

1 AN ACT
2 RELATING TO PROFESSIONAL LICENSURE; REVISING EXEMPTIONS FOR
3 ENGINEERS; CREATING AN EXEMPTION FROM THE ENGINEERING AND
4 SURVEYING PRACTICE ACT FOR RURAL ELECTRIC DISTRIBUTION
5 COOPERATIVES.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 61-23-22 NMSA 1978 (being Laws 1993,
9 Chapter 218, Section 17, as amended) is amended to read:

10 "61-23-22. ENGINEERING--EXEMPTIONS.--

11 A. A New Mexico licensed architect who has
12 complied with all of the laws of New Mexico relating to the
13 practice of architecture has the right to engage in the
14 incidental practice, as defined by regulation, of activities
15 properly classified as engineering; provided that the
16 architect shall not make any representation as being a
17 professional engineer or as performing engineering services;
18 and further provided that the architect shall perform only
19 that part of the work for which the architect is
20 professionally qualified and shall use qualified professional
21 engineers or others for those portions of the work in which
22 the contracting architect is not qualified. Furthermore, the
23 architect shall assume all responsibility for compliance with
24 all laws, codes, regulations and ordinances of the state or
25 its political subdivisions pertaining to all documents

1 bearing the architect's professional seal.

2 B. An engineer employed by a business entity who
3 performs only the engineering services involved in the
4 operation of the business entity's or an affiliated business
5 entity's business shall be exempt from the provisions of the
6 Engineering and Surveying Practice Act; provided that neither
7 the employee nor the employer offers engineering services to
8 the public; and provided further that any such engineering
9 services are limited to the legal boundaries of the property
10 owned, leased or lawfully operated by the business entity or
11 an affiliated business entity that employs the engineer.

12 Performance of engineering on public works projects pursuant
13 to Section 61-23-26 NMSA 1978 or within off-premises
14 easements constitutes engineering services to the public and
15 is subject to the Engineering and Surveying Practice Act.

16 C. A rural electric distribution cooperative shall
17 be exempt from the provisions of the Engineering and Surveying
18 Practice Act; provided that the cooperative's services are not
19 offered to the public and are performed only within the legal
20 boundaries of the property that the cooperative owns, leases,
21 has an easement or right of way on or lawfully operates."=====