECIFYING LIMITATIONS ON UNLICENSED PERSONS;
7 PROVIDING FOR LICENSE FEES AND BIENNIAL RENEWAL; CHANGING THE
8 SUNSET DATE FOR THE PRIVATE INVESTIGATIONS ADVISORY BOARD;
9 CHANGING AND INCREASING PENALTIES; AMENDING, REPEALING AND
10 ENACTING SECTIONS OF THE NMSA 1978.

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

13 SECTION 1. Section 61-1-2 NMSA 1978 (being Laws 1957,
14 Chapter 247, Section 2, as amended) is amended to read:

15 "61-1-2. DEFINITIONS.--As used in the Uniform Licensing
16 Act:

17 A. "board" means:

18 (1) the construction industries commission,
19 the construction industries division and the electrical bureau,
20 mechanical bureau and general construction bureau of the
21 construction industries division of the regulation and
22 licensing department;

23 (2) the manufactured housing committee and the
24 manufactured housing division of the regulation and licensing
25 department;

.226016.2

1 (3) the crane operators licensure examining
2 council;

3 (4) a board, commission or agency that
4 administers a profession or occupation licensed pursuant to
5 Chapter 61 NMSA 1978; and

6 (5) any other state agency to which the
7 Uniform Licensing Act is applied by law;

8 B. "applicant" means a person who has applied for a
9 license;

10 C. "expedited license", whether by examination,
11 endorsement, credential or reciprocity, means a license issued
12 to a person in this state based on licensure in another state
13 or territory of the United States, the District of Columbia or
14 a foreign country, as applicable;

15 D. "initial license" means the first regular
16 license received from a board for a person who has not been
17 previously licensed;

18 E. "license" means a certificate, permit or other
19 authorization to engage in a profession or occupation regulated
20 by a board;

21 F. "licensing jurisdiction" means another state or
22 territory of the United States, the District of Columbia or a
23 foreign country, as applicable;

24 G. "party" means a respondent licensee, applicant
25 or unlicensed person who is the subject of a disciplinary

.226016.2

1 proceeding or the civil administrative prosecutor representing
2 the state and the board;

3 H. "probation" means to allow, for a stated period
4 of time, the conduct authorized by a license, subject to
5 conditions or other restrictions that are reasonably related to
6 the grounds for probation;

7 ~~[G.]~~ I. "regular license" means a license that is
8 not issued as a temporary or provisional license;

9 ~~[H.]~~ J. "~~revoke a license~~ revocation" means to
10 prohibit the conduct authorized by the license for an
11 indefinite period of time; and

12 ~~[I.]~~ K. "~~suspend a license~~ suspension" means to
13 prohibit, for a stated period of time, the conduct authorized
14 by the license. ~~["Suspend a license" also means to allow, for~~
15 ~~a stated period of time, the conduct authorized by the license,~~
16 ~~subject to conditions that are reasonably related to the~~
17 ~~grounds for suspension.]"~~

18 SECTION 2. Section 61-1-3 NMSA 1978 (being Laws 1957,
19 Chapter 247, Section 3, as amended) is amended to read:

20 "61-1-3. OPPORTUNITY FOR LICENSEE OR APPLICANT TO HAVE
21 HEARING.--Every licensee or applicant shall be afforded notice
22 and an opportunity to be heard before the board has authority
23 to take any action that would result in:

24 A. denial of permission to take an examination for
25 licensing for which a complete application has been properly

.226016.2

1 made as required by board rule;

2 B. denial of a license after examination for any
3 cause other than failure to pass an examination;

4 C. denial of a license for which a complete
5 application has been properly made as required by board rule on
6 the basis of expedited licensure, reciprocity or endorsement or
7 acceptance of a national certificate of qualification;

8 D. withholding the renewal of a license for which a
9 complete application has been properly made for any cause other
10 than:

11 (1) failure to pay any required renewal fee;

12 (2) failure to meet continuing education
13 requirements; or

14 (3) issuance of a temporary license extension
15 if authorized by statute;

16 E. suspension of a license;

17 F. revocation of a license;

18 G. probation of a license, including restrictions
19 or limitations on the scope of a practice;

20 H. the requirement that the applicant complete a
21 program of remedial education or treatment;

22 I. monitoring of the practice by a supervisor
23 approved by the board, excluding supervision required for
24 initial licensure;

25 J. the censure or reprimand of the licensee or

.226016.2

1 applicant, including an action that constitutes formal
2 discipline or is subject to reporting to a state or national
3 organization;

4 K. compliance with conditions of probation or
5 suspension for a specific period of time;

6 L. payment of a fine [~~for a violation not to exceed~~
7 ~~one thousand dollars (\$1,000) for each violation, unless a~~
8 ~~greater amount is provided by law];~~

9 M. corrective action, as specified by the board; or

10 N. a refund to the consumer of fees that were
11 billed to and collected from the consumer by the licensee."

12 SECTION 3. Section 61-1-3.1 NMSA 1978 (being Laws 1981,
13 Chapter 349, Section 3, as amended) is amended to read:

14 "61-1-3.1. LIMITATIONS.--

15 A. An action that would have any of the effects
16 specified in Subsections D through N of Section 61-1-3 NMSA
17 1978 or an action related to unlicensed activity shall not be
18 initiated by a board later than two years after the discovery
19 by the board of the conduct that would be the basis for the
20 action, except as provided in [~~Subsection C of~~] this section or
21 otherwise provided by law. Discovery by the board is
22 considered the date on which a complaint or other information
23 that would reasonably connect the allegations to the person was
24 received by a board or board staff.

25 B. The time limitation contained in Subsection A of

1 this section shall be tolled by any civil or criminal
2 litigation in which the licensee or applicant is a party
3 arising from substantially the same facts, conduct or
4 transactions that would be the basis for the board's action.

5 C. The New Mexico state board of psychologist
6 examiners shall not initiate an action that would result in any
7 of the actions specified in Subsections D through N of Section
8 61-1-3 NMSA 1978 later than five years after the conduct of the
9 psychologist or psychologist associate that is the basis for
10 the action. However, if the conduct that is the basis for the
11 action involves a minor or a person adjudicated incompetent,
12 the action shall be initiated, in the case of a minor, no later
13 than one year after the minor's eighteenth birthday or five
14 years after the conduct, whichever is last and, in the case of
15 a person adjudicated incompetent, one year after the
16 adjudication of incompetence is terminated or five years after
17 the conduct, whichever is last.

18 D. The New Mexico public accountancy board shall
19 not initiate an action under the 1999 Public Accountancy Act
20 that would result in any of the actions specified in
21 Subsections D through N of Section 61-1-3 NMSA 1978 later than
22 two years following the discovery by the board of a violation
23 of that act."

24 SECTION 4. Section 61-1-3.2 NMSA 1978 (being Laws 2003,
25 Chapter 334, Section 3) is amended to read:

.226016.2

1 "61-1-3.2. UNLICENSED ACTIVITY--DISCIPLINARY
2 PROCEEDINGS--CIVIL PENALTY.--

3 A. A person who is not licensed to engage in a
4 profession or occupation regulated by a board is subject to
5 disciplinary proceedings by the board.

6 B. A board may impose a civil penalty in an amount
7 not to exceed [~~one thousand dollars (\$1,000)~~] ten thousand
8 dollars (\$10,000) for each violation against a person who,
9 without [~~a~~] an active license, engages in a profession or
10 occupation regulated by the board. [~~In addition, the board may~~
11 ~~assess the person for administrative costs, including~~
12 ~~investigative costs and the cost of conducting a hearing.~~]"

13 SECTION 5. Section 61-1-3.4 NMSA 1978 (being Laws 2019,
14 Chapter 209, Section 4) is amended to read:

15 "61-1-3.4. FINGERPRINTS NOT REQUIRED FOR LICENSE
16 RENEWAL.--When a professional or occupational board requires
17 submission of fingerprints as part of the initial license
18 application, and a licensee has provided fingerprints and the
19 license has been issued, the board shall not require a licensee
20 to submit fingerprints again to renew the license, but a
21 licensee shall submit to a background investigation if required
22 by law or rule of the board."

23 SECTION 6. Section 61-1-3.5 NMSA 1978 (being Laws 2022,
24 Chapter 39, Section 3) is amended to read:

25 "61-1-3.5. INCOMPLETE APPLICATION--NOTICE--EXPIRATION.--

1 An application for licensure is considered incomplete if it is
 2 submitted on an application form missing required information
 3 or without providing required supporting documentation. If a
 4 board or a board's designee deems an application for licensure
 5 incomplete, the board or designee shall notify the applicant
 6 within thirty days [~~including the ways in which~~] from the date
 7 the application was received by the board or designee and
 8 include how the application is incomplete and what is needed to
 9 complete the application. An incomplete application expires
 10 [~~after~~] one year from the date the application was first
 11 received by the board."

12 SECTION 7. Section 61-1-4 NMSA 1978 (being Laws 1957,
 13 Chapter 247, Section 4, as amended) is amended to read:

14 "61-1-4. NOTICE OF CONTEMPLATED BOARD ACTION--REQUEST FOR
 15 HEARING--NOTICE OF HEARING.--

16 A. When investigating complaints against licensees,
 17 applicants or unlicensed persons, a board may issue civil
 18 investigative subpoenas prior to the issuance of a notice of
 19 contemplated action as provided in this section. The authority
 20 to issue a specific civil investigative subpoena under this
 21 section may be delegated by the board to staff.

22 B. When a board contemplates taking an action of a
 23 type specified in Subsection A, B or C of Section 61-1-3 NMSA
 24 1978, it shall serve upon the applicant a written notice
 25 containing a statement:

.226016.2

1 (1) that the applicant has failed to satisfy
2 the board of the applicant's qualifications to be examined or
3 to be issued a license, as the case may be;

4 (2) indicating in what respects the applicant
5 has failed to satisfy the board;

6 (3) that the applicant may secure a hearing
7 before the board by depositing in the mail within twenty days
8 after service of the notice a certified return receipt
9 requested letter addressed to the board and containing a
10 request for a hearing; and

11 (4) calling the applicant's attention to the
12 applicant's rights under Section 61-1-8 NMSA 1978.

13 C. In a board proceeding to take an action of a
14 type specified in Subsection A, B or C of Section 61-1-3 NMSA
15 1978, the burden of satisfying the board of the applicant's
16 qualifications shall be upon the applicant.

17 D. When a board contemplates taking an action of a
18 type specified in Subsections D through N of Section 61-1-3
19 NMSA 1978 or Section 61-1-3.2 NMSA 1978, it shall serve upon
20 the licensee, applicant or unlicensed person a written notice
21 containing a statement:

22 (1) that the board has sufficient evidence
23 that, if not rebutted or explained, [~~will~~] may justify the
24 board in taking the contemplated action;

25 (2) indicating the general nature of the

1 evidence and allegations, including specific laws or rules that
 2 are alleged to have been violated;

3 (3) that unless the licensee, applicant or
 4 unlicensed person within twenty days after service of the
 5 notice deposits in the mail a certified return receipt
 6 requested letter addressed to the board and containing a
 7 request for a hearing, the board [~~shall~~] may take the
 8 contemplated action; and

9 (4) calling the licensee's, applicant's or
 10 unlicensed person's attention to the [~~licensee's~~] rights [~~as~~]
 11 provided in Section 61-1-8 NMSA 1978.

12 E. Except as provided in Section 61-1-15 NMSA 1978,
 13 if the licensee, [~~or~~] applicant or unlicensed person does not
 14 mail a request for a hearing within the time and in the manner
 15 required by this section, the board may take the action
 16 contemplated in the notice and such action shall be final and
 17 not subject to judicial review as a matter of right.

18 F. If the licensee, [~~or~~] applicant or unlicensed
 19 person does mail a request for a hearing as required by this
 20 section, the board shall, within twenty days of receipt of the
 21 request, notify the licensee, [~~or~~] applicant or unlicensed
 22 person of the time and place of hearing, the name of the person
 23 who shall conduct the hearing for the board and the statutes
 24 and rules authorizing the board to take the contemplated
 25 action. The hearing shall be held not more than sixty nor less

.226016.2

1 than fifteen days from the date [~~of service of~~] the notice of
2 hearing is deposited in the mail, certified return receipt
3 requested, or the date of personal service.

4 [~~G. Licensees shall bear all costs of disciplinary~~
5 ~~proceedings unless they are excused by the board from paying~~
6 ~~all or part of the fees or if they prevail at the hearing and~~
7 ~~an action specified in Section 61-1-3 NMSA 1978 is not taken by~~
8 ~~the board.~~

9 H.] G. All fines collected by a board shall be
10 deposited to the credit of the current school fund as provided
11 in Article 12, Section 4 of the constitution of New Mexico."

12 SECTION 8. Section 61-1-5 NMSA 1978 (being Laws 1957,
13 Chapter 247, Section 5, as amended) is amended to read:

14 "61-1-5. METHOD OF SERVICE.--Any notice required to be
15 served by Section 61-1-4 or 61-1-21 NMSA 1978 and any decision
16 required to be served by Section 61-1-14 or 61-1-21 NMSA 1978
17 may be served either personally or by certified mail, return
18 receipt requested, directed to the licensee, [~~or~~] applicant or
19 unlicensed person at [~~his~~] the last [~~know~~] known address as
20 shown by the records of the board. Unlicensed persons with no
21 address on record with the board shall receive notice by
22 personal service. If the notice or decision is served
23 personally, service shall be made in the same manner as is
24 provided for service by the Rules of Civil Procedure for the
25 District Courts. Where the notice or decision is served by

.226016.2

1 certified mail, it shall be deemed to have been served on the
 2 date borne by the return receipt showing delivery or the last
 3 attempted delivery of the notice or decision to the addressee
 4 or refusal of the addressee to accept delivery of the notice or
 5 decision. Service of correspondence sent by a licensee,
 6 applicant or unlicensed person through other methods, including
 7 electronic mail or physical mail, should be reasonably accepted
 8 and processed by the board."

9 SECTION 9. Section 61-1-6 NMSA 1978 (being Laws 1957,
 10 Chapter 247, Section 6) is amended to read:

11 "61-1-6. VENUE OF HEARING.--Board hearings held [~~under~~]
 12 pursuant to provisions of the Uniform Licensing Act shall be
 13 conducted at the election of the board in the county in which
 14 [~~the person whose license is involved~~] the licensee, applicant
 15 or unlicensed person maintains [~~his~~] residence or [~~at the~~
 16 ~~election of the board~~] in [~~any~~] a county in which the act [~~or~~
 17 ~~acts~~] complained of occurred; except that in cases involving
 18 initial licensing, hearings shall be held in the county where
 19 the board maintains its office. In any case, however, the
 20 person whose license or application is involved or the person
 21 who performed the unlicensed act and the board may agree that
 22 the hearing is to be held in some other county or by virtual
 23 remote means."

24 SECTION 10. Section 61-1-7 NMSA 1978 (being Laws 1957,
 25 Chapter 247, Section 7, as amended) is amended to read:

.226016.2

1 "61-1-7. HEARING OFFICERS--HEARINGS--PUBLIC--EXCEPTION--
2 EXCUSAL--PROTECTION OF WITNESS AND INFORMATION.--

3 A. All hearings [~~under~~] held pursuant to provisions
4 of the Uniform Licensing Act shall be conducted either by the
5 board or, at the election of the board, by a hearing officer
6 who may be a member or employee of the board or any other
7 person designated by the board in its discretion. A hearing
8 officer shall, within thirty days after [~~any~~] a hearing, submit
9 to the board a report setting forth [~~his~~] the hearing officer's
10 findings of fact and recommendations.

11 B. All hearings [~~under~~] held pursuant to provisions
12 of the Uniform Licensing Act shall be open to the public;
13 provided that in cases in which [~~any~~] a constitutional right of
14 privacy of [an applicant or] a licensee, applicant or
15 unlicensed person may be irreparably damaged, a board or
16 hearing officer may hold a closed hearing if the board or
17 hearing officer so desires and states the reasons for this
18 decision in the record. The [~~applicant or~~] licensee, applicant
19 or unlicensed person may, for good cause shown, request a board
20 or hearing officer to hold either a public or a closed hearing.

21 C. Each party may peremptorily excuse one board
22 member or a hearing officer by filing with the board a notice
23 of peremptory excusal at least twenty days prior to the date of
24 the hearing, but this privilege of peremptory excusal may not
25 be exercised in any case in which its exercise would result in

.226016.2

1 less than a quorum of the board being able to hear or decide
2 the matter. Any party may request that the board excuse a
3 board member or a hearing officer for good cause by filing with
4 the board a motion of excusal for cause at least twenty days
5 prior to the date of the hearing. In any case in which a
6 combination of peremptory excusals and excusals for good cause
7 would result in less than a quorum of the board being able to
8 hear or decide the matter, the peremptory excusals that would
9 result in removing the member [~~or members~~] of the board
10 necessary for a quorum shall not be effective.

11 D. In any case in which excusals for cause result
12 in less than a quorum of the board being able to hear or decide
13 the matter, the governor shall, upon request by the board,
14 appoint as many temporary board members as are necessary for a
15 quorum to hear or decide the matter. These temporary members
16 shall have all of the qualifications required for permanent
17 members of the board.

18 E. In any case in which excusals result in less
19 than a quorum of the board being able to hear or decide the
20 matter, the board, including any board members who have been
21 excused, may designate a hearing officer to conduct the entire
22 hearing.

23 F. Each board shall have power where a proceeding
24 has been dismissed, either on the merits or otherwise, to
25 relieve the [~~applicant or~~] licensee, applicant or unlicensed

.226016.2

1 person from any possible odium that may attach by reason of the
2 proceeding, by such public exoneration as it [~~shall see~~] sees
3 fit to make, if requested by the [~~applicant or~~] licensee,
4 applicant or unlicensed person to do so.

5 G. There shall be no liability on the part of and
6 no action for damages against a person who provides information
7 to a board in good faith and without malice in the reasonable
8 belief that such information is accurate. A [~~licensee~~] party
9 who directly or through an agent intimidates, threatens,
10 injures or takes [~~any~~] adverse action against a person for
11 providing information to a board shall be subject to
12 disciplinary action."

13 SECTION 11. Section 61-1-8 NMSA 1978 (being Laws 1957,
14 Chapter 247, Section 8, as amended) is amended to read:

15 "61-1-8. RIGHTS OF [~~PERSON~~] PARTY ENTITLED TO HEARING.--

16 A. A [~~person~~] party entitled to be heard [~~under~~]
17 pursuant to the provisions of the Uniform Licensing Act shall
18 have the right to be represented by counsel [~~or by a licensed~~
19 ~~member of his own profession or occupation or both~~]; to present
20 all relevant evidence by means of witnesses, books, papers,
21 documents and other evidence; to examine all opposing witnesses
22 who appear on [~~any~~] a matter relevant to the issues; and to
23 have subpoenas and subpoenas duces tecum issued as of right
24 prior to the commencement of the hearing to compel discovery
25 and the attendance of witnesses and the production of relevant

.226016.2

1 books, papers, documents and other evidence upon making written
 2 request [~~therefor~~] for them to the board or hearing officer.
 3 The issuance of such subpoenas after the commencement of the
 4 hearing rests in the discretion of the board or the hearing
 5 officer. All notices issued pursuant to Section 61-1-4 NMSA
 6 1978 shall contain a statement of these rights.

7 B. Upon written request to another party, any party
 8 is entitled to:

9 (1) obtain the names and addresses of
 10 witnesses who will or may be called by the other party to
 11 testify at the hearing; and

12 (2) inspect and copy [~~any~~] documents or items
 13 [~~which~~] that the other party will or may introduce in evidence
 14 at the hearing.

15 C. The party to whom [~~such~~] a request is made shall
 16 comply with [~~it~~] the request within ten days after the
 17 [~~mailing~~] service or delivery of the request. No [~~such~~]
 18 request shall be made less than fifteen days before the
 19 hearing.

20 [~~C. Any~~] D. A party may take depositions after
 21 service of notice in accordance with the Rules of Civil
 22 Procedure for the District Courts. Depositions may be used as
 23 in proceedings governed by those rules."

24 SECTION 12. Section 61-1-9 NMSA 1978 (being Laws 1957,
 25 Chapter 247, Section 9, as amended) is amended to read:

.226016.2

1 "61-1-9. POWERS OF BOARD OR HEARING OFFICER IN CONNECTION
2 WITH HEARINGS.--

3 A. In connection with any hearing held under the
4 Uniform Licensing Act, the board or hearing officer shall have
5 power to have counsel to develop the case; to subpoena, for
6 purposes of discovery and of the hearing, witnesses and
7 relevant books, papers, documents and other evidence; to
8 administer oaths or affirmations to witnesses called to
9 testify; to take testimony; to examine witnesses; and to direct
10 a continuance of any case. Boards or hearing officers may also
11 hold conferences before or during the hearing for the
12 settlement or simplification of the issues, but such settlement
13 or simplification shall only be with the consent of the
14 [~~applicant or licensee~~] party.

15 B. Geographical limits upon the subpoena power
16 shall be the same as if the board or hearing officer were a
17 district court sitting at the location at which the hearing or
18 discovery proceeding is to take place. The method of service,
19 including tendering of witness and mileage fees, shall be the
20 same as that under the Rules of Civil Procedure for the
21 District Courts, except that those rules requiring the tender
22 of fees in advance shall not apply to the state.

23 C. The board or hearing officer may impose any
24 appropriate evidentiary sanction against a party or other
25 person who fails to provide discovery or to comply with a

.226016.2

1 subpoena."

2 SECTION 13. Section 61-1-12 NMSA 1978 (being Laws 1957,
3 Chapter 247, Section 12, as amended) is amended to read:

4 "61-1-12. RECORD.--In all hearings conducted [~~under~~
5 pursuant to the Uniform Licensing Act, a complete record shall
6 be made of all evidence received during the course of the
7 hearing. The record shall be preserved by any stenographic
8 method in use in the district courts of this state or, in the
9 discretion of the board, by [~~tape~~] digital recording
10 technology. The board shall observe any standards pertaining
11 to [~~tape~~] digital recordings established for the district
12 courts of this state."

13 SECTION 14. Section 61-1-13 NMSA 1978 (being Laws 1957,
14 Chapter 247, Section 13, as amended) is amended to read:

15 "61-1-13. DECISION.--

16 A. After a hearing has been completed, the members
17 of the board shall proceed to consider the case and as soon as
18 practicable shall render their decision, provided that the
19 decision shall be rendered by a quorum of the board. In cases
20 in which the hearing is conducted by a hearing officer, all
21 members who were not present throughout the hearing shall
22 familiarize themselves with the record, including the hearing
23 officer's report, before participating in the decision. In
24 cases in which the hearing is conducted by the board, all
25 members who were not present throughout the hearing shall

.226016.2

1 thoroughly familiarize themselves with the entire record,
2 including all evidence taken at the hearing, before
3 participating in the decision.

4 B. A final decision and order based on the hearing
5 shall be made by a quorum of the board and signed and executed
6 by the person designated by the board within [~~sixty days after~~
7 ~~the completion of the preparation of the record or submission~~
8 ~~of a hearing officer's report, whichever is later. In any~~
9 ~~case, the decision must be rendered and signed within~~] ninety
10 days after the hearing is closed by the board."

11 SECTION 15. Section 61-1-14 NMSA 1978 (being Laws 1957,
12 Chapter 247, Section 14, as amended) is amended to read:

13 "61-1-14. SERVICE OF DECISION.--Within fifteen days after
14 the decision is [~~rendered and~~] signed and executed, the board
15 shall serve upon the [~~applicant or licensee~~] parties a copy of
16 the written decision."

17 SECTION 16. Section 61-1-15 NMSA 1978 (being Laws 1957,
18 Chapter 247, Section 15, as amended) is amended to read:

19 "61-1-15. PROCEDURE WHERE PERSON FAILS TO REQUEST OR
20 APPEAR FOR HEARING.--If a person who has requested a hearing
21 does not appear and no continuance has been granted, the board
22 or hearing officer may hear the evidence of such witnesses as
23 may have appeared, and the board may proceed to consider the
24 matter and dispose of it on the basis of the weight of the
25 evidence before it in the manner required by Section 61-1-13

1 NMSA 1978. Where, because of accident, sickness or other
 2 extraordinary cause, a person fails to request a hearing or
 3 fails to appear for a hearing [~~which he~~] that the person has
 4 requested, the person may within a reasonable time apply to the
 5 board to reopen the proceeding, and the board upon finding such
 6 cause sufficient shall immediately fix a time and place for
 7 hearing and give the person notice as required by Sections
 8 61-1-4 and 61-1-5 NMSA 1978. At the time and place fixed, a
 9 hearing shall be held in the same manner as would have been
 10 employed if the person had appeared in response to the original
 11 notice of hearing."

12 SECTION 17. Section 61-1-16 NMSA 1978 (being Laws 1957,
 13 Chapter 247, Section 16, as amended) is amended to read:

14 "61-1-16. CONTENTS OF DECISION.--The final decision and
 15 order of the board shall contain findings of fact made by the
 16 board, conclusions of law reached by the board, the order of
 17 the board based upon these findings of fact and conclusions of
 18 law and a statement informing the applicant or licensee of
 19 [~~his~~] the applicant's or licensee's right to judicial review
 20 and the time within which such review [~~must~~] shall be sought."

21 SECTION 18. Section 61-1-17 NMSA 1978 (being Laws 1957,
 22 Chapter 247, Section 17, as amended) is amended to read:

23 "61-1-17. PETITION FOR REVIEW.--A [~~person~~] party entitled
 24 to a hearing provided for in the Uniform Licensing Act, who is
 25 aggrieved by an adverse decision of a board issued after

.226016.2

1 hearing, may obtain a review of the decision in the district
2 court pursuant to the provisions of Section 39-3-1.1 NMSA
3 1978."

4 SECTION 19. Section 61-1-19 NMSA 1978 (being Laws 1957,
5 Chapter 247, Section 19, as amended) is amended to read:

6 "61-1-19. STAY.--At any time before or during the review
7 proceeding pursuant to Section 61-1-17 NMSA 1978, the aggrieved
8 [~~person~~] party may apply to the board or file a motion in
9 accordance with the Rules of Civil Procedure for the District
10 Courts in the reviewing court for an order staying the
11 operation of the board decision pending the outcome of the
12 review. The board or court may grant or deny the stay in its
13 discretion. No order granting or denying a stay shall be
14 reviewable."

15 SECTION 20. Section 61-1-21 NMSA 1978 (being Laws 1957,
16 Chapter 247, Section 21, as amended) is amended to read:

17 "61-1-21. POWER OF BOARD TO REOPEN THE CASE.--

18 A. At any time after the hearing and prior to the
19 filing of a petition for review, the [~~person~~] party aggrieved
20 may request the board to reopen the case to receive additional
21 evidence or for other cause.

22 B. The board need not reconvene and may be polled
23 about whether to grant or refuse a request to reopen the case.
24 The board shall grant or refuse the request in writing, and
25 that decision and the request shall be made a part of the

1 record. The decision to grant or refuse a request to reopen
 2 the case shall be made, signed by the person designated by the
 3 board within fifteen days after the board receives the request
 4 and served upon the [~~applicant or licensee within fifteen days~~
 5 ~~after the board receives the request~~] parties.

6 C. The granting or refusing of a request to reopen
 7 the case shall be within the board's discretion. The board may
 8 reopen the case on its own motion at any time before petition
 9 for review is filed; thereafter, it may do so only with the
 10 permission of the reviewing court. If the board reopens the
 11 case, it shall provide notice and a hearing to the applicant or
 12 licensee. The notice of the hearing shall be served upon the
 13 applicant or licensee within fifteen days after service of the
 14 decision to reopen the case. The hearing shall be held within
 15 forty-five days after service of the notice, and a decision
 16 shall be rendered, signed and served upon the applicant or
 17 licensee within thirty days after the hearing.

18 D. The board's decision to refuse a request to
 19 reopen the case shall not be reviewable except for an abuse of
 20 discretion."

21 SECTION 21. A new section of the Uniform Licensing Act,
 22 Section 61-1-25.1 NMSA 1978, is enacted to read:

23 "61-1-25.1. [NEW MATERIAL] PRELIMINARY INJUNCTION AND
 24 HEARING--SUMMARY SUSPENSION OR PROBATION.--

25 A. When a board finds that evidence in its

.226016.2

1 possession indicates that a licensee poses a clear and
2 immediate danger to the public health and safety if the
3 licensee continues to practice, the board may seek a
4 preliminary injunction from the district court in the county in
5 which the principal office of the licensee is located or, if
6 the principal office is not in New Mexico, in the district
7 court for Santa Fe county. If the injunction is granted, the
8 board shall hold an expedited hearing for the suspension of the
9 license or probation of the licensee. The board shall follow
10 the hearing procedures of the Uniform Licensing Act, but times
11 shall be shortened in accordance with the injunction or at the
12 request of the licensee.

13 B. A board may summarily suspend a license issued
14 by the board or place a licensee on probation without a
15 hearing, simultaneously with or at any time after the
16 initiation of proceedings for a hearing provided pursuant to
17 the Uniform Licensing Act, if the board finds that evidence in
18 its possession indicates that the licensee:

19 (1) has been adjudged mentally incompetent by
20 a final order or adjudication by a court of competent
21 jurisdiction; or

22 (2) has pled guilty to or been found guilty of
23 any offense directly related to the practice of the respective
24 license.

25 C. A licensee is not required to comply with a

1 summary action until service has been made or the licensee has
2 actual knowledge of the order, whichever occurs first. The
3 licensee may appeal the summary suspension as a final agency
4 action as provided in Section 39-3-1.1 NMSA 1978.

5 D. When a board takes action to summarily suspend a
6 license or place a licensee on probation pursuant to this
7 section, it shall serve upon the licensee a written notice
8 containing a statement:

9 (1) that the board has sufficient evidence to
10 justify the board in issuing the summary suspension or
11 probation;

12 (2) indicating the general nature of the
13 evidence and allegations, including specific laws or rules that
14 are alleged to have been violated;

15 (3) that unless the licensee within thirty
16 days after service of the notice deposits in the mail a
17 certified return receipt requested letter addressed to the
18 board and containing a request for a hearing, the summary
19 suspension or probation shall be final; and

20 (4) that the licensee is entitled to a hearing
21 by the board pursuant to the Uniform Licensing Act within
22 fifteen days from the date a request for hearing is received by
23 the board from the licensee."

24 SECTION 22. Section 61-1-31.1 NMSA 1978 (being Laws 2016,
25 Chapter 19, Section 1, as amended) is amended to read:

.226016.2

1 "61-1-31.1. EXPEDITED LICENSURE--ISSUANCE.--

2 A. A board that issues an occupational or
3 professional license [~~pursuant to this 2022 act~~] shall, as soon
4 as practicable but no later than thirty days after an out-of-
5 state licensee files [~~an~~] a complete application for an
6 expedited license accompanied by any required fees:

7 (1) process the completed application; and

8 (2) issue a license to [~~a~~] the qualified
9 applicant who submits satisfactory evidence that the applicant:

10 (a) holds a license that is current and
11 in good standing issued by another licensing jurisdiction;

12 (b) has practiced and held an active
13 license in the profession or occupation for which expedited
14 licensure is sought for a period required by New Mexico law;
15 and

16 (c) provides fingerprints and other
17 information necessary for a state [~~and~~] or national criminal
18 background check or both if required by law or rule of the
19 board.

20 B. An expedited license is a one-year provisional
21 license that confers the same rights, privileges and
22 responsibilities as regular licenses issued by a board;
23 provided that a board may allow for the initial term of an
24 expedited license to be greater than one year by board rule or
25 may extend an expedited license upon a showing of extenuating

.226016.2

1 circumstances.

2 C. Before the end of the expedited license [~~period~~]
3 term and upon application, a board shall issue a regular
4 license through its license renewal process. If a board
5 requires a state or national examination for initial licensure
6 that was not required when the out-of-state applicant was
7 licensed in the other licensing jurisdiction, the board shall
8 issue the expedited license and may require the license holder
9 to pass the required examination prior to renewing the license.

10 D. A board by rule shall determine those states and
11 territories of the United States and the District of Columbia
12 from which the board will not accept an applicant for expedited
13 licensure and [~~those~~] determine any foreign countries from
14 which the board will accept an applicant for expedited
15 licensure. The list of those licensing jurisdictions shall be
16 posted on the board's website. The list of disapproved
17 licensing jurisdictions shall include the specific reasons for
18 disapproval. The lists shall be reviewed by the board annually
19 to determine if amendments to the rule are warranted."

20 **SECTION 23.** Section 61-1-31.2 NMSA 1978 (being Laws 2022,
21 Chapter 39, Section 8) is amended to read:

22 "61-1-31.2. TEMPORARY OR PROVISIONAL LICENSE--EVIDENCE OF
23 INSURANCE.--A board may issue a temporary or other provisional
24 license, including an expedited license, to a person licensed
25 in another licensing jurisdiction, which [~~license is~~] may be

.226016.2

1 limited as to [~~a~~] time, practice or other [~~requirement~~]
2 condition of a regular [~~licensure~~] license. If a board
3 requires [~~regular~~] licensees to carry professional or
4 occupational liability or other insurance, the board shall
5 require the applicant for a temporary or provisional license to
6 show evidence of having required insurance that will cover the
7 person in New Mexico during the term of the temporary or
8 provisional license. Each board shall provide information on
9 the board's website that describes the insurance requirements
10 for practice in New Mexico, if applicable."

11 SECTION 24. Section 61-1-34 NMSA 1978 (being Laws 2013,
12 Chapter 33, Section 1, as amended) is amended to read:

13 "61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS,
14 INCLUDING SPOUSES AND DEPENDENTS, AND VETERANS--WAIVER OF
15 FEES.--

16 A. A board that issues an occupational or
17 professional license pursuant to Chapter 61 NMSA 1978 shall, as
18 soon as practicable but no later than thirty days after a
19 military service member or a veteran files [~~an~~] a complete
20 application, and provides a background check if required:

21 (1) process the application; and

22 (2) issue a license prima facie to a qualified
23 applicant who submits satisfactory evidence that the applicant
24 holds a license that is current and in good standing, issued by
25 another jurisdiction, including a branch of the armed forces of

.226016.2

1 the United States.

2 B. A license issued pursuant to this section is a
3 provisional license but shall confer the same rights,
4 privileges and responsibilities as a regular license. If the
5 military service member or veteran was licensed in a licensing
6 jurisdiction that did not require examination, a board may
7 require the military service member or veteran to take a board-
8 required examination [~~before making application for renewal~~]
9 prior to renewing the license.

10 C. A military service member or a veteran who is
11 issued a license pursuant to this section shall not be charged
12 [~~a~~] an initial or renewal licensing fee for the first three
13 years of licensure.

14 D. Each board that issues a license to practice a
15 trade or profession shall, upon the conclusion of the state
16 fiscal year, prepare a report on the number and type of
17 licenses that were issued during the fiscal year under this
18 section. The report shall be provided to the director of the
19 office of military base planning and support not later than
20 ninety days after the end of the fiscal year.

21 E. As used in this section:

22 (1) "licensing fee" means a fee charged at the
23 time an initial or renewal application for a professional or
24 occupational license is submitted to the state agency, board or
25 commission and any fee charged for the processing of the

.226016.2

1 application for such license; "licensing fee" does not include
2 a fee for an annual inspection or examination of a licensee, a
3 late fee or a fee charged for copies of documents, replacement
4 licenses or other expenses related to a professional or
5 occupational license;

6 (2) "military service member" means a person
7 who is:

8 (a) serving in the armed forces of the
9 United States as an active duty member, or in an active reserve
10 component of the armed forces of the United States, including
11 the national guard;

12 (b) the spouse of a person who is
13 serving in the armed forces of the United States or in an
14 active reserve component of the armed forces of the United
15 States, including the national guard, or a surviving spouse of
16 a member who at the time of the member's death was serving on
17 active duty; or

18 (c) the child of a military service
19 member if the child is also a dependent of that person for
20 federal income tax purposes; and

21 (3) "veteran" means a person who has received
22 an honorable discharge or separation from military service."

23 SECTION 25. Section 61-1-36 NMSA 1978 (being Laws 2021
24 (1st S.S.), Chapter 3, Section 8) is amended to read:

25 "61-1-36. CRIMINAL CONVICTIONS--EXCLUSION FROM

.226016.2

1 LICENSURE--DISCLOSURE REQUIREMENT.--

2 A. A board shall not exclude from licensure a
3 person who is otherwise qualified on the sole basis that the
4 person has been previously arrested for or convicted of a
5 crime, unless the person has a disqualifying criminal
6 conviction.

7 B. By December 31, 2021, each board shall
8 promulgate and post on the board's website rules relating to
9 licensing requirements to list the specific criminal
10 convictions that could disqualify an applicant from receiving a
11 license on the basis of a previous felony conviction. Rules
12 relating to licensing requirements promulgated by a board shall
13 not use the terms "moral turpitude" or "good character". A
14 board shall only list potentially disqualifying criminal
15 convictions.

16 C. In an administrative hearing or agency appeal, a
17 board shall carry the burden of proof on the question of
18 whether the exclusion from occupational or professional
19 licensure is based upon a potentially disqualifying criminal
20 conviction.

21 D. No later than October 31 of each year, while
22 ensuring the confidentiality of individual applicants, a board
23 shall make available to the public an annual report for the
24 prior fiscal year containing the following information:

- 25 (1) the number of applicants for licensure

.226016.2

1 and, of that number, the number granted a license;

2 (2) the number of applicants for licensure or
3 license renewal with a potential disqualifying criminal
4 conviction who received notice of potential disqualification;

5 (3) the number of applicants for licensure or
6 license renewal with a potential disqualifying criminal
7 conviction who provided a written justification with evidence
8 of mitigation or rehabilitation; and

9 (4) the number of applicants for licensure or
10 license renewal with a potential disqualifying criminal
11 conviction who were granted a license, denied a license for any
12 reason or denied a license because of the conviction.

13 E. As used in this section, "disqualifying criminal
14 conviction" means a conviction for a crime that is job-related
15 for the position in question and consistent with business
16 necessity."

17 **SECTION 26.** Section 61-1-37 NMSA 1978 (being Laws 2022,
18 Chapter 39, Section 2) is amended to read:

19 "61-1-37. RESIDENCY IN NEW MEXICO NOT A REQUIREMENT FOR
20 LICENSURE.--A person who otherwise meets the requirements for a
21 professional or occupational license shall not be denied
22 licensure or [~~relicensure~~] license renewal because the person
23 does not live in New Mexico."

24 **SECTION 27.** Section 61-6-11.1 NMSA 1978 (being Laws 2001,
25 Chapter 96, Section 10, as amended) is amended to read:

.226016.2

1 "61-6-11.1. TELEMEDICINE LICENSE.--

2 A. The board shall issue a licensed physician a
3 telemedicine license to allow the practice of medicine across
4 state lines to an applicant who holds a full and unrestricted
5 license to practice medicine in another state or territory of
6 the United States. The board shall establish by rule the
7 requirements for licensure; provided that the requirements
8 shall not be more restrictive than those required for expedited
9 licensure [~~by endorsement~~].

10 B. A telemedicine license shall be issued for a
11 period not to exceed three years and may be renewed upon
12 application, payment of fees as provided in Section 61-6-19
13 NMSA 1978 and compliance with other requirements established by
14 rule of the board."

15 SECTION 28. Section 61-6-13 NMSA 1978 (being Laws 1989,
16 Chapter 269, Section 9, as amended by Laws 2021, Chapter 54,
17 Section 32 and by Laws 2021, Chapter 70, Section 8) is amended
18 to read:

19 "61-6-13. PHYSICIAN EXPEDITED LICENSURE [~~BY~~
20 ~~ENDORSEMENT~~].--

21 A. The board may grant [~~a~~] an expedited license [~~by~~
22 ~~endorsement to a physician applicant who:~~

23 ~~(1) has graduated from an accredited United~~
24 ~~States or Canadian medical or osteopathic medical school;~~

25 ~~(2) is board certified in a specialty~~

.226016.2

underscored material = new
[bracketed material] = delete

1 ~~recognized by the American board of medical specialties, the~~
2 ~~American osteopathic association or other specialty boards as~~
3 ~~approved by the board;~~

4 ~~(3) has been a licensed physician in the~~
5 ~~United States or Canada and has practiced medicine in the~~
6 ~~United States or Canada immediately preceding the application~~
7 ~~for at least three years;~~

8 ~~(4) holds an unrestricted license in another~~
9 ~~state or Canada; and~~

10 ~~(5) was not the subject of a disciplinary~~
11 ~~action in a state or province.~~

12 ~~B. The board may grant a physician license by~~
13 ~~endorsement to an applicant who:~~

14 ~~(1) has graduated from a medical or~~
15 ~~osteopathic medical school located outside the United States or~~
16 ~~Canada;~~

17 ~~(2) is of good moral character;~~

18 ~~(3) is board certified in a specialty~~
19 ~~recognized by the American board of medical specialties, the~~
20 ~~American osteopathic association or other boards as approved by~~
21 ~~the board;~~

22 ~~(4) 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;~~

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

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

5 ~~C. An endorsement provided pursuant to this section~~
6 ~~shall certify that the applicant has passed an examination that~~
7 ~~meets with board approval and that the applicant is in good~~
8 ~~standing in that jurisdiction. In cases when the applicant is~~
9 ~~board certified, has not been the subject of disciplinary~~
10 ~~action that would be reportable to the national practitioner~~
11 ~~data bank or the healthcare integrity and protection data bank~~
12 ~~and has unusual skills and experience not generally available~~
13 ~~in this state, and patients residing in this state have a~~
14 ~~significant need for such skills and experience, the board may~~
15 ~~waive a requirement imposing time limits for examination~~
16 ~~completion that are different from requirements of the state~~
17 ~~where the applicant is licensed.~~

18 ~~D. An applicant for licensure under this section~~
19 ~~may be required to personally appear before the board or a~~
20 ~~designated agent for an interview.~~

21 ~~E. An applicant for licensure under this section~~
22 ~~shall pay an application fee as provided in Section 61-6-19~~
23 ~~NMSA 1978.~~

24 ~~F.] to a qualified applicant licensed in another~~
25 ~~state or territory of the United States, the District of~~

.226016.2

1 Columbia or a foreign country as provided in Section 61-1-31.1
2 NMSA 1978. The board shall process the application as soon as
3 practicable but no later than thirty days after the out-of-
4 state medical or osteopathic physician files an application for
5 expedited licensure accompanied by any required fee if the
6 applicant:

7 (1) holds a license that is current and in
8 good standing issued by another licensing jurisdiction approved
9 by the board; and

10 (2) has practiced medicine or osteopathy as a
11 licensed physician for at least three years.

12 B. If the board issues an expedited license to a
13 person whose prior licensing jurisdiction did not require
14 examination, the board may require a person to pass an
15 examination before applying for license renewal.

16 C. The board by rule shall determine those states
17 and territories of the United States and the District of
18 Columbia from which it will not accept an applicant for
19 expedited licensure and shall determine any foreign countries
20 from which it will accept an applicant for expedited licensure.
21 The board shall post the lists of disapproved and approved
22 licensing jurisdictions on the board's website. The list of
23 disapproved licensing jurisdictions shall include the specific
24 reasons for disapproval. The lists shall be reviewed annually
25 to determine if amendments to the rule are warranted. The

.226016.2

1 board may require fingerprints and other information necessary
2 for a state and national criminal background check."

3 SECTION 29. Section 61-14-10 NMSA 1978 (being Laws 1967,
4 Chapter 62, Section 7, as amended) is amended to read:

5 "61-14-10. [~~LICENSE BY ENDORSEMENT~~] EXPEDITED AND
6 TEMPORARY LICENSE.--

7 [~~A. Pursuant to its regulations, the board may~~
8 ~~issue a license without written examination, except an~~
9 ~~examination on state laws and other state and federal~~
10 ~~regulations related to the practice of veterinary medicine, to~~
11 ~~a qualified applicant who furnishes satisfactory evidence that~~
12 ~~the applicant is a veterinarian and has, for the five years~~
13 ~~next prior to filing the application, been a practicing~~
14 ~~veterinarian and licensed in a state, territory or district of~~
15 ~~the United States having license requirements at the time the~~
16 ~~applicant was first licensed that were substantially equivalent~~
17 ~~to the requirements of the Veterinary Practice Act.~~

18 B. [~~Pursuant to its regulations, the board may~~
19 ~~issue, with examination, a limited practice license in~~
20 ~~veterinary medicine, which limited practice license shall~~
21 ~~describe adequately that area of veterinary medicine that the~~
22 ~~licensee is entitled to practice.~~

23 C. [~~At its discretion, the board may examine, orally~~
24 ~~or practically, any person qualifying for a license under this~~
25 ~~section.~~]

.226016.2

1 A. The board shall issue an expedited license to a
2 qualified applicant licensed in another state or territory of
3 the United States, the District of Columbia or a foreign
4 country as provided in Section 61-1-31.1 NMSA 1978. The board
5 shall process the application as soon as practicable but no
6 later than thirty days after the out-of-state veterinarian
7 files an application for expedited licensure accompanied by any
8 required fee if the applicant:

9 (1) holds a license that is current and in
10 good standing issued by another licensing jurisdiction approved
11 by the board; and

12 (2) has practiced veterinary medicine for at
13 least five years.

14 B. If the board issues an expedited license to a
15 person whose prior licensing jurisdiction did not require
16 examination, the board may require the person to pass an
17 examination before applying for license renewal.

18 C. The board by rule shall determine those states
19 and territories of the United States and the District of
20 Columbia from which it will not accept an applicant for
21 expedited licensure and shall determine any foreign countries
22 from which it will accept an applicant for expedited licensure.
23 The board shall post the lists of disapproved and approved
24 licensing jurisdictions on the board's website. The list of
25 disapproved licensing jurisdictions shall include the specific

1 reasons for disapproval. The lists shall be reviewed annually
2 to determine if amendments to the rule are warranted.

3 D. The board may issue without examination a
4 temporary permit to practice veterinary medicine to:

5 (1) a qualified applicant for a license
6 pending examination, provided the applicant is a graduate
7 veterinarian and employed by and working under the direct
8 supervision of a licensed veterinarian; provided that:

9 (a) the temporary permit shall expire
10 the day after the notice of results of the first examination
11 given after the permit is issued;

12 (b) a qualified applicant for a license
13 pending examination may, at the board's discretion, be exempted
14 from the requirement of working under the direct supervision of
15 a licensed veterinarian, provided the applicant submits a
16 written request for such exemption; and

17 (c) no additional temporary permit shall
18 be issued to an applicant who has failed the required
19 components of the New Mexico examination in this or any other
20 state or any other territory, district or commonwealth of the
21 United States; or

22 (2) a nonresident veterinarian validly
23 licensed and in good standing with the licensing authority in
24 another state or territory of the United States, the District
25 ~~[or commonwealth of the United States provided that:~~

.226016.2

1 B. "department" means the regulation and licensing
2 department;

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

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

18 **SECTION 31.** Section 61-24C-5 NMSA 1978 (being Laws 1989,
19 Chapter 53, Section 5, as amended) is amended to read:

20 "61-24C-5. POWERS AND DUTIES OF THE ~~[BOARD]~~ DEPARTMENT.--
21 The ~~[board]~~ department:

22 A. shall administer, coordinate and enforce the
23 provisions of the Interior Designers Act. The ~~[board]~~
24 department may investigate allegations of violations of the
25 provisions of the Interior Designers Act;

.226016.2

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

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

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

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

17 ~~F.]~~ E. may adopt a common seal for use by licensed
18 interior designers; and

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

22 SECTION 32. Section 61-24C-8 NMSA 1978 (being Laws 1989,
23 Chapter 53, Section 8) is amended to read:

24 "61-24C-8. REQUIREMENTS FOR LICENSURE.--Each applicant
25 for licensure shall apply to the [~~board~~] department. Except as

1 otherwise provided in the Interior Designers Act, each
 2 applicant shall take and pass [~~a nationally standardized~~
 3 ~~examination. The board may adopt substantially all or part of~~
 4 ~~the examination and grading procedures of the national council~~
 5 ~~for interior design qualifications. Prior to examination, the~~
 6 ~~applicant shall provide substantial evidence to the board that~~
 7 ~~the applicant:~~

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

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

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

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

21 E. ~~has apprenticed under a designer who has passed~~
 22 ~~the national council for interior design qualification~~
 23 ~~examination or a licensed designer for a minimum of eight~~
 24 ~~years] the national council for interior design qualification~~
 25 ~~examination or another nationally recognized examination~~

.226016.2

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

4 SECTION 33. Section 61-24C-9 NMSA 1978 (being Laws 1989,
5 Chapter 53, Section 9) is amended to read:

6 "61-24C-9. LICENSE WITHOUT EXAMINATION.--~~[A.] If [any] a~~
7 ~~person applies for licensure [within one year after the~~
8 ~~effective date of the Interior Designers Act and that person~~
9 ~~has successfully completed the national council of interior~~
10 ~~design qualification examination or has completed at least~~
11 ~~eight years of full-time, diversified experience in the~~
12 ~~practice of interior design, that person may be issued a~~
13 ~~license without examination. Licensure pursuant to this~~
14 ~~subsection shall be subject to the board's discretionary review~~
15 ~~of the experience qualification.~~

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

23 C. ~~The board may accept, in lieu of examination,~~
24 ~~satisfactory evidence of licensure or certification by the~~
25 ~~national council for interior design qualifications] but does~~

.226016.2

1 not satisfy the requirements of Section 61-24C-8 NMSA 1978, the
2 department may on a case-by-case basis review and issue a
3 license to an applicant who provides evidence to the department
4 that the applicant:

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

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

13 **SECTION 34.** Section 61-24C-10 NMSA 1978 (being Laws 1989,
14 Chapter 53, Section 10, as amended) is amended to read:

15 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,
16 SUSPENSION OR REVOCATION.--

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

24 B. Each original license shall authorize the holder
25 to use the title of and be known as a licensed interior

.226016.2

1 designer from the date of issuance to the next renewal date
2 unless the license is suspended or revoked.

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

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

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

22 [~~F. The board may promulgate policies and~~
23 ~~procedures providing for the establishment of an inactive~~
24 ~~status for licensees temporarily not engaged in the practice of~~
25 ~~interior design.~~

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

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

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

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

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

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

19 **SECTION 35.** Section 61-24C-11 NMSA 1978 (being Laws 1989,
20 Chapter 53, Section 11, as amended) is amended to read:

21 "61-24C-11. LICENSE REQUIRED--PENALTY.--

22 A. [~~After the results of the first examination held~~
23 ~~pursuant to the Interior Designers Act are announced, no~~] A
24 person shall not knowingly:

25 (1) use the name or title of licensed interior

.226016.2

1 designer when the person is not the holder of a current, valid
2 license issued pursuant to the Interior Designers Act;

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

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

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

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

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

.226016.2

1 SECTION 36. Section 61-24C-14 NMSA 1978 (being Laws 1989,
2 Chapter 53, Section 14, as amended) is amended to read:

3 "61-24C-14. LICENSE FEES.--Except as provided in Section
4 61-1-34 NMSA 1978, any fees for an original license or renewal
5 of license, late charges or any other fees authorized by the
6 provisions of the Interior Designers Act shall be set by rule
7 of the [~~board~~] department. The fee for initial licensure shall
8 not exceed two hundred dollars (\$200)."

9 SECTION 37. Section 61-24C-16 NMSA 1978 (being Laws 1989,
10 Chapter 53, Section 16, as amended) is amended to read:

11 "61-24C-16. FUND ESTABLISHED--DISPOSITION--METHOD OF
12 PAYMENT.--

13 A. There is created the "interior design [~~board~~]
14 fund".

15 B. All [~~funds received by the board and~~] money
16 collected under the Interior Designers Act shall be deposited
17 with the state treasurer. The state treasurer shall credit the
18 money to the interior design [~~board~~] fund.

19 C. Payments out of the interior design [~~board~~] fund
20 shall be on vouchers issued by the [~~secretary-treasurer~~]
21 superintendent of [~~the board~~] regulation and licensing upon
22 warrants drawn by the department of finance and administration
23 in accordance with the budget approved by that department.

24 D. All amounts paid to the interior design [~~board~~]
25 fund are subject to appropriation by the legislature and shall

.226016.2

1 be used only for meeting necessary expenses incurred in
2 executing the provisions and duties of the Interior Designers
3 Act and for promoting interior design education and standards
4 in the state. All money unused at the end of any fiscal year
5 shall remain in the interior design [~~board~~] fund for use in
6 accordance with the provisions of [~~that act~~] the Interior
7 Designers Act."

8 SECTION 38. Section 61-27B-3 NMSA 1978 (being Laws 1993,
9 Chapter 212, Section 3, as amended) is amended to read:

10 "61-27B-3. LICENSE OR REGISTRATION REQUIRED.--It is
11 unlawful for an individual to:

12 A. act as a private investigator, private patrol
13 operator, security guard, private investigations employee,
14 private investigations manager or private patrol operations
15 manager or to make any representation as being a licensee or
16 registrant unless the individual is licensed by the department
17 pursuant to the Private Investigations Act;

18 B. render physical protection for remuneration as a
19 bodyguard unless the individual is licensed as a private
20 investigator or a private patrol operator;

21 C. continue to act as a private investigator,
22 private patrol operator, security guard, private investigations
23 employee, private investigations manager or private patrol
24 operations manager if the individual's license issued pursuant
25 to the Private Investigations Act has expired;

.226016.2

1 D. falsely represent that the individual is
2 employed by a licensee; [~~or~~]

3 E. practice polygraphy for any remuneration without
4 a license issued by the department in accordance with the
5 Private Investigations Act; or

6 F. provide instruction to individuals to qualify
7 for licensure as security guards or any other person who is
8 required to have professional training to be licensed,
9 certified or registered pursuant to the Private Investigations
10 Act without a registration in good standing issued by the
11 department in accordance with the Private Investigations Act."

12 SECTION 39. Section 61-27B-4 NMSA 1978 (being Laws 1993,
13 Chapter 212, Section 4, as amended) is amended to read:

14 "61-27B-4. PERSONS EXEMPTED--LIMITATIONS ON UNLICENSED
15 ACTIVITIES.--

16 A. As used in this section, "temporary" means a
17 period of time not to exceed the duration of one private event
18 or one school or nonprofit organization event, as described in
19 Paragraphs (2) and (3) of Subsection B of this section.

20 B. The Private Investigations Act does not apply
21 to:

22 (1) an individual employed exclusively and
23 regularly by one employer in connection with the affairs of
24 that employer, provided that the individual patrols or provides
25 security only on the premises of the employer as limited by the

.226016.2

1 employer;

2 (2) an individual employed exclusively to
3 provide temporary security at a private event that is not open
4 to the public;

5 (3) individuals providing temporary security
6 at athletic or other youth events and where the events occur
7 under the auspices of a public or private school or a nonprofit
8 organization;

9 (4) an attorney licensed in New Mexico, or the
10 attorney's employee working under the direct supervision of the
11 attorney, conducting private investigations while engaged in
12 the practice of law;

13 (5) an officer or employee of the United
14 States or this state or a political subdivision of the United
15 States or this state while that officer or employee is engaged
16 in the performance of the officer's or employee's official
17 duties;

18 (6) a person engaged exclusively in the
19 business of obtaining and furnishing information concerning the
20 financial rating of persons;

21 (7) a charitable philanthropic society or
22 association duly incorporated under the laws of this state that
23 is organized and maintained for the public good and not for
24 private profit;

25 (8) a licensed collection agency or an

.226016.2

1 employee of the agency while acting within the scope of
 2 employment while making an investigation incidental to the
 3 business of the agency, including an investigation of the
 4 location of a debtor or the debtor's property;

5 (9) admitted insurers, adjusters, agents and
 6 insurance brokers licensed by the state performing duties in
 7 connection with insurance transactions by them; or

8 (10) an institution subject to the
 9 jurisdiction of the director of the financial institutions
 10 division of the department or the comptroller of currency of
 11 the United States.

12 C. A private investigator licensed in New Mexico
 13 shall not offer or provide traffic crash reconstruction in New
 14 Mexico unless the private investigator has successfully
 15 completed a traffic crash reconstruction course approved by
 16 rule of the department. A person, other than a certified and
 17 commissioned law enforcement officer or a New Mexico
 18 professional engineer, who wishes to offer or provide traffic
 19 crash reconstruction in New Mexico must be licensed as a
 20 private investigator and meet the requirements of this
 21 subsection.

22 D. Skip tracing in New Mexico shall be offered or
 23 provided only by:

24 (1) an employee of a New Mexico state or local
 25 law enforcement agency;

.226016.2

1 (2) a private investigator; or

2 (3) an attorney licensed to practice in New

3 Mexico or the attorney's employee working under the direct
4 supervision of the attorney."

5 SECTION 40. Section 61-27B-5 NMSA 1978 (being Laws 1993,
6 Chapter 212, Section 5, as amended) is amended to read:

7 "61-27B-5. ADMINISTRATION OF ACT--RULES.--

8 A. The department shall enforce and administer the
9 provisions of the Private Investigations Act in accordance with
10 the Uniform Licensing Act.

11 B. The department shall keep a record of each
12 individual licensee.

13 C. The department shall promulgate rules in
14 accordance with the State Rules Act and enforce those rules
15 necessary to carry out the provisions of the Private
16 Investigations Act, including establishing professional ethical
17 standards.

18 D. The department shall promulgate rules regarding:

19 (1) licensing private investigators, private
20 investigations managers, private investigation companies,
21 private patrol operators, private patrol operations managers,
22 private patrol employees and polygraph examiners;

23 (2) registering private investigations
24 employees, security guards, [~~and~~] private patrol employees and
25 instructors;

.226016.2

- 1 (3) establishing minimum training and
2 educational standards for licensure and registration;
3 (4) establishing continuing education
4 requirements;
5 (5) establishing and operating a branch
6 office;
7 (6) creating a policy on reciprocity with
8 other licensing jurisdictions of the United States;
9 (7) providing permits for security guards for
10 special events; and
11 (8) conducting background investigations."

12 SECTION 41. Section 61-27B-7 NMSA 1978 (being Laws 1993,
13 Chapter 212, Section 6, as amended) is amended to read:

14 "61-27B-7. REQUIREMENTS FOR PRIVATE INVESTIGATOR
15 LICENSURE.--

16 A. The department shall issue a license as a
17 private investigator to an individual who files a completed
18 application accompanied by the required fees and who submits
19 satisfactory evidence that the applicant has met all
20 requirements set forth by the department in rule, including
21 that the applicant:

- 22 (1) is at least twenty-one years of age;
23 [~~(2) is of good moral character;~~
24 ~~(3)~~ (2) has successfully passed an
25 examination as required by department rule;

.226016.2

1 [~~(4)~~] (3) has not been convicted of a felony
2 offense, an offense involving dishonesty or an offense
3 involving an intentional violent act or the illegal use or
4 possession of a deadly weapon and has not been found to have
5 violated professional ethical standards as defined by the
6 department; and

7 [~~(5)~~] (4) has at least three years' experience
8 that has been acquired within the five years preceding the
9 filing of the application with the department of actual work
10 performed in:

11 (a) investigation for the purpose of
12 obtaining information with reference to a crime or wrongs done
13 or threatened against the United States;

14 (b) investigation of persons;

15 (c) the location, disposition or
16 recovery of lost or stolen property;

17 (d) the cause or responsibility for
18 fire, losses, motor vehicle or other accidents or damage or
19 injury to persons or property; or

20 (e) securing evidence to be used before
21 a court, administrative tribunal, board or investigating
22 committee or for a law enforcement officer.

23 B. Years of qualifying experience and the precise
24 nature of that experience shall be substantiated by written
25 certification from employers and shall be subject to

.226016.2

1 independent verification by the department as it deems
2 warranted. The burden of proving necessary experience is on
3 the applicant."

4 SECTION 42. A new section of the Private Investigations
5 Act is enacted to read:

6 "[NEW MATERIAL] REQUIREMENTS FOR REGISTRATION AS
7 INSTRUCTOR--CURRICULUM APPROVAL--FIREARMS TRAINING.--

8 A. Every individual seeking to register as an
9 instructor shall complete an application on a form provided by
10 the department and submit the required application fee. The
11 application shall include:

12 (1) fingerprints and other information for a
13 state and federal criminal history background check submitted
14 in accordance with rules of the department;

15 (2) proof of instructor certification issued
16 by a law enforcement academy, federal government entity, the
17 military or the federal law enforcement training centers or one
18 year of verifiable training experience or the equivalent to be
19 reviewed and recommended by the private investigations advisory
20 board and approved by the department;

21 (3) proof of further qualifying training
22 specific to advanced levels of training the instructor is
23 applying for as provided by rule of the department; and

24 (4) any other information sought by the
25 department.

.226016.2

1 B. The department shall register each successful
2 instructor applicant.

3 C. A level two or level three registered instructor
4 may teach individuals who are seeking licensure as a level one
5 security guard. A registered instructor shall not teach above
6 the instructor's registration level. The department may
7 suspend, revoke or refuse to renew the registration of an
8 instructor who teaches above the instructor's registration
9 level.

10 D. If a level three instructor offers firearms
11 certification, the instructor shall provide proof of the
12 instructor's current firearms certification to the department.

13 E. The department shall approve the curriculum for
14 level one, two and three security guard training. The private
15 investigations advisory board shall review curricula submitted
16 for approval and make recommendations to the department for
17 final action.

18 F. The registration of an instructor registered
19 with the department on the effective date of this section shall
20 remain in effect until renewal unless the department suspends,
21 revokes or refuses to renew the registration."

22 SECTION 43. Section 61-27B-8 NMSA 1978 (being Laws 2007,
23 Chapter 115, Section 8) is amended to read:

24 "61-27B-8. PRIVATE INVESTIGATION COMPANY--REQUIREMENTS
25 FOR LICENSURE.--

.226016.2

1 A. The department shall issue a license for a
2 private investigation company to a person that files a
3 completed application accompanied by the required fees and that
4 submits satisfactory evidence that the applicant:

5 ~~[(1) if an individual, is of good moral~~
6 ~~character; or if a legal business entity, the owners, officers~~
7 ~~or directors of the entity are of good moral character;~~

8 (2)] (1) if an individual, has not been
9 convicted of a felony offense, an offense involving dishonesty,
10 an offense involving an intentional violent act or the illegal
11 use or possession of a deadly weapon and has not been found to
12 have violated professional ethical standards; or if a legal
13 business entity, the owners, officers or directors of the
14 entity, either singly or collectively, have not been convicted
15 of a felony offense or an offense involving intentional violent
16 acts or the illegal use or possession of deadly weapons and
17 have not been found to have violated professional ethical
18 standards;

19 ~~[(3) maintains a surety bond in the amount of~~
20 ~~ten thousand dollars (\$10,000); however, private investigators~~
21 ~~who provide personal protection or bodyguard services shall~~
22 ~~maintain general liability insurance as specified in the~~
23 ~~Private Investigations Act in lieu of the surety bond required~~
24 ~~by the provisions of this paragraph;~~

25 (4)] (2) has an owner or a licensed private

.226016.2

1 investigations manager who is licensed as a private
2 investigator and who manages the daily operations of the
3 private investigation company;

4 ~~[(5)]~~ (3) maintains a physical location in New
5 Mexico where records are maintained and made available for
6 department inspection;

7 ~~[(6)]~~ (4) maintains a New Mexico registered
8 agent if the applicant is a private investigation company
9 located outside of New Mexico; and

10 ~~[(7)]~~ (5) meets all other requirements set
11 forth in the rules of the department.

12 B. ~~[The owner or the chief executive officer of]~~ A
13 private investigation company ~~[that provides personal~~
14 ~~protection or bodyguard services]~~ shall maintain a general
15 liability certificate of insurance in an amount required by the
16 department. The department shall suspend the license issued
17 pursuant to this section of a private investigation company
18 that fails to maintain an effective general liability
19 certificate of insurance as required. The department shall not
20 reinstate the license of a private investigation company that
21 has had its license suspended pursuant to this subsection until
22 an application is submitted to the department with the
23 necessary fees and a copy of the private investigation
24 company's general liability certificate of insurance in effect.
25 The department may deny an application for reinstatement of a

.226016.2

1 private investigation company's license, notwithstanding the
2 applicant's compliance with this subsection for:

3 (1) a reason that would justify a denial to
4 issue a new private investigation company license or that would
5 be cause for a suspension or revocation of a private
6 investigation company's license; or

7 (2) the performance by the applicant of an act
8 requiring a license issued pursuant to the Private
9 Investigations Act while the applicant's license is under
10 suspension for failure to maintain the applicant's general
11 liability certificate of insurance in effect."

12 SECTION 44. Section 61-27B-14 NMSA 1978 (being Laws 2007,
13 Chapter 115, Section 14) is amended to read:

14 "61-27B-14. PRIVATE INVESTIGATIONS OR PRIVATE PATROL
15 EMPLOYEE--REGISTRATION--REQUIREMENTS.--

16 A. [~~On or after July 1, 2007~~] Every individual who
17 seeks employment or is currently employed as a private
18 investigations employee or who provides services on a contract
19 basis to a private investigation company shall file an
20 application for registration as a private investigations
21 employee with the department.

22 B. Every individual who seeks employment as or is
23 currently employed as a private patrol employee or who provides
24 services on a contract basis to a private patrol company shall
25 file an application for registration as a private patrol

.226016.2

1 employee with the department.

2 [~~B-~~] C. The department shall issue a registration
3 for a private investigations or private patrol employee to an
4 individual who files a completed application accompanied by the
5 required fees and who submits satisfactory evidence that the
6 applicant:

7 (1) is at least twenty-one years of age;

8 [~~(2)~~] ~~is of good moral character;~~

9 ~~(3)~~] (2) possesses a high school diploma or
10 its equivalent;

11 [~~(4)~~] (3) has successfully completed an
12 examination as required by department rule;

13 [~~(5)~~] (4) has not been convicted of a felony
14 involving an intentional violent act or the illegal use or
15 possession of a deadly weapon and has not been found to have
16 violated professional ethical standards;

17 [~~(6)~~] (5) shall be employed by, or shall
18 contract with a private investigation company to provide
19 investigation services for, a private investigation company,
20 under the direct control and supervision of a private
21 investigator or shall be employed by, or shall contract with a
22 private patrol company to provide private patrol services for,
23 a private patrol company under the direct control and
24 supervision of a private patrol operations manager or a level
25 three security guard, as applicable; and

.226016.2

underscoring material = new
[bracketed material] = delete

1 [~~(7)~~] (6) meets other requirements set forth
2 in rules of the department.

3 [~~(6)~~] D. If the contract or employment of a private
4 investigations employee with a private investigation company or
5 a private patrol employee with a private patrol company
6 terminates for any reason, the registration of the individual
7 as a private investigations employee or private patrol employee
8 immediately terminates. The private investigations employee or
9 private patrol employee shall turn over the employee's
10 registration to the private investigation company or private
11 patrol company upon ceasing employment with that company.

12 [~~(D)~~] E. A private investigation company or private
13 patrol company shall notify the department within thirty days
14 from the date of termination of employment of a private
15 investigations employee or private patrol employee, as
16 applicable, of the employment termination and return the
17 employee's registration to the department."

18 SECTION 45. Section 61-27B-18 NMSA 1978 (being Laws 2007,
19 Chapter 115, Section 18) is amended to read:

20 "61-27B-18. SECURITY GUARD--LEVEL THREE--REGISTRATION--
21 REQUIREMENTS.--

22 A. [~~On or after July 1, 2007~~] Every individual
23 seeking employment or employed as a level three security guard
24 shall file an application for registration with the department.

25 B. The department shall issue a registration for a

.226016.2

1 level three security guard to an individual who files a
2 completed application accompanied by the required fees and who
3 submits satisfactory evidence that the applicant:

4 (1) is at least twenty-one years of age;

5 (2) meets the requirements to be granted
6 registration as a level two security guard and maintains in
7 good standing a current registration as a level two security
8 guard;

9 (3) has successfully completed an examination
10 as required by department rule;

11 (4) possesses a high school diploma or its
12 equivalent;

13 (5) in addition to the training required to be
14 registered as a level two security guard and before the
15 applicant shall be placed for the first time at a guard post as
16 a level three security guard, has completed a curriculum
17 approved by the department consisting of the minimum training
18 for firearm certification prescribed by the department;
19 provided that the additional training required by the
20 department is provided by:

21 (a) a public educational institution in
22 New Mexico or an educational institution licensed by the higher
23 education department pursuant to the Post-Secondary Educational
24 Institution Act;

25 (b) an in-house training program

.226016.2

1 provided by a licensed private patrol company using a
2 curriculum approved by the department;

3 (c) the New Mexico law enforcement
4 academy; or

5 (d) any other department-approved
6 educational institution using a curriculum approved by the
7 department and complying with department standards set forth in
8 department rules;

9 (6) is firearm certified by the New Mexico law
10 enforcement academy or the national rifle association;

11 (7) is employed by a private patrol company
12 under the direct supervision of a licensed private patrol
13 operator, another level three security guard or a private
14 patrol operations manager; and

15 [~~(8) beginning on July 1, 2009, has~~
16 ~~successfully passed a psychological evaluation as prescribed by~~
17 ~~the department to determine suitability for carrying firearms;~~
18 ~~and~~

19 ~~(9)] (8) meets other requirements set forth in~~

20 department rules.
21 C. A private patrol company shall notify the
22 department within thirty days from the date of termination of a
23 level two security guard of the employment termination."

24 SECTION 46. Section 61-27B-20 NMSA 1978 (being Laws 2007,
25 Chapter 115, Section 20, as amended) is amended to read:

.226016.2

1 "61-27B-20. FEES.--~~[A.]~~ Except as provided in Section
2 61-1-34 NMSA 1978, the department shall establish a schedule of
3 reasonable fees as follows:

4 ~~[(1)]~~ A. private investigator fees:

5 ~~[(a)]~~ (1) application fee, not to exceed one
6 hundred dollars (\$100);

7 ~~[(b)]~~ (2) initial private investigator's
8 license fee or license renewal fee, not to exceed three hundred
9 dollars (\$300); and

10 ~~[(c)]~~ (3) initial private investigations
11 manager license fee or license renewal fee, not to exceed two
12 hundred dollars (\$200);

13 ~~[(2)]~~ B. private patrol operator fees:

14 ~~[(a)]~~ (1) application fee, not to exceed one
15 hundred dollars (\$100);

16 ~~[(b)]~~ (2) initial private patrol operator's
17 license fee or license renewal fee, not to exceed three hundred
18 dollars (\$300); and

19 ~~[(c)]~~ (3) initial private patrol operations
20 manager license fee or license renewal fee, not to exceed two
21 hundred dollars (\$200);

22 C. private investigations employee or private
23 patrol employee, initial registration fee or registration
24 renewal fee, not to exceed one hundred dollars (\$100);

25 D. private investigation company or private patrol

1 company, initial license fee or renewal license fee, not to
 2 exceed three hundred dollars (\$300);

3 [~~3~~] E. security guard fees:

4 [~~a~~] (1) level one or level two security
 5 guard registration fee or registration renewal fee, not to
 6 exceed fifty dollars (\$50.00); and

7 [~~b~~] (2) level three security guard
 8 registration fee or registration renewal fee, not to exceed
 9 seventy-five dollars (\$75.00);

10 [~~4~~] F. polygraph examiners:

11 [~~a~~] (1) application fee, not to exceed one
 12 hundred dollars (\$100);

13 [~~b~~] (2) initial polygraph examiner's license
 14 fee or license renewal fee, not to exceed four hundred dollars
 15 (\$400); and

16 [~~e~~] (3) examination fee, not to exceed one
 17 hundred dollars (\$100); [~~and~~]

18 G. instructors:

19 (1) application fee, not to exceed one hundred
 20 dollars (\$100); and

21 (2) initial registration or registration
 22 renewal, not to exceed one hundred dollars (\$100); and

23 [~~5~~] H. other fees applying to private
 24 investigators, private patrol operators, [~~and~~] polygraph
 25 examiners and instructors:

.226016.2

1 [~~(a)~~] (1) change in license fee, not to exceed
2 two hundred dollars (\$200);

3 [~~(b)~~] (2) late fee on license or registration
4 renewals, not to exceed one hundred dollars (\$100);

5 [~~(c)~~] (3) special event permit fee, not to
6 exceed one hundred dollars (\$100); and

7 [~~(d)~~] (4) special event license fee for a
8 private patrol company, not to exceed fifty dollars (\$50.00).

9 [~~B. Fees charged by the department shall not be
10 increased prior to fiscal year 2009.~~]"

11 SECTION 47. Section 61-27B-21 NMSA 1978 (being Laws 2007,
12 Chapter 115, Section 21) is amended to read:

13 "61-27B-21. LICENSE AND REGISTRATION RENEWAL.--

14 A. A license or registration granted pursuant to
15 the provisions of the Private Investigations Act shall be
16 renewed by the department [~~annually~~] biennially unless the term
17 of the license is set by the department in rule to be a longer
18 period.

19 B. A licensee or registrant with an expired license
20 or registration shall not perform an activity for which a
21 license or registration is required pursuant to the Private
22 Investigations Act until the license or registration has been
23 renewed or reinstated.

24 C. The department may require proof of continuing
25 education credits or other proof of competency as a requirement

1 of renewal or reinstatement of a license or registration.

2 D. A license or registration issued to a person
3 pursuant to the Private Investigations Act shall not be
4 transferred or assigned."

5 SECTION 48. Section 61-27B-24 NMSA 1978 (being Laws 1993,
6 Chapter 212, Section 11, as amended) is amended to read:

7 "61-27B-24. [~~BOND REQUIRED~~] LIABILITY INSURANCE.--

8 [~~A. A private investigation company shall file with~~
9 ~~the department a surety bond in the amount of ten thousand~~
10 ~~dollars (\$10,000) executed by a surety company authorized to do~~
11 ~~business in this state.~~

12 B. ~~The owner or the chief executive officer of] A~~
13 private investigation company [~~that provides personal~~
14 ~~protection or bodyguard services or the owner or the chief~~
15 ~~executive office of] or a private patrol company shall maintain
16 a general liability certificate of insurance in an amount
17 required by the department.~~

18 [~~C. A surety bond in the amount of ten thousand~~
19 ~~dollars (\$10,000) or a general liability certificate of~~
20 ~~insurance executed and filed with the department pursuant to~~
21 ~~the Private Investigations Act shall remain in force until the~~
22 ~~surety company issuing the bond or the certificate has~~
23 ~~terminated future indemnity by notice to the department.]"~~

24 SECTION 49. Section 61-27B-31 NMSA 1978 (being Laws 2007,
25 Chapter 115, Section 31) is amended to read:

.226016.2

1 "61-27B-31. FIREARMS.--A private investigator, a private
2 patrol operator, a private investigations employee, a level
3 three security guard or a private patrol [~~operations~~] employee
4 may carry a firearm upon successful completion of [~~the~~]
5 mandatory firearm training required by rules of the department
6 and successfully passing a psychological evaluation prescribed
7 by the department to determine suitability for carrying a
8 firearm."

9 SECTION 50. Section 61-27B-36 NMSA 1978 (being Laws 2007,
10 Chapter 115, Section 35, as amended) is amended to read:

11 "61-27B-36. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--
12 The private investigations advisory board is terminated on July
13 1, [~~2023~~] 2029 pursuant to the Sunset Act. The board shall
14 continue to operate according to the provisions of the Private
15 Investigations Act until July 1, [~~2024~~] 2030. Effective July
16 1, [~~2024~~] 2030, Chapter 61, Article 27B NMSA 1978 is repealed."

17 SECTION 51. Section 61-31-13 NMSA 1978 (being Laws 1989,
18 Chapter 51, Section 13, as amended) is amended to read:

19 "61-31-13. EXPEDITED LICENSURE [~~BY CREDENTIALS~~].--

20 A. Upon application of an out-of-state licensed
21 social worker, the board shall license [~~an~~] a qualified
22 applicant for the licensure level sought as provided in Section
23 61-1-31.1 NMSA 1978. [~~provided the applicant:~~

24 (~~1) possesses and has held for a minimum of~~
25 ~~two and one-half years a valid social worker license issued by~~

.226016.2

1 ~~the appropriate examining board under the laws of any other~~
2 ~~state or territory of the United States, the District of~~
3 ~~Columbia or any foreign nation;~~

4 ~~(2) is in good standing with no disciplinary~~
5 ~~action pending or brought against the applicant within the past~~
6 ~~two and one-half years;~~

7 ~~(3) possesses a bachelor's or master's degree~~
8 ~~in social work from a program of social work accredited by the~~
9 ~~council on social work education;~~

10 ~~(4) verifies that the applicant has taken and~~
11 ~~passed the national examination as defined by rule; and~~

12 ~~(5) demonstrates an awareness and knowledge of~~
13 ~~New Mexico cultures to the board.~~

14 ~~B. The applicant will not have to further verify~~
15 ~~the applicant's experience, schooling or degrees if the~~
16 ~~criteria pursuant to Subsection A of this section are met]~~

17 B. The board shall process the application as soon
18 as practicable but no later than thirty days after the out-of-
19 state social worker submits a complete application for
20 expedited licensure accompanied by any required fee.

21 C. If the board issues an expedited license to a
22 person whose prior licensing jurisdiction did not require
23 examination, the board may require the person to pass an
24 examination before applying for license renewal.

25 D. The board by rule shall determine those states

.226016.2

1 and territories of the United States and the District of
2 Columbia from which it will not accept an applicant for
3 expedited licensure and shall determine any foreign countries
4 from which it will accept an applicant for expedited licensure.
5 The board shall post the lists of disapproved and approved
6 licensing jurisdictions on the board's website. The list of
7 disapproved licensing jurisdictions shall include the specific
8 reasons for disapproval. The lists shall be reviewed annually
9 to determine if amendments to the rule are warranted."

10 SECTION 52. TEMPORARY PROVISION--TRANSFER OF
11 APPROPRIATIONS, RECORDS AND CONTRACTS TO THE REGULATION AND
12 LICENSING DEPARTMENT.--On the effective date of this act:

13 A. all functions, appropriations, money, records
14 and files of the interior design board relating to the Interior
15 Designers Act shall be transferred to the regulation and
16 licensing department;

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

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

23 SECTION 53. REPEAL.--Sections 61-24C-4, 61-24C-6,
24 61-24C-7, 61-24C-12, 61-24C-17 and 61-27B-35 NMSA 1978 (being
25 Laws 1989, Chapter 53, Sections 4, 6, 7 and 12, Laws 1993,

.226016.2

1 Chapter 83, Section 5 and Laws 2007, Chapter 115, Section 36,
2 as amended) are repealed.

3 SECTION 54. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2023.

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