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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;

B. "interior design" means 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;

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;

1 D. "licensed interior designer" means a person
2 licensed pursuant to the Interior Designers Act; and

3 E. "responsible charge" means the amount of
4 control over and detailed knowledge of the content of
5 interior documents during their preparation as is ordinarily
6 exercised by registered or licensed professionals applying
7 the required professional standard of care, as defined by the
8 rules adopted by the respective boards governing such
9 professionals."

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

12 "61-24C-4. INTERIOR DESIGN BOARD CREATED--MEMBERS--
13 TERMS--COMPENSATION.--

14 A. There is created the "interior design board".
15 The board shall be administratively attached to the
16 regulation and licensing department. The board shall consist
17 of five members appointed by the governor for staggered terms
18 of three years. Members shall be appointed in a manner that
19 the terms of not more than two members expire on December 31
20 of each year. A vacancy shall be filled by appointment by
21 the governor for the unexpired term. A board member shall
22 not serve consecutive terms.

23 B. All members of the board shall be residents of
24 New Mexico. No more than two members shall be appointed from
25 the same congressional district. Three members of the board

1 shall be licensed interior designers, and two members shall
2 be chosen to represent the public and shall not have been
3 licensed as interior designers or have a significant
4 financial interest, direct or indirect, in the occupation
5 regulated.

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

10 SECTION 3. Section 61-24C-5 NMSA 1978 (being Laws 1989,
11 Chapter 53, Section 5, as amended) is amended to read:

12 "61-24C-5. POWERS AND DUTIES OF THE BOARD.--The board
13 shall:

14 A. administer, coordinate and enforce the
15 provisions of the Interior Designers Act. The board may
16 investigate allegations of violations of the provisions of
17 the Interior Designers Act;

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

25 C. require a licensee, as a condition of the

1 renewal of the license, to undergo continuing education
2 requirements as set forth in the Interior Designers Act;

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

6 E. conduct hearings and keep records and minutes
7 necessary to carry out its functions in administering the
8 Interior Designers Act;

9 F. adopt a common seal or stamp for use by
10 licensed interior designers;

11 G. prescribe the form of a certificate of
12 registration for a licensed interior designer; and

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

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

17 "61-24C-8. REQUIREMENTS FOR LICENSURE--RECIPROCITY.--

18 A. An applicant for licensure shall submit to the
19 board:

20 (1) a completed application, as required by
21 the board;

22 (2) the fees for licensure, as required by
23 the board;

24 (3) proof of having passed the examination
25 administered by the national council for interior design

1 qualification or its successor entity; and

2 (4) proof of having acquired a minimum
3 degree from a college or university in a program of study of:

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

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

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

17 SECTION 5. Section 61-24C-10 NMSA 1978 (being
18 Laws 1989, Chapter 53, Section 10, as amended) is amended to
19 read:

20 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,
21 SUSPENSION OR REVOCATION.--

22 A. A license shall be issued to every person who
23 presents satisfactory evidence of possessing the
24 requirements for licensure.

25 B. Each original license shall authorize the

1 holder to use the title of and be known as a licensed
2 interior designer from the date of issuance to the next
3 renewal date unless the license is suspended or revoked.

4 C. All licenses shall expire annually and shall be
5 renewed by submitting a completed renewal application,
6 accompanied by the required fees.

7 D. A license shall not be renewed until the
8 licensee submits satisfactory evidence to the board that,
9 during the last year, the licensee has participated in not
10 less than twelve hours of continuing education approved by
11 the board. The board shall approve only continuing education
12 that focuses on:

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

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

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

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

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

1 of interior design.

2 G. In accordance with the provisions of the
3 Uniform Licensing Act, the board may deny, refuse to renew,
4 suspend or revoke a license or impose probationary conditions
5 when the licensee has:

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

8 (2) committed an act of fraud or deceit in
9 professional conduct or been convicted of a felony;

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

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

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

20 SECTION 6. Section 61-24C-11 NMSA 1978 (being Laws
21 1989, Chapter 53, Section 11, as amended) is amended to read:

22 "61-24C-11. LICENSE REQUIRED--PENALTY.--

23 A. No person shall knowingly:

24 (1) use the name or title of licensed
25 interior designer when the person is not the holder of a

1 current, valid license issued pursuant to the Interior
2 Designers Act;

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

5 (3) give false or forged evidence to the
6 board for the purpose of obtaining a license;

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

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

12 B. A person who violates a provision of this
13 section is guilty of a misdemeanor and shall be sentenced
14 under the provisions of the Criminal Sentencing Act to
15 imprisonment in the county jail for a definite term of less
16 than one year or to the payment of a fine of not more than
17 one thousand dollars (\$1,000) or to both imprisonment or
18 fine, in the discretion of the judge."

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

21 "SEAL OR STAMP.--An interior designer may, upon
22 licensure, obtain the seal or stamp of the design authorized
23 by the board, which design bears the licensee's name and the
24 legend "Licensed Interior Designer - State of New Mexico".

25 All plans, specifications and reports prepared by a licensed

1 interior designer or under a licensed interior designer's
2 responsible charge shall be signed and sealed or stamped by
3 that licensed interior designer."

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

6 "SCOPE OF PRACTICE--EFFECT ON PRACTICE OF ARCHITECTURE
7 AND INTERIOR DECORATION.--Nothing in the Interior Designers
8 Act shall be construed to:

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

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

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

18 "INTERIOR DESIGN DOCUMENTS.--The board shall adopt rules
19 to allow interior design documents to be prepared and sealed
20 or stamped by a licensed interior designer within the scope
21 of work outlined."

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