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 DEPARTMENT; PROVIDING FOR EXPEDITED LICENSURE OF LICENSED PHYSICIANS, VETERINARIANS AND ALL LICENSE LEVELS OF SOCIAL WORKERS; AMENDING THE PRIVATE INVESTIGATIONS ACT; REQUIRING REGISTRATION FOR INSTRUCTORS AND PRIVATE PATROL EMPLOYEES; REQUIRING COURSEWORK TO PROVIDE TRAFFIC CRASH RECONSTRUCTION SERVICES; SPECIFYING LIMITATIONS ON UNLICENSED PERSONS; PROVIDING FOR LICENSE FEES AND BIENNIAL RENEWAL; CHANGING THE SUNSET DATE FOR THE PRIVATE INVESTIGATIONS ADVISORY BOARD; CHANGING AND INCREASING PENALTIES; AMENDING,

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

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

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

A. "board" means:

(1) the construction industries commission, the construction industries division and the electrical bureau, mechanical bureau and general construction bureau of the construction industries division of the regulation and licensing department;

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

(3) the crane operators licensure examining council;

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

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

B. "applicant" means a person who has applied for a license;
C. "expedited license", whether by examination, endorsement, credential or reciprocity, means a license issued to a person in this state based on licensure in another state or territory of the United States, the District of Columbia or a foreign country, as applicable;

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

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

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

G. "party" means a respondent licensee, applicant or unlicensed person who is the subject of a disciplinary proceeding or the civil administrative prosecutor representing the state and the board;

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

I. "regular license" means a license that is not issued as a temporary or provisional license;

J. "revocation" means to prohibit the conduct
authorized by the license for an indefinite period of time; and

K. "suspension" means to prohibit, for a stated period of time, the conduct authorized by the license.

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

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

A. denial of permission to take an examination for licensing for which a complete application has been properly made as required by board rule;

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

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

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

(1) failure to pay any required renewal fee;

(2) failure to meet continuing education
requirements; or

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

   E. suspension of a license;
   F. revocation of a license;
   G. probation of a license, including restrictions or limitations on the scope of a practice;
   H. the requirement that the applicant complete a program of remedial education or treatment;
   I. monitoring of the practice by a supervisor approved by the board, excluding supervision required for initial licensure;
   J. the censure or reprimand of the licensee or applicant, including an action that constitutes formal discipline or is subject to reporting to a state or national organization;
   K. compliance with conditions of probation or suspension for a specific period of time;
   L. payment of a fine;
   M. corrective action, as specified by the board; or

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

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

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

B. The time limitation contained in Subsection A of this section shall be tolled by any civil or criminal litigation in which the licensee or applicant is a party arising from substantially the same facts, conduct or transactions that would be the basis for the board's action.

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

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

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

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

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

B. A board may impose a civil penalty in an amount
not to exceed ten thousand dollars ($10,000) for each
violation against a person who, without an active license,
engages in a profession or occupation regulated by the
board."

SECTION 5. Section 61-1-3.4 NMSA 1978 (being Laws 2019,
Chapter 209, Section 4) is amended to read:
"61-1-3.4. FINGERPRINTS NOT REQUIRED FOR LICENSE RENEWAL.--When a professional or occupational board requires submission of fingerprints as part of the initial license application, and a licensee has provided fingerprints and the license has been issued, the board shall not require a licensee to submit fingerprints again to renew the license, but a licensee shall submit to a background investigation if required by law or rule of the board."

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

"61-1-3.5. INCOMPLETE APPLICATION--NOTICE--EXPIRATION.--An application for licensure is considered incomplete if it is submitted on an application form missing required information or without providing required supporting documentation. If a board or a board's designee deems an application for licensure incomplete, the board or designee shall notify the applicant within thirty days from the date the application was received by the board or designee and include how the application is incomplete and what is needed to complete the application. An incomplete application expires one year from the date the application was first received by the board."

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

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

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

   B. When a board contemplates taking an action of a
type specified in Subsection A, B or C of Section 61-1-3 NMSA
1978, it shall serve upon the applicant a written notice
containing a statement:
   (1) that the applicant has failed to satisfy
the board of the applicant's qualifications to be examined or
to be issued a license, as the case may be;
   (2) indicating in what respects the
applicant has failed to satisfy the board;
   (3) that the applicant may secure a hearing
before the board by depositing in the mail within twenty days
after service of the notice a certified return receipt
requested letter addressed to the board and containing a
request for a hearing; and
   (4) calling the applicant's attention to the
applicant's rights under Section 61-1-8 NMSA 1978.

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

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

(1) that the board has sufficient evidence that, if not rebutted or explained, may justify the board in taking the contemplated action;

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

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

(4) calling the licensee's, applicant's or unlicensed person's attention to the rights provided in Section 61-1-8 NMSA 1978.

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

F. If the licensee, applicant or unlicensed person
does mail a request for a hearing as required by this
section, the board shall, within twenty days of receipt of
the request, notify the licensee, applicant or unlicensed
person of the time and place of hearing, the name of the
person who shall conduct the hearing for the board and the
statutes and rules authorizing the board to take the
contemplated action. The hearing shall be held not more than
sixty nor less than fifteen days from the date the notice of
hearing is deposited in the mail, certified return receipt
requested, or the date of personal service.

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

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

"61-1-5. METHOD OF SERVICE.—Any notice required to be
served by Section 61-1-4 or 61-1-21 NMSA 1978 and any
decision required to be served by Section 61-1-14 or 61-1-21
NMSA 1978 may be served either personally or by certified mail, return receipt requested, directed to the licensee, applicant or unlicensed person at the last known address as shown by the records of the board. Unlicensed persons with no address on record with the board shall receive notice by personal service. If the notice or decision is served personally, service shall be made in the same manner as is provided for service by the Rules of Civil Procedure for the District Courts. Where the notice or decision is served by certified mail, it shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice or decision to the addressee or refusal of the addressee to accept delivery of the notice or decision. Service of correspondence sent by a licensee, applicant or unlicensed person through other methods, including electronic mail or physical mail, should be reasonably accepted and processed by the board."

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

"61-1-6. VENUE OF HEARING.--Board hearings held pursuant to provisions of the Uniform Licensing Act shall be conducted at the election of the board in the county in which the licensee, applicant or unlicensed person maintains residence or in a county in which the act complained of occurred; except that in cases involving initial licensing,
hearings shall be held in the county where the board maintains its office. In any case, however, the person whose license or application is involved or the person who performed the unlicensed act and the board may agree that the hearing is to be held in some other county or by virtual remote means."

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

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

A. All hearings held pursuant to provisions of the Uniform Licensing Act shall be conducted either by the board or, at the election of the board, by a hearing officer who may be a member or employee of the board or any other person designated by the board in its discretion. A hearing officer shall, within thirty days after a hearing, submit to the board a report setting forth the hearing officer's findings of fact and recommendations.

B. All hearings held pursuant to provisions of the Uniform Licensing Act shall be open to the public; provided that in cases in which a constitutional right of privacy of a licensee, applicant or unlicensed person may be irreparably damaged, a board or hearing officer may hold a closed hearing if the board or hearing officer so desires and states the reasons for this decision in the record. The licensee,
applicant or unlicensed person may, for good cause shown, request a board or hearing officer to hold either a public or a closed hearing.

C. Each party may peremptorily excuse one board member or a hearing officer by filing with the board a notice of peremptory excusal at least twenty days prior to the date of the hearing, but this privilege of peremptory excusal may not be exercised in any case in which its exercise would result in less than a quorum of the board being able to hear or decide the matter. Any party may request that the board excuse a board member or a hearing officer for good cause by filing with the board a motion of excusal for cause at least twenty days prior to the date of the hearing. In any case in which a combination of peremptory excusals and excusals for good cause would result in less than a quorum of the board being able to hear or decide the matter, the peremptory excusals that would result in removing the member of the board necessary for a quorum shall not be effective.

D. In any case in which excusals for cause result in less than a quorum of the board being able to hear or decide the matter, the governor shall, upon request by the board, appoint as many temporary board members as are necessary for a quorum to hear or decide the matter. These temporary members shall have all of the qualifications required for permanent members of the board.
E. In any case in which excusals result in less than a quorum of the board being able to hear or decide the matter, the board, including any board members who have been excused, may designate a hearing officer to conduct the entire hearing.

F. Each board shall have power where a proceeding has been dismissed, either on the merits or otherwise, to relieve the licensee, applicant or unlicensed person from any possible odium that may attach by reason of the proceeding, by such public exoneration as it sees fit to make, if requested by the licensee, applicant or unlicensed person to do so.

G. There shall be no liability on the part of and no action for damages against a person who provides information to a board in good faith and without malice in the reasonable belief that such information is accurate. A party who directly or through an agent intimidates, threatens, injures or takes adverse action against a person for providing information to a board shall be subject to disciplinary action."

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

"61-1-8. RIGHTS OF PARTY ENTITLED TO HEARING.--

A. A party entitled to be heard pursuant to the provisions of the Uniform Licensing Act shall have the right
to be represented by counsel; to present all relevant
evidence by means of witnesses, books, papers, documents and
other evidence; to examine all opposing witnesses who appear
on a matter relevant to the issues; and to have subpoenas and
subpoenas duces tecum issued as of right prior to the
commencement of the hearing to compel discovery and the
attendance of witnesses and the production of relevant books,
papers, documents and other evidence upon making written
request for them to the board or hearing officer. The
issuance of such subpoenas after the commencement of the
hearing rests in the discretion of the board or the hearing
officer. All notices issued pursuant to Section 61-1-4 NMSA
1978 shall contain a statement of these rights.

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

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

   (2) inspect and copy documents or items that
the other party will or may introduce in evidence at the
hearing.

C. The party to whom a request is made shall
comply with the request within ten days after the service or
delivery of the request. No request shall be made less than
fifteen days before the hearing.
D. A party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules."

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

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

A. In connection with any hearing held under the Uniform Licensing Act, the board or hearing officer shall have power to have counsel to develop the case; to subpoena, for purposes of discovery and of the hearing, witnesses and relevant books, papers, documents and other evidence; to administer oaths or affirmations to witnesses called to testify; to take testimony; to examine witnesses; and to direct a continuance of any case. Boards or hearing officers may also hold conferences before or during the hearing for the settlement or simplification of the issues, but such settlement or simplification shall only be with the consent of the party.

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

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

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

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

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

"61-1-13. DECISION.--

A. After a hearing has been completed, the members of the board shall proceed to consider the case and as soon as practicable shall render their decision, provided that the decision shall be rendered by a quorum of the board. In
cases in which the hearing is conducted by a hearing officer, all members who were not present throughout the hearing shall familiarize themselves with the record, including the hearing officer's report, before participating in the decision. In cases in which the hearing is conducted by the board, all members who were not present throughout the hearing shall thoroughly familiarize themselves with the entire record, including all evidence taken at the hearing, before participating in the decision.

B. A final decision and order based on the hearing shall be made by a quorum of the board and signed and executed by the person designated by the board within ninety days after the hearing is closed by the board."

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

"61-1-14. SERVICE OF DECISION.--Within fifteen days after the decision is signed and executed, the board shall serve upon the parties a copy of the written decision."

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

"61-1-15. PROCEDURE WHERE PERSON FAILS TO REQUEST OR APPEAR FOR HEARING.--If a person who has requested a hearing does not appear and no continuance has been granted, the board or hearing officer may hear the evidence of such witnesses as may have appeared, and the board may proceed to
consider the matter and dispose of it on the basis of the
weight of the evidence before it in the manner required by
Section 61-1-13 NMSA 1978. Where, because of accident,
sickness or other extraordinary cause, a person fails to
request a hearing or fails to appear for a hearing that the
person has requested, the person may within a reasonable time
apply to the board to reopen the proceeding, and the board
upon finding such cause sufficient shall immediately fix a
time and place for hearing and give the person notice as
required by Sections 61-1-4 and 61-1-5 NMSA 1978. At the
time and place fixed, a hearing shall be held in the same
manner as would have been employed if the person had appeared
in response to the original notice of hearing."

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

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

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

"61-1-17. PETITION FOR REVIEW.--A party entitled to a
hearing provided for in the Uniform Licensing Act, who is
aggrieved by an adverse decision of a board issued after
hearing, may obtain a review of the decision in the district
court pursuant to the provisions of Section 39-3-1.1 NMSA
1978."

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

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

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

"61-1-21. POWER OF BOARD TO REOPEN THE CASE.--
A. At any time after the hearing and prior to the
filing of a petition for review, the party aggrieved may
request the board to reopen the case to receive additional
evidence or for other cause.

B. The board need not reconvene and may be polled
about whether to grant or refuse a request to reopen the
case. The board shall grant or refuse the request in
writing, and that decision and the request shall be made a
part of the record. The decision to grant or refuse a
request to reopen the case shall be made, signed by the
person designated by the board within fifteen days after the
board receives the request and served upon the parties.

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

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

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

"61-1-25.1. PRELIMINARY INJUNCTION AND HEARING--SUMMARY
SUSPENSION OR PROBATION.--

A. When a board finds that evidence in its possession indicates that a licensee poses a clear and immediate danger to the public health and safety if the licensee continues to practice, the board may seek a preliminary injunction from the district court in the county in which the principal office of the licensee is located or, if the principal office is not in New Mexico, in the district court for Santa Fe county. If the injunction is granted, the board shall hold an expedited hearing for the suspension of the license or probation of the licensee. The board shall follow the hearing procedures of the Uniform Licensing Act, but times shall be shortened in accordance with the injunction or at the request of the licensee.

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

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

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

C. A licensee is not required to comply with a summary action until service has been made or the licensee has actual knowledge of the order, whichever occurs first. The licensee may appeal the summary suspension as a final agency action as provided in Section 39-3-1.1 NMSA 1978.

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

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

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

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

(4) that the licensee is entitled to a hearing by the board pursuant to the Uniform Licensing Act within fifteen days from the date a request for hearing is received by the board from the licensee."
SECTION 22. Section 61-1-31.1 NMSA 1978 (being Laws 2016, Chapter 19, Section 1, as amended) is amended to read:

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

A. A board that issues an occupational or professional license shall, as soon as practicable but no later than thirty days after an out-of-state licensee files a complete application for an expedited license accompanied by any required fees:

(1) process the completed application; and

(2) issue a license to the qualified applicant who submits satisfactory evidence that the applicant:

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

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

(c) provides fingerprints and other information necessary for a state or national criminal background check or both if required by law or rule of the board.

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

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

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

SECTION 23. Section 61-1-31.2 NMSA 1978 (being Laws 2022, Chapter 39, Section 8) is amended to read:
"61-1-31.2. TEMPORARY OR PROVISIONAL LICENSE--EVIDENCE
OF INSURANCE.--A board may issue a temporary or other
provisional license, including an expedited license, to a
person licensed in another licensing jurisdiction, which may
be limited as to time, practice or other condition of a
regular license. If a board requires licensees to carry
professional or occupational liability or other insurance,
the board shall require the applicant for a temporary or
provisional license to show evidence of having required
insurance that will cover the person in New Mexico during the
term of the temporary or provisional license. Each board
shall provide information on the board's website that
describes the insurance requirements for practice in New
Mexico, if applicable."

SECTION 24. Section 61-1-34 NMSA 1978 (being Laws 2013,
Chapter 33, Section 1, as amended) is amended to read:
"61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE
MEMBERS, INCLUDING SPOUSES AND DEPENDENTS, AND
VETERANS--WAIVER OF FEES.--
A. A board that issues an occupational or
professional license pursuant to Chapter 61 NMSA 1978 shall,
as soon as practicable but no later than thirty days after a
military service member or a veteran files a complete
application, and provides a background check if required:
(1) process the application; and
(2) issue a license prima facie to a qualified applicant who submits satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of the armed forces of the United States.

B. A license issued pursuant to this section is a provisional license but shall confer the same rights, privileges and responsibilities as a regular license. If the military service member or veteran was licensed in a licensing jurisdiction that did not require examination, a board may require the military service member or veteran to take a board-required examination prior to renewing the license.

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

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

E. As used in this section:
(1) "licensing fee" means a fee charged at the time an initial or renewal application for a professional or occupational license is submitted to the state agency, board or commission and any fee charged for the processing of the application for such license; "licensing fee" does not include a fee for an annual inspection or examination of a licensee, a late fee or a fee charged for copies of documents, replacement licenses or other expenses related to a professional or occupational license;

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

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

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

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

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

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

"61-1-36. CRIMINAL CONVICTIONS--EXCLUSION FROM
LICENSURE--DISCLOSURE REQUIREMENT.--

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

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

C. In an administrative hearing or agency appeal,
a board shall carry the burden of proof on the question of
whether the exclusion from occupational or professional
licensure is based upon a potentially disqualifying criminal
conviction.
D. No later than October 31 of each year, while ensuring the confidentiality of individual applicants, a board shall make available to the public an annual report for the prior fiscal year containing the following information:

(1) the number of applicants for licensure and, of that number, the number granted a license;

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

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

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

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

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

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

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

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

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

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

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

"61-6-13. PHYSICIAN EXPEDITED LICENSURE.--

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

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

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

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

C. The board by rule shall determine those states
and territories of the United States and the District of
Columbia from which it will not accept an applicant for
expedited licensure and shall determine any foreign countries
from which it will accept an applicant for expedited
licensure. The board shall post the lists of disapproved and
approved licensing jurisdictions on the board's website. The
list of disapproved licensing jurisdictions shall include the
specific reasons for disapproval. The lists shall be
reviewed annually to determine if amendments to the rule are warranted. The board may require fingerprints and other information necessary for a state and national criminal background check."

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

"61-14-10. EXPEDITED AND TEMPORARY LICENSE.--

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

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

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

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

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

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

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

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

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

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

(2) a nonresident veterinarian validly
licensed and in good standing with the licensing authority in
another state or territory of the United States, the District
of Columbia or a foreign country if the nonresident
veterinarian is employed by or has a contract with the state,
a municipality or a county to provide veterinary services at
a nationally accredited zoo or aquarium located in New
Mexico; provided that the temporary permit shall be issued
for a period lasting no more than six months and no more than
two consecutive six-month temporary permits shall be issued
to any one veterinarian.

E. A temporary permit to practice veterinary
medicine may be summarily revoked by a majority vote of the
board without a hearing."

SECTION 30. Section 61-24C-3 NMSA 1978 (being Laws
1989, Chapter 53, Section 3, as amended) is amended to read:

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

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

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

C. "interior design" means services that do not necessarily require performance by an architect, such as administering contracts for fabrication, procurement or installation in the implementation of designs, drawings and specifications for any interior design project and consultations, studies, drawings and specifications in connection with reflected ceiling plans, space utilization, furnishings or the fabrication of nonstructural elements within and surrounding interior spaces of buildings, but specifically excluding mechanical and electrical systems, except for specifications of fixtures and their location within interior spaces; and

D. "licensed interior designer" or "licensed designer" means a person licensed pursuant to the Interior Designers Act."

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

"61-24C-5. POWERS AND DUTIES OF THE DEPARTMENT.--The department:

A. shall administer, coordinate and enforce the provisions of the Interior Designers Act. The department may investigate allegations of violations of the provisions of the Interior Designers Act;

B. shall adopt rules to carry out the purposes and
policies of the Interior Designers Act, including rules
relating to professional conduct, standards of professional
examination and licensure, and reasonable license,
application, renewal and late fees;

C. shall require a licensee, as a condition of the
renewal of the license, to undergo continuing education
requirements pursuant to the Interior Designers Act;

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

E. may adopt a common seal for use by licensed
interior designers; and

F. shall do all other things reasonable and
necessary to carry out the provisions of the Interior
Designers Act."

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

"61-24C-8. REQUIREMENTS FOR LICENSURE.--Each applicant
for licensure shall apply to the department. Except as
otherwise provided in the Interior Designers Act, each
applicant shall take and pass the national council for
interior design qualification examination or another
nationally recognized examination approved by the department
and have an active certification from the national council
for interior design qualification or another nationally
recognized certification."

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

"61-24C-9. LICENSE WITHOUT EXAMINATION.--If a person applies for licensure but does not satisfy the requirements of Section 61-24C-8 NMSA 1978, the department may on a case-by-case basis review and issue a license to an applicant who provides evidence to the department that the applicant:

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

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

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

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

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

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

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

D. A license may not be renewed until the licensee submits satisfactory evidence to the department that, since the initial issuance or last renewal if the license has been renewed, the licensee has participated in not less than twenty hours of continuing education approved by the department. The department may make exceptions from this continuing education requirement in cases that the licensee provides evidence of an emergency or hardship.

E. The holder of a license that has expired through failure to renew may renew the license, upon approval of the department.

F. In accordance with the provisions of the Uniform Licensing Act, the department may deny, refuse to
renew, suspend or revoke a license or impose probationary conditions when the licensee has:

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

(2) committed an act of fraud or deceit in professional conduct;

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

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

(5) failed to comply with the provisions of the Interior Designers Act or rules adopted pursuant to that act."

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

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

A. A person shall not knowingly:

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

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

(3) give false or forged evidence to the department or a department employee for the purpose of obtaining a license;

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

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

B. A person who violates a provision of this section shall be penalized pursuant to the provisions of the Uniform Licensing Act; provided that a licensee or applicant shall be afforded notice and an opportunity to be heard before the department has authority to take any action that would result in a penalty or fine, including suspension, revocation, denial or withholding of a license or other corrective action."

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

"61-24C-14. LICENSE FEES.--Except as provided in Section 61-1-34 NMSA 1978, any fees for an original license or renewal of license, late charges or any other fees authorized by the provisions of the Interior Designers Act shall be set by rule of the department. The fee for initial licensure shall not exceed two hundred dollars ($200)."
SECTION 37. Section 61-24C-16 NMSA 1978 (being Laws 1989, Chapter 53, Section 16, as amended) is amended to read:

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

A. There is created the "interior design fund".

B. All money collected under the Interior Designers Act shall be deposited with the state treasurer. The state treasurer shall credit the money to the interior design fund.

C. Payments out of the interior design fund shall be on vouchers issued by the superintendent of regulation and licensing upon warrants drawn by the department of finance and administration in accordance with the budget approved by that department.

D. All amounts paid to the interior design fund are subject to appropriation by the legislature and shall be used only for meeting necessary expenses incurred in executing the provisions and duties of the Interior Designers Act and for promoting interior design education and standards in the state. All money unused at the end of any fiscal year shall remain in the interior design fund for use in accordance with the provisions of the Interior Designers Act."

SECTION 38. Section 61-27B-3 NMSA 1978 (being Laws 1993, Chapter 212, Section 3, as amended) is amended to read:
"61-27B-3. LICENSE OR REGISTRATION REQUIRED.--It is unlawful for an individual to:

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

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

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

    D. falsely represent that the individual is employed by a licensee;

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

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

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

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

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

B. The Private Investigations Act does not apply to:

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

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

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

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

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

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

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

(8) a licensed collection agency or an employee of the agency while acting within the scope of employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or the debtor's property;

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

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

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

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

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

(2) a private investigator; or

(3) an attorney licensed to practice in New Mexico or the attorney's employee working under the direct supervision of the attorney."

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

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

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

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

D. The department shall promulgate rules regarding:

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

   (2) registering private investigations employees, security guards, private patrol employees and instructors;

   (3) establishing minimum training and educational standards for licensure and registration;

   (4) establishing continuing education requirements;

   (5) establishing and operating a branch
office;

   (6) creating a policy on reciprocity with
other licensing jurisdictions of the United States;
   (7) providing permits for security guards
for special events; and
   (8) conducting background investigations."

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

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

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

   (1) is at least twenty-one years of age;
   (2) has successfully passed an examination
as required by department rule;
   (3) has not been convicted of a felony
offense, an offense involving dishonesty or an offense
involving an intentional violent act or the illegal use or
possession of a deadly weapon and has not been found to have
violated professional ethical standards as defined by the
department; and
(4) has at least three years' experience that has been acquired within the five years preceding the filing of the application with the department of actual work performed in:

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

(b) investigation of persons;

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

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

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

B. Years of qualifying experience and the precise nature of that experience shall be substantiated by written certification from employers and shall be subject to independent verification by the department as it deems warranted. The burden of proving necessary experience is on the applicant."

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

"REQUIREMENTS FOR REGISTRATION AS INSTRUCTOR--CURRICULUM
APPROVAL--FIREARMS TRAINING.--

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

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

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

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

(4) any other information sought by the department.

B. The department shall register each successful instructor applicant.

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

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

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

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

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

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

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

(1) if an individual, has not been convicted
of a felony offense, an offense involving dishonesty, an
offense involving an intentional violent act or the illegal
use or possession of a deadly weapon and has not been found
to have violated professional ethical standards; or if a
legal business entity, the owners, officers or directors of
the entity, either singly or collectively, have not been
convicted of a felony offense or an offense involving
intentional violent acts or the illegal use or possession of
deadly weapons and have not been found to have violated
professional ethical standards;

(2) has an owner or a licensed private
investigations manager who is licensed as a private
investigator and who manages the daily operations of the
private investigation company;

(3) maintains a physical location in New
Mexico where records are maintained and made available for
department inspection;

(4) maintains a New Mexico registered agent
if the applicant is a private investigation company located
outside of New Mexico; and

(5) meets all other requirements set forth
in the rules of the department.

B. A private investigation company shall maintain
a general liability certificate of insurance in an amount
required by the department. The department shall suspend the
license issued pursuant to this section of a private investigation company that fails to maintain an effective general liability certificate of insurance as required. The department shall not reinstate the license of a private investigation company that has had its license suspended pursuant to this subsection until an application is submitted to the department with the necessary fees and a copy of the private investigation company's general liability certificate of insurance in effect. The department may deny an application for reinstatement of a private investigation company's license, notwithstanding the applicant's compliance with this subsection for:

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

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

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

"61-27B-14. PRIVATE INVESTIGATIONS OR PRIVATE PATROL EMPLOYEE--REGISTRATION--REQUIREMENTS.--
A. Every individual who seeks employment or is currently employed as a private investigations employee or who provides services on a contract basis to a private investigation company shall file an application for registration as a private investigations employee with the department.

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

C. The department shall issue a registration for a private investigations or private patrol employee to an individual who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

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

(2) possesses a high school diploma or its equivalent;

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

(4) has not been convicted of a felony involving an intentional violent act or the illegal use or possession of a deadly weapon and has not been found to have violated professional ethical standards;
(5) shall be employed by, or shall contract with a private investigation company to provide investigation services for, a private investigation company, under the direct control and supervision of a private investigator or shall be employed by, or shall contract with a private patrol company to provide private patrol services for, a private patrol company under the direct control and supervision of a private patrol operations manager or a level three security guard, as applicable; and

(6) meets other requirements set forth in rules of the department.

D. If the contract or employment of a private investigations employee with a private investigation company or a private patrol employee with a private patrol company terminates for any reason, the registration of the individual as a private investigations employee or private patrol employee immediately terminates. The private investigations employee or private patrol employee shall turn over the employee's registration to the private investigation company or private patrol company upon ceasing employment with that company.

E. A private investigation company or private patrol company shall notify the department within thirty days from the date of termination of employment of a private investigations employee or private patrol employee, as
applicable, of the employment termination and return the
employee's registration to the department."

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

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

A. Every individual seeking employment or employed
as a level three security guard shall file an application for
registration with the department.

B. The department shall issue a registration for a
level three security guard to an individual who files a
completed application accompanied by the required fees and
who submits satisfactory evidence that the applicant:

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

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

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

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

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

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

(b) an in-house training program provided by a licensed private patrol company using a curriculum approved by the department;

(c) the New Mexico law enforcement academy; or

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

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

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

(8) meets other requirements set forth in
department rules.

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

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

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

A. private investigator fees:

(1) application fee, not to exceed one hundred dollars ($100);

(2) initial private investigator's license fee or license renewal fee, not to exceed three hundred dollars ($300); and

(3) initial private investigations manager license fee or license renewal fee, not to exceed two hundred dollars ($200);

B. private patrol operator fees:

(1) application fee, not to exceed one hundred dollars ($100);

(2) initial private patrol operator's license fee or license renewal fee, not to exceed three hundred dollars ($300); and

...
(3) initial private patrol operations
manager license fee or license renewal fee, not to exceed two
hundred dollars ($200);

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

D. private investigation company or private patrol
company, initial license fee or renewal license fee, not to
exceed three hundred dollars ($300);

E. security guard fees:
   (1) level one or level two security guard
registration fee or registration renewal fee, not to exceed
fifty dollars ($50.00); and
   (2) level three security guard registration
fee or registration renewal fee, not to exceed seventy-five
dollars ($75.00);

F. polygraph examiners:
   (1) application fee, not to exceed one
hundred dollars ($100);
   (2) initial polygraph examiner's license fee
or license renewal fee, not to exceed four hundred dollars
($400); and
   (3) examination fee, not to exceed one
hundred dollars ($100);

G. instructors:
(1) application fee, not to exceed one hundred dollars ($100); and 
(2) initial registration or registration renewal, not to exceed one hundred dollars ($100); and 

H. other fees applying to private investigators, private patrol operators, polygraph examiners and instructors:

(1) change in license fee, not to exceed two hundred dollars ($200); 
(2) late fee on license or registration renewals, not to exceed one hundred dollars ($100); 
(3) special event permit fee, not to exceed one hundred dollars ($100); and 
(4) special event license fee for a private patrol company, not to exceed fifty dollars ($50.00)."

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

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

A. A license or registration granted pursuant to the provisions of the Private Investigations Act shall be renewed by the department biennially unless the term of the license is set by the department in rule to be a longer period.

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

C. The department may require proof of continuing
education credits or other proof of competency as a
requirement of renewal or reinstatement of a license or
registration.

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

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

"61-27B-24. LIABILITY INSURANCE.--

A private investigation company or a private patrol
company shall maintain a general liability certificate of
insurance in an amount required by the department."

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

"61-27B-31. FIREARMS.--A private investigator, a
private patrol operator, a private investigations employee, a
level three security guard or a private patrol employee may
carry a firearm upon successful completion of mandatory
firearm training required by rules of the department and
successfully passing a psychological evaluation prescribed by
the department to determine suitability for carrying a
firearm."

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

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

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

"61-31-13. EXPEDITED LICENSURE.--

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

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

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

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

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

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

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

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

SECTION 53. REPEAL.--Sections 61-24C-4, 61-24C-6, 61-24C-7, 61-24C-12, 61-24C-17 and 61-27B-35 NMSA 1978 (being Laws 1989, Chapter 53, Sections 4, 6, 7 and 12, Laws 1993, Chapter 83, Section 5 and Laws 2007, Chapter 115, Section 36, as amended) are repealed.

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