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SENATE BILL 665

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joseph A. Fidel

AN ACT

RELATING TO LICENSING; CLARIFYING THE STATUTE OF LIMITATIONS ON BOARD ACTIONS; PROVIDING SANCTIONS FOR UNLICENSED ACTIVITY BY A PERSON; AMENDING AND ENACTING SECTIONS OF THE UNIFORM LICENSING ACT.

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

Section 1. Section 61-1-3.1 NMSA 1978 (being Laws 1981, Chapter 349, Section 3, as amended by Laws 1993, Chapter 218, Section 40 and also by Laws 1993, Chapter 295, Section 4) is amended to read:

"61-1-3.1. LIMITATIONS. --

A. ~~No~~ 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

. 144710. 1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 discovery by the board of the conduct that would be the basis
2 for the action, except as provided in [~~Subsections C and D~~]
3 Subsection C of this section.

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

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

22 D. The New Mexico [~~state board of~~] public
23 accountancy board shall not initiate an action under the 1999
24 Public Accountancy Act that would result in any of the actions
25 specified in Subsections D through N of Section 61-1-3 NMSA

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1 1978 later than two years following the discovery by the board
2 of a violation of that act. "

3 Section 2. A new section of the Uniform Licensing Act is
4 enacted to read:

5 "[NEW MATERIAL] UNLICENSED ACTIVITY-- DISCIPLINARY
6 PROCEEDINGS-- CIVIL PENALTY. --

7 A. A person who is not licensed to engage in a
8 profession or occupation regulated by a board, who violates a
9 provision of the Uniform Licensing Act, is subject to
10 disciplinary proceedings by the board.

11 B. A board may impose a civil penalty in an amount
12 not to exceed one thousand dollars (\$1,000) against a person
13 who, without a license, engages in a profession or occupation
14 regulated by the board. In addition, the board may assess the
15 person for administrative costs, including investigative costs
16 and the cost of conduction a hearing. "

17 Section 3. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2003.

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