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HOUSE BILL 807

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

INTRODUCED BY

Raymond G. Sanchez

AN ACT

RELATING TO LICENSURE; CHANGING PROVISIONS CONCERNING  
LICENSURE OF CERTAIN OCCUPATIONS, PROFESSIONS AND BUSINESSES;  
AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 36-2-27 NMSA 1978 (being Laws 1909,  
Chapter 53, Section 26, as amended) is amended to read:

"36-2-27. PRACTICE WITHOUT ADMISSION--CONTEMPT OF  
COURT--FOREIGN ATTORNEYS.--No person shall practice law in  
~~[any of the courts]~~ a court of this state, except ~~[courts of~~  
~~justice of the peace]~~ a magistrate court, nor shall ~~[any]~~ a  
person commence, conduct or defend ~~[any]~~ an action or  
proceeding ~~[in any of said courts unless he be an actual and~~  
~~bona fide resident of the state of New Mexico and unless he~~  
~~shall have first obtained a temporary license as herein~~

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1 ~~provided or shall have~~ unless he has been granted a  
2 certificate of admission to the bar under the provisions of  
3 ~~[this chapter]~~ Chapter 36 NMSA 1978. No person not licensed  
4 as provided ~~[herein]~~ in that chapter shall advertise or  
5 display any matter or writing whereby the impression may be  
6 gained that he is an attorney or counselor at law or hold  
7 himself out as an attorney or counselor at law, and all  
8 persons violating the provisions ~~[ hereof]~~ of that chapter  
9 shall be deemed guilty of contempt of the court ~~[ wherein such]~~  
10 in which the violation occurred, as well as of the supreme  
11 court of the state; provided, however, that nothing in this  
12 ~~[act]~~ section shall be construed to prohibit persons residing  
13 beyond the limits of this state, otherwise qualified, from  
14 assisting resident counsel in ~~[ commencing, conducting or~~  
15 ~~otherwise]~~ participating in ~~[ any]~~ an action or proceeding ~~[ and~~  
16 ~~provided further that this act shall not apply to attorneys~~  
17 ~~who formerly resided in this state and who have been duly~~  
18 ~~admitted to practice here during such residence and are in~~  
19 ~~good standing at the bar of this state; provided further that~~  
20 ~~nothing in this act shall be construed to prohibit persons who~~  
21 ~~are citizens of the United States and of the state of New~~  
22 ~~Mexico, and who have resided in the state of New Mexico for~~  
23 ~~more than twenty years, and who shall have studied law for~~  
24 ~~more than three years in a law office and under the direction~~  
25 ~~of some member of the bar of this state or in a law school,~~

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1 and who shall have practiced before one or more of the United  
2 States land offices in this state and the general land office  
3 of the department of the interior from time to time for twenty  
4 years or more and who shall be vouched for as to his  
5 integrity, honesty and respect for moral ethics by six  
6 reputable lawyers of the state of New Mexico who are members  
7 of the bar of this state in good standing; and the board of  
8 bar examiners, on application of any person who possesses the  
9 qualifications herein specified, shall recommend to the  
10 supreme court his admission to the bar on motion, and the  
11 supreme court shall issue to such person a license to practice  
12 law in all the courts of the state]. "

13 Section 2. Section 59A-6-1 NMSA 1978 (being Laws 1984,  
14 Chapter 127, Section 101, as amended) is amended to read:

15 "59A-6-1. FEE SCHEDULE. --The superintendent shall  
16 collect and receipt for, and persons so served shall pay to  
17 the superintendent, fees, licenses and miscellaneous charges  
18 as follows:

- 19 A. insurer's certificate of authority -
  - 20 (1) filing application for certificate of
  - 21 authority, and issuance of certificate of authority, if
  - 22 issued, including filing of all charter documents, financial
  - 23 statements, service of process, power of attorney, examination
  - 24 reports and other documents included with and part of the
  - 25 application . . . . . \$1,000.00

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1                   (2) annual continuation of certificate of  
2 authority, per kind of insurance, each year continued . 200.00  
3                   (3) reinstatement of certificate of authority  
4 (Section 59A-5-23 NMSA 1978) . . . . . 150.00  
5                   (4) amendment to certificate of authority  
6 . . . . . 200.00  
7                   B. charter documents - filing amendment to any  
8 charter document (as defined in Section 59A-5-3 NMSA  
9 1978) . . . . . 10.00  
10                  C. annual statement of insurer, filing . . 200.00  
11                  D. service of process, acceptance by  
12 superintendent and issuance of certificate of service, where  
13 issued . . . . . 10.00  
14                  E. agents' licenses and appointments -  
15                    (1) filing application for original  
16 [~~resident~~] agent license and issuance of license, if  
17 issued . . . . . 30.00  
18                    (2) appointment of agent -  
19                      (a) filing appointment, per kind of  
20 insurance, each insurer . . . . . 20.00  
21                      (b) continuation of appointment, each  
22 insurer, each year continued . . . . . 20.00  
23                    (3) variable annuity agent's license -  
24                      (a) filing application for license and  
25 issuance of license, if issued . . . . . [~~25.00~~] 30.00

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1 (b) continuation of appointment  
2 each year . . . . . [~~25.00~~] 20.00

3 [~~(4) nonresident agent license - same as for~~  
4 ~~resident agent~~

5 ~~(5)] (4) temporary license as to life and  
6 health insurance or both . . . . . 30.00~~

7 (a) as to property insurance . . . 30.00

8 (b) as to casualty/surety insurance  
9 . . . . . 30.00

10 (c) as to vehicle insurance . . . 30.00

11 F. solicitor license -

12 (1) filing application for original license  
13 and issuance of license, if issued . . . . . 30.00

14 (2) continuation of appointment, per kind of  
15 insurance, each year . . . . . 20.00

16 G. [~~nonresident~~] broker license -

17 (1) filing application for license and  
18 issuance of original license, if issued . . . . . 30.00

19 (2) annual continuation of license . . . 30.00

20 H. insurance vending machine license -

21 (1) filing application for original license  
22 and issuance of license, if issued, each machine . . . 25.00

23 (2) annual continuation of license, each  
24 machine . . . . . 25.00

25 I. examination for license, application for

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1 examination conducted directly by superintendent, each  
2 grouping of kinds of insurance to be covered by the  
3 examination as provided by the superintendent's rules and  
4 regulations, and payable as to each instance of  
5 examination . . . . . 50.00

6 J. surplus line broker license -

7 (1) filing application for original license  
8 and issuance of license, if issued . . . . . 100.00

9 (2) annual continuation of license . . . 100.00

10 K. adjuster license -

11 (1) filing application for original license  
12 and issuance of license, if issued . . . . . 30.00

13 (2) annual continuation of license . . . 30.00

14 L. rating organization or rating advisory  
15 organization license -

16 (1) filing application for license and  
17 issuance of license, if issued . . . . . 100.00

18 (2) annual continuation of license . . . 100.00

19 M. nonprofit health care plans -

20 (1) filing application for preliminary permit  
21 and issuance of permit, if issued . . . . . 100.00

22 (2) certificate of authority, application,  
23 issuance, continuation, reinstatement, charter documents -  
24 same as for insurers

25 (3) annual statement, filing . . . . . 200.00

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(4) agents and solicitors -

(a) filing application for original license and issuance of license, if issued . . . . . 30.00

(b) examination for license conducted directly by superintendent, each instance of examination . . . . . 50.00

(c) annual continuation of appointment . . . . . 20.00

N. prepaid dental plans -

(1) certificate of authority, application, issuance, continuation, reinstatement, charter documents - same as for insurers

(2) annual report, filing . . . . . 200.00

(3) agents and solicitors -

(a) filing application for original license and issuance of license, if issued . . . . . 30.00

(b) examination for license conducted directly by superintendent, each instance of examination . . . . . 50.00

(c) continuation of license, each year . . . . . [~~30.00~~] 20.00

0. prearranged funeral insurance - application for certificate of authority, issuance, continuation, reinstatement, charter documents, filing annual statement, licensing of sales representatives - same as for insurers

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P. premium finance companies -

- (1) filing application for original license and issuance of license, if issued . . . . . 100.00
- (2) annual renewal of license . . . . . 100.00

Q. motor clubs -

- (1) certificate of authority -
  - (a) filing application for original certificate of authority and issuance of certificate of authority, if issued . . . . . 200.00
  - (b) annual continuation of certificate of authority . . . . . 100.00
- (2) sales representatives -
  - (a) filing application for registration or license and issuance of registration or license, if issued, each representative . . . . . 20.00
  - (b) annual continuation of registration or license, each representative . . . . . 20.00

R. bail bondsmen -

- (1) filing application for original license as bail bondsman or solicitor, and issuance of license, if issued . . . . . 30.00
- (2) examination for license conducted directly by superintendent, each instance of examination 50.00
- (3) continuation of appointment, each year

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1 . . . . . 20.00

2 S. securities salesperson license -

3 (1) filing application for license and  
4 issuance of license, if issued . . . . . 25.00

5 (2) renewal of license, each year . . . 25.00

6 T. for each signature and seal of the  
7 superintendent affixed to any instrument . . . . . 10.00

8 U. required filing of forms or rates -

9 (1) rates . . . . . 50.00

10 (2) major form - each new policy and each  
11 package submission which can include multiple policy forms,  
12 application forms, rider forms, endorsement forms or amendment  
13 forms . . . . . 30.00

14 (3) incidental forms and rates - forms filed  
15 for informational purposes; riders, applications, endorsements  
16 and amendments filed individually; rate service organization  
17 reference filings; rates filed for informational purposes 15.00

18 V. health maintenance organizations -

19 (1) filing an application for a certificate  
20 of authority . . . . . 1,000.00

21 (2) annual continuation of certificate of  
22 authority, each year continued . . . . . 200.00

23 (3) filing each annual report . . . . . 200.00

24 (4) filing an amendment to organizational  
25 documents requiring approval . . . . . 200.00

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- 1 (5) filing informational amendments . 50.00
- 2 (6) agents and solicitors -
- 3 (a) filing application for original
- 4 license and issuance of license, if issued . . . . . 30.00
- 5 (b) examination for license, each
- 6 instance of examination . . . . . 50.00
- 7 (c) annual continuation of appointment
- 8 . . . . . 20.00

- 9 W. purchasing groups and foreign risk retention
- 10 groups -
- 11 (1) original registration . . . . . 500.00
- 12 (2) annual continuation of registration
- 13 . . . . . 200.00
- 14 (3) agent or broker fees same as for
- 15 authorized insurers.

16 Notwithstanding the fees required in this subsection, an

17 insurer shall be subject to additional fees or charges, termed

18 retaliatory or reciprocal requirements, or both, whenever any

19 form or rate-filing fees in excess of those imposed by the

20 laws of this state are charged to insurers in New Mexico doing

21 business in another state or whenever any condition precedent

22 to the right to issue policies in another state is imposed by

23 the laws of that state over and above the conditions imposed

24 upon insurers by the laws of New Mexico; in those cases, the

25 same form or rate-filing fees shall be imposed upon every

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1 insurer from every other state transacting or applying to  
2 transact business in New Mexico so long as the higher fees  
3 remain in force in the other state. If an insurer fails to  
4 comply with the additional retaliatory or reciprocal  
5 requirement charges imposed under this subsection, the  
6 superintendent shall refuse to grant or shall withdraw  
7 approval of the tendered form or rate filing.

8 Except as to certain appointment fees as specified in  
9 Section 59A-11-8 NMSA 1978, all fees are deemed earned when  
10 paid and are not refundable. "

11 Section 3. Section 59A-11-2 NMSA 1978 (being Laws 1984,  
12 Chapter 127, Section 181) is amended to read:

13 "59A-11-2. APPLICATION FOR LICENSE--INDIVIDUAL. --

14 A. Where a license is [~~now or hereafter~~] required  
15 under the Insurance Code [~~as to~~] for categories referred to in  
16 Section [~~180 of this article~~] 59A-11-1 NMSA 1978, application  
17 [~~therefor~~] by an individual shall be filed with, and on a form  
18 prescribed and furnished by, the superintendent. The  
19 application shall be signed by the applicant, under oath if  
20 required by the form, and by or on behalf of the proposed  
21 principal where expressly required in the form.

22 B. The application form may require information  
23 about applicant as to:

- 24 (1) name, date of birth, social security  
25 number, residence and business address if applicable [~~and~~

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1 ~~length of time a resident of New Mexico, if applicable];~~

2 (2) personal history, business experience in  
3 general;

4 (3) experience or special training or  
5 education in the kind of business to be transacted under the  
6 license applied for;

7 (4) previous licensing;

8 (5) type of license applied for and kinds of  
9 insurance or transactions to be covered thereby;

10 (6) proof of applicant's identity; and

11 (7) such other pertinent information and  
12 matters as the superintendent may reasonably require.

13 C. Application for license as insurance agent  
14 shall be accompanied by appointment of the applicant as agent  
15 by at least one insurer, conditioned upon issuance of the  
16 license. Application for license as insurance solicitor or as  
17 agent or solicitor as to dental and health care plan, motor  
18 club, bail bondsman, and other principals shall be accompanied  
19 by appointment of the applicant by the proposed principal as  
20 solicitor or agent, as the case may be, subject to issuance of  
21 the license applied for.

22 D. In all such appointments the principal or  
23 principal's representative if so required by the  
24 superintendent shall certify in writing as to his knowledge of  
25 the applicant, as to applicant's residence, experience had or

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1 special training received or to be given as to business to be  
2 transacted under the license, applicant's business and  
3 personal reputation, whether applicant is trustworthy and  
4 worthy of licensing, and whether satisfied that applicant  
5 intends in good faith to engage in the business to be covered  
6 by the license, and appointment of applicant is not to enable  
7 applicant to evade the intent or spirit of any controlled  
8 business, anti-rebate or anti-discrimination law or other law.

9 E. The application form shall also require  
10 information as to additional matters expressly required to be  
11 included therein in articles of the Insurance Code relating to  
12 particular licenses.

13 F. The application shall be accompanied by the  
14 applicable license application filing fee specified in Section  
15 [~~101 (fee schedule) of the Insurance Code~~] 59A-6-1 NMSA 1978,  
16 by bond where expressly required under other provisions of the  
17 Insurance Code, and by the fee specified in such fee schedule  
18 for any examination required under the Insurance Code to be  
19 taken and passed by the applicant prior to licensing. "

20 Section 4. Section 59A-11-10 NMSA 1978 (being Laws  
21 1984, Chapter 127, Section 189) is amended to read:

22 "59A-11-10. CONTINUATION, EXPIRATION OF LICENSE. --

23 A. Each license, other than insurance agent,  
24 issued under this article shall continue in force until it is  
25 suspended, revoked or otherwise terminated, but except as may

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1 be provided pursuant to Section [~~190 of this article~~]  
2 59A-11-11 NMSA 1978, subject to payment to the superintendent  
3 annually on or before April [~~1st~~] 1, or December [~~31st~~] 31 as  
4 to motor club representatives, of the applicable continuation  
5 fee specified in Section [~~101 (fee schedule) of the Insurance~~  
6 ~~Code~~] 59A-6-1 NMSA 1978 accompanied by request for such  
7 continuation:

8 (1) for [~~nonresident~~] broker, surplus line  
9 broker, independent adjuster, bail bondsman license and  
10 similar other independent licensees, request shall be made and  
11 signed by the licensee;

12 (2) for agent (other than insurance agent) or  
13 staff adjuster, or solicitor license, request shall be made  
14 and signed by the employer or other principal, as applicable;  
15 or

16 (3) for vending machine, request shall be made  
17 and signed by the supervisory agent thereof.

18 B. Subject to Section [~~190 of this article~~]  
19 59A-11-11 NMSA 1978, any license referred to in Subsection A  
20 [~~above~~] of this section, not so continued shall be deemed to  
21 have terminated as of midnight on April [~~30th~~] 30, or December  
22 [~~31st~~] 31 as to motor club representatives, then current;  
23 except that the superintendent may effectuate a request for  
24 continuation received within thirty [~~(30)~~] days thereafter if  
25 accompanied by annual continuation fee equal to one hundred

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1 fifty percent of the continuation fee otherwise required.

2 C. An insurance agent's license shall continue in  
3 force while there is in effect as to the licensee as shown by  
4 the superintendent's records an appointment or appointments as  
5 agent of authorized insurers covering collectively all of the  
6 kinds of insurance included in the agent's license. Upon  
7 termination of all the licensee's [~~agency~~] agent appointments  
8 as to a particular kind of insurance and failure to replace  
9 such appointment within sixty [~~(60)~~] days thereafter, the  
10 license shall expire and terminate as to such kind of  
11 insurance; and the licensee shall promptly deliver the license  
12 to the superintendent for reissuance, without fee or charge,  
13 as to the kinds of insurance covered by the licensee's  
14 remaining [~~agency~~] agent appointments. Upon termination of  
15 all of the licensee's [~~agency~~] agent appointments under the  
16 license, the license shall forthwith terminate.

17 D. If the superintendent has reason to believe  
18 that the competence of any licensee, or individual designated  
19 to exercise license powers, is questionable, the  
20 superintendent may require as condition to continuation of the  
21 license or license powers that the licensee or individual take  
22 and pass to the superintendent's satisfaction a written  
23 examination as required under the Insurance Code of new  
24 individual applicants for similar license.

25 E. This section shall not apply as to temporary

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1 licenses, which shall be for such duration and subject to  
2 extension as provided in the respective sections of the  
3 Insurance Code by which such licenses are authorized.

4 F. All licenses and appointments as to an insurer  
5 or other principal which ceases to be authorized to transact  
6 business in this state shall automatically terminate without  
7 notice as of date of such cessation.

8 G. A license shall also terminate upon death of  
9 the licensee, if an individual, or dissolution if a  
10 corporation, or change in partnership members if a firm;  
11 subject, in case of a firm, to continuation of the license for  
12 a reasonable period while application for new license is being  
13 made or pending, under reasonable conditions provided in  
14 regulations of the superintendent. "

15 Section 5. Section 59A-12-4 NMSA 1978 (being Laws 1984,  
16 Chapter 127, Section 205) is amended to read:

17 "59A-12-4. "SOLICITOR" DEFINED. --For the purposes of  
18 [~~this article~~] Chapter 59A, Article 12 NMSA 1978 a "solicitor"  
19 is an individual employed by a licensed [~~resident~~] agent to  
20 solicit insurance and perform such other duties in handling  
21 the agent's business as the agent may authorize. "

22 Section 6. Section 59A-12-8 NMSA 1978 (being Laws 1984,  
23 Chapter 127, Section 209) is amended to read:

24 "59A-12-8. CONTROLLED BUSINESS. --

25 A. The superintendent shall not issue or permit to

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1 remain in force [~~any~~] a license as agent, solicitor, or  
2 [~~nonresident~~] broker or [~~nonresident-agent~~] if the  
3 superintendent finds or has cause to believe that the license  
4 has been or probably will be used chiefly for the purpose of  
5 writing insurance on the lives, property or risks of the  
6 licensee or proposed licensee, or of his family members,  
7 employees, employer, business associates, or directors,  
8 officers, employees or principal stockholders of a corporation  
9 by which he is employed or retained, or of which he is an  
10 officer, director or principal stockholder, or members or  
11 employees of any firm or other business entity with which he  
12 is associated or by which he is employed or retained.

13 B. A license shall be deemed used or to be used  
14 for writing of such controlled business if the superintendent  
15 finds that in any calendar year commissions or other  
16 compensation earned with respect to such business exceeded, or  
17 probably would exceed, fifty percent of all commissions and  
18 compensation earned, or probably to be earned, in such  
19 calendar year as to all business written or likely to be  
20 written under the license during the same such year."

21 Section 7. Section 59A-12-10 NMSA 1978 (being Laws  
22 1997, Chapter 48, Section 1) is amended to read:

23 "59A-12-10. LICENSING OF LENDING INSTITUTION--  
24 DEFINITIONS AND EXCEPTIONS. --

25 A. As used in this section:

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1 (1) "lending institution" means an  
2 institution, including its holding company, subsidiary or  
3 insurance agent, solicitor or broker affiliate, whose business  
4 includes accepting deposits or lending money in New Mexico,  
5 including banks, savings and loan associations and credit  
6 unions; "lending institution" does not include insurance  
7 companies;

8 (2) "holding company", "subsidiary" and  
9 "affiliate" mean those terms as defined in regulations adopted  
10 by the superintendent, except "bank holding company" means  
11 that term as defined in Section 2 of the federal Bank Holding  
12 Company Act of 1956;

13 (3) "public utility" means a private employer  
14 subject to the jurisdiction of the [~~New Mexico public utility~~  
15 ~~commission or the state corporation~~] commission [~~or a~~  
16 ~~successor entity~~] that is engaged in the business of providing  
17 telecommunications, electric, gas, water or stream heat  
18 services to the public;

19 (4) "sell" means to engage in the  
20 solicitation, sale and placement of insurance and such other  
21 related activities conducted by an agent, solicitor or broker  
22 pursuant to the Insurance Code;

23 (5) "service contract" means a contract  
24 issued on consumer products pursuant to which the vendor or  
25 manufacturer bears the cost of the repair or replacement of

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1 the consumer product;

2 (6) "insurance premium finance agreement"  
3 means an agreement by which an insured or a prospective  
4 insured promises to pay to any person engaged in the business  
5 of premium financing, the amount advanced or to be advanced  
6 under the agreement to an insurer or to an insurance agent or  
7 broker in payment of premiums on an insurance contract; and

8 (7) "loan transaction" and any other  
9 reference to lending or extension of credit does not include  
10 loans made by broker-dealers registered in accordance with  
11 applicable state and federal securities laws that are wholly  
12 collateralized by securities.

13 B. A lending institution may be licensed to sell:

14 (1) any insurance except title insurance in  
15 accordance with the Insurance Code and to the extent  
16 authorized by federal and state lending institution  
17 regulators; and

18 (2) annuities to the extent authorized by law  
19 and federal and state lending institution regulators, but  
20 nothing in this paragraph shall affect the rights and  
21 obligations of nationally chartered lending institutions.

22 C. A public utility or its holding company,  
23 subsidiary or affiliate shall not be licensed to sell  
24 insurance or act as a broker for insurance in New Mexico.

25 D. As used in Subsections E through Y of this

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1 section, "insurance" means all products defined or regulated  
2 as insurance under the Insurance Code except:

3 (1) credit life, credit accident and health,  
4 credit involuntary unemployment, credit casualty and credit  
5 property insurance, and when providing insurance coverage to a  
6 borrower or co-borrower or both, the following insurance  
7 products: accidental death and dismemberment, accidental  
8 disability and any other accidental casualty insurance  
9 product;

10 (2) insurance placed by a lending institution  
11 on the collateral pledged as security for a loan when the  
12 debtor breaches the contractual obligation to provide that  
13 insurance;

14 (3) private mortgage insurance and financial  
15 guarantee insurance;

16 (4) annuities;

17 (5) service contracts;

18 (6) insurance premium finance agreements; and

19 (7) travel accident or baggage insurance.

20 E. A lending institution shall not require as a  
21 condition precedent to the extension of credit, or any  
22 subsequent renewal thereof, or the procurement of other bank  
23 services that the customer purchase insurance through a  
24 particular insurer, agent, solicitor or broker.

25 F. A lending institution shall not extend credit,

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1 lease or sell property or furnish any other service or fix or  
2 vary the consideration for any of the foregoing on the  
3 condition or requirement that the customer obtain insurance  
4 from that lending institution or from a particular insurer,  
5 agent, solicitor or broker.

6 G. A lending institution shall not impose a  
7 requirement on an insurance agent, solicitor or broker who is  
8 not associated with the lending institution that is not  
9 imposed on an insurance agent, solicitor or broker who is  
10 associated with that institution or, unless otherwise  
11 authorized by applicable federal or state law, require a  
12 debtor, insurer, agent, solicitor or broker to pay a separate  
13 charge in connection with the handling of insurance that is  
14 required under a contract.

15 H. A lending institution, except an institution  
16 that does not accept deposits that are federally insured, that  
17 sells insurance on its premises shall:

18 (1) conspicuously post a notice that is  
19 clearly visible to anyone who may purchase insurance that  
20 insurance is not a deposit account insured by a federal  
21 deposit insuring agency;

22 (2) orally inform a prospective purchaser of  
23 insurance that insurance is not a deposit account insured by a  
24 federal deposit insuring agency; and

25 (3) provide a written disclosure to the

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1 customer containing the following statements before the sale  
2 of insurance is complete:

3 (a) insurance is not a lending  
4 institution deposit account and is not insured by its federal  
5 deposit insuring agency;

6 (b) insurance is not an obligation of  
7 or guaranteed by the lending institution;

8 (c) the customer is not required to  
9 obtain insurance from a particular lending institution, agent,  
10 solicitor or broker; and

11 (d) where applicable, insurance  
12 involves investment risk, including potential loss of  
13 principal.

14 I. The sale of insurance by a lending institution,  
15 except an institution that does not accept deposits that are  
16 federally insured, shall be effectuated in such a manner so as  
17 to avoid confusion between federally insured deposit products  
18 offered by a lending institution and the nonfederally insured  
19 insurance sold. Insurance advertisements and other sales  
20 material shall be accurate and not misleading or deceptive.  
21 Insurance advertising and other sales materials regarding  
22 insurance shall include disclosures that contain language that  
23 is the same or substantially similar to the following:

24 (1) insurance is not a lending institution  
25 deposit and is not insured by its federal deposit insuring

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1 agency;

2 (2) insurance is not an obligation of or  
3 guaranteed by the lending institution; and

4 (3) where applicable, insurance involves  
5 investment risk, including potential loss of principal.

6 J. Insurance operations may be conducted by the  
7 lending institution, its holding company, an affiliate or  
8 subsidiary of either or through a separate corporate entity or  
9 partnership.

10 K. A lending institution shall not provide  
11 nonpublic customer information to a third party for the  
12 purpose of another's sale of insurance without written  
13 authorization from the customer. As used in this subsection,  
14 "nonpublic customer information" means information regarding a  
15 person that has been derived from a record of a financial  
16 institution. "Nonpublic customer information" does not  
17 include customer names and addresses and telephone numbers or  
18 information about an individual that could be obtained from an  
19 unaffiliated credit bureau that is subject to the federal Fair  
20 Credit Reporting Act by a third party that is not entering  
21 into a credit relationship with the individual but has a  
22 legitimate need for the information in connection with a  
23 business transaction with the individual, except that  
24 "nonpublic customer information" includes information  
25 concerning insurance premiums, the terms and conditions of

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1 insurance coverage, insurance expirations, insurance claims  
2 and insurance history of an individual. Notwithstanding any  
3 provision in this section to the contrary, compliance with  
4 Section 603 of the federal Fair Credit Reporting Act by a  
5 lending institution shall be deemed to be full compliance with  
6 this subsection. "Nonpublic customer information" does not  
7 include material excluded from the definition of "consumer  
8 report" by Section 603(d)(2)(A) of the federal Fair Credit  
9 Reporting Act.

10 L. Records relating to the insurance sales of a  
11 lending institution, including files relating to and  
12 reflecting customer complaints, shall be kept separate and  
13 apart from all records relating to the banking transactions of  
14 the lending institution. Records pertaining to insurance  
15 activities of the lending institution or copies of those  
16 records [~~shall be kept in the principal in-state office in the~~  
17 ~~state of the financial institution or with the institution's~~  
18 ~~resident agent, solicitor or broker and~~] shall be subject to  
19 the inspection and audit by the insurance [department]  
20 division. If the [department] division determines to inspect  
21 and audit the records relating to the insurance activities of  
22 a lending institution, that institution shall make available  
23 to the [department] division, at a location [~~of the lending~~  
24 ~~institution~~] in [~~the state~~] New Mexico [~~or in the office of~~  
25 ~~the institution's resident agent, solicitor or broker~~] the

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1 lending institution's records and knowledgeable personnel to  
2 assist in the interpretation of the lending institution's  
3 records.

4 M A lending institution, or officer, director or  
5 employee acting on behalf of the institution, who qualifies  
6 for issuance of an agent's, solicitor's or broker's license  
7 pursuant to the Insurance Code may be issued an agent or  
8 broker license authorizing the sale of insurance.

9 N. A lending institution shall not pay a  
10 commission or other valuable consideration to a person for  
11 services of an insurance agent, solicitor or broker unless the  
12 person performing the service holds a valid insurance license  
13 for the class of insurance for which the service is rendered  
14 or performed at the time the service is performed. No person,  
15 other than a person properly licensed in accordance with the  
16 Insurance Code, shall accept any commission or valuable  
17 consideration for those services.

18 O. A lending institution shall not offer an  
19 inducement to a customer to purchase insurance from the  
20 institution other than as plainly expressed in the insurance  
21 policy. Investment programs, memberships or other programs  
22 designed or represented to waive, reduce, pay, produce or  
23 provide funds to pay all or part of the cost on insurance are  
24 an illegal inducement.

25 P. A lending institution may not in the same

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1 transaction solicit the purchase of insurance from a customer  
2 who has applied for a loan from the institution before the  
3 time the customer has received a written commitment from the  
4 lending institution with respect to that loan, or, in the  
5 event that no written commitment has been or will be issued in  
6 connection with the loan, a lending institution shall not  
7 solicit the purchase of insurance before the time the customer  
8 receives notification of approval of the loan by the lending  
9 institution and the institution creates a written record of  
10 the loan approval. This subsection shall not apply when a  
11 lending institution contacts a customer in the course of  
12 direct or mass marketing to a group of persons in a manner  
13 that bears no relation to the customer's loan application or  
14 credit decision.

15 Q. The sale of insurance by a lending institution,  
16 credit union, sales finance company, insurance company,  
17 insurance agent, an institution that grants or arranges  
18 consumer credit or an institution that solicits or makes loans  
19 in New Mexico may be conducted by a person whose  
20 responsibilities include loan transactions or other  
21 transactions involving the extension of credit so long as the  
22 person who is primarily responsible for making the specific  
23 loan or extension of credit is not the same person engaged in  
24 the sale of insurance for that same transaction; provided,  
25 however, that the provisions of this subsection shall not

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1 apply to:

2 (1) a broker or dealer registered under the  
3 federal Securities Exchange Act of 1934; or

4 (2) a lending institution location that has  
5 three or fewer persons with lending authority.

6 R. If insurance is required as a condition of  
7 obtaining a loan, the credit and insurance transactions shall  
8 be completed independently and through separate documents.

9 S. A loan for premiums on required insurance shall  
10 not be included in the primary credit without the written  
11 consent of the customer, which may be evidenced by compliance  
12 with the federal Truth in Lending Act.

13 T. A person who engages in loan transactions at  
14 any office of, or on behalf of, a lending institution or any  
15 other agent, employee, director or officer of the lending  
16 institution may refer a customer who seeks to purchase, or  
17 seeks an opinion or advice on any insurance product, to a  
18 person, or may give the phone number of a person, who sells or  
19 provides opinions or advice on such products only if the  
20 customer expressly requests the referral; the person who  
21 engages in loan transactions does not solicit the customer  
22 request; and the person who engages in the loan transaction  
23 does not receive any compensation for the referral.

24 U. The location for the sale of insurance on the  
25 premises of a lending institution, except an institution that

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1 does not accept deposits that are federally insured, to the  
2 extent practicable shall be:

3 (1) physically located to be distinct from  
4 the lending activities of the institution; and

5 (2) clearly and conspicuously signed to be  
6 easily distinguishable by the public as separate and distinct  
7 from the lending activities of the institution.

8 V. Signs and other informational material  
9 concerning the availability of insurance products from the  
10 lending institution or third party soliciting the purchase of  
11 or selling insurance on the premises of the lending  
12 institution shall not be displayed to the extent practicable  
13 in an area where application for loans or other extensions of  
14 credit are being taken or closed.

15 W. Nothing in this section grants a lending  
16 institution, including its holding company, subsidiary or  
17 affiliate, except those enumerated in this section, the power  
18 to sell insurance that was not allowed prior to July 1, 1997.

19 X. Nothing in this section precludes the  
20 superintendent from adopting reasonable rules and regulations  
21 for the purposes of the administration of the provisions of  
22 this section, including rules and regulations for written  
23 disclosures.

24 Y. If any of the provisions of this section are  
25 preempted by federal law, then those preempted provisions

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1 shall not apply to any person or lending institution subject  
2 to the provisions of this section. "

3 Section 8. Section 59A-12-12 NMSA 1978 (being Laws  
4 1984, Chapter 127, Section 213) is amended to read:

5 "59A-12-12. GENERAL QUALIFICATIONS FOR INDIVIDUAL  
6 AGENT, BROKER OR SOLICITOR LICENSE. --For the protection of the  
7 public in New Mexico, the superintendent shall not issue,  
8 continue or permit to exist [~~any~~] a license to an individual  
9 as agent, [~~nonresident~~] broker or solicitor except as to an  
10 individual qualified [~~therefor~~] as follows:

11 A. must be eighteen [~~(18)~~] years of age or older;

12 [~~B. except as to nonresident broker or nonresident~~  
13 ~~agent, must reside within this state, and must have been such~~  
14 ~~a resident for at least thirty (30) days immediately preceding~~  
15 ~~application for license; except, that the thirty (30) day~~  
16 ~~residence requirement shall not apply as to an agent brought~~  
17 ~~into this state by an insurer to replace an agent of the~~  
18 ~~insurer who has become disabled, deceased, or terminated;~~

19 ~~C.]~~ B. must have passed any examination required  
20 for licensing;

21 [~~D.]~~ C. must be competent, trustworthy and  
22 financially responsible;

23 [~~E.]~~ D. if for license as an agent, must be  
24 appointed as an agent by an authorized insurer, subject to  
25 issuance of a license;

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1           ~~[F.]~~ E. if for license as a solicitor, must be  
2 employed as a solicitor by a licensed ~~[resident]~~ agent,  
3 subject to issuance of the license; and

4           ~~[G.]~~ F. must be in compliance with other  
5 applicable qualifications and requirements of the Insurance  
6 Code. "

7           Section 9. Section 59A-12-15 NMSA 1978 (being Laws  
8 1984, Chapter 127, Section 216) is amended to read:

9           "59A-12-15. LICENSING FIRMS, CORPORATIONS. --

10           A. The superintendent shall license a firm or  
11 corporation only as ~~[a-resident]~~ an agent or ~~[nonresident]~~  
12 broker.

13           B. For license as agent each general partner and  
14 each individual to act for the firm, or each individual to act  
15 for the corporation, shall be named in the license or  
16 registered with the superintendent, and shall qualify as  
17 though for license as an individual.

18           ~~[C. The superintendent shall not issue or permit  
19 to exist license as a resident agent to a firm or corporation  
20 unless it maintains a principal place of business in this  
21 state, and, if a corporation, it must be domiciled in this  
22 state.]"~~

23           Section 10. Section 59A-12-16 NMSA 1978 (being Laws  
24 1984, Chapter 127, Section 217) is amended to read:

25           "59A-12-16. EXAMINATION FOR LICENSE. --

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1           A. Each applicant for license as agent, solicitor  
2 ~~[nonresident]~~ or broker or ~~[nonresident agent]~~ shall, prior to  
3 issuance of license, personally take and pass an examination  
4 authorized by the superintendent to establish the applicant's  
5 competence, knowledge and understanding of attendant  
6 responsibility and duties as to the insurance business to be  
7 transacted under the license applied for; except, that no such  
8 examination shall be required:

9                   (1) for renewal or continuance of an existing  
10 license, except as provided in Subsection D of Section ~~[ 189 of~~  
11 ~~this article]~~ 59A-11-10 NMSA 1978;

12                   (2) of an applicant for limited license as  
13 provided in Section ~~[ 219 of this article]~~ 59A-12-18 NMSA 1978;

14                   (3) of applicants with respect to life and  
15 health, or life or health, insurances who hold the chartered  
16 life underwriter (C. L. U.) designation by the American college  
17 of life underwriters;

18                   (4) of applicants with respect to property,  
19 casualty, surety, marine and transportation, and vehicle  
20 insurances, or any of them, who hold the designation of  
21 chartered property and casualty underwriter (C. P. C. U)  
22 designation by the American institute of property and casualty  
23 underwriters;

24                   (5) of applicants for temporary license as  
25 provided for in Section ~~[ 220 of this article]~~ 59A-12-19 NMSA

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1 1978;

2 (6) of an applicant for a license covering  
3 the same kind or kinds of insurance as to which licensed in  
4 this state under a similar license within five [~~(5)~~] years  
5 preceding date of application for the new license, unless the  
6 previous license was suspended, revoked or continuation  
7 thereof refused by the superintendent;

8 (7) of an applicant for solicitor license who  
9 held license as agent in this state as to the same kind or  
10 kinds of insurance within five [~~(5)~~] years preceding date of  
11 application for the new license, unless the previous license  
12 was suspended, revoked or continuation thereof refused by the  
13 superintendent;

14 (8) of an applicant for [~~nonresident~~] broker  
15 or [~~nonresident~~] agent license, if the superintendent is  
16 satisfied that the applicant took and passed a similar  
17 examination in [~~the~~] a state in which already licensed,  
18 subject to Section [~~100 (reciprocity provision) of the~~  
19 ~~Insurance Code~~] 59A-5-33 NMSA 1978; or

20 (9) of applicant for license only as title  
21 insurance agent.

22 B. The superintendent shall conduct examinations  
23 as provided for in Chapter 59A, Article 11 [~~(licensing~~  
24 ~~procedures) of the Insurance Code~~] NMSA 1978. "

25 Section 11. Section 59A-12-17 NMSA 1978 (being Laws

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1 1984, Chapter 127, Section 218) is amended to read:

2 "59A-12-17. SCOPE OF LICENSE. --

3 A. Except as to limited licenses identified in  
4 Section [~~219 of this article~~] 59A-12-18 NMSA 1978, an agent's  
5 or broker's license shall cover the kind [~~or kinds~~] of  
6 insurance, or major subdivisions of life or health insurance,  
7 for which the applicant has applied and qualified, including  
8 [~~any or all~~] of the following:

9 (1) life insurance, or any or all of the  
10 following subdivisions thereof:

- 11 (a) industrial life insurance;
- 12 (b) debit insurance;
- 13 (c) credit life insurance; or
- 14 (d) variable annuity contracts;

15 (2) health insurance, credit health  
16 insurance, or industrial health insurance, or other  
17 subdivisions thereof;

- 18 (3) property insurance;
- 19 (4) casualty insurance;
- 20 (5) surety insurance;
- 21 (6) marine and transportation insurance;
- 22 (7) vehicle insurance; or
- 23 (8) title insurance.

24 B. The scope of a solicitor's license is subject  
25 to Section [~~215 of this article~~] 59A-12-14 NMSA 1978.

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1 C. License of a [~~nonresident~~] broker [~~or~~  
2 ~~nonresident agent~~] shall cover the kind or kinds of insurance  
3 applied and qualified for, within the classifications stated  
4 in Subsection A [~~above~~] of this section.

5 D. A licensee as to variable annuities or similar  
6 contracts deemed to constitute also securities, shall also  
7 possess license as a security salesman under other applicable  
8 state laws."

9 Section 12. Section 59A-12-20 NMSA 1978 (being Laws  
10 1984, Chapter 127, Section 221) is amended to read:

11 "59A-12-20. PLACE OF BUSINESS--DISPLAY OF LICENSE. --

12 A. Every general lines agent shall have and  
13 maintain [~~in this state~~] a place of business accessible to the  
14 public, wherein the licensee [~~principally~~] conducts  
15 transactions under the license. The address of [~~such place~~]  
16 the place of business shall appear upon the application for  
17 license when issued, and the licensee shall promptly notify  
18 the superintendent in writing of any change [~~thereof~~] of  
19 address. Nothing in this section shall prohibit maintenance  
20 of [~~such~~] the place of business in the licensee's residence  
21 [~~in this state~~].

22 B. The licenses of the licensee and those of  
23 solicitors employed by him shall be conspicuously displayed in  
24 [~~such~~] the place of business in a part [~~thereof~~] customarily  
25 open to the public.

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1 C. This section does not apply [~~as~~] to life  
2 insurance, annuity contracts or health insurance."

3 Section 13. Section 59A-12-23 NMSA 1978 (being Laws  
4 1984, Chapter 127, Section 224) is amended to read:

5 "59A-12-23. INSURANCE VENDING MACHINES. --

6 A. A licensed [~~resident~~] agent may solicit for and  
7 issue personal travel accident insurance policies of an  
8 authorized insurer by means of mechanical vending machines  
9 supervised by the agent and placed at airports and other  
10 places of convenience to the [~~travelling~~] traveling public, if  
11 the superintendent finds that:

12 (1) the policy provides reasonable coverage  
13 and benefits, is suitable for sale and issuance by vending  
14 machine and use of such a machine in a proposed location would  
15 be of material convenience to the public;

16 (2) the type of machine proposed to be used  
17 is reasonably suitable for the purpose;

18 (3) reasonable means are provided for  
19 informing prospective purchasers of policy coverages and  
20 restrictions;

21 (4) reasonable means are provided for refund  
22 of money inserted in defective machines and for which  
23 insurance so paid for is not received; and

24 (5) the cost of maintaining such a machine at  
25 a particular location is reasonable.

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1           B. For each machine to be used the superintendent  
2 shall issue to the applicant a special vending machine  
3 license. The license shall state the name and address of the  
4 insurer and agent, name of the policy to be sold and serial  
5 number and operating location of the machine. The license  
6 shall be subject to annual continuation, to expiration,  
7 suspension or revocation coincidentally with that of the  
8 agent. The superintendent shall also revoke the license as to  
9 any machine as to which he finds that license qualifications  
10 no longer exist. Proof of existence of a subsisting license  
11 shall be displayed on or about each machine in use in such  
12 manner as the superintendent reasonably requires."

13           Section 14. Section 59A-12-24 NMSA 1978 (being Laws  
14 1984, Chapter 127, Section 225) is amended to read:

15           "59A-12-24. SHARING OF [~~COMMISSIONS~~] COMMISSIONS. --

16           A. An agent or [~~nonresident~~] broker [~~or~~  
17 ~~nonresident agent~~] shall share a [~~commission~~] commission or  
18 compensation for or on account of the solicitation or  
19 negotiation in this state of insurance on individuals or  
20 property or risks in this state only with the agent's duly  
21 licensed solicitor, or duly licensed [~~resident~~] agent of the  
22 insurer with which the insurance was placed, or duly licensed  
23 [~~nonresident~~] broker [~~or nonresident agent~~].

24           B. No such licensee shall share in ~~commission~~ or  
25 compensation as to a kind of insurance for which not licensed.

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1 C. Such sharing in commissions and compensation  
2 between the same such licensees shall be infrequently only,  
3 and shall not unduly obviate the general necessity of  
4 appointment of the agent by the insurer with which the  
5 insurance is placed.

6 D. Nothing in the Insurance Code shall be deemed  
7 to prohibit payment, to or for the account of a former owner  
8 of an insurance agency or brokerage, of commissions or part  
9 thereof currently accruing on business of the agency or  
10 brokerage, as part of the purchase price of the agency or  
11 brokerage, whether or not such former owner is currently  
12 licensed as agent, solicitor or broker. "

13 Section 15. Section 59A-12-25 NMSA 1978 (being Laws  
14 1984, Chapter 127, Section 226) is amended to read:

15 "59A-12-25. NONRESIDENT BROKERS, [AND] NONRESIDENT  
16 AGENTS AND NONRESIDENT SOLICITORS--RETALIATION. --

17 A. The superintendent may [~~at discretion~~] refuse  
18 to issue a license as a [~~nonresident~~] broker, [~~or nonresident~~]  
19 agent [~~as to life and health insurance only~~] or solicitor to a  
20 [~~licensed resident agent or licensed resident broker of~~]  
21 resident of another state or country, who is otherwise  
22 qualified under this article for license as [~~an~~] a broker,  
23 agent or solicitor in New Mexico [~~except as to residence and~~  
24 ~~as otherwise expressly provided~~], if under the laws of [~~such~~]  
25 the other state or country licensed residents of this state

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1 are [not] prohibited or prevented from acting as [ nonresident  
2 agent or nonresident broker therein. A nonresident agent  
3 license shall be so issued only to an individual.

4 B. The nonresident broker or nonresident agent  
5 shall place insurance of persons resident or risks located or  
6 to be performed in this state only with insurers authorized in  
7 this state and through a duly licensed and appointed resident  
8 agent of the insurer in this state, and may share with such  
9 agent in commission payable thereon.

10 C. Both the nonresident licensee and the placing  
11 resident agent must be so licensed as to all the kinds of  
12 insurance so placed] broker, agent or solicitor because of  
13 their residence.

14 [D.] B. As part of an application for a license,  
15 the nonresident applicant shall appoint the superintendent, on  
16 a form prescribed and furnished by the superintendent, as  
17 [attorney] agent on whom may be served all legal process  
18 issued by [any] a court in this state in any action against or  
19 involving the licensee as to transactions under the license.  
20 The appointment shall be irrevocable and continue for so long  
21 as [any such] an action could arise or exist. Duplicate  
22 copies of process shall be served upon the superintendent or  
23 other individual in apparent charge of the insurance  
24 [department] division during the superintendent's absence,  
25 accompanied by payment of the process service fee specified in

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1 Section [~~101 (fee schedule) of the Insurance Code~~] 59A-6-1  
2 NMSA 1978. Upon [~~such~~] service the superintendent shall  
3 promptly forward a copy [~~thereof~~] by certified mail, return  
4 receipt requested, to the licensee at his [~~address~~] last  
5 address of record with the superintendent. Process served and  
6 copy forwarded as so provided shall for all purposes  
7 constitute personal service [~~thereof~~] upon the licensee.

8 [~~E-~~] C. The licensee shall likewise file with the  
9 superintendent written agreement to appear before the  
10 superintendent pursuant to notice of hearing, show cause order  
11 or subpoena issued by the superintendent and deposited,  
12 postage paid, by certified mail in a letter depository of the  
13 United States post office, addressed to the licensee at his  
14 [~~address~~] last address of record with the superintendent, and  
15 that upon failure of the licensee [~~so~~] to appear the licensee  
16 thereby consents to any subsequent suspension, revocation or  
17 refusal of the superintendent to continue the license."

18 Section 16. Section 59A-12-26 NMSA 1978 (being Laws  
19 1984, Chapter 127, Section 227, as amended) is amended to  
20 read:

21 "59A-12-26. CONTINUED EDUCATION. --  
22 A. For protection of the public and to preserve  
23 and improve competence of licensees, the superintendent may in  
24 his sole discretion require as a condition to continuation of  
25 license as agent, solicitor [~~nonresident agent or nonresident~~

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1 ~~broker]~~ broker under this article that during the twelve  
2 months next preceding expiration of the current license period  
3 the licensee has enrolled in and attended not less than  
4 fifteen hours of formal class instruction, lectures or  
5 seminars approved by the superintendent covering the kinds of  
6 insurance for which licensed.

7 ~~[B. If the licensee is licensed to transact or~~  
8 ~~sells only one of the following lines of insurance:-~~

- 9 (1) ~~credit life insurance;-~~
- 10 (2) ~~credit health insurance;-~~
- 11 (3) ~~vendors' single interest insurance;-~~
- 12 (4) ~~title insurance; or~~
- 13 (5) ~~insurance incidental to the~~

14 ~~transportation of persons or storage or transportation of~~  
15 ~~baggage;-~~

16 ~~then the superintendent may waive the requirements of~~  
17 ~~Subsection A of this section or may require less than fifteen~~  
18 ~~hours of instruction, lectures or seminars.-~~

19 ~~C.]~~ B. Such instruction shall be designed to  
20 refresh the licensee's understanding of basic principles and  
21 coverages involved, recent and prospective changes therein,  
22 applicable laws and rules and regulations of the  
23 superintendent, proper conduct of the licensee's business and  
24 duties and responsibilities of the licensee.

25 ~~[D.]~~ C. The superintendent may permit licensees who

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1 because of remoteness of residence or business cannot with  
2 reasonable convenience attend such formal instruction sessions  
3 to take and successfully complete an equivalent course of  
4 study and instruction by mail.

5 ~~[E-]~~ D. The superintendent shall promulgate rules  
6 and regulations for effectuation of the purposes and  
7 requirements of this section and may impose a penalty not to  
8 exceed fifty dollars (\$50.00) for a licensee's failure to  
9 timely report continuing education credits.

10 ~~[F-]~~ E. For the purposes of this section, the  
11 superintendent shall charge, at the time of certifying each  
12 licensee's continuing education credits as a condition of  
13 continuation of license, a fee of five dollars (\$5.00).

14 ~~[G-]~~ F. This section shall not apply to holders of  
15 limited license issued under Section 59A-12-18 NMSA 1978. "

16 Section 17. Section 59A-12B-3 NMSA 1978 (being Laws  
17 1993, Chapter 320, Section 29) is amended to read:

18 "59A-12B-3. LICENSURE. --

19 A. No person, firm, association or corporation shall  
20 act in the capacity of a managing general agent with respect  
21 to risks located in this state for an insurer authorized in  
22 this state unless such person is a licensed agent or broker in  
23 this state.

24 B. No person, firm, association or corporation shall  
25 act in the capacity of a managing general agent representing

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1 an insurer domiciled in this state with respect to risks  
2 located outside this state unless such person is licensed as  
3 an agent or broker in this state pursuant to the provisions of  
4 the Managing General Agents Law. [~~Such license may be a~~  
5 ~~nonresident license.~~]

6 C. The superintendent may require a bond in an  
7 amount acceptable to him for the protection of the insurer.

8 D. The superintendent may require the managing  
9 general agent to maintain an errors and omissions policy. "

10 Section 18. Section 59A-12D-3 NMSA 1978 (being Laws  
11 1993, Chapter 320, Section 44) is amended to read:

12 "59A-12D-3. LICENSURE. --

13 A. No person, firm, association or corporation shall  
14 act as a reinsurance intermediary-broker in this state if it  
15 maintains an office either directly or as a member or employee  
16 of a firm or association, or an officer, director or employee  
17 of a corporation:

18 (1) in this state, unless such reinsurance  
19 intermediary-broker is a licensed producer in this state; or

20 (2) in another state, unless such reinsurance  
21 intermediary-broker is a licensed producer in this state or  
22 another state having a law substantially similar to this law  
23 or such reinsurance intermediary-broker is licensed in this  
24 state as a [~~nonresident~~] reinsurance intermediary.

25 B. No person, firm, association or corporation shall

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1 act as a reinsurance intermediary-manager:

2 (1) for a reinsurer domiciled in this state,  
3 unless such reinsurance intermediary-manager is a licensed  
4 producer in this state;

5 (2) in this state, if the reinsurance  
6 intermediary-manager maintains an office either directly or as  
7 a member or employee of a firm or association, or an officer,  
8 director or employee of a corporation in this state, unless  
9 such reinsurance intermediary-manager is a licensed producer  
10 in this state;

11 (3) in another state for a nondomestic insurer,  
12 unless such reinsurance intermediary-manager is a licensed  
13 producer in this state or another state having a law  
14 substantially similar to this law or such person is licensed  
15 in this state as a [~~nonresident~~] reinsurance intermediary.

16 C. The superintendent may require a reinsurance  
17 intermediary-manager subject to the provisions of Subsection B  
18 to:

19 (1) file a bond in an amount from an insurer  
20 acceptable to the superintendent for the protection of the  
21 reinsurer; and

22 (2) maintain an errors and omissions policy in  
23 an amount acceptable to the superintendent.

24 D.

25 (1) The superintendent may issue a reinsurance

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1 intermediary license to any person, firm, association or  
2 corporation who has complied with the requirements of the  
3 Reinsurance Intermediary Law. Any such license issued to a  
4 firm or association will authorize all the members of such  
5 firm or association and any designated employees to act as  
6 reinsurance intermediaries under the license, and all such  
7 persons shall be named in the application and any supplements  
8 thereto. Any such license issued to a corporation shall  
9 authorize all of the officers and any designated employees and  
10 directors thereof to act as reinsurance intermediaries on  
11 behalf of such corporation, and all such persons shall be  
12 named in the application and any supplements thereto.

13 (2) If the applicant for a reinsurance  
14 intermediary license is a nonresident, such applicant, as a  
15 condition precedent to receiving or holding a license, shall  
16 designate the superintendent as agent for service of process  
17 in the manner, and with the same legal effect, provided for by  
18 the Reinsurance Intermediary Law for designation of service of  
19 process upon unauthorized insurers; and also shall furnish the  
20 superintendent with the name and address of a resident of this  
21 state upon whom notices or orders of the superintendent or  
22 process affecting such nonresident reinsurance intermediary  
23 may be served. Such licensee shall promptly notify the  
24 superintendent in writing of every change in its designated  
25 agent for service of process and such change shall not become

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1 effective until acknowledged by the superintendent.

2 E. The superintendent may refuse to issue a  
3 reinsurance intermediary license if, in his judgment, the  
4 applicant, anyone named on the application, or any member,  
5 principal, officer or director of the applicant, is not  
6 trustworthy, or that any controlling person of such applicant  
7 is not trustworthy to act as a reinsurance intermediary, or  
8 that any of the foregoing has given cause for revocation or  
9 suspension of such license or has failed to comply with any  
10 prerequisite for the issuance of such license. Upon written  
11 request by the applicant, the superintendent will furnish a  
12 summary of the basis for refusal to issue a license, which  
13 document shall be subject to the provisions of Section  
14 59A-11-20 NMSA 1978.

15 F. Licensed attorneys at law of this state when  
16 acting in their professional capacity as such shall be exempt  
17 from this section. "

18 Section 19. Section 59A-14-7 NMSA 1978 (being Laws 1984,  
19 Chapter 127, Section 245) is amended to read:

20 "59A-14-7. SURPLUS LINE BROKER LICENSE REQUIRED--  
21 QUALIFICATIONS FOR LICENSE. --

22 A. No person shall in New Mexico be, act as or hold  
23 out to be, a surplus line broker, or place insurance of risks  
24 resident, located or to be performed in New Mexico in any  
25 unauthorized insurer on behalf of others and for compensation

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1 as an independent contractor in any form, unless licensed as a  
2 surplus line broker under [~~this article~~] Chapter 59A, Article  
3 14 NMSA 1978.

4 B. The superintendent shall, upon due application  
5 [~~therefor~~] and payment of the license fee, issue a license as  
6 surplus line broker to [~~any~~] a person qualified [~~therefor~~] as  
7 follows:

8 [~~(1) must, if an individual, be a resident of~~  
9 ~~New Mexico;~~

10 ~~(2)]~~ (1) must be currently licensed as [a  
11 resident] an insurance agent in this state as to the kinds of  
12 insurance to be exported under the surplus line broker license  
13 applied for, and have had experience or special training or  
14 education sufficient in duration and character as such an  
15 agent as to render the applicant, in the opinion of the  
16 superintendent, reasonably competent to engage in business as  
17 a surplus line broker;

18 [~~(3)]~~ (2) if applicant is a firm or  
19 corporation, all individuals to represent it in this state  
20 must be [~~residents of New Mexico and~~] licensed agents  
21 [~~operating an insurance business in this state~~]. Each such  
22 individual shall be qualified as for an individual license as  
23 surplus line broker, and an additional license fee shall be  
24 paid as to each individual, in excess of one, who is to  
25 exercise the surplus line broker license powers; and

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1                    [~~(4)~~] (3) must file with the application the  
2 bond provided for in Section [~~246 of this article~~] 59A-14-8  
3 NMSA 1978.

4                    C. Licensing procedure, duration and related matters  
5 are as provided in Chapter 59A, Article 11 [~~of the Insurance~~  
6 ~~Code~~] NMSA 1978, and license fee is as specified in Section  
7 [~~101 (fee schedule), of the Insurance Code~~] 59A-6-1 NMSA  
8 1978. "

9                    Section 20. Section 59A-35-17 NMSA 1978 (being Laws  
10 1984, Chapter 127, Section 606, as amended) is amended to  
11 read:

12                    "59A-35-17. QUALIFICATIONS, PROCEDURE FOR SECURITY  
13 SALESPERSON LICENSE. --

14                    A. Applicants for license as securities salesperson  
15 [~~must~~] shall be qualified [~~therefor~~] as follows:

16                    (1) [~~must~~] be an individual [~~resident in this~~  
17 ~~state and~~] not less than twenty-one years of age;

18                    (2) [~~must~~] be honest and trustworthy, of good  
19 personal and business reputation and financially responsible;

20                    (3) [~~must~~] take and pass an examination as  
21 given by the superintendent, reasonably testing the knowledge  
22 of the applicant of the securities to be sold, the  
23 responsibilities of a salesperson relative thereto and  
24 competence of the applicant to act as a [~~securites~~] securities  
25 salesperson; and

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1 (4) [~~must~~] file with the superintendent along  
2 with application for license and thereafter maintain in force  
3 while so licensed, a surety bond issued by an authorized  
4 surety insurer or deposit of cash or cash-equivalent in lieu  
5 of the bond, in reasonable penal sum fixed by the  
6 superintendent but not less than ten thousand dollars  
7 (\$10,000), for protection of the registrant, persons  
8 purchasing securities through the salesperson and the state of  
9 New Mexico and to assure compliance with law and the  
10 applicable regulations of the superintendent.

11 B. Procedure for application for license,  
12 examination of applicant, issuance, terms, duration and  
13 suspension or revocation of license and related matters shall  
14 be as provided by applicable provisions of Chapter 59A,  
15 Article 11 NMSA 1978. Fee for license and examination shall  
16 be as fixed in Section 59A-6-1 NMSA 1978.

17 C. This section shall not apply as to securities  
18 broker-dealers registered as such under the Securities  
19 Exchange Act of 1934, as amended, or as to securities the sale  
20 of which is underwritten (other than on a best efforts basis)  
21 by such a broker-dealer. "

22 Section 21. Section 59A-40-9 NMSA 1978 (being Laws 1984,  
23 Chapter 127, Section 692) is amended to read:

24 "59A-40-9. LICENSED AGENTS REQUIRED. --The insurer shall  
25 write business in New Mexico only through its resident [ New

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1 ~~Mexico~~ United States agents [~~thereunto~~] duly appointed by it  
2 in writing and duly licensed by the superintendent under  
3 provisions of the Insurance Code applicable to insurance  
4 agents of authorized insurers. The appointment of [~~such~~]  
5 agents shall specifically authorize the licensee to write for  
6 the Mexican insurer the insurance coverages as specified in  
7 [~~this article~~] Chapter 59A, Article 40 NMSA 1978. "

8 Section 22. Section 59A-44-33 NMSA 1978 (being Laws  
9 1989, Chapter 388, Section 33, as amended) is amended to read:  
10 "59A-44-33. LICENSING OF AGENTS. --

11 A. Agents of societies shall be licensed in  
12 accordance with the applicable provisions of Chapter 59A,  
13 Articles 11 and 12 NMSA 1978 regulating the licensing,  
14 revocation, suspension or termination of license of [~~resident~~  
15 ~~and nonresident~~] agents, but shall not be subject to the  
16 provisions of Section 59A-12-26 NMSA 1978.

17 B. No examination or license shall be required of  
18 any regular salaried officer, employee or member of a licensed  
19 society who devotes or intends to devote fifty percent or more  
20 of his services to activities other than the solicitation of  
21 fraternal insurance contracts from the public and who receives  
22 for the solicitation of such contracts no commission or other  
23 compensation directly dependent upon the amount of business  
24 obtained.

25 C. Any person who in the preceding calendar year has

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1 solicited and procured life insurance contracts on behalf of  
2 any society in an amount of insurance in excess of fifty  
3 thousand dollars (\$50,000) or, in the case of any other kind  
4 [~~or kinds~~] of insurance that the society might write, on the  
5 persons of more than twenty-five individuals and who has  
6 received or will receive a commission or other compensation  
7 therefor shall be presumed to be devoting or intending to  
8 devote fifty percent of his time to the solicitation or  
9 procurement of insurance contracts for such society. "

10 Section 23. Section 59A-47-30 NMSA 1978 (being Laws  
11 1984, Chapter 127, Section 879.29) is amended to read:

12 "59A-47-30. LICENSED AGENTS OR SOLICITORS REQUIRED--  
13 QUALIFICATIONS, LICENSING PROCEDURES AND CONDITIONS. --

14 A. Solicitation of subscriberships for a health care  
15 plan shall be made only by agents of such plan or solicitors  
16 of such agents, who are duly qualified, appointed and licensed  
17 as such under the Insurance Code. This provision shall not  
18 apply as to salaried officers or employees of health care  
19 plans who are visiting or instructing their licensed agents,  
20 and who do not receive any part of the commission for any  
21 business written by such agents with their assistance.

22 B. No person shall be appointed or licensed as a  
23 health care plan agent or solicitor unless qualified therefor  
24 as follows:

25 (1) [~~must be~~] is an individual at least

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1 eighteen [~~(18)~~] years of age;

2 [~~(2) must be a resident of New Mexico;~~

3 ~~(3) must have~~] (2) has had, or will receive,  
4 reasonable experience or instruction in the health care plan  
5 for which license is applied;

6 [~~(4) must be~~] (3) is be trustworthy and of good  
7 business reputation;

8 [~~(5) must intend~~] (4) intends to engage in a  
9 bona fide way in the business of the health care plan; and

10 [~~(6) must pass~~] (5) passes to the  
11 superintendent's satisfaction an examination for license as  
12 given by or under authorization of the superintendent.

13 C. A health care plan agent shall be appointed by  
14 and at any one time represent only one such plan.

15 D. Subject to the other provisions of this section,  
16 procedures for appointment and licensing such agents and  
17 solicitors, examination, issuance or denial of license,  
18 continuation or expiration, suspension, revocation or refusal  
19 to continue license and other applicable matters relating to  
20 such licensing and licenses shall be as provided as to  
21 licenses of agents and solicitors as to health insurance under  
22 Chapter 59A, Article 11 [~~(licensing procedures) of the~~  
23 ~~Insurance Code~~] NMSA 1978. Fee for application for license  
24 and continuation of license shall be as specified in Section  
25 [~~101 (fee schedule) of the Insurance Code~~] 59A-6-1 NMSA 1978,

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1 and neither fee shall be refundable."

2 Section 24. Section 59A-50-13 NMSA 1978 (being Laws  
3 1984, Chapter 127, Section 919) is amended to read:

4 "59A-50-13. REGISTERED REPRESENTATIVES REQUIRED--  
5 QUALIFICATIONS FOR REGISTRATION. --

6 A. No person shall be, act as or purport to be a  
7 representative of a motor club in this state unless then  
8 registered as such with the superintendent by the motor club.

9 B. To qualify for [~~sueh~~] registration the applicant  
10 shall:

11 (1) be an individual not less than eighteen  
12 [~~(18)~~] years of age;

13 [~~(2)~~] ~~be a resident of New Mexico;~~

14 [~~(3)~~] (2) be of good personal and business  
15 reputation;

16 [~~(4)~~] (3) not previously have been refused  
17 registration or had registration revoked;

18 [~~(5)~~] (4) be suitable and competent to act as  
19 such representative; and

20 [(6)] (5) intend in good faith to act and hold  
21 himself out as such a representative.

22 C. As part of an application for registration, a  
23 nonresident applicant shall appoint the superintendent, on a  
24 form prescribed and furnished by the superintendent, as agent  
25 on whom may be served all legal process issued by a court in

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1 this state in any action involving the nonresident registrant.  
2 The appointment is irrevocable and continues for so long as an  
3 action involving the nonresident registrant could arise.  
4 Duplicate copies of process shall be served upon the  
5 superintendent or other person in apparent charge of the  
6 insurance division during the superintendent's absence,  
7 accompanied by payment of the process service fee specified in  
8 Section 59A-6-1 NMSA 1978. Upon service the superintendent  
9 shall promptly forward a copy by certified mail, return  
10 receipt requested, to the nonresident registrant at his last  
11 address of record with the superintendent. Process served and  
12 copy forwarded as so provided constitutes personal service  
13 upon the nonresident registrant.

14 D. A nonresident registrant shall also file with the  
15 superintendent a written agreement to appear before the  
16 superintendent pursuant to a notice of hearing, show cause  
17 order or subpoena issued by the superintendent and deposited,  
18 postage paid, by certified mail in a letter depository of the  
19 United States post office, addressed to the nonresident  
20 registrant at his last address of record with the  
21 superintendent, and that upon failure of the nonresident  
22 registrant to appear, the nonresident registrant consents to  
23 subsequent suspension, revocation or refusal of the  
24 superintendent to continue the license. "

25 Section 25. Section 59A-51-4 NMSA 1978 (being Laws 1984,

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1 Chapter 127, Section 931) is amended to read:

2 "59A-51-4. QUALIFICATIONS FOR LICENSE. -- Applicants for  
3 license as bail bondsman or solicitor [~~under this article~~]  
4 pursuant to the provisions of Chapter 59A, Article 51 NMSA  
5 1978 must not be law enforcement, adjudication or prosecution  
6 officials or their employees, attorneys-at-law, officials  
7 authorized to admit to bail, or state or county officers, and  
8 must be qualified [~~therefor~~] as follows:

9 A. [~~must be~~] is an individual not less than eighteen  
10 [~~(18)~~] years of age;

11 B. [~~must be~~] is a citizen of the United States [~~and~~  
12 ~~if for license as a bondsman must have been a bona fide~~  
13 ~~resident of New Mexico for one year last past and actually~~  
14 ~~reside in this state at least six (6) months out of each year;~~  
15 ~~or if for license as solicitor, must have been a bona fide~~  
16 ~~resident of this state for more than six (6) months last~~  
17 ~~past~~];

18 C. if for license as bondsman must take and pass to  
19 the superintendent's satisfaction a written examination  
20 testing his knowledge and competence to engage in the bail  
21 bondsman business;

22 D. [~~must be~~] is of good personal and business  
23 reputation;

24 E. if to act as a property bondsman, must be  
25 financially responsible and provide the surety bond or deposit

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1 in lieu thereof as required [~~under Section 935 of this~~  
2 ~~article~~] in accordance with Section 59A-51-8 NMSA 1978;

3 F. if to act as a limited surety agent, ~~must~~ be  
4 appointed [~~as such~~] by an authorized surety insurer, subject  
5 to issuance of a license, and ~~meet~~ all applicable  
6 qualifications as for licensing as an agent of [~~such~~] an  
7 insurer as stated in Section [~~213 of the Insurance Code~~]  
8 59A-12-12 NMSA 1978; and

9 G. if for license as a solicitor, ~~must~~ have been so  
10 appointed by a licensed bail bondsman subject to issuance of  
11 the solicitor license. "

12 Section 26. Section 59A-51-5 NMSA 1978 (being Laws 1984,  
13 Chapter 127, Section 932) is amended to read:

14 "59A-51-5. APPLICATION FOR LICENSE. --

15 A. An individual desiring to be licensed as bail  
16 bondsman or solicitor under [~~this article~~] Chapter 59A,  
17 Article 51 NMSA 1978 shall file with the superintendent  
18 written application [~~therefor~~] on a form as prescribed and  
19 furnished by the superintendent, together with application for  
20 qualifying examination if for bail bondsman license.

21 B. With application for license to act as property  
22 bondsman the applicant shall file with the superintendent his  
23 detailed financial statement under oath and a schedule of  
24 charges and the rating plan proposed to be used in writing  
25 bail bonds. The schedule shall conform to rules and

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1 regulations promulgated by the superintendent.

2 C. Application for a solicitor's license must be  
3 endorsed by the appointing bail bondsman, who shall therein  
4 obligate himself to supervise the solicitor's activities in  
5 the bondsman's behalf.

6 D. The application shall be accompanied by a recent  
7 credential-sized full-face photograph of the applicant  
8 together with such additional proof of identity as the  
9 superintendent may reasonably require.

10 E. As part of an application for a license, a  
11 nonresident applicant shall appoint the superintendent, on a  
12 form prescribed and furnished by the superintendent, as agent  
13 on whom may be served all legal process issued by a court in  
14 this state in any action involving the nonresident licensee.  
15 The appointment is irrevocable and continues for so long as an  
16 action involving the nonresident licensee could arise.  
17 Duplicate copies of process shall be served upon the  
18 superintendent or other person in apparent charge of the  
19 insurance division during the superintendent's absence,  
20 accompanied by payment of the process service fee specified in  
21 Section 59A-6-1 NMSA 1978. Upon service the superintendent  
22 shall promptly forward a copy by certified mail, return  
23 receipt requested, to the nonresident licensee at his last  
24 address of record with the superintendent. Process served and  
25 copy forward as so provided constitutes personal service upon

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1 the nonresident licensee.

2 F. A nonresident licensee shall also file with the  
3 superintendent a written agreement to appear before the  
4 superintendent pursuant to a notice of hearing, show cause  
5 order or subpoena issued by the superintendent and deposited,  
6 postage paid, by certified mail in a letter depository of the  
7 United States post office, addressed to the nonresident  
8 licensee at his last address of record with the  
9 superintendent, and that upon failure of the nonresident  
10 licensee to appear, the nonresident licensee consents to  
11 subsequent suspension, revocation or refusal of the  
12 superintendent to continue the license. "

13 Section 27. Section 59A-55-24 NMSA 1978 (being Laws  
14 1988, Chapter 125, Section 24) is amended to read:

15 "59A-55-24. DUTY OF AGENTS OR BROKERS TO OBTAIN  
16 LICENSE. --

17 A. No person, firm, association or corporation shall  
18 act or aid in any manner in soliciting, negotiating or  
19 procuring liability insurance in New Mexico from a risk  
20 retention group unless such person, firm, association or  
21 corporation is licensed as an insurance agent or broker  
22 pursuant to the provisions of the New Mexico Insurance Code.

23 B. No person, firm, association or corporation shall  
24 act or aid in any manner in soliciting, negotiating or  
25 procuring liability insurance:

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1 (1) in New Mexico for a purchasing group from  
2 an authorized insurer or a risk retention group chartered in a  
3 state, unless such person, firm, association or corporation is  
4 licensed as an insurance agent or broker pursuant to the  
5 provisions of the New Mexico Insurance Code;

6 (2) in New Mexico for any members of a  
7 purchasing group under a purchasing group's policy, unless  
8 such person, firm, association or corporation is licensed as  
9 an insurance agent or broker pursuant to the provisions of the  
10 New Mexico Insurance Code; or

11 (3) from an insurer not authorized to do  
12 business in New Mexico on behalf of a purchasing group located  
13 in this state, unless such person, firm, association or  
14 corporation is licensed as a surplus lines agent or excess  
15 line broker pursuant to the provisions of the New Mexico  
16 Insurance Code.

17 ~~[C. For purposes of acting as an agent or broker for~~  
18 ~~a risk retention group or purchasing group pursuant to~~  
19 ~~Subsections A and B of this section, any requirement of~~  
20 ~~residence in this state shall not apply.]~~

21 ~~D.]~~ C. Every person, firm, association or  
22 corporation licensed pursuant to the provisions of the New  
23 Mexico Insurance Code on business placed with risk retention  
24 groups or written through a purchasing group shall inform each  
25 prospective insured of the provisions of the notice required

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1 by Section [ ~~10 of the Risk Retention and Purchasing Group Act~~ ]  
2 59A-55-10 NMSA 1978 in the case of a purchasing group. "

3 Section 28. Section 61-15-8 NMSA 1978 (being Laws 1931,  
4 Chapter 155, Section 7, as amended) is amended to read:

5 "61-15-8. EXEMPTIONS. --

6 A. The following shall be exempt from the provisions  
7 of the Architectural Act:

8 (1) architects who are not legal residents of  
9 and have no established places of business in this state who  
10 are acting as consulting associates of [ ~~a legal resident~~ ] an  
11 architect registered under the provisions of the Architectural  
12 Act, provided the nonresident architects are qualified for  
13 such professional service in their own state or country; and

14 (2) architects acting solely as officers or  
15 employees of the United States or any interstate railroad  
16 system.

17 B. Nothing in the Architectural Act shall prevent  
18 the draftsmen, students, superintendents and other employees  
19 of lawfully practicing architects under the provisions of the  
20 Architectural Act from acting under the instructions, control  
21 or supervision of the employer or shall prevent the employment  
22 of superintendents on the construction, enlargement or  
23 alterations of buildings or any appurtenances thereto or shall  
24 prevent those superintendents from acting under the direct  
25 supervision of registered architects by whom the plans and

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1 specifications of any building, enlargements, constructions or  
2 alterations were prepared. "

3 Section 29. Section 61-15-9 NMSA 1978 (being Laws 1931,  
4 Chapter 155, Section 8, as amended) is amended to read:

5 "61-15-9. RESTRICTIONS. --

6 A. Except as otherwise provided in the Architectural  
7 Act, neither the state nor any political subdivision of the  
8 state shall engage in the construction of [~~any~~] a public work  
9 involving architecture for which the plans, specifications and  
10 architectural services have not been provided by [~~legal~~  
11 ~~resident~~] registered architects of the state. Except in the  
12 case of school districts, nothing in this section shall be  
13 held to apply to public work for which the expenditure for the  
14 complete project does not exceed one hundred thousand dollars  
15 (\$100,000). In the case of school districts, nothing in this  
16 section shall apply:

17 (1) to public work for which the expenditure  
18 for the complete project does not exceed one hundred thousand  
19 dollars (\$100,000); or

20 (2) to the construction or relocation of  
21 portable classroom units that are intended for use as  
22 temporary classrooms. Portable classrooms will not be  
23 considered temporary where more than four units are joined  
24 together.

25 B. Nothing in the Architectural Act shall prevent

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1 [any] a person from preparing building plans and  
2 specifications without being registered, unless the building  
3 plans and specifications involve public safety or health, but  
4 the work shall be done only on:

5 (1) single-family dwellings not more than two  
6 stories in height;

7 (2) multiple dwellings not more than two  
8 stories in height containing not more than four dwelling units  
9 of wood-frame construction; provided, this paragraph shall not  
10 be construed to allow a person who is not registered under the  
11 Architectural Act to design multiple clusters of up to four  
12 dwelling units each to form apartment or condominium complexes  
13 where the total exceeds four dwelling units on any lawfully  
14 divided lot;

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

18 (4) nonresidential buildings, as defined in the  
19 uniform building code, unless the building code official  
20 having jurisdiction has found that the submission of plans,  
21 drawings, specifications or calculations prepared and designed  
22 by an architect or engineer licensed by the state is necessary  
23 to obtain compliance with minimum standards governing the  
24 preparation of building plans and specifications adopted by  
25 the construction industries division of the regulation and

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1 licensing department. The construction industries division  
2 shall set, by regulation, minimum standards for preparation of  
3 building plans and specifications pursuant to this paragraph.

4 C. Nothing in the Architectural Act shall require  
5 the state or ~~[any]~~ a political subdivision of the state to  
6 secure the services of an architect or engineer for ~~[any]~~ a  
7 public work project ~~[which]~~ that consists of repair,  
8 replacement or remodeling of nonstructural elements of an  
9 existing structure. "

10 Section 30. Section 61-18A-11 NMSA 1978 (being Laws  
11 1987, Chapter 252, Section 11) is amended to read:

12 "61-18A-11. QUALIFICATION OF MANAGER APPLICANTS. -- The  
13 licensed manager to be actively in charge of a collection  
14 agency shall:

- 15 A. be a citizen of the United States;
- 16 B. have reached the age of majority;
- 17 C. not have been convicted of a felony or crime  
18 involving moral turpitude;
- 19 ~~[D. have been a bona fide resident of this state~~  
20 ~~continuously for at least six months prior to the date of the~~  
21 ~~filing of the application;~~
- 22 ~~E.]~~ D. be a graduate of a high school or provide  
23 proof to the director that he is possessed of the equivalent  
24 of a high school education;
- 25 ~~[F.]~~ E. pass the examination required;

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1           ~~[G.]~~ F. pay the examination fee to the director;  
2           ~~[H.]~~ G. have been actively and continuously engaged  
3 or employed in the collection of accounts receivable for at  
4 least two of the five years next preceding the filing of the  
5 application; and  
6           ~~[I.]~~ H. have a good credit record. "

7           Section 31. Section 61-24B-5 NMSA 1978 (being Laws 1985,  
8 Chapter 151, Section 5) is amended to read:

9           "61-24B-5. EXEMPTIONS. --The following shall be exempt  
10 from the provisions of the Landscape Architects Act:

11           A. landscape architects who are not legal residents  
12 of or who have no established place of business in this state  
13 who are acting as consulting associates of a [~~resident~~]  
14 landscape architect registered under the provisions of the  
15 Landscape Architects Act; provided that the nonresident  
16 landscape architect meets equivalent registration  
17 qualifications in his own state or country;

18           B. landscape architects acting solely as officers or  
19 employees of the United States or any interstate railroad  
20 system; and

21           C. landscape designers, land planners,  
22 agriculturalists, soil conservationists, agronomists,  
23 horticulturists, foresters, tree experts, arborists,  
24 gardeners, contract landscape caretakers, landscape  
25 nurserymen, graders or contractors, or cultivators of land and

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1 any person making plans for property owned by himself;  
2 provided that none of these shall hold themselves out as  
3 landscape architects or use the term "landscape architect"  
4 without being registered pursuant to the provisions of the  
5 Landscape Architects Act.

6 Nothing in the Landscape Architects Act is intended to  
7 limit, interfere with or prevent a professional architect,  
8 engineer or land surveyor from engaging in landscape  
9 architecture within the limits of his licensure.

10 Nothing in the Landscape Architects Act is intended to  
11 limit, interfere with or prevent the draftsmen, students,  
12 clerks or superintendents and other employees of registered  
13 landscape architects from acting under the instructions,  
14 control or supervision of the registered landscape architect  
15 or to prevent the employment of superintendents on the  
16 construction, enlargement or alterations of landscape  
17 improvements or any appurtenances thereto or to prevent such  
18 superintendents from acting under the immediate personal  
19 supervision of registered landscape architects by whom the  
20 plans and specifications of any landscape architectural  
21 services were prepared. "

22 Section 32. Section 61-27A-2 NMSA 1978 (being Laws 1993,  
23 Chapter 212, Section 2) is amended to read:

24 "61-27A-2. DEFINITIONS. --As used in the Private  
25 Investigators and Polygraphers Act:

. 125400. 2

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1           A. "alarm company" means a company that installs  
2 burglar or security alarms in a facility and responds with  
3 guards when the alarm is sounded;

4           B. "armored car company" means a company that  
5 knowingly and willingly transports money and other negotiables  
6 for a fee or other remuneration;

7           C. "bodyguard" means a person who physically  
8 performs the mission of personal security of another  
9 individual;

10          D. "branch office" means an office physically  
11 located in New Mexico and managed, controlled or directed by a  
12 manager;

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

16          F. "conviction" means any final adjudication of  
17 guilty, whether pursuant to a plea of guilty or nolo  
18 contendere or otherwise and whether or not the sentence is  
19 deferred or suspended;

20          G. "department" means the regulation and licensing  
21 department;

22          H. "licensee" means a person licensed as a:

- 23           (1) private investigator;  
24           (2) private patrol operator; or  
25           (3) polygraph examiner;

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1 I. "manager" means an individual who:  
2 [~~(1) is a resident of New Mexico;~~  
3 ~~(2)~~] (1) has the qualifications required of a  
4 licensee; and

5 [~~(3)~~] (2) directs, controls or manages a  
6 private investigator or private patrol operator business for  
7 the owner of the business when the owner [~~(a) is a~~  
8 ~~nonresident licensee; or (b)~~] does not qualify for a license  
9 under the Private Investigators and Polygraphers Act;

10 J. "person" means any individual, firm, company,  
11 association, organization, partnership or corporation;

12 K. "polygraphy" means the employment of an  
13 instrument designed to graphically record simultaneously the  
14 physiological changes in human respiration, cardiovascular  
15 activity, galvanic skin resistance or reflex for the purpose  
16 of lie detection and includes the reading and interpretation  
17 of polygraphic records and results;

18 L. "private investigator" means a person who for any  
19 consideration whatsoever engages in business or accepts  
20 employment to conduct an investigation for the purpose of  
21 obtaining information with reference to:

22 (1) crime or wrongs done or threatened against  
23 the United States or any state or territory of the United  
24 States;

25 (2) the identity, habits, conduct, business,

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1 occupation, honesty, integrity, credibility, knowledge,  
2 trustworthiness, efficiency, loyalty, activity, movement,  
3 whereabouts, affiliation, association, transactions, acts,  
4 reputation or character of any person;

5 (3) the location, disposition or recovery of  
6 lost or stolen property;

7 (4) the cause or responsibility for fires,  
8 losses, accidents or damage or injury to persons or  
9 properties; or

10 (5) the securing of evidence to be used before  
11 any court, board, officer or investigating committee;

12 M "private investigator employee" means an  
13 individual who is working under the license and bond of a  
14 private investigator;

15 N. "private patrol operator" or "operator of a  
16 private patrol service" means a person who for any  
17 consideration whatsoever agrees to:

18 (1) furnish or furnishes a uniformed or  
19 nonuniformed watchman, guard, patrolman or other person to  
20 protect property and any persons on or in the property;

21 (2) prevent the theft, unlawful taking, loss,  
22 embezzlement, misappropriation or concealment of any goods,  
23 wares, merchandise, money, bonds, stocks, notes, documents,  
24 papers or property of any kind; or

25 (3) perform the service of a security guard,

. 125400. 2

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1 armored car company or security dog company.

2 A private patrol operator may not make any investigation  
3 except those that are incidental to the theft, loss,  
4 embezzlement, misappropriation or concealment of any property  
5 or any other item enumerated in the Private Investigators and  
6 Polygraphers Act that he has been hired or engaged to protect,  
7 guard or watch;

8 O. "security dog company" means a company that uses  
9 trained dogs with handlers to perform a security mission at a  
10 location; and

11 P. "security guard" means any individual who is an  
12 employee of a private patrol operator and employed to perform  
13 such security missions as watchman, fixed post guard, dog  
14 handler, patrolman or other person to protect property or  
15 prevent thefts. "

16 Section 33. Section 61-27A-6 NMSA 1978 (being Laws 1993,  
17 Chapter 212, Section 6) is amended to read:

18 "61-27A-6. REQUIREMENTS FOR LICENSURE. --

19 A. The department shall issue a license for a  
20 private investigator to [any] a person who files a completed  
21 application accompanied by the required fees and who submits  
22 satisfactory evidence that the applicant:

- 23 (1) is at least eighteen years of age;
- 24 (2) is of good moral character;
- 25 (3) has passed a written examination as

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1 prescribed by the department;

2 (4) has at least three years' experience within  
3 the last five years in investigative work or a level of  
4 experience determined to be sufficient by the department; and

5 (5) has not been convicted of a felony offense  
6 or ~~[any other]~~ a criminal offense involving moral turpitude or  
7 the illegal use or possession of a deadly weapon.

8 B. The department shall issue a license for a  
9 private investigator manager to ~~[any]~~ a person who files a  
10 completed application accompanied by the required fees and who  
11 submits satisfactory evidence that the applicant:

12 [~~(1)~~] ~~is a resident of New Mexico;~~

13 ~~(2)~~ (1) is at least eighteen years of age;

14 [~~(3)~~] (2) has passed a written examination as  
15 prescribed by the department;

16 [~~(4)~~] (3) has at least three years' experience  
17 within the last five years in investigative work or a level of  
18 experience determined to be sufficient by the department;

19 [~~(5)~~] (4) is of good moral character; and

20 [~~(6)~~] (5) has not been convicted of a felony  
21 offense or ~~[any other]~~ a criminal offense involving moral  
22 turpitude or the illegal use or possession of a deadly weapon.

23 C. The department shall issue a license for a  
24 private patrol operator to ~~[any]~~ a person who files a  
25 completed application accompanied by the required fees and who

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1 submits satisfactory evidence that the applicant:

2 (1) is at least eighteen years of age;

3 (2) is of good moral character;

4 (3) has passed a written examination as  
5 prescribed by the department;

6 (4) has at least three years' experience within  
7 the last five years in security work or a level of experience  
8 determined to be sufficient by the department; and

9 (5) has not been convicted of a felony offense  
10 or [~~any other~~] a criminal offense involving moral turpitude or  
11 the illegal use or possession of a deadly weapon.

12 D. The department shall issue a license for a  
13 private patrol operator manager to [~~any~~] a person who files a  
14 completed application accompanied by the required fees and who  
15 submits satisfactory evidence that the applicant:

16 [~~(1) is a resident of New Mexico;~~

17 ~~(2)] (1) is at least eighteen years of age;~~

18 [~~(3)] (2) has passed a written examination as  
19 prescribed by the department;~~

20 [~~(4)] (3) has at least three years' experience  
21 within the last five years in security work or a level of  
22 experience determined to be sufficient by the department;~~

23 [~~(5)] (4) is of good moral character; and~~

24 [~~(6)] (5) has not been convicted of a felony  
25 offense or [~~any other~~] a criminal offense involving moral~~

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1 turpitude or the illegal use or possession of a deadly weapon.

2 E. A manager's license is required when the owner of  
3 a private investigator or private patrol operator business

4 [~~(1) is a nonresident licensee; or~~  
5 ~~(2)~~] does not qualify for a license under the  
6 Private Investigators and Polygraphers Act.

7 F. The department shall issue a security guard  
8 pocket card to ~~[any]~~ a person who files a completed  
9 application accompanied by the required fees and who submits  
10 satisfactory evidence that the applicant:

- 11 (1) is at least eighteen years of age; and
- 12 (2) is of good moral character.

13 G. The department shall issue a license for  
14 polygrapher to ~~[any]~~ a person who files a completed  
15 application accompanied by the required fees and who submits  
16 satisfactory evidence that the applicant:

- 17 (1) is at least eighteen years of age;
- 18 (2) possesses a high school diploma or its  
19 equivalent;
- 20 (3) has not been convicted of a felony or  
21 misdemeanor involving moral turpitude; and
- 22 (4) has graduated from a polygraph examiners  
23 course approved by the department and:

24 (a) has completed a probationary  
25 operational competency period and passed an examination of

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1 ability to practice polygraphy; or

2 (b) has submitted proof of holding, for a  
3 minimum of two years immediately prior to the date of  
4 application, a current license to practice polygraphy in  
5 another jurisdiction whose standards equal or surpass those of  
6 New Mexico. "

7 Section 34. Section 61-27A-10 NMSA 1978 (being Laws  
8 1993, Chapter 212, Section 10) is amended to read:

9 "61-27A-10. OPERATION OF BUSINESS--MANAGER REQUIRED. --

10 A. Each business providing private investigator or  
11 private patrol operator services in New Mexico shall be  
12 operated under the direction, control, charge or management of  
13 a licensee; provided that the business shall be under the  
14 direction, control, charge or management of a manager if the  
15 owner of the business [ (1) is a nonresident licensee; or (2) ]  
16 does not qualify for a license under the Private Investigators  
17 and Polygraphers Act.

18 ~~[B. Any nonresident licensee who wishes to engage in~~  
19 ~~a private investigator or private patrol operator business in~~  
20 ~~New Mexico shall have a branch office located in New Mexico~~  
21 ~~operated under the direction, control, charge or management of~~  
22 ~~a manager licensed under the Private Investigators and~~  
23 ~~Polygraphers Act.~~

24 ~~C.]~~ B. A licensee shall not conduct a business under  
25 a fictitious name until he has obtained the written

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1 authorization of the department. The department shall not  
2 authorize the use of a fictitious name that is so similar to  
3 the name of a public officer or agency or to the name used by  
4 another licensee that the public may be confused or misled by  
5 it.

6 ~~[D.]~~ C. A licensee shall at all times be legally  
7 responsible for the good business conduct of each of his  
8 employees, including his manager.

9 ~~[E.]~~ D. Each licensee shall maintain a record  
10 containing information relative to his employees as may be  
11 prescribed by the department, and the records may be subject  
12 to inspection.

13 ~~[F.]~~ E. Except as otherwise provided by the Private  
14 Investigators and Polygraphers Act, every employee of a  
15 licensee shall be registered by the licensee with the  
16 department within seven days of employment; provided, however,  
17 ~~[that]~~ a licensee may hire temporary employees for periods of  
18 time not to exceed five days for special celebrations, parades  
19 or similar events without those employees being registered.  
20 The provisions of this subsection shall not be used to  
21 circumvent the registration of long-term employees.

22 ~~[G.]~~ F. A person registered under the Private  
23 Investigators and Polygraphers Act shall notify the department  
24 in writing within thirty days of each change in his  
25 employment. If a person ceases to be employed by a licensee,

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1 the person shall notify the department in writing within  
2 thirty days and shall surrender his registration card to the  
3 department.

4 ~~[H.]~~ G. A manager duly licensed under the Private  
5 Investigators and Polygraphers Act need not register as an  
6 employee.

7 ~~[I.]~~ H. Employees of a licensee who are engaged  
8 exclusively in stenographic, typing, filing, clerical or other  
9 activities that do not constitute the work of a private  
10 investigator or private patrol officer are not required to  
11 register.

12 ~~[J.] Each nonresident licensee shall file in writing~~  
13 ~~with the department the address of each branch office and~~  
14 ~~within ten days after the establishment, closing or changing~~  
15 ~~of location of a branch office shall notify the department in~~  
16 ~~writing.~~

17 ~~K.]~~ I. A person shall not act as a manager until he  
18 is licensed under the Private Investigators and Polygraphers  
19 Act. If a manager ceases to be connected with a licensee, the  
20 licensee shall notify the department in writing within thirty  
21 days from [~~such~~] the cessation. If the licensee fails to  
22 notify the department within the thirty-day period, his  
23 license shall be subject to suspension or revocation and may  
24 be reinstated only upon the filing of an application for  
25 reinstatement and payment of the reinstatement fee."

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1 Section 35. Section 61-29-9 NMSA 1978 (being Laws 1959,  
2 Chapter 226, Section 8, as amended) is amended to read:

3 "61-29-9. QUALIFICATIONS FOR LICENSE. --

4 A. Licenses shall be granted only to persons who are  
5 deemed by the commission to be of good repute and competent to  
6 transact the business of a real estate broker or salesperson  
7 in [~~such~~] a manner [~~as to safeguard~~] that safeguards the  
8 interests of the public.

9 B. Each applicant for a broker's license shall be a  
10 legal resident of the United States, have reached the age of  
11 majority [~~and have been an actual bona fide~~] and, except as  
12 provided in Section 61-29-14 NMSA 1978, be a resident of New  
13 Mexico [~~for six months next preceding the filing of~~  
14 ~~application~~]. Each applicant for a real estate broker's  
15 license shall:

16 (1) have performed actively as a real estate  
17 salesperson [~~in New Mexico~~] for at least twenty-four months  
18 out of the preceding thirty-six months immediately prior to  
19 filing application and furnish the commission a certificate  
20 that he has completed successfully ninety classroom hours of  
21 instruction in basic real estate courses approved by the  
22 commission;

23 (2) furnish the commission a certificate that  
24 he has completed successfully one hundred eighty classroom  
25 hours of instruction in basic real estate courses approved by

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1 the commission;

2 (3) furnish the commission a certificate that  
3 he is a duly licensed real estate broker in good standing in  
4 another state, providing he has completed successfully ninety  
5 classroom hours of instruction in basic real estate courses  
6 approved by the commission; or

7 (4) furnish the commission satisfactory proof  
8 of his equivalent experience in an activity closely related to  
9 or associated with real estate and furnish the commission a  
10 certificate that he has completed successfully ninety  
11 classroom hours of instruction in basic real estate courses  
12 approved by the commission.

13 C. Each applicant for a salesperson's license shall  
14 be a legal resident of the United States, have reached the age  
15 of majority [~~and be a resident of New Mexico preceding the~~  
16 ~~filing of application~~] and shall furnish the commission a  
17 certificate that he has completed successfully sixty classroom  
18 hours of instruction in basic real estate courses approved by  
19 the commission.

20 D. The commission shall require [~~such~~] information  
21 as it may deem necessary from every applicant to determine his  
22 honesty, trustworthiness and competency. Corporations,  
23 partnerships or associations shall be entitled to hold a  
24 broker's license issued in the name of the corporation,  
25 partnership or association, provided at least one member of

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1 the partnership or association or one officer or employee of a  
2 corporation who actively engages in the real estate business  
3 first secures a broker's license. [~~Such~~] The license shall be  
4 issued in the name of the corporation, partnership or  
5 association, naming the partner, associate, officer or  
6 employee as qualifying broker for the corporation, partnership  
7 or association. "

8 Section 36. Section 61-29-14 NMSA 1978 (being Laws 1959,  
9 Chapter 226, Section 13, as amended) is amended to read:

10 "61-29-14. NONRESIDENT BROKERS. --No application for  
11 issuance of a license or renewal of an existing broker's  
12 license shall be accepted from [~~any~~] a nonresident applicant  
13 who is [~~not a broker licensed in~~] a resident of another state  
14 which [~~other state extends~~] does not extend the privilege of  
15 licensure to real estate brokers licensed in New Mexico. A  
16 qualifying nonresident may become a real estate broker by  
17 conforming to all the conditions of Chapter 61, Article 29  
18 NMSA 1978.

19 In its discretion, the commission may recognize, in lieu  
20 of the recommendations and certificates required to accompany  
21 an application for a broker's license, the broker's license  
22 issued to a nonresident in another state, provided the other  
23 state extends the privilege of licensure to real estate  
24 brokers licensed in New Mexico. The license shall be issued  
25 upon payment of the license fee, verification that the

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1 applicant has complied with his resident state's current  
2 education requirements, of which ninety classroom hours for a  
3 nonresident broker must be approved by the New Mexico real  
4 estate commission, and the filing by the applicant with the  
5 commission of a certified copy of the applicant's license  
6 issued by the other state, provided that:

7 A. the applicant shall have maintained an active  
8 place of business in the state by which he is licensed [ shall  
9 establish and maintain an active place of business in this  
10 state] and shall pass the written examination required by  
11 Section 61-29-10 NMSA 1978;

12 B. the applicant shall file an irrevocable consent  
13 that suits and actions may be commenced against him in the  
14 proper court of any county of this state in which a cause of  
15 action may arise or in which the plaintiff may reside, by the  
16 service of any process or pleadings authorized by the laws of  
17 this state on the commission, the consent stipulating and  
18 agreeing that such service of process or pleadings on the  
19 commission shall be taken and held in all courts to be as  
20 valid and binding as if personal service had been made upon  
21 the applicant in New Mexico. The instrument containing the  
22 consent shall be duly acknowledged and, if the applicant is a  
23 corporation or association, shall be accompanied by the duly  
24 certified copy of the resolution of the proper officers or  
25 managing board authorizing the proper officer to execute the

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1 instrument. In case any process or pleading mentioned in the  
2 case is served upon the board, it shall be by duplicate  
3 copies, one of which shall be filed in the office of the  
4 commission and the other immediately forwarded by registered  
5 mail to the main office of the applicant against which the  
6 process or pleadings are directed; and

7 C. the applicant shall file a bond in form and  
8 content the same as is required of resident applicants under  
9 Chapter 61, Article 29 NMSA 1978. "

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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5

6 March 9, 1999  
7

8 Mr. Speaker:  
9

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

13 HOUSE BILL 807  
14

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

17 1. On page 59, line 5, after "EXEMPTIONS" insert "--  
18 FROM REGISTRATION".  
19

20 2. On page 59, line 6, strike "shall be" and insert in  
21 lieu thereof "are".  
22

23 3. On page 59, lines 8 and 9, strike "are not legal  
24 residents of and".  
25

4. On page 59, lines 9 and 10, strike "who are acting"

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3 HBIC/HB 807

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4 and insert in lieu thereof "and who are not registered  
5 under the Architectural Act may act".  
6

7 5. On page 59, line 12, strike "nonresident".  
8

9 6. On page 59, line 12, after "are" strike the  
10 remainder of the line, strike line 13 up to the semicolon  
11 and insert in lieu thereof "registered as architects in  
12 another jurisdiction".

13 7. On page 59, strike lines 18 through 25 in their  
14 entirety.  
15

16 8. On page 60, lines 1 and 2, strike everything before  
17 the period and insert in lieu thereof "a registered  
18 architect from employing non-registrants to work under the  
19 architect's responsible charge".

20 9. On page 60, line 5, strike "RESTRICTIONS" and  
21 insert in lieu thereof "PROJECT EXEMPTIONS".  
22  
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10. On page 60, lines 6 through 24, strike Subsection A in its entirety and insert in lieu thereof the following new Subsection A:

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

11. On page 60, strike line 25, on page 61, strike line 1 and strike line 2 through "registered" and insert in lieu thereof:

"B. A person who is not an architect may prepare building plans and specifications".

12. On page 62, line 8, after "remodeling" strike the remainder of the line, strike all of line 9 and insert in lieu thereof:

"if the alteration does not affect structural or life safety features of a building and does not require the issuance of a building permit under any applicable code.

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

. 125400. 2

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

17 and thence referred to the JUDICIARY COMMITTEE.  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HBIC/HB 807

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Respectfully submitted,

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Fred Luna, Chairman

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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HBIC/HB 807

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(Chief Clerk)

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3 HBIC/HB 807

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4 (Chief Clerk)

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6 Date \_\_\_\_\_

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8 The roll call vote was 9 For 0 Against

9 Yes: 9

10 Excused: None

11 Absent: Kissner, Mohorovic, T. Taylor

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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4 March 15, 1999  
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6  
7 Mr. Speaker:  
8

9 Your JUDICIARY COMMITTEE, to whom has been referred  
10

11 HOUSE BILL 807, as amended  
12

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

16 1. On page 40, lines 3 and 4, strike "enrolled in and  
17 attended not less than fifteen" and insert in lieu thereof  
18 "attended the minimum number of".

19 2. On page 40, line 5, after "seminars" insert  
20 "required and".  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB807aa

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Respectfully submitted,

\_\_\_\_\_ R. David Pederson,  
Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Garcia, Luna, Martinez, Stewart, Taylor

Absent: None

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March 19, 1999

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Mr. Presi dent:

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Your CORPORATIONS & TRANSPORTATION COMMI TTEE, to

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whom has been referred

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HOUSE BILL 807, as amended

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has had it under consideration and reports same with

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recommmendation that it DO PASS.

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Respectfully submit ted,

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Roman M. Maes, Chai rman

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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 7 For 1 Against

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Yes: 7

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No: Maloof

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Excused: Aragon, Robinson

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Absent: None

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