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HOUSE BILL 478

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. David Pederson

AN ACT

RELATING TO ARCHITECTURAL SERVICES; PROVIDING FOR
TELECONFERENCE BOARD MEETINGS; CLARIFYING REGISTRATION
REQUIREMENTS; EXPANDING THE GROUNDS FOR DISCIPLINARY ACTIONS;
EXTENDING THE LIFE OF THE BOARD OF EXAMINERS FOR ARCHITECTS;
AMENDING SECTIONS OF THE ARCHITECTURAL ACT.

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

Section 1. Section 61-15-2 NMSA 1978 (being Laws 1979,
Chapter 362, Section 2, as amended) is amended to read:

"61-15-2. DEFINITIONS. -- As used in the Architectural
Act:

A. "architect" means any individual registered
under the Architectural Act to practice architecture;

B. "architectural services" means the services, as
defined by rule of the board, performed in the practice of

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1 architecture. These services include predesign services,
2 programming and planning, providing [~~preliminary studies~~]
3 designs, drawings, specifications, other technical
4 submissions, [~~and the observation of construction for the~~
5 ~~purpose of assuring substantial compliance with drawings and~~
6 ~~specifications and include~~] administration of construction
7 contracts, coordination of technical submissions prepared by
8 others and such other professional services as may be
9 necessary to the planning, progress and completion of any
10 architectural services. [~~It is recognized that~~] An architect
11 who has complied with all of the laws of New Mexico relating
12 to the practice of architecture has a right to engage in the
13 incidental practice of activities properly classifiable as
14 engineering [~~insofar as it is incidental to his work as an~~
15 ~~architect. Likewise, it is recognized that an engineer who~~
16 ~~has complied with all of the laws of New Mexico relating to~~
17 ~~the practice of engineering has the right to engage in~~
18 ~~activities properly classified as architecture insofar as it~~
19 ~~is incidental to his work as an engineer; provided that in~~
20 ~~such cases an architect shall not hold himself out as~~
21 ~~practicing engineering and an engineer shall not hold himself~~
22 ~~out as practicing architecture~~]; provided that the architect
23 does not hold himself out to be an engineer or as performing
24 engineering services and further provided that the architect
25 [~~or engineer, as the case may be, shall perform~~] performs only

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1 that part of the work for which [~~he~~] the architect is
2 professionally qualified and [~~shall utilize~~] uses qualified
3 professional engineers, architects or others for those
4 portions of the work in which the contracting [~~professional~~
5 ~~engineer or~~] architect is not qualified. Furthermore, the
6 architect [~~or professional engineer, as the case may be~~] shall
7 assume all responsibility for compliance with all laws, [~~and~~
8 ~~ordinances relating to the designs or projects with which he~~
9 ~~may be engaged~~] codes, rules and ordinances of the state or
10 its political subdivisions pertaining to documents bearing an
11 architect's professional seal;

12 C. "board" means the board of examiners for
13 architects;

14 D. "construction [~~observation of a construction~~
15 ~~contract~~] administration", when performed by an architect,
16 means the interpretation of the drawings and specifications,
17 the establishment of standards of acceptable workmanship and
18 the [~~periodic~~] observation of construction to determine its
19 consistency with the general intent of the construction
20 documents [~~when performed by a person engaged in the practice~~
21 ~~of architecture~~]. Inspection of buildings by contractors,
22 subcontractors or building inspectors or their agents shall
23 not constitute construction [~~observation of a construction~~
24 ~~contract~~] administration;

25 E. ~~"direct supervision" means that any documents~~

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1 ~~bearing the architect's stamp and signature have been prepared~~
2 ~~under the immediate and responsible direction of the architect~~
3 ~~who has exercised his direction, guidance and restraining~~
4 ~~power over the preparation of the documents and has exercised~~
5 ~~his professional judgment in all architectural matters~~
6 ~~embodied within the documents; and]~~

7 E. "incidental practice" means the performance of
8 other professional services that are related to an architect's
9 performance of architectural services;

10 F. "intern architect" means a person who is
11 actively pursuing completion of the requirements for
12 diversified training in accordance with rules of the board;

13 ~~[F.]~~ G. "practice of architecture" means rendering
14 or offering to render [any service which requires
15 architectural education, training and experience]
16 architectural services in connection with the design,
17 construction, enlargement or alteration of a building or group
18 of buildings and the space within [and] the site surrounding
19 those buildings, which have as their principal purpose human
20 occupancy or habitation. "Practice of architecture" does not
21 include the practice of engineering as defined in the
22 Engineering and Surveying Practice Act but may include such
23 engineering work as is incidental practice;

24 H. "project" means the building or group of
25 buildings and the space within the site surrounding the

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1 buildings as defined by the construction documents; and

2 I. "responsible charge" means that all
3 architectural services have been or will be performed under
4 the direction, guidance and restraining power of a registered
5 architect who has exercised professional judgment with respect
6 thereto. "

7 Section 2. Section 61-15-4 NMSA 1978 (being Laws 1931,
8 Chapter 155, Section 3, as amended) is amended to read:

9 "61-15-4. POWERS AND DUTIES OF THE BOARD. --

10 A. The board shall hold at least four regular
11 meetings each year. Any board member failing to attend three
12 consecutive regular meetings is automatically removed as a
13 member of the board. A majority of the board members
14 constitutes a quorum.

15 B. A board member may participate in a meeting of
16 the board by means of a conference telephone or other similar
17 communications equipment when it is otherwise difficult or
18 impossible for the member to attend the meeting in person if:

19 (1) each member participating by conference
20 telephone can be identified when speaking;

21 (2) all participants are able to hear each
22 other at the same time; and

23 (3) members of the public attending the
24 meeting are able to hear all board members who speak during
25 the hearing.

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1 C. The board may establish committees to carry out
2 the provisions of the Architectural Act. The board or any
3 committee thereof shall have the power to subpoena any
4 witness, to administer oaths and to take testimony concerning
5 matters within its jurisdiction. It [~~shall be~~] is within the
6 jurisdiction of the board to determine and prescribe by
7 regulations the professional and technical qualifications
8 necessary for the practice of architecture in New Mexico. The
9 board shall adopt and have an official seal, which shall be
10 affixed to all certificates of registration granted, and may
11 make rules [~~and regulations~~] not inconsistent with law.

12 D. The board may offer, engage in and promote
13 educational and other activities as it deems necessary to
14 fulfill its duty to promote the public welfare.

15 E. The board may, for the purpose of protecting
16 the citizens of New Mexico and promoting current architectural
17 knowledge and practice, adopt rules establishing continuing
18 education requirements as a condition of registration renewal.

19 [~~C.~~] F. Members of the board shall receive per
20 diem and mileage as provided in the Per Diem and Mileage Act
21 and shall receive no other compensation, perquisite or
22 allowance [~~except for the secretary who shall receive, in~~
23 ~~addition, a salary to be set by the board~~]. All expenses
24 certified by the board as properly and necessarily incurred in
25 the discharge of its duties, including authorized

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1 reimbursement and [~~including~~] necessary expenses incident to
2 cooperation with like boards of other states, shall be paid by
3 the state treasurer out of the "fund of the board of examiners
4 for architects" on the warrant of the secretary of finance and
5 administration issued upon vouchers signed by the [~~chairman~~
6 ~~and secretary or by two other members and the secretary of the~~
7 ~~board~~] chair or the chair's designee; provided, however, that
8 at no time shall the total warrants issued exceed the total
9 amount of funds accumulated under the Architectural Act. All
10 money derived from the operation of the Architectural Act
11 shall be deposited with the state treasurer, who shall keep
12 the money in the fund of the board of examiners for
13 architects.

14 [~~D.~~] G. The board shall [~~hold at least once each~~
15 ~~year an examination of applicants for registration, at a time~~
16 ~~and place designated by the board~~] by rule provide for the
17 examinations required for registration. The board shall keep
18 a complete record of all examinations [~~written or oral~~].

19 [~~E.~~] H. Upon application for registration, upon a
20 prescribed form and upon payment by the applicant of a fee set
21 by the board, the board shall consider the application and, in
22 cases as herein authorized, shall issue a certificate of
23 registration as an architect to any person who submits
24 evidence satisfactory to the board that [~~he~~] the person is
25 fully qualified to practice architecture.

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1 ~~[F.]~~ I. It is the duty of the board to report to
2 the district attorney of the district where the offense was
3 committed any ~~[person violating any provision]~~ criminal
4 violation of the Architectural Act.

5 ~~[G. The board may refuse to issue, may suspend or~~
6 ~~may revoke any license, in accordance with the provisions of~~
7 ~~the Uniform Licensing Act, for any of the grounds set forth in~~
8 ~~Section 61-15-12 NMSA 1978 or for any violation of the~~
9 ~~Architectural Act.]~~

10 J. The board may deny, review, suspend or revoke a
11 registration to practice architecture and may censure, fine,
12 reprimand and place on probation and stipulation any architect
13 in accordance with the Uniform Licensing Act for any cause as
14 stated in the Architectural Act.

15 ~~[H.]~~ K. The board, in cooperation with the state
16 board of registration for professional engineers and land
17 surveyors and the board of landscape architects, shall create
18 a joint standing committee to be known as the "[~~architect-~~
19 ~~engineer-landscape architect~~] joint practice committee". [~~The~~
20 ~~committee shall have as its purpose the resolution of disputes~~
21 ~~concerning the professions.~~] In order to safeguard life,
22 health and property and to promote public welfare, the purpose
23 of the committee is to promote and develop the highest
24 professional standards in design, planning and construction
25 and the resolution of ambiguities concerning the professions.

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1 The composition of the committee and its duties and powers
2 shall be in accordance with identical resolutions adopted by
3 each board. "

4 Section 3. Section 61-15-5 NMSA 1978 (being Laws 1931,
5 Chapter 155, Section 4, as amended) is amended to read:

6 "61-15-5. ADDITIONAL DUTIES OF THE BOARD. --

7 A. The board shall keep a record of its
8 proceedings. The records of the board shall be prima facie
9 evidence of the proceedings of the board set forth in the
10 record and a transcript of the record, duly certified by the
11 board under seal, shall be admissible in evidence with the
12 same force and effect as if the original were produced.

13 B. The board shall keep a register of all
14 applications for registration, which shall show the name, age
15 and residence of each applicant, the date of application, the
16 applicant's place of business, the applicant's educational and
17 other qualifications, whether [~~or not~~] an examination was
18 required, whether the applicant was rejected, whether a
19 certificate of registration was granted, the date of the
20 action of the board and any other information deemed necessary
21 by the board.

22 C. Annually [~~on or before August 30~~], the board
23 shall submit to the governor a report of its transactions of
24 the preceding year accompanied by a complete statement of the
25 receipts and expenditures of the board [~~attested by affidavits~~

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1 ~~of its chairman and secretary].~~ The report shall be available
2 to the public.

3 D. Board records and papers which are of a
4 confidential nature and are not public records include
5 examination material for examinations not yet given, file
6 records of examination problem solutions, letters of inquiry
7 and references concerning applicants, board inquiry forms
8 concerning applicants and investigation files [~~where any~~
9 ~~investigation is still pending and other materials of like~~
10 ~~confidential nature~~]. All data, communications and
11 information acquired by the board relating to actual or
12 potential disciplinary action is confidential and shall not be
13 disclosed.

14 E. A roster showing the names and addresses of all
15 registered architects shall be prepared annually by the board
16 [~~prior to September 1 of each even-numbered year. A~~
17 ~~supplement to the roster shall be prepared by the board prior~~
18 ~~to September 1 of each odd-numbered year. Copies of the~~
19 ~~roster and supplement shall be mailed~~] and shall be made
20 available to each registered architect and placed on file with
21 the secretary of state [~~and~~]. Copies of the roster may be
22 distributed or sold to the public.

23 F. The board shall, by rule, set application,
24 registration, renewal, examination and other fees.

25 G. The board may, by rule, set criteria for the

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1 training of intern architects. "

2 Section 4. Section 61-15-6 NMSA 1978 (being Laws 1931,
3 Chapter 155, Section 5, as amended) is amended to read:

4 "61-15-6. REQUIREMENTS FOR REGISTRATION. --

5 A. To be eligible for registration, a person
6 [~~must~~] shall be of good character and repute.

7 B. An applicant for registration shall [~~have been~~
8 ~~actively engaged for eight years or more in architectural work~~
9 ~~of a character satisfactory to the board. However, each year~~
10 ~~of teaching or study of architecture satisfactorily completed~~
11 ~~in a school of architecture of a standing satisfactory to the~~
12 ~~board shall be equivalent to one year of professional~~
13 ~~experience. In addition, effective January 1, 1990, an~~
14 ~~applicant for examination for registration must have a~~
15 ~~professional degree from an accredited architectural program~~
16 ~~in order to be eligible for the examination for registration.]~~
17 submit evidence satisfactory to the board that the applicant
18 is fully qualified to practice architecture in New Mexico.

19 C. All applicants for registration shall be
20 required to pass [~~a written examination and may be required to~~
21 ~~pass an oral examination as]~~ any examinations required by the
22 board.

23 [~~D. In determining the qualifications of~~
24 ~~applicants for registration as architects, a majority vote of~~
25 ~~the members of the board shall be required.]~~

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1 D. All applicants for registration shall be
2 required to complete all forms and affidavits required by the
3 board.

4 E. An applicant for registration by examination
5 shall have:

6 (1) a professional degree from an
7 architectural program accredited by the national architectural
8 accreditation board or its equivalent as prescribed by rule;

9 (2) certified completion of the intern
10 training program of the national council of architectural
11 registration boards; and

12 (3) passed all divisions of the architectural
13 registration examination.

14 F. A person registered as an architect in another
15 jurisdiction who has been certified by the national council of
16 architectural registration boards may apply for registration
17 without an examination by presenting:

18 (1) a certificate of good standing issued by
19 the national council of architectural registration boards or
20 its equivalent as prescribed by rule; and

21 (2) evidence satisfactory to the board of
22 qualification in design for seismic forces.

23 G. A person registered as an architect in another
24 jurisdiction who has held the registration in a position of
25 responsibility for at least five years and who does not have a

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1 certificate issued by the national council of architectural
2 registration boards may apply for registration by presenting
3 evidence of broad experience as an architect, as required by
4 rule of the board, of academic training and work experience
5 directly related to architecture.

6 ~~[E.]~~ H. No sole proprietorship, partnership,
7 corporation ~~[or]~~, association or other business entity shall
8 be registered under the Architectural Act. No sole
9 proprietorship, partnership, corporation ~~[or]~~, association or
10 other business entity shall practice or offer to practice
11 architecture in the state except as provided in Subsections
12 ~~[F, G and H]~~ I, J and K of this section.

13 ~~[F.]~~ I. Registered architects may practice under
14 the Architectural Act as individuals or through partnerships,
15 associations ~~[or]~~, corporations or other business entities.

16 ~~[G.]~~ J. In the case of practice through a
17 partnership offering architectural services, at least one of
18 the partners shall be a registered architect under the
19 Architectural Act, and all plans, designs, drawings,
20 specifications or reports issued by or for the partnership
21 shall bear the seal of a registered architect who shall be
22 responsible for such work.

23 ~~[H.]~~ K. In the case of practice through ~~[an~~
24 ~~association or corporation]~~ a business entity, services or
25 work involving the practice of architecture may be offered

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1 through the [~~association or corporation~~] business entity;
2 provided the registered architect in responsible charge of the
3 activities of the [~~association or corporation~~] business entity
4 involved in such practice [~~has~~] is an employee of the business
5 entity with the authority to bind the [~~association or~~
6 ~~corporation~~] entity by contract. [~~and further provided that~~]
7 All plans, designs, drawings, specifications or reports
8 [~~which~~] that are involved in the practice and issued by or for
9 the [~~association or corporation~~] business entity shall bear
10 the seal and signature of a registered architect in [~~direct~~
11 ~~supervision~~] responsible charge of the work when issued. The
12 architect in responsible charge of activities of the business
13 entity offering architectural services shall provide the board
14 with an affidavit documenting the authority and shall notify
15 the board of a termination of the authority. "

16 Section 5. Section 61-15-7 NMSA 1978 (being Laws 1931,
17 Chapter 155, Section 6, as amended) is amended to read:

18 "61-15-7. CERTIFICATES OF REGISTRATION. --

19 A. [~~Each registrant~~] The board shall issue a
20 certificate of registration to each architect. An architect
21 may, upon registration, obtain the seal of the design
22 authorized by the board, which bears the registrant's name and
23 the legend "Registered Architect--State of New Mexico". All
24 plans, specifications, plats and reports [~~issued by a~~
25 registrant shall be stamped with the seal during the life of a

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1 ~~registrant's certificate]~~ prepared by an architect or under an
2 architect's responsible charge shall be signed and sealed by
3 that architect, including all plans and specifications
4 prepared by an architect or under an architect's responsible
5 charge on work described in Subsection B of Section 61-15-9
6 NMSA 1978.

7 B. Certificates of registration shall [~~expire on~~
8 ~~the last day of December following their issuance or renewal~~
9 ~~and shall be invalid after that date]~~ be valid for a period of
10 time as set by rule and shall be invalid after the date of
11 expiration unless renewed.

12 C. Renewal may be effected at any time [~~during~~
13 ~~December]~~ prior to expiration by the payment of a fee in an
14 amount set by the board. [~~The registrant shall satisfy the~~
15 ~~board that he is still proficient and qualified to practice~~
16 ~~architecture, as required by the board.] Fees shall be paid~~
17 to the board.

18 D. The failure on the part of any registrant to
19 renew [~~his~~] a certificate [~~annually in December]~~ prior to
20 expiration shall not deprive that person of the right of
21 renewal [~~thereafter, but the fee to be paid for the renewal of~~
22 ~~a certificate after December shall be increased ten percent~~
23 ~~for each month or fraction of a month that the payment for~~
24 ~~renewal is delayed]~~ within three years of the expiration date
25 of the certificate. Reinstatement of the certificate may be

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1 effected in a manner prescribed by rule and may include
2 penalties and fees.

3 E. Renewal of a certificate that has been expired
4 for more than three years shall require a demonstration of
5 continued proficiency and qualification to practice
6 architecture in addition to payment of penalties and fees and
7 such other requirements as may be required by rule. "

8 Section 6. Section 61-15-8 NMSA 1978 (being Laws 1931,
9 Chapter 155, Section 7, as amended) is amended to read:

10 "61-15-8. EXEMPTIONS FROM REGISTRATION. --

11 A. The following [~~shall be~~] are exempt from the
12 provisions of the Architectural Act:

13 (1) architects who [~~are not legal residents~~
14 ~~of and~~] have no established places of business in this state
15 [~~who are acting~~] and who are not registered under the
16 Architectural Act may act as consulting associates of [~~a legal~~
17 ~~resident~~] an architect registered under the provisions of the
18 Architectural Act, provided the [~~nonresident~~] architects are
19 [~~qualified for such professional service in their own state or~~
20 ~~country~~] registered as architects in another jurisdiction; and

21 (2) architects acting solely as officers or
22 employees of the United States or any interstate railroad
23 system.

24 B. Nothing in the Architectural Act shall prevent
25 [~~the draftsmen, students, superintendents and other employees~~

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1 of lawfully practicing architects under the provisions of the
2 Architectural Act from acting under the instructions, control
3 or supervision of the employer or shall prevent the employment
4 of superintendents on the construction, enlargement or
5 alterations of buildings or any appurtenances thereto or shall
6 prevent those superintendents from acting under the direct
7 supervision of registered architects by whom the plans and
8 specifications of any building, enlargements, constructions or
9 alterations were prepared] a registered architect from
10 employing non-registrants to work under the architect's
11 responsible charge. "

12 Section 7. Section 61-15-9 NMSA 1978 (being Laws 1931,
13 Chapter 155, Section 8, as amended) is amended to read:

14 "61-15-9. [RESTRICTIONS] PROJECT EXEMPTIONS. --

15 [A. ~~Except as otherwise provided in the~~
16 Architectural Act, neither the state nor any political
17 subdivision of the state shall engage in the construction of
18 any public work involving architecture for which the plans,
19 specifications and architectural services have not been
20 provided by legal resident registered architects of the state.
21 Except in the case of school districts, nothing in this
22 section shall be held to apply to public work for which the
23 expenditure for the complete project does not exceed one
24 hundred thousand dollars (\$100,000). In the case of school
25 districts, nothing in this section shall apply]

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1 A. The state and its political subdivisions are
2 not exempt from the requirements of the Architectural Act.

3 [~~(1) to public work for which the expenditure~~
4 ~~for the complete project does not exceed one hundred thousand~~
5 ~~dollars (\$100,000); or~~

6 ~~(2) to the construction or relocation of~~
7 ~~portable classroom units that are intended for use as~~
8 ~~temporary classrooms. Portable classrooms will not be~~
9 ~~considered temporary where more than four units are joined~~
10 ~~together.~~

11 B. [~~Nothing in the Architectural Act shall prevent~~
12 ~~any person from preparing building plans and specifications~~
13 ~~without being registered] A person who is not an architect may
14 prepare building plans and specifications unless the building
15 plans and specifications involve public safety or health, but
16 the work shall be done only on:~~

17 (1) single-family dwellings not more than two
18 stories in height;

19 (2) multiple dwellings not more than two
20 stories in height containing not more than four dwelling units
21 of wood-frame construction; provided, this paragraph shall not
22 be construed to allow a person who is not registered under the
23 Architectural Act to design multiple clusters of up to four
24 dwelling units each to form apartment or condominium complexes
25 where the total exceeds four dwelling units on any lawfully

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1 divided lot;

2 (3) garages or other structures not more than
3 two stories in height which are appurtenant to buildings
4 described in Paragraphs (1) and (2) of this subsection; or

5 (4) nonresidential buildings, as defined in
6 the uniform building code, unless the building code official
7 having jurisdiction has found that the submission of plans,
8 drawings, specifications or calculations prepared and designed
9 by an architect or engineer licensed by the state is necessary
10 to obtain compliance with minimum standards governing the
11 preparation of building plans and specifications adopted by
12 the construction industries division of the regulation and
13 licensing department. The construction industries division
14 shall set, by regulation, minimum standards for preparation of
15 building plans and specifications pursuant to this paragraph.

16 C. Nothing in the Architectural Act shall require
17 the state or any political subdivision of the state to secure
18 the services of an architect or engineer for any public work
19 project which consists of repair, replacement or remodeling
20 ~~[of nonstructural elements of an existing structure]~~ if the
21 alteration does not affect structural or life safety features
22 of a building and does not require the issuance of a building
23 permit under any applicable code.

24 D. A New Mexico registered professional engineer
25 who has complied with all the laws of New Mexico relating to

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1 the practice of engineering has a right to engage in the
2 incidental practice, as defined by rule, of activities
3 properly classified as architectural services; provided that
4 the engineer does not hold himself out to be an architect or
5 as performing architectural services; and further provided
6 that the engineer performs only that part of the work for
7 which the engineer is professionally qualified and uses
8 qualified professional engineers, architects or others for
9 those portions of the work in which the contracting
10 professional engineer is not qualified. The engineer shall
11 assume all responsibility for compliance with all laws, codes,
12 rules and ordinances of the state or its political
13 subdivisions pertaining to documents bearing an engineer's
14 professional seal. "

15 Section 8. Section 61-15-10 NMSA 1978 (being Laws 1979,
16 Chapter 362, Section 8, as amended) is amended to read:

17 "61-15-10. VIOLATIONS--PENALTIES. --

18 A. Any person who knowingly uses a forged
19 architectural registration seal on any document for the
20 purposes of permitting the constructing of any building for
21 human habitation or occupancy is guilty of a felony and shall
22 be punished by a fine of not less than one thousand dollars
23 (\$1,000) or more than ten thousand dollars (\$10,000) or by
24 imprisonment for a definite term not to exceed eighteen months
25 or both.

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1 B. Each of the following acts committed by any
2 person constitutes a misdemeanor, punishable upon conviction
3 by a fine of not less than two hundred fifty dollars (\$250) or
4 more than [~~one thousand dollars (\$1,000)~~] five thousand
5 dollars (\$5,000) or by imprisonment not to exceed three months
6 or both:

7 ~~[A. presenting or attempting to file as his own~~
8 ~~the certificate of registration as an architect of another~~
9 ~~person;~~

10 ~~B.]~~ (1) willfully forging or giving false
11 evidence of any kind to the board or any board member for the
12 purpose of obtaining a certificate of registration as an
13 architect;

14 ~~[C. falsely impersonating any other practitioner;~~

15 ~~D.]~~ (2) using or attempting to use an
16 expired, suspended or revoked certificate of registration as
17 an architect;

18 ~~[E.]~~ (3) using or permitting another to use
19 his official architect's seal to stamp or seal any documents
20 that have not been prepared either by [~~him or under his direct~~
21 ~~supervision~~] the architect or the architect's responsible
22 charge;

23 ~~[F.]~~ (4) engaging or offering to engage in
24 the practice of architecture [~~as defined in Section 61-15-2~~
25 ~~NMSA 1978~~], unless exempted or duly registered to do so under

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1 the Architectural Act; [~~or~~
2 ~~6.]~~ (5) using [in connection with his name]
3 any designation tending to imply [~~that he is a registered or~~
4 ~~licensed architect]~~ to the public that the person is an
5 architect unless:

6 (a) the person is duly registered to do
7 so under the provisions of the Architectural Act;

8 (b) the title containing the
9 designation is allowed by rule of the board; or

10 (c) the title containing the
11 designation does not imply that the person using the
12 designation, when describing occupation, business name or
13 services, is offering to perform architectural services; or

14 (6) procuring, aiding or abetting any
15 violation of the provisions of the Architectural Act or the
16 rules adopted by the board. "

17 Section 9. Section 61-15-12 NMSA 1978 (being Laws 1979,
18 Chapter 362, Section 9, as amended) is amended to read:

19 "61-15-12. [~~REFUSAL, SUSPENSION OR REVOCATION OF~~
20 ~~CERTIFICATE OF REGISTRATION]~~ DISCIPLINARY ACTIONS. --

21 A. In accordance with the provisions of the
22 Uniform Licensing Act, the board may refuse to issue, may
23 suspend or may revoke any certificate of registration as an
24 architect, [~~upon the grounds that the licensee or applicant~~
25 ~~is]~~ and the board may impose disciplinary conditions,

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1 including a letter of censure or reprimand, an administrative
2 penalty, probation, peer review, remedial education and
3 testing and other conditions as deemed necessary by the board
4 to promote the public welfare, upon satisfactory proof being
5 made to the board that the registrant has:

6 (1) [~~found guilty by the board of~~] engaged in
7 any fraud or deceit in obtaining a certificate of
8 registration;

9 (2) made a false statement under oath or a
10 false affidavit to the board;

11 [~~(2) guilty of~~] (3) engaged in gross
12 negligence, incompetency or misconduct in the practice of
13 architecture as set forth by rule;

14 [~~(3) guilty of stamping~~] (4) stamped with his
15 official seal any plans, specifications, plats or reports in
16 violation of the Architectural Act;

17 [~~(4) guilty of practicing~~] (5) practiced
18 architecture without a valid and current [~~license~~]
19 registration in the jurisdiction in which the practice took
20 place;

21 [~~(5) guilty of representing~~] (6) represented
22 himself to be an architect without having a valid and current
23 certificate of registration as an architect

24 [~~(6) guilty of dishonorable or unprofessional~~
25 ~~conduct as defined by regulation of the board; or~~

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1 ~~(7) convicted of a felony~~] in the
2 jurisdiction in which the representation took place;
3 (7) violated any provisions of the
4 Architectural Act or the rules adopted by the board;
5 (8) refused to accept or to respond to a
6 certified mail communication from the board;
7 (9) failed to provide the board or its
8 representatives in a timely manner all documentation or
9 information in the registrant's possession or knowledge that
10 has been requested by the board for the purposes of
11 investigation of an alleged violation of the Architectural Act
12 or the rules adopted by the board;
13 (10) procured, aided or abetted a violation
14 of the Architectural Act or the rules adopted by the board;
15 (11) failed to comply with the minimum
16 standards of the practice of architecture;
17 (12) habitually or excessively used
18 intoxicants or controlled substances; or
19 (13) failed to report to the board any
20 adverse actions taken against the registrant by another
21 jurisdiction, any professional organization, any governmental
22 or law enforcement agency or any court for an act or conduct
23 that would constitute grounds for actions as provided by this
24 section.

25 B. The board may deny access to examination, may

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1 refuse to issue, may suspend or may revoke any certificate of
2 registration as an architect:

3 (1) for any applicant found to have violated
4 any provision of the Architectural Act or the rules adopted by
5 the board; or

6 (2) for any registrant or applicant who is
7 convicted of a felony.

8 ~~[B.]~~ C. Disciplinary proceedings may be instituted
9 by any person, shall be instituted by sworn complaint and
10 shall conform to the provisions of the Uniform Licensing Act.
11 Any party to a hearing may obtain a copy of the hearing record
12 upon payment of the costs for the copy.

13 ~~[C.]~~ D. The board may modify any prior order of
14 revocation, suspension or refusal to issue a [~~license or~~]
15 certificate of registration of an architect, but only upon a
16 finding by the board that there no longer exist any grounds
17 for disciplinary action; provided, however, that any cessation
18 of the practice of architecture for twelve months or more
19 shall require the architect to undergo such additional
20 examination as the board determines necessary.

21 ~~[D.]~~ E. Nothing in the Architectural Act shall be
22 construed as requiring the board to report, for the
23 institution of proceedings, minor violations of that act
24 provided that the board, after an informal hearing, determines
25 that the public interest will be adequately served by a

1 suitable written notice or warning or by the suspension of the
2 offender's license or certificate of registration for a period
3 not to exceed thirty days.

4 F. The applicant or registrant shall be liable for
5 all costs of disciplinary proceedings unless exonerated and
6 shall be liable for all costs associated with monitoring
7 compliance with any disciplinary action. "

8 Section 10. Section 61-15-13 NMSA 1978 (being Laws 1979,
9 Chapter 362, Section 10, as amended) is amended to read:

10 "61-15-13. TERMINATION OF AGENCY LIFE--DELAYED
11 REPEAL. --The board of examiners for architects is terminated
12 on July 1, [~~1999~~] 2005 pursuant to the provisions of the
13 Sunset Act. The board shall continue to operate according to
14 the provisions of [~~Chapter 61, Article 15 NMSA 1978~~] the
15 Architectural Act until July 1, [~~2000~~] 2006. Effective July
16 1, [~~2000, Chapter 61, Article 15 NMSA 1978~~] 2006, the
17 Architectural Act is repealed. "

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4
5

6 February 25, 1999
7

8 Mr. Speaker:
9

10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 478
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17 1. On page 20, line 21, after "a" strike the remainder
18 of the line and all of lines 22 through 25, and insert in
19 lieu thereof "fourth degree felony, punishable pursuant to
20 Section 31-18-15 NMSA 1978."
21

22 2. On page 21, line 2, after "punishable" strike the
23 remainder of the line and all of lines 3 through 6, and
24 insert in lieu thereof "pursuant to Section 31-19-1 NMSA
25 1978.".,

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HBIC/HB 478

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and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Debbie A. Rodella, Chairwoman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: J. Taylor, Sanchez

Absent: Hanosh, Hobbs

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J: \99BillSWP\h0478

. 125602. 2

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[bracketed material] = delete

1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 March 3, 1999

5
6
7 Mr. Speaker:

8
9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 478, as amended

11
12 has had it under consideration and reports same with
13 recommendation that it DO PASS.

14
15 Respectfully submitted,

16
17
18
19 _____
20 R. David Pederson, Chairman
21
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 478, aa

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Godbey, Luna, Stewart, Sanchez

Absent: None

J: \99BillSWP\h0478

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HJC/HB 478, aa

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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7

8

March 11, 1999

9

Mr. President:

10

11

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to

12

whom has been referred

13

14

HOUSE BILL 478, as amended

15

has had it under consideration and reports same with

16

recommendation that it DO PASS, and thence referred to the

17

JUDICIARY COMMITTEE.

18

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Respectfully submitted,

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Roman M. Maes, Chairman

25

. 125602. 2

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HJC/HB 478, aa

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Adopted _____ Not

5

Adopted _____

6

(Chief Clerk)

(Chief Clerk)

7

8

9

Date _____

10

11

The roll call vote was 6 For 0 Against

12

Yes: 6

13

No: 0

14

Excused: Aragon, McKibben, Rawson, Robinson

15

Absent: None

16

17

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. 125602. 2