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HOUSE BILL 262

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO LICENSING; ENACTING THE PROCESS SERVER LICENSING
ACT; MAKING AN APPROPRIATION; PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 22 of this act may be cited as the "Process Server
Licensing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Process Server Licensing Act:

A. "client" means an individual or legal entity
having a contract that authorizes services to be provided in
return for financial or other consideration;

B. "conviction" means any final adjudication of
guilty, whether pursuant to a plea of guilty or nolo contendere
or otherwise and whether or not the sentence is deferred or

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1 suspended;

2 C. "department" means the regulation and licensing
3 department;

4 D. "legal business entity" means a sole
5 proprietorship, corporation, partnership, limited liability
6 company, limited liability partnership or other entity formed
7 for business purposes;

8 E. "licensee" means a person licensed as a process
9 server;

10 F. "manager" means an individual who:

11 (1) has the qualifications required of a
12 licensee; and

13 (2) directs, controls or manages a process
14 server for the owner of a business when the owner does not
15 qualify for a license pursuant to the Process Server Licensing
16 Act;

17 G. "process server" means a person who personally
18 delivers in attempts to personally deliver legal or court-
19 related documents to another person;

20 H. "process server company" means a legal business
21 entity that provides process service services, the location of
22 which may be within or outside of the state, provided that the
23 process service services are performed within New Mexico;

24 I. "process server employee" means an individual
25 who is registered by the department to work under the direct

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1 control and supervision of a process server for a process
2 server company;

3 J. "process server manager" means an individual
4 who:

5 (1) is licensed as a process server and is
6 issued a license by the department as a process server manager;

7 (2) directs, controls or manages a process
8 server company for the owner of the company; and

9 (3) is assigned to and operates from a process
10 server company that the process server manager is licensed to
11 manage or from a branch office of that process server company;

12 K. "process service" means the personal delivery of
13 or attempt to personally deliver legal or court-related
14 documents to a person;

15 L. "registrant" means an individual registered as a
16 process server employee; and

17 M. "superintendent" means the superintendent of
18 regulation and licensing.

19 SECTION 3. [NEW MATERIAL] LICENSE REQUIRED.--It is
20 unlawful for an individual to:

21 A. act as a process server, process server employee
22 or process server manager or to make any representation as
23 being a licensee or registrant unless the individual is
24 licensed or registered by the department pursuant to the
25 Process Server Licensing Act;

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1 B. continue to act as a process server, process
2 server employee or process server manager if the individual's
3 license or registration issued pursuant to the Process Server
4 Licensing Act has expired; or

5 C. represent falsely that the individual is
6 employed by a licensee.

7 **SECTION 4. [NEW MATERIAL] PERSONS EXEMPTED.--**The Process
8 Server Licensing Act does not apply to:

9 A. an officer or employee of the United States or
10 this state or a political subdivision of the United States or
11 this state while that officer or employee is engaged in the
12 performance of the officer's or employee's official duties; or

13 B. an individual who engages in process service not
14 more than once in a six-month period and who is not remunerated
15 in any way for process service.

16 **SECTION 5. [NEW MATERIAL] ADMINISTRATION OF ACT--RULES.--**
17 The department shall:

18 A. enforce and administer the provisions of the
19 Process Server Licensing Act;

20 B. keep a record of each individual licensee and
21 registrant;

22 C. adopt and enforce rules necessary to carry out
23 the provisions of the Process Server Licensing Act, including
24 establishing professional ethical standards; and

25 D. adopt rules regarding:

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1 (1) licensing process servers, process server
2 managers and process server companies;

3 (2) registering process server employees;

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

6 (4) establishing continuing education
7 requirements;

8 (5) establishing and operating a branch
9 office;

10 (6) creating a policy on reciprocity with
11 other states and territories of the United States; and

12 (7) conducting background investigations.

13 SECTION 6. [NEW MATERIAL] REQUIREMENTS FOR LICENSURE.--

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

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

21 (2) is of good moral character;

22 (3) has successfully passed an examination as
23 required by department rule;

24 (4) has not been convicted of a felony offense
25 or an offense involving an intentional violent act or the

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1 illegal use or possession of a deadly weapon and has not been
2 found to have violated professional ethical standards;

3 (5) has at least two years' experience that
4 has been acquired within the five years preceding the filing of
5 the application with the department, consisting of not less
6 than four thousand hours of actual work performed in serving of
7 process and related duties; and

8 (6) unless covered by the surety bond of a
9 process server company, maintains a surety bond in the amount
10 of ten thousand dollars (\$10,000).

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

17 SECTION 7. [NEW MATERIAL] PROCESS SERVER COMPANY--
18 REQUIREMENTS FOR LICENSURE.--The department shall issue a
19 license for a process server company to a person that files a
20 completed application accompanied by the required fees and that
21 submits satisfactory evidence that the applicant:

22 A. if an individual, is of good moral character; or
23 if a legal business entity, that the owners, officers or
24 directors of the entity are of good moral character;

25 B. if an individual, has not been convicted of a

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1 felony offense involving an intentional violent act or the
2 illegal use or possession of a deadly weapon and has not been
3 found to have violated professional ethical standards; or if a
4 legal business entity, that the owners, officers or directors
5 of the entity have not been convicted of felony offenses
6 involving intentional violent acts or the illegal use or
7 possession of deadly weapons and have not been found to have
8 violated professional ethical standards;

9 C. maintains a surety bond in the amount of ten
10 thousand dollars (\$10,000);

11 D. has an owner or a licensed process server
12 manager who is licensed as a process server and who manages the
13 daily operations of the process server company;

14 E. maintains a physical location in New Mexico
15 where records are maintained and made available for department
16 inspection;

17 F. maintains a New Mexico registered agent if the
18 applicant is a process server company located outside of New
19 Mexico; and

20 G. meets all other requirements set forth in the
21 rules of the department.

22 SECTION 8. [NEW MATERIAL] PROCESS SERVER MANAGER--
23 REQUIREMENTS FOR LICENSURE--NOTIFICATION OF DEPARTMENT IN EVENT
24 OF TERMINATION OF EMPLOYMENT.--

25 A. The department shall issue a license for a

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1 process server manager to an individual who files a completed
2 application accompanied by the required fees and who submits
3 satisfactory evidence that the applicant:

4 (1) possesses a current license in good
5 standing as a process server;

6 (2) has successfully passed an examination
7 required by department rule;

8 (3) is employed by the process server company
9 that the applicant is being licensed to manage; and

10 (4) meets other requirements set forth in the
11 rules of the department.

12 B. A process server manager who ceases to be
13 employed by the process server company that the manager is
14 licensed to manage, before leaving the company, shall surrender
15 the process server manager's license to the owner, officer or
16 director who is required temporarily to take over the
17 management of the process server company. The owner, officer
18 or director who temporarily takes over managing the process
19 server company within thirty days of the termination from
20 employment of the process server manager shall:

21 (1) notify the department of the termination
22 of the employment of the process server manager;

23 (2) submit the surrendered license; and

24 (3) submit an application to the department
25 naming a new process server manager who shall not begin to

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1 perform the duties of a process server manager until and unless
2 the department grants the applicant a process server manager's
3 license.

4 C. Failure to notify the department within thirty
5 days of the process server manager's termination from
6 employment subjects the license of the process server company
7 to suspension or revocation by the department.

8 D. Reinstatement of the process server company's
9 license may occur only upon the filing of an application for
10 reinstatement and payment of the reinstatement fee.

11 SECTION 9. [NEW MATERIAL] PROCESS SERVER EMPLOYEE--
12 REGISTRATION--REQUIREMENTS.--

13 A. On or after the effective date of this act,
14 every individual who seeks employment or is currently employed
15 as a process server employee shall file an application for
16 registration with the department.

17 B. The department shall issue a registration for a
18 process server employee to an individual who files a completed
19 application accompanied by the required fees and who submits
20 satisfactory evidence that the applicant:

- 21 (1) is at least eighteen years of age;
22 (2) is of good moral character;
23 (3) possesses a high school diploma or its
24 equivalent;
25 (4) has successfully completed an examination

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1 as required by department rule;

2 (5) has not been convicted of a felony
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;

6 (6) will be employed by a process server
7 company, under the direct control and supervision of a process
8 server; and

9 (7) meets other requirements set forth in
10 rules of the department.

11 C. If the employment of a process server employee
12 who is employed by only one process server company terminates
13 for any reason, the registration of the individual as a process
14 server employee immediately terminates. The process server
15 employee shall turn over the employee's registration to the
16 process server company upon ceasing employment with that
17 company.

18 D. A process server company shall notify the
19 department within thirty days from the date of termination of
20 employment of a process server employee of the employment
21 termination and return the employee's registration to the
22 department.

23 SECTION 10. [NEW MATERIAL] FEES.--The department shall
24 establish a schedule of reasonable fees for the following:

25 A. an application fee, not to exceed one hundred

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1 dollars (\$100);

2 B. a license fee, not to exceed five hundred
3 dollars (\$500);

4 C. a registration fee, not to exceed two hundred
5 fifty dollars (\$250);

6 D. a renewal fee, not to exceed five hundred
7 dollars (\$500);

8 E. a reinstatement fee, not to exceed five hundred
9 dollars (\$500);

10 F. a late fee, not to exceed one hundred dollars
11 (\$100); and

12 G. an administrative fee, not to exceed two hundred
13 dollars (\$200).

14 SECTION 11. [NEW MATERIAL] LICENSE AND REGISTRATION
15 RENEWAL.--

16 A. A license or registration granted pursuant to
17 the provisions of the Process Server Licensing Act shall be
18 renewed by the department annually unless the term of the
19 license is set by the department in rule to be a longer period.

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

25 C. The department may require proof of continuing

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1 education credits or other proof of competency as a requirement
2 of renewal or reinstatement of a license or registration.

3 SECTION 12. [NEW MATERIAL] DISPLAY OF LICENSE AND
4 REGISTRATION--NOTIFICATION OF CHANGES.--

5 A. A license shall at all times be posted in a
6 conspicuous place in the principal place of business in New
7 Mexico of the licensee.

8 B. A copy of the registration of each registrant
9 employed by a process server company shall be maintained in the
10 main New Mexico office of the company and in the branch office
11 in which the registrant works.

12 C. A registration card issued by the department
13 shall at all times be in the possession of and located on the
14 person of a registrant.

15 D. A licensee, including owners, officers or
16 directors of a process server company, or a registrant shall
17 notify the department immediately in writing of a change in the
18 mailing or contact address of the licensee or registrant.

19 E. Failure to notify the department within thirty
20 days of changes required to be reported pursuant to this
21 section or failure to carry or display a registration as
22 required is grounds for suspension of a license or
23 registration.

24 SECTION 13. [NEW MATERIAL] GENERAL OPERATIONS PROVISIONS
25 OF COMPANIES--MANAGEMENT--LIABILITY FOR EMPLOYEES'

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1 CONDUCT--MAINTENANCE OF RECORDS REQUIRED--REQUIRED AND
2 PERMITTED ACTIVITIES--ALLOWED CATEGORIES OF UNLICENSED
3 EMPLOYEES.--

4 A. An owner of a process server company providing
5 services in New Mexico shall operate, direct, control and
6 manage that company provided that the owner is licensed as a
7 process server. An owner of a process server company who is
8 not licensed as a process server shall employ a process server
9 as a process server manager and shall turn over the operation,
10 direction, control and management of the process server company
11 to that manager.

12 B. A process server company shall not conduct
13 business under a fictitious name until the company has obtained
14 the authorization for use of the name from the department. The
15 department shall not authorize the use of a fictitious name
16 that may generate public confusion with the name of a public
17 officer or agency or the name of an existing process server
18 company.

19 C. A process server company is liable for the
20 conduct of the company's employees, including the conduct of
21 its process server manager.

22 D. A process server company shall maintain records
23 of the qualifications, performance and training of all of its
24 current and former employees as required by the department.
25 The records are subject to inspection by the department upon

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1 reasonable notice to the owner or process server manager.

2 E. Except as otherwise provided in this section,
3 every employee of a licensed process server company shall be
4 licensed or registered by the department as an employee of the
5 company with which the employee is employed; provided, however,
6 that a licensee or registrant may work for more than one
7 company concurrently.

8 F. A licensee or registrant shall notify the
9 department in writing within thirty days of each change in the
10 licensee's or registrant's employment by filing an amendment to
11 the licensee's or registrant's application obtained from the
12 department. If a licensee or registrant ceases to be employed
13 by a process server company, the licensee or registrant shall
14 notify the department in writing within thirty days from the
15 date the licensee or registrant ceases employment with that
16 company.

17 G. A process server company shall notify the
18 department within thirty days of a change in ownership
19 structure or, if a corporation, a change in the membership of
20 the board of directors.

21 H. Employees of a process server company who are
22 engaged exclusively to perform stenographic, typing, word
23 processing, secretarial, receptionist, accounting, bookkeeping,
24 information technology or other business applications or
25 support functions and who do not perform the work of a process

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1 server are not required to be licensed or registered pursuant
2 to the Process Server Licensing Act.

3 I. An individual who is not licensed or qualified
4 to be employed as a process server manager shall not be
5 employed to perform the duties required of those managers.

6 SECTION 14. [NEW MATERIAL] BOND REQUIRED.--

7 A. A process server company shall file with the
8 department a surety bond executed by a surety company
9 authorized to do business in this state.

10 B. A surety bond executed and filed with the
11 department pursuant to the Process Server Licensing Act shall
12 remain in force until the surety company issuing the bond has
13 terminated future indemnity by notice to the department.

14 SECTION 15. [NEW MATERIAL] PROHIBITED ACTS.--

15 A. A licensee or registrant may divulge to a law
16 enforcement officer or district attorney, the attorney general
17 or the attorney general's representatives information the
18 licensee or registrant acquires concerning a criminal offense,
19 but the licensee or registrant shall not divulge to any other
20 person, except as the licensee or registrant is required by
21 law, information acquired by the licensee or registrant except
22 at the direction of the licensee's or registrant's employer or
23 the client for whom the information was obtained.

24 B. No licensee or registrant shall knowingly make a
25 false report to the licensee's or registrant's employer or the

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1 client for whom service was accomplished or attempted.

2 C. No process server, process server manager or
3 process server employee shall trespass upon private property
4 posted pursuant to Section 30-14-6 NMSA 1978 without the
5 permission of the owner of that property.

6 D. No written report shall be submitted to a client
7 except by the licensee, process server manager or a person
8 authorized by either of them, and the person submitting the
9 report shall exercise diligence in ascertaining whether the
10 facts and information of the report are true and correct.

11 E. No process server, process server manager or
12 process server employee shall use a badge in connection with
13 the official activities of the licensee's or employee's
14 employment for a process server company.

15 F. No licensee or registrant shall use a title or
16 wear a uniform, use an insignia, use an identification card or
17 make a statement with the intent to give an impression that the
18 licensee or registrant is connected in any way with the federal
19 or state government or a political subdivision of either.

20 G. No licensee or registrant shall appear as an
21 assignee party in a proceeding involving a claim and delivery
22 action to recover or possess property or action for foreclosing
23 a chattel mortgage, mechanic's lien, materialman's lien or any
24 other lien.

25 SECTION 16. [NEW MATERIAL] DENIAL, SUSPENSION OR

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1 REVOCATION OF LICENSE OR REGISTRATION.--In accordance with
2 procedures contained in the Uniform Licensing Act, the
3 department may deny, suspend or revoke a license or
4 registration held or applied for pursuant to the Process Server
5 Licensing Act or reprimand or place on probation a licensee or
6 registrant upon grounds that the licensee, registrant or
7 applicant:

8 A. made a false statement or gave false information
9 in connection with an application for a license or registration
10 or renewal or reinstatement of a license or registration;

11 B. violated a provision of the Process Server
12 Licensing Act;

13 C. violated a rule of the department adopted
14 pursuant to the Process Server Licensing Act;

15 D. has been convicted of a felony, any crime
16 involving moral turpitude or an intentional violent act or the
17 illegal use or possession of a deadly weapon;

18 E. has been found to have violated professional
19 ethical standards;

20 F. impersonated or permitted or aided and abetted
21 an employee of a process server company to impersonate a law
22 enforcement officer or employee of the United States or of a
23 state or political subdivision of either;

24 G. committed or permitted an employee of a process
25 server company to commit an act while the license or

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1 registration of the person licensed or registered pursuant to
2 the Process Server Licensing Act was expired that would be
3 cause for the suspension or revocation of a license or
4 registration or grounds for the denial of an application for a
5 license or registration;

6 H. willfully failed or refused to render to a
7 client services as agreed between the parties for which
8 compensation has been paid or tendered in accordance with the
9 agreement of the parties;

10 I. committed assault, battery or kidnapping or used
11 force or violence on a person without justification;

12 J. knowingly violated or advised, encouraged or
13 assisted the violation of a court order or injunction in the
14 course of business of the licensee or registrant;

15 K. knowingly issued a worthless or otherwise
16 fraudulent payroll check that is not redeemed within two days
17 of denial of payment by a bank;

18 L. has been chronically or persistently inebriated
19 or addicted to the illegal use of dangerous or narcotic drugs;

20 M. has been adjudged mentally incompetent or insane
21 by regularly constituted authorities;

22 N. while unlicensed, committed or aided and abetted
23 the commission of any act for which a license is required
24 pursuant to the Process Server Licensing Act; or

25 O. has been found to have violated the requirements

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1 of a state or federal labor, tax or employee benefit law or
2 rule.

3 SECTION 17. [NEW MATERIAL] HEARING--PENALTIES.--

4 A. A person who is denied a license or registration
5 or who has a license or registration suspended or revoked shall
6 be entitled to a hearing before the department, if within
7 twenty days after the denial, suspension or revocation, a
8 request for a hearing is received by the department. The
9 procedures of the Uniform Licensing Act shall be followed
10 pertaining to the hearing to the extent that they do not
11 conflict with the provisions of the Process Server Licensing
12 Act.

13 B. In accordance with the provisions of the Uniform
14 Licensing Act, and in addition to other penalties provided by
15 law, the department may impose the following:

16 (1) for a violation of the Process Server
17 Licensing Act, a civil penalty not to exceed one thousand
18 dollars (\$1,000) for each violation; and

19 (2) against a person who is found by the
20 department to be engaging in a practice regulated by the
21 department without an appropriate license or registration,
22 civil penalties not to exceed one thousand dollars (\$1,000).

23 SECTION 18. [NEW MATERIAL] LICENSE NOT TRANSFERABLE.--

24 A. A license or registration issued pursuant to the
25 Process Server Licensing Act shall not be transferred or

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1 assigned.

2 B. The department shall adopt by rule procedures
3 for changes in the name or management of a process server
4 company. If the process server company fails to comply with
5 the procedures established by department rule, the process
6 server company shall be considered to be operating without a
7 license.

8 SECTION 19. [NEW MATERIAL] LOCAL REGULATIONS.--The
9 provisions of the Process Server Licensing Act shall not
10 prevent the local authorities of a city or county by ordinance
11 and within the exercise of the police power of the city or
12 county from imposing local ordinances upon a person licensed or
13 registered pursuant to the Process Server Licensing Act if the
14 ordinances are consistent with that act.

15 SECTION 20. [NEW MATERIAL] FUND ESTABLISHED.--

16 A. The "process server fund" is created in the
17 state treasury.

18 B. All license and registration fees received by
19 the department pursuant to the Process Server Licensing Act
20 shall be deposited in the fund and are appropriated to the
21 department to be used for the administration and implementation
22 of that act.

23 C. The state treasurer shall invest the fund as
24 other state funds are invested, and all income derived from
25 investment of the fund shall be credited to the fund.

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1 D. All balances in the fund shall remain in the
2 fund and shall not revert to the general fund.

3 E. The department shall administer the fund, and
4 money in the fund shall be expended by warrant issued by the
5 secretary of finance and administration on vouchers signed by
6 the superintendent.

7 F. No more than five percent of the fund shall be
8 used by the department for administration of the fund.

9 SECTION 21. [NEW MATERIAL] PENALTIES.--

10 A. A person who engages in a business regulated by
11 the Process Server Licensing Act who fraudulently makes a
12 representation as being a licensee or registrant is guilty of a
13 misdemeanor and, if convicted, shall be sentenced pursuant to
14 Section 31-19-1 NMSA 1978.

15 B. An individual who fraudulently represents that
16 the individual is employed by a licensee is guilty of a petty
17 misdemeanor and, if convicted, shall be sentenced pursuant to
18 Section 31-19-1 NMSA 1978.

19 C. A person who violates a mandatory requirement,
20 as set forth by the department in rule, of the Process Server
21 Licensing Act is guilty of a petty misdemeanor except as
22 provided in Subsection A of this section and if convicted shall
23 be sentenced pursuant to Section 31-19-1 NMSA 1978.

24 SECTION 22. [NEW MATERIAL] BACKGROUND INVESTIGATIONS.--

25 A. The department shall adopt rules that:

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1 (1) are developed in conjunction with the
2 department of public safety that require background
3 investigations of all persons licensed or registered pursuant
4 to the Process Server Licensing Act to determine if the person
5 has a criminal history;

6 (2) require all applicants for licensure or
7 registration to be fingerprinted on two fingerprint cards or
8 electronically as required for submission to the federal bureau
9 of investigation to conduct a national criminal history
10 investigation and for submission to the department of public
11 safety to conduct a state criminal history investigation;

12 (3) provide for an applicant to inspect or
13 challenge the validity of the record developed by the
14 background investigation if the applicant is denied a license
15 or registration; and

16 (4) establish a fee for fingerprinting and
17 conducting a background investigation of an applicant.

18 B. Arrest record information received from the
19 federal bureau of investigation and the department of public
20 safety shall be privileged and shall not be disclosed to
21 individuals not directly involved in the decision affecting the
22 specific applicant or employee.

23 C. The applicant shall pay the cost of obtaining
24 criminal history information from the federal bureau of
25 investigation and the department of public safety.

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1 D. Electronic live scans may be used for conducting
2 criminal history investigations.

3 SECTION 23. Section 61-27B-4 NMSA 1978 (being Laws 1993,
4 Chapter 212, Section 4, as amended) is amended to read:

5 "61-27B-4. PERSONS EXEMPTED.--

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

10 B. The Private Investigations Act does not apply
11 to:

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

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

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

24 (4) an attorney licensed in New Mexico
25 conducting private investigations while engaged in the practice

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1 of law;

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

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

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

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

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

22 (10) an institution subject to the
23 jurisdiction of the director of the financial institutions
24 division of the department or the comptroller of currency of
25 the United States; or

.184366.2

1 (11) an individual who investigated the
2 location of a person for the purpose of process service and who
3 is licensed pursuant to the Process Server Licensing Act."

4 SECTION 24. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2011.

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underscoring material = new
[bracketed material] = delete