

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 181

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO INTERIOR DESIGNERS; STREAMLINING LICENSURE REQUIREMENTS; CREATING A SEAL OR STAMP; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. 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. "board" means the interior design board;

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B. "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~~]

SCORC → C. "interior design document" means detailed drawings and specifications prepared under the responsible control and seal of a licensed interior designer, licensed architect or licensed engineer; ← SCORC

SCORC → ~~C.~~ D. ← SCORC "licensed interior designer" [~~or "licensed designer"~~] means a person licensed pursuant to the Interior Designers Act; and

SCORC → ~~D.~~ E. ← SCORC "responsible charge" means the amount of control over and detailed knowledge of the content of interior documents during their preparation as is ordinarily exercised by registered or licensed professionals applying the required professional standard of care, as defined by the rules adopted by the respective boards governing such professionals."

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SECTION 2. Section 61-24C-4 NMSA 1978 (being Laws 1989, Chapter 53, Section 4, as amended) is amended to read:

"61-24C-4. INTERIOR DESIGN BOARD CREATED--MEMBERS--TERMS--COMPENSATION.--

A. There is created the "interior design board". The board shall be administratively attached to the regulation and licensing department. The board shall consist of five members appointed by the governor for staggered terms of three years. [~~appointed in a manner that the term of one member shall expire on December 31, 1990; the terms of two members shall expire on December 31, 1991; and the terms of the last two members shall expire on December 31, 1992. Thereafter~~] Members shall be appointed [~~for terms of three years or less~~] in a manner that the terms of not more than two members expire on December 31 of each year. A vacancy shall be filled by appointment by the governor for the unexpired term. A board member shall not serve consecutive terms.

B. All members of the board shall be residents of New Mexico. No more than two members shall be appointed from the same congressional district. Three members of the board shall be licensed interior designers, and two members shall be chosen to represent the public and shall not have been licensed as interior designers or have a significant financial interest, direct or indirect, in the occupation regulated. [~~For purposes of this section, the interior designer members of the initial board shall have offered interior design services for at least five years, shall have passed the national council for interior design qualification examination and shall have become~~

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~~registered by November 1, 1989.]~~

C. Three members of the board shall constitute a quorum for the transaction of business, but no final action shall be taken unless at least three members vote in favor of a proposal."

SECTION 3. 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 BOARD.--The board shall:

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

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

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

D. ~~shall~~ maintain an official roster showing the name, address and license number of each interior designer

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licensed pursuant to the Interior Designers Act;

E. ~~[shall]~~ conduct hearings and keep records and minutes necessary to carry out its functions in administering the Interior Designers Act;

F. ~~[may]~~ adopt a common seal or stamp for use by licensed interior designers; ~~[and]~~

G. ~~[shall]~~ prescribe the form of a certificate of registration for a licensed interior designer; and

H. do all things reasonable and necessary to carry out the purposes of the Interior Designers Act."

SECTION 4. Section 61-24C-8 NMSA 1978 (being Laws 1989, Chapter 53, Section 8) is amended to read:

"61-24C-8. REQUIREMENTS FOR LICENSURE--RECIPROCITY.--

~~[Each] A. An applicant for licensure shall [apply to the board. Except as otherwise provided in the Interior Designers Act, each applicant shall take and pass a nationally standardized examination. The board may adopt substantially all or part of the examination and grading procedures of the national council for interior design qualifications. Prior to examination, the applicant shall provide substantial evidence to the board that the applicant:~~

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

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

~~C. has completed at least three years of an~~

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~~interior design curriculum from an accredited institution and has completed three years of diversified interior design experience;~~

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

~~E. has apprenticed under a designer who has passed the national council for interior design qualification examination or a licensed designer for a minimum of eight years]~~ submit to the board:

~~Hf1→(1) proof of having reached twenty-one years of age;~~←Hf1

Hf1→(2) (1)←Hf1 a completed application, as required by the board;

Hf1→(3) (2)←Hf1 the fees for licensure, as required by the board;

Hf1→(4) (3)←Hf1 proof of having passed the examination administered by the national council for interior design qualification or its successor entity; and

Hf1→(5) (4)←Hf1 proof of having acquired a minimum degree from a college or university in a program of study of:

(a) architecture accredited by the national architectural accrediting board or another national accrediting organization recognized by the board; or

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(b) interior design approved by the council for interior design accreditation or a substantially equivalent program of study approved by the board.

B. The board may issue a license to a person who holds a valid license, certificate or registration as an interior designer issued by another state, political territory or jurisdiction if, in the board's determination, the requirements for the license, certificate or registration equal or exceed the requirements for licensure pursuant to the Interior Designers Act."

SECTION 5. 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 pays the required fees]~~ requirements for licensure.

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 annually and shall be renewed by submitting a completed renewal application, accompanied by the required fees.

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D. A license [~~may~~] shall not be renewed until the licensee submits satisfactory evidence to the board that, during the last year, the licensee has participated in not less than [~~eight~~] twelve hours of continuing education approved by the board. The board shall approve only continuing education that [~~builds upon basic knowledge of interior design. The board may make exceptions from the continuing education requirement in emergency or hardship cases~~] focuses on:

(1) the health, safety and welfare of building occupants;

(2) public safety, including the application of fire codes and building codes; or

(3) the application of federal, state and local laws pertaining to accessibility standards.

E. The holder of a license that has expired through failure to renew may renew the license at any time within two years from the date on which the license expired, upon approval of the board.

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

G. In accordance with the provisions of the Uniform Licensing Act, the board may deny, refuse to renew, suspend or revoke a license or impose probationary conditions when the

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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 or been convicted of a felony;
- (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 board 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 [regulations] rules adopted pursuant to that act."

SECTION 6. 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. [~~After the results of the first examination held pursuant to the Interior Designers Act are announced~~] No person shall 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 board [~~or a board member~~] for the purpose of obtaining a license;

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(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 is guilty of a misdemeanor and shall be sentenced under the provisions of the Criminal Sentencing Act to imprisonment in the county jail for a definite term of less than one year or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both imprisonment or fine, in the discretion of the judge."

SECTION 7. A new section of the Interior Designers Act is enacted to read:

"[NEW MATERIAL] SEAL OR STAMP.--An interior designer may, upon licensure, obtain the seal or stamp of the design authorized by the board, which design bears the licensee's name and the legend "Licensed Interior Designer - State of New Mexico". All plans, specifications and reports prepared by a licensed interior designer or under a licensed interior designer's responsible charge shall be signed and sealed or stamped by that licensed interior designer."

SECTION 8. A new section of the Interior Designers Act is enacted to read:

"[NEW MATERIAL] SCOPE OF PRACTICE--EFFECT ON PRACTICE OF .212663.2

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ARCHITECTURE AND INTERIOR DECORATION.--Nothing in the Interior Designers Act shall be construed to:

A. amend or in any manner affect the definition of the practice of architecture; or

B. prohibit an individual from practicing interior design; provided that the individual does not use the title "licensed interior designer" unless the individual has been issued a license for interior design pursuant to the Interior Designers Act."

SCORC→SECTION 9. A new section of the Interior Designers Act is enacted to read:

"[NEW MATERIAL] INTERIOR DESIGN DOCUMENTS.--The board shall adopt rules to allow interior design documents to be prepared and sealed or stamped by a licensed interior designer within the scope of work outlined."←SCORC

SCORC→~~SECTION 9.~~ SECTION 10.←SCORC REPEAL.--Sections 61-24C-2 and 61-24C-9 NMSA 1978 (being Laws 1989, Chapter 53, Sections 2 and 9, as amended) are repealed.