

New Mexico Interior Design Board



Interior Design Practice Act
Article 24C NMSA 1978
and Rules and Regulations
Title 16 Chapter 42 NMAC



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Interior Design Board

2550 Cerrillos Road ▪ PO Box 25101 ▪ Santa Fe, New Mexico 87504
(505) 476-4622 ▪ Fax (505) 476-4645 ▪ www.rld.state.nm.us/boards

TITLE 16: OCCUPATIONAL AND PROFESSIONAL LICENSING

CHAPTER 3: Interior Designers

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TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 1 GENERAL PROVISIONS

16.42.1.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Interior Design Board.
[11/10/1997; 16.42.1.1 NMAC - Rn, 16 NMAC 42.1.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

16.42.1.2 SCOPE: The provisions in Part 1 of Chapter 42 apply to all parts and provide relevant information to the board, licensees, applicants and the general public.
[11/10/1997; 16.42.1.2 NMAC - Rn, 16 NMAC 42.1.2, 10/26/2002]

16.42.1.3 STATUTORY AUTHORITY: This rule is adopted pursuant to the Interior Design Act, Section 61-24C-5 NMSA 1978; and Section 61-24C-7.
[11/10/1997; 16.42.1.3 NMAC - Rn, 16 NMAC 42.1.3, 10/26/2002]

16.42.1.4 DURATION: Permanent.
[11/10/1997; 16.42.1.4 NMAC - Rn, 16 NMAC 42.1.4, 10/26/2002]

16.42.1.5 EFFECTIVE DATE: November 10, 1997, unless a different date is cited at the end of a section or paragraph.
[11/10/1997; 16.42.1.5 NMAC - Rn, 16 NMAC 42.1.5, 10/26/2002]

16.42.1.6 OBJECTIVE: This part is to establish board meetings dates, and the election of officers, display of license and advertising requirements.
[11/10/1997; 16.42.1.6 NMAC - Rn, 16 NMAC 42.1.6, 10/26/2002]

16.42.1.7 DEFINITIONS: [RESERVED]

16.42.1.8 GENERAL PROVISIONS:
A. Purpose: These rules and regulations are promulgated pursuant to the Interior Design Act, Section 61-24C-1 through 61-24C-16 NMSA 1978, enacted to ensure public safety, health and welfare by registration of interior designers.
B. Amendments: These rules and regulations may be amended at any regular or special meeting of the board of interior design by majority vote in compliance with the laws and regulations concerning the formulation of administrative rules and regulations by a state agency.
[11/10/1997; 16.42.1.8 NMAC - Rn, 16 NMAC 42.1.8, 10/26/2002]

16.42.1.9 ORGANIZATION:
A. Officers: The board shall elect annually a president, vice-president, and secretary-treasurer who shall be chosen from among its members. Each officer shall hold office until their successors have been duly elected and qualified.
B. Meetings: The board will meet at least two times each year for the purpose of transacting such business as may lawfully come before the board. Times and places for the meeting will be established by the board and advertised prior to the meetings. Meetings will be conducted in compliance with the annual notice requirements adopted by the board. Members may be excused for cause such as illness or accident, as determined by the chairman.
[11/10/1997; 16.42.1.9 NMAC - Rn, 16 NMAC 42.1.9, 10/26/2002]

16.42.1.10 ADMINISTRATION:
A. The president shall, when present, preside at all meetings, appoint all committees subject to confirmation by vote of the board and perform all other duties ordinarily pertaining to the office of president.
B. The vice-president will in the absence of the president, preside at the meetings and execute the duties of the president.
C. The secretary-treasurer shall oversee and report to the board the activities of the administrative staff including all financial matters.

D. Committees: Subject to the board's confirmation, the presiding officer at any meeting of the board is authorized to appoint special and standing committees from the membership of the board. The duties of such committees shall be assigned at the time the committee is appointed.
[11/10/1997; 16.42.1.10 NMAC - Rn, 16 NMAC 42.1.10, 10/26/2002; A, 08/15/2014]

16.42.1.11 DISPLAY OF LICENSE: The certificate of licensure shall be publicly displayed at the licensee's place of employment. Licensees with more than one place of employment shall also publicly display duplicate original licenses at any secondary places of employment.
[11/10/1997; 16.42.1.11 NMAC - Rn, 16 NMAC 42.1.11, 10/26/2002]

16.42.1.12 ADVERTISING:

A. Each licensed interior designer (LID), shall include their name, state and license number in any newspaper, telephone directory, or any other advertising medium used by the LID. A sole proprietorship, corporation, limited liability company or partnership advertising interior design services is required to display the name, state and license number of at least one LID employed by or working within that business entity.

B. Definition:

(1) When using the words "licensed interior designer" or "licensed interior design" in any advertising medium, LIDs shall include their position, job description, or title and include the state and license number. A license number is not required unless the individual is a LID and using the terms "licensed interior design" or "licensed interior designer".

(2) The term "newspaper, telephone directory, or other advertising medium" as used in Subsection A, shall mean any of the following when paid for or produced by or for a licensed interior designer (LID) (telephone business directory listings are deemed to be produced for a LID notwithstanding whether the listings are paid for):

- (a)** telephone directory listings;
- (b)** construction site signs;
- (c)** airwave transmissions;
- (d)** handbills;
- (e)** all billboards, on or off site;
- (f)** shopping and service guides;
- (g)** magazine advertisements (including trade association publications);
- (h)** classified advertisements;
- (i)** signs on vehicles;
- (j)** promotional materials such as video tapes, flyers, brochures;
- (k)** business stationery: when using business stationery as an advertising medium,

the LID shall include name or signature, position, job description or title of the individual and shall include the state and license number;

- (l)** business cards;
- (m)** television advertisement;
- (n)** internet advertisement;
- (o)** compact disc (CD) or digital video disk (DVD).

(3) The term shall not apply to the following:

- (a)** on-site signage used for identification, i.e., on facade, front door, or location of business;
- (b)** information identifying a charitable donation to any organization exempt from federal income tax;
- (c)** telephone directory listings for professional interior design organizations.

(4) Effective date of this rule is November 10, 1997.

C. Seal:

(1) The official seal of the board shall be as follows: an embossed circular seal two inches in diameter consisting of two concentric circles; the annular space between the two circles shall contain the seal of the state of New Mexico.

(2) The board authorizes a seal or stamp for use by licensed interior designers. The seal shall attest that the documents were prepared and reviewed by the licensed interior designer (LID). When an LID signs, stamps or seals a document containing the work of others, the LID represents that the entire document has been prepared by them under their responsible control, unless they include a written statement adjacent to their signature,

stamp or seal identifying the portion of the document that was prepared by them or prepared under their responsible control. A LID who signs, stamps or seals a document which was not prepared by them but was prepared under their responsible control is subject to disciplinary proceedings as if they prepared it themselves.

(3) The seal/stamp will bear the LID's name and license number and the legend "Licensed Interior Designer State of New Mexico." All plans, specifications and reports issued by a LID shall have the LID's signature placed across the seal/stamp.

[11/10/1997; 16.42.1.12 NMAC - Rn, 16 NMAC 42.1.12, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

HISTORY OF 16.42.1 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

IDB Rule 89-1, General Provisions filed 12/19/1989.

IDB Rule 89-2, Organization filed 12/19/1989.

IDB Rule 89-3, Administration filed 12/19/1989.

IDB Rule 89-10, Display of License filed 12/19/1989.

IDB Rule 94-1, Advertising filed 4/26/1995.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 2 CODE OF PROFESSIONAL CONDUCT

16.42.2.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Interior Design Board.
[11/10/1997; 16.42.2.1 NMAC - Rn, 16 NMAC 42.2.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

16.42.2.2 SCOPE: The licensed interior designer shall be governed by the professional code of conduct whenever providing interior design services in any context. This code shall apply to the conduct of all licensees and applicants.
[11/10/1997; 16.42.2.2 NMAC - Rn, 16 NMAC 42.2.2, 10/26/2002; A, 11/14/2009]

16.42.2.3 STATUTORY AUTHORITY: This rule is adopted pursuant to the Interior Design Act, Section 61-24C-5 NMSA 1978.
[11/10/1997; 16.42.2.3 NMAC - Rn, 16 NMAC 42.2.3, 10/26/2002]

16.42.2.4 DURATION: Permanent.
[11/10/1997; 16.42.2.4 NMAC - Rn, 16 NMAC 42.2.4, 10/26/2002]

16.42.2.5 EFFECTIVE DATE: November 10, 1997, unless a different date is cited at the end of a section or paragraph
[11/10/1997; 16.42.2.5 NMAC - Rn, 16 NMAC 42.2.5, 10/26/2002]

16.42.2.6 OBJECTIVE: This part constitutes the standards against which the required professional conduct of a licensed interior designer is measured. A violation of this part is sufficient reason for disciplinary action pursuant to the Interior Design Act.
[11/10/1997; 16.42.2.6 NMAC - Rn, 16 NMAC 42.2.6, 10/26/2002; A, 11/14/2009]

16.42.2.7 DEFINITIONS: [RESERVED]

16.42.2.8 CODE OF PROFESSIONAL CONDUCT:

- A.** Responsibility to the public:
- (1) Licensed interior designers (LIDs) shall comply with all existing applicable laws, regulations, and codes governing business practices and procedures and the practice of interior design as established by federal, state, and local jurisdictions in which they practice.
 - (2) LIDs shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by LIDs of good standing, practicing in the same locality.
 - (3) LIDs shall not engage in any form of false or misleading advertising [or] promotional activities and shall not imply through advertising or other means that persons associated with them or their business entity are licensed interior designers unless licensed by the state of New Mexico.
 - (4) LIDs shall neither offer nor make any payment or gift to a local, state, or federal official, appointed or elected, with the intent of influencing the official's judgment in connection with an existing or prospective project in which the LID is interested.
 - (5) LIDs serving in a public capacity shall not accept payments or gifts which are intended to influence their judgment. A person serving in a "public capacity" is defined as anyone working for or on behalf of any government entity.
 - (6) LIDs shall not engage in conduct involving fraud or flagrant disregard of the rights of others.
 - (7) LIDs shall not assist, abet, or counsel others to commit fraudulent, negligent, or illegal conduct in connection with a project.
 - (8) LIDs shall not discriminate in their professional activities on the basis of race, religion, gender, national origin, age, sexual orientation, or non-disqualifying disability.

B. Responsibilities to the client:

- (1) Interior design contract documents prepared under the direction of a LID shall contain the following statement: "This document is not an architectural or engineering study, drawing, specification, or design

and is not to be used as the basis for construction of any load-bearing framing, wall, or structure construction." This shall not apply to LIDs who are licensed professionals in such field. "Contract documents" shall be interpreted to mean final contracts, drawings and specifications for and interior design project.

(2) The contract between a LID and a client shall clearly set forth the scope and nature of the project, general description of materials involved, the services to be performed, and the method of compensation for those services. LIDs shall not materially alter the scope or objectives of a project without the client's consent.

(3) LIDs shall fully disclose to the client all methods of compensation which the LID shall receive in connection with the project and shall not accept any form, of undisclosed compensation from any person or firm with whom the LID deals in connection with the project.

(4) LIDs shall not accept compensation for their services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(5) If LIDs have any business association, direct or indirect financial interest, or other interest which could be substantial enough to influence their judgment in connection with their performance of professional services, the LID shall fully disclose in writing to their clients or employers the nature of interest. If the clients or employers object to such association, financial interest, or other interest, the LID will either terminate such association or interest or decline the commission or employment.

(6) LIDs shall not intentionally or recklessly mislead existing or prospective clients about the results that can be achieved through the use of the LIDs service, nor shall the members state that they can achieve results by means that violate applicable laws or this code.

(7) LIDs shall not divulge any confidential information about the client or the client's project, or utilize photographs of the project without the express written permission of the client. LID's shall disclose in writing to the client the specifications or drawings over which the LID retains proprietary rights, and which do not require client permission prior to use.

(8) LIDs when rendering interior design services shall disclose in writing to the client whether or not they have professional insurance. If they have professional insurance, LIDs shall fully disclose in writing to the client the nature and extent of all insurance coverage, including workman's compensation and bonds, covering subcontractors employed by the LID.

[11/10/1997; 16.42.2.8 NMAC - Rn, 16 NMAC 42.2.8, 10/26/2002; A, 11/14/2009]

HISTORY OF 16.42.2 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

IDB 93-1, Code of Professional Conduct filed 12/20/93.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 3 LICENSING REQUIREMENTS

16.42.3.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Interior Design Board.
[11/10/1997; 16.42.3.1 NMAC - Rn, 16 NMAC 42.3.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

16.42.3.2 SCOPE: The provisions in Part 3 apply to all parts and provide relevant information to the licensees, applicants and general public.
[11/10/1997; 16.42.3.2 NMAC - Rn, 16 NMAC 42.3.2, 10/26/2002]

16.42.3.3 STATUTORY AUTHORITY: This rule is adopted pursuant to the Interior Design Act, Sections 61-24C-8, 61-24C-9; Section 61-24C-10; and 61-24C-11, NMSA 1978.
[11/10/1997; 16.42.3.3 NMAC - Rn, 16 NMAC 42.3.3, 10/26/2002]

16.42.3.4 DURATION: Permanent.
[11/10/1997; 16.42.3.4 NMAC - Rn, 16 NMAC 42.3.4, 10/26/2002]

16.42.3.5 EFFECTIVE DATE: July 8, 1998 unless a different date if cited at the end of a section or paragraph.
[11/10/1997, 7/8/98; 16.42.3.5 NMAC - Rn, 16 NMAC 42.3.5, 10/26/2002]

16.42.3.6 OBJECTIVE: This part is to establish the minimum requirements for applicants applying for licensure as a licensed interior designer.
[11/10/1997; 16.42.3.6 NMAC - Rn, 16 NMAC 42.3.6, 10/26/2002; A, 11/14/2009]

16.42.3.7 DEFINITIONS:

A. "Accredited institution" means a school, college, university, or other institution of higher education that is accredited by a national or regional independent educational institution accrediting body or by a state department of education or similar state agency. The accrediting body evaluates institutions and recognizes institutions as meeting acceptable levels of quality and performance according to a prescribed standard. If the school, college, university, or other institution of higher education is not listed in the accredited institutions of postsecondary education, a directory published by the American council on education (ACE) for the council for higher education accreditation (CHEA), the applicant shall provide evidence of accreditation status from the appropriate accrediting body that is satisfactory to the board. The board may verify the accreditation status of a specific institution from the appropriate accrediting body.

B. "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

C. "Interior design program" means a program that meets one of the following criteria:
(1) is a program offered in an accredited institution that is clearly identified and labeled as an interior design program; such program must specify in institutional catalogues and brochures its intent to educate and train professional interior designers, must maintain a recognizable organizational entity within the institution, must have a curriculum with an integrated, organized sequence of study, and must have an identifiable faculty; or
(2) is an interior design program accredited by the council for interior design accreditation (CIDA); or
(3) is a design curriculum program.

D. "Military service member" means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States including the national guard.

E. "Recent veteran" means a person who has received an honorable discharge or separation from military service within two years immediately preceding the date the person applied for an occupational or professional license pursuant Section 61-1-34, NMSA 1978.

[16.42.3.7 NMAC - N, 11/14/2009; A, 08/15/2014]

16.42.3.8 LICENSURE:

A. License required: Effective June 16, 1989, no person shall represent themselves as a licensed interior designer unless they are licensed pursuant to the Interior Design Act.

B. Applications and qualifications for licensure: Any person desiring licensure as an interior designer shall apply as indicated in 16.42.3.9 NMAC, licensure by examination, or 16.42.3.10 NMAC, licensure by credentials. Electronic signatures will be acceptable for applications submitted pursuant to 14-16-1 through 14-16-19, NMSA 1978.

C. To be eligible for consideration as a design curriculum program, the applicant's post secondary course of study shall contain interior design or design related course hours earned at an accredited institution that include or cover the topics or subject matter described in Subsection F of 16.42.3.8 NMAC. The board will evaluate the applicant's transcript(s) and the course topic or subject matter shall be verified by official course descriptions from the institution's catalogues or brochures in force at the beginning of the term in which the course was taken or the hours earned or course descriptions from other official institutional source. The board may consider evidence other than official institutional sources if it is impossible to verify course descriptions from an official institutional source. The applicant shall be responsible for providing to the board the official course description. The applicant shall have the burden to prove to the board that courses claimed as eligible for design curriculum program hours are bona fide courses that include or cover the topic or subject matter described in Subsection F of 16.42.3.8 NMAC. The board will not investigate the course topic or subject matter or contact the institution or any person on behalf of the applicant. The applicant shall have the sole responsibility to provide sufficient evidence satisfactory to the board that the course includes or covers the allowable topic or subject matter. A particular course will be counted in only one topic or subject matter category, but more than one course may be included under a particular topic or subject matter category.

D. A graduate of a five, four, or two year program that is either clearly identified and labeled an interior design program as defined above or is accredited or approved by CIDA meets the educational requirements of Section 61-24C-8 (A), (B) or (D), NMSA 1978 respectively.

E. A design curriculum program shall be calculated as follows.

(1) A graduate of a five (5) year program must have completed at least 90 semester hours or 135 quarter hours of which must be in the area of interior design or design related courses.

(2) A graduate of a four (4) year program must have completed at least 60 semester hours or 90 quarter hours must be in the area of interior design or design related courses.

(3) An applicant of a three (3) year program must have completed at least 60 semester hours or 90 quarter hours in the area of interior design or design related courses.

(4) A graduate of a two (2) year program must have completed at least 40 semester hours or 60 quarter hours of interior design or design related course.

F. In order for the board to consider whether an applicant's post secondary course of study qualifies as a design curriculum program, the applicant shall complete supplemental application form(s) provided by the board and submit official course descriptions or other documentation satisfactory to the board of the interior design or design related course. To qualify as an allowable interior design or design related course for the design curriculum program, the course must include or cover one of the topic or subject matter categories described below as verified by the institution's official course description.

(1) Basic and creative arts: An understanding of studio based achievements in two and three dimensional design fundamentals.

(2) Theory: An understanding of the elements of design and composition, color theory, human environment, proxemics, behavior, design theories and spatial composition.

(3) Interior design: An understanding of design process, programming, conceptualization, problem solving and evaluation, space planning, furniture layout and selection and design attributes of materials, lighting, furniture, textiles and color; an awareness of design for special concerns such as environment and ecology and competency in human factors such as anthropometrics and ergonomics; an understanding of special populations such as the disabled, elderly, children, low income and special purposes such as the historic preservation and adaptive reuse.

(4) Technical knowledge: An understanding of detailing furniture, cabinetry and interiors and materials such as surfaces and structural materials, soft goods and textiles and laws related to building codes and ordinances, life safety and fire; an understanding of structure and construction, building systems, HVAC, electrical plumbing, acoustics, energy conservation, passive solar energy.

(5) Communication skills: An understanding of presentation skills such as sketching, delineation, rendering, models and photography and presentation skills such as written and oral, graphic, signage,

lettering, drafting and working drawings; an awareness of computer systems such as computer aided design (CAD) and word processors.

(6) Profession: An understanding of the interior design profession and organizations, ethics and related professions, business practices, specifications, industry, product safety standards and estimating and business management or architecture and drawing or an understanding.

(7) History: An understanding of interiors, furniture and accessories and history of art or architecture.

(8) Electives: Includes any of the foregoing categories or an awareness of theories and methods of research related to experimental, survey, literature search and observation.

G. The experience requirement of Section 61-24C-8, NMSA 1978 shall be evaluated as follows: "Diversified interior design experience" shall mean that the applicant has been engaged in three (3) or more of the following activities of enhancing the function and quality of interior space:

(1) analysis of a client's needs, goals, and life safety requirements for the interior space of a structure;

(2) integration of findings with knowledge of interior design;

(3) formulation of preliminary design concepts that are appropriate, functional, and aesthetic;

(4) development and presentation of final design recommendations through presentation media;

(5) preparation of working drawings and specifications for non-load bearing interior construction, materials, finishes, space planning, furnishing, fixtures, and equipment;

(6) collaboration with professional services of other licensed practitioners in the technical areas of mechanical, electrical, and load-bearing design required for regulatory approval;

(7) preparation and administration of bids and contract documents as the client's agent; and

(8) review and evaluation of design solutions during implementation and upon completion.

H. An applicant shall have worked at least one thousand six hundred hours (1,600) hours in a calendar year to obtain credit for a year's worth of diversified interior design experience.

I. Diversified interior design experience shall be demonstrated to the board by the applicant who shall furnish the following:

(1) an affidavit by the applicant attesting that the applicant has engaged in the practice of interior design for the number of years for which the applicant is claiming experience; and

(2) three (3) references, on forms provided by the board, certifying that the applicant has provided interior design services for the period of experience claimed by the applicant;

(3) if the applicant was self employed, (out of state applicants only) applicant must send documentation to prove a legitimate business for each year of experience needed with application; send copies of three (3) of the following:

(a) business license;

(b) resale tax certificate;

(c) voided business check;

(d) corporation papers;

(e) business advertisement.

[11/10/1997, 7/8/98; 16.42.3.8 NMAC - Rn, 16 NMAC 42.3.8, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

16.42.3.9 LICENSURE BY EXAMINATION: Any person desiring licensure by examination as an interior designer shall apply to the board on a form prescribed by the board, pay the required application fee, and furnish evidence to the board documenting that the applicant meets the requirement for licensure. The following are the requirements for licensure.

A. Completed application form, provided by the board. All areas of the form must be filled out and the application must be signed. Application must be accompanied by application fee.

B. Official transcripts from all colleges or universities attended; must be received directly from the certifying institution. Courses indicated must satisfy the educational requirements for licensure. The official transcript must be certified with a school seal.

C. Three letters of reference must be submitted to the board office, certifying that the applicant has provided interior design services for the period of experience claimed by the applicant. Reference letters must be from employers or clients.

D. Candidate experience form must be completed and submitted to the board office.

E. Verification of passing the NCIDQ examination must be submitted to the board office.
[11/10/1997, 7/8/98; 16.42.3.9 NMAC - Rn, 16 NMAC 42.3.9, 10/26/2002, A, 11/14/2009; A, 08/15/2014]

16.42.3.10 LICENSURE BY CREDENTIALS: Any person desiring licensure by credentials as an interior designer shall apply to the board on a form prescribed by the board, pay the required application fee, and furnish evidence to the board documenting that the applicant meets the requirement for licensure. The following are the requirements for licensure.

A. Completed application form, prescribed by the board. All areas of the form must be filled out and the application must be signed. Application must be accompanied by application fee.

B. Verification of passing the NCIDQ examination must be submitted to the board office.

C. Verification of having a current license in another state or country must be submitted directly from the licensing state or country to our board office.

[11/10/1997; 16.42.3.10 NMAC - Rn, 16 NMAC 42.3.10, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

16.42.3.11 PROVISIONS FOR EMERGENCY LICENSURE:

A. Interior designers currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months following the declared disaster at no cost upon satisfying the following requirements:

(1) receipt by the interior design board of a completed application which has been signed and which is accompanied by proof of identity, which may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;

(2) requirements have been met as set forth in 16.42.3.8 NMAC, 16.42.3.9 NMAC, and 16.42.3.10 NMAC;

(3) applicant shall provide a sworn affidavit that provides the name, address, years of employment and supervisors name;

(4) sworn affidavit that the applicant was personally and/or professionally affected by the disaster;

(5) verification of employment will be accepted from co-worker when it is impossible to obtain it from the employer;

(6) nothing in this section shall constitute a waiver of qualifications of the requirements for licensure contained in 16.42.3 NMAC.

B. The board may waive the application fees only.

C. The board may waive the specific forms required under 16.42.3.8 NMAC only if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. Emergency provisional license shall expire one (1) year from date of issue. Application for permanent license shall be made on or before expiration of the temporary license following the date of issue of the emergency provisional license.

E. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving the permanent license.

[16.42.3.11 NMAC - N/E, 12/12/2005; A, 08/15/2014]

16.42.3.12 TERMINATION OF EMERGENCY LICENSE:

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of a permanent license under 16.42.3 NMAC; or

(2) proof that the emergency license holder has engaged in fraud deceit, misrepresentation in procuring or attempting to procure a license under this section.

B. Termination of an emergency license shall not preclude application for permanent licensure.
[16.42.3.12 NMAC - N/E, 12/12/2005]

16.42.3.13 LICENSE RENEWAL:

A. All licenses issued by the board expire October 1st of each year and shall be renewed by submitting a completed renewal application, accompanied by the required fees, on the application form prescribed by the board.

B. Each licensed interior designer must have completed no less than eight continuing education board-approved hours of educational instruction or training in interior design subjects or courses of study, within each renewal period, as defined in 16.42.6.8 NMAC.

[16.42.3.13 NMAC - N, 11/14/2009]

16.42.3.14 EXPIRED LICENSE: In the event a licensee fails to renew their license by the expiration date, the board may reinstate the license upon payment of a reinstatement fee of two hundred fifty dollars (\$250.00) per year of expiration, a late fee of one hundred dollars (\$100.00) per year of expiration proof of compliance with all other requirements. The board may require the former licensee to appear before the board prior to reinstating the license.

[16.42.3.14 NMAC - N, 11/14/2009; A, 08/15/2014]

16.42.3.15 INACTIVE STATUS:

A. A license in good standing may be transferred to inactive status upon written request to the board. Such request shall be made prior to the expiration of the license.

(1) The licensee shall submit their license to the board along with a written request to be placed on inactive status. The licensee is deemed to be on inactive status at the time of the request and license are stamped and received at the board office. In the event the license is lost or otherwise unavailable for delivery, inactivation of the license will take place at the time the board receives and marks them at the board office.

(2) After three years of inactive status a licensee is required to re-apply for licensure.

(3) No licensee will automatically be placed on inactive status by failure of the licensee to renew their license or to pay the annual inactive status fee.

(4) No licensee shall be placed on inactive status if the licensee is under investigation or if disciplinary proceedings have been initiated.

(5) The voluntary inactivation of a license will not prevent the commission from taking disciplinary action against the licensee.

B. An annual inactive status fee must be submitted to the board office by October 1st of each year. Failure to pay the inactive fee will result in the license being deemed expired.

C. Any person who desires to reinstate his license must notify the board of his desire to reinstate the inactive license. Upon receipt of such notice, the board office will send the inactive licensee an application for reinstatement.

D. The inactive licensee shall submit the application for reinstatement together with the applicable fee(s) and proof of no less than eight continuing education hours for each year of inactive status, as defined in 16.42.6 NMAC.

[16.42.3.15 NMAC - N, 11/14/2009; A, 08/15/2014]

16.42.3.16 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS:

Application procedures to expedite licensure for military members, spouses and veterans. Applications for registration shall be completed on a form provided by the board office and shall include:

A. Completed application and fee.

B. Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, and has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Article 24C, NMSA 1978.

C. Electronic signatures will be acceptable for application submitted pursuant to Section 14-16-1 through Sections 14-16-19, NMSA 1978.

D. Fees:

(1) The fee for application registration is \$200.00 as defined in 16.42.5 NMAC.

(2) The fees for renewal of registration is \$250.00 as defined in 16.42.5 NMAC.

E. Renewal requirements:

(1) A licensee pursuant to this section shall not be renewed unless the licensee meets requirements for licensure and for the renewal of a license pursuant to Chapter 61, Articles 2 through 34, NMSA 1978.

(2) Meets all licensing requirements as defined in 16.42.3.10 NMAC.

(3) Original and renewal registrations shall be valid for a period of not more than one year.

(4) Prior to the expiration of the license; licensee shall apply for registration renewal and pay the renewal fee as set forth in 16.42.3.13 NMAC.

[16.42.3.16 NMAC - N, 08/15/2014]

HISTORY OF 16.42.3 NMAC:

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IDB Rule 89-4, Licensure filed 12/19/1989.

IDB Rule 89-5 Examination, filed 12/19/1989.

IDB Rule 89-6, Licensure Without Examination, filed 12/19/1989.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 4 COMPLAINTS AND DISCIPLINARY ACTIONS

16.42.4.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Interior Design Board.
[11/10/1997; 16.42.4.1 NMAC - Rn, 16 NMAC 42.4.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

16.42.4.2 SCOPE: The provisions in Part 4 of Chapter 42 apply to all licensed holders, and applicants for licensure. These provisions may also be of interest to anyone who may wish to file a complaint against a licensee of this board.
[11/10/1997; 16.42.4.2 NMAC - Rn, 16 NMAC 42.4.2, 10/26/2002]

16.42.4.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Interior Design Act, NMSA 1978 61-24C-5; 61-24C-10; 61-24C-11 and 61-24C-12.
[11/10/1997; 16.42.4.3 NMAC - Rn, 16 NMAC 42.4.3, 10/26/2002]

16.42.4.4 DURATION: Permanent.
[11/10/1997; 16.42.4.4 NMAC - Rn, 16 NMAC 42.4.4, 10/26/2002]

16.42.4.5 EFFECTIVE DATE: November 10, 1997 unless a different date is cited at the end of a section of paragraph.
[11/10/1997; 16.42.4.5 NMAC - Rn, 16 NMAC 42.4.5, 10/26/2002]

16.42.4.6 OBJECTIVE: The objective of Part 4 is to establish the procedures for filing complaints against a licensee, the authority of the board regarding ground for denial, suspension, or revocation of a license.
[11/10/1997; 16.42.4.6 NMAC - Rn, 16 NMAC 42.4.6, 10/26/2002]

16.42.4.7 DEFINITIONS: [RESERVED]

16.42.4.8 COMPLAINTS: Disciplinary proceedings against a licensed interior designer may be initiated by a sworn complaint of any person, including members of the board. Complaint forms shall be obtained from the board's office and must be filed with the board.
[11/10/1997; 16.42.4.8 NMAC - Rn, 16 NMAC 42.4.8, 10/26/2002]

16.42.4.9 DISCIPLINE: Disciplinary procedure is governed by NMSA 61-1-1 et. seq.
A. Grounds for discipline: License denial will be issued when an applicant fails to meet the qualifications for licensure or fails to pay the fees or where the applicant's conduct meets the requirements of Section 61-24C-10 (G) or Subsection B of this section.
B. Unprofessional conduct is grounds for denial, suspension or revocation of a license under NMSA 1978, Section 61-24C-10 (G), unprofessional conduct shall be deemed to include, but not limited to, violations of the code of professional conduct for interior design.
[11/10/1997; 16.42.4.9 NMAC - Rn, 16 NMAC 42.4.9, 10/26/2002; A, 11/14/2009]

HISTORY OF 16.42.4 NMAC:

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IDB Rule 89-8, Denial, Suspension, Failure filed 12/19/89.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 5 FEES

16.42.5.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Interior Design Board.

[11/10/1997; 16.42.5.1 NMAC - Rn, 16 NMAC 42.5.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

16.42.5.2 SCOPE: The provisions in Part 5 of Chapter 42 apply to all applicants for licensure, license holders for their annual renewal and anyone who requests a mailing list of interior designers, or copies of public records.

[11/10/1997; 16.42.5.2 NMAC - Rn, 16 NMAC 42.5.2, 10/26/2002]

16.42.5.3 STATUTORY AUTHORITY: This rule is adopted pursuant to the Interior Design Act, NMSA 1978, 61-24C-10; 61-24C-14, and 61-24C-16.

[11/10/1997; 16.42.5.3 NMAC - Rn, 16 NMAC 42.5.3, 10/26/2002]

16.42.5.4 DURATION: Permanent.

[11/10/1997; 16.42.5.4 NMAC - Rn, 16 NMAC 42.5.4, 10/26/2002]

16.42.5.5 EFFECTIVE DATE: November 10, 1997 unless a different date is cited at the end of a section of paragraph.

[11/10/1997; 16.42.5.5 NMAC - Rn, 16 NMAC 42.5.5, 10/26/2002]

16.42.5.6 OBJECTIVE: The objective of Part 5 is to establish fees to generate revenue adequate to fund the cost of program administration.

[11/10/1997; 16.42.5.6 NMAC - Rn, 16 NMAC 42.5.6, 10/26/2002]

16.42.5.7 DEFINITIONS: [RESERVED]

16.42.5.8 FEES: All fees are non-refundable.

- A.** An applicant for licensure may request an application packet from the board. The application must be accompanied by one hundred dollars (\$100.00) non-refundable administrative application fee.
- B.** The initial certificate of licensure shall be two hundred dollars (\$200.00).
- C.** The renewal fee shall be two hundred fifty dollars (\$250.00).
- D.** The late fee shall be one hundred dollars (\$100.00).
- E.** The fee for a duplicate or replacement license shall be twenty-five dollars (\$25.00).
- F.** The reinstatement fee shall be two hundred dollars (\$200.00).
- G.** The fee for inactive status shall be fifty dollars (\$50.00) due annually by October 1st each year.
- H.** The fee for printable labels of licensees shall be twenty-five dollars (\$25.00).
- I.** The fee for electronic list of licensees shall be fifteen dollars (\$15.00).
- J.** The fee for each CEU course application shall be seventy-five dollars (\$75.00).
- K.** The fee for a verification of licensure shall be fifteen dollars (\$15.00).

[11/10/1997; 16.42.5.8 NMAC - Rn & A, 16 NMAC 42.5.8, 10/26/2002; A, 11/14/2009; A, 08/15/2014]

HISTORY OF 16.42.5 NMAC:

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IDB 9, Fees filed 11/2/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 6 CONTINUING EDUCATION GUIDELINES

16.42.6.1 ISSUING AGENCY: Regulation and Licensing Department, New Mexico Board of Interior Design.
[11/10/1997; 16.42.6.1 NMAC - Rn, 16 NMAC 42.6.1, 10/26/2002; A, 08/15/2014]

16.42.6.2 SCOPE: The provisions in Part 6 of Chapter 42 apply to all interior designers who are applying to renew their license.
[11/10/1997; 16.42.6.2 NMAC - Rn, 16 NMAC 42.6.2, 10/26/2002]

16.42.6.3 STATUTORY AUTHORITY: This rule is adopted pursuant to the Interior Design Act, NMSA 1978, Section, 61-24C-10.
[11/10/1997; 16.42.6.3 NMAC - Rn, 16 NMAC 42.6.3, 10/26/2002]

16.42.6.4 DURATION: Permanent.
[11/10/1997; 16.42.6.4 NMAC - Rn, 16 NMAC 42.6.4, 10/26/2002]

16.42.6.5 EFFECTIVE DATE: November 10, 1997 unless a different date is cited at the end of a section of paragraph.
[11/10/1997; 16.42.6.5 NMAC - Rn, 16 NMAC 42.6.5, 10/26/2002]

16.42.6.6 OBJECTIVE: The objective of Part 6 is to establish criteria for continuing education for interior designers licensed in New Mexico.
[11/10/1997; 16.42.6.6 NMAC - Rn, 16 NMAC 42.6.6, 10/26/2002]

16.42.6.7 DEFINITIONS:

A. "Continuing Education Unit (CEU)" means a point awarded to a professional person by a professional organization for having attended an educational program relevant to the goals of the organization. A value is established for the course and that number of points is given.

B. "Continuing Education (CE)" means educational opportunities for professionals.
[16.42.6.7 NMAC - Rn, 16 NMAC 42.6.7, 10/26/2002; A, 08/15/2014]

16.42.6.8 CONTINUING EDUCATION: Interior designers in New Mexico shall be required to develop their professional knowledge and competency in conformity with this rule by completion of continuing education approved by the board.

A. Each interior designer must annually complete eight (8) CEUs in interior design subjects or courses of study approved by the New Mexico interior design board (NMIDB) or interior design continuing education council (IDCEC).

B. Organization and administration: The board shall:

- (1) evaluate and approve either prospectively, or retrospectively, specific courses, programs of education, and training as formal programs of learning which contribute directly to the professional competency of an interior designer, and shall determine the appropriate number of CEU hours to be granted for each course offering submitted;
- (2) determine in individual cases whether the professional knowledge and competency has been advanced by virtue of the completion of such programs; and review and validate course attendance documentation when the committee deems such a review is appropriate;
- (3) audit the continuing education professional education records of licensees as deemed necessary; and

(4) approve courses that have received IDCEC approval.

C. Minimum requirements of approved courses: Formal programs of learning which build upon the basic knowledge of interior design shall meet the following criteria:

- (1) enhance the quality of technical knowledge;
- (2) enhance overall comprehensive professional education;
- (3) provide knowledge in new technical areas; or

(4) provide practical applications on issues which impact the public health, safety and welfare.

D. Approved subject areas:

(1) Unless otherwise approved by the board, subjects or courses of study accepted for the purposes of this rule shall be limited to the following:

- (a) Design:
 - (i) computer aided drafting and design (CAD);
 - (ii) space planning and programming;
 - (iii) product performance;
 - (iv) document and specs;
 - (v) advancement in specialized field;
 - (vi) interior detailing; and
 - (vii) historic preservation.
- (b) Health and safety planning:
 - (i) life safety requirements;
 - (ii) barrier free requirements;
 - (iii) codes and ordinances; and
 - (iv) interior products and finishes.
- (c) Mechanical, plumbing, and electrical systems:
 - (i) principles and design;
 - (ii) new equipment and control systems; and
 - (iii) energy conservation.
- (d) Building systems:
 - (i) acoustics;
 - (ii) basic building systems; and
 - (iii) lighting.
- (e) Business:
 - (i) contracts and agreements;
 - (ii) accounting;
 - (iii) business law; and
 - (iv) project management.
- (f) Ethics.

(2) Additional methods for meeting CEU requirements:

(a) Unless otherwise approved by the board and subject to the formalities and further requirements of this rule, alternative methods for earning CEUs shall be limited to the following:

- (i) active service as either an officer or board member of an interior design-related professional association or organization;
- (ii) service as an instructor at a college or university level course of an interior design related course;
- (iii) authoring or co-authoring a published professional interior design related paper, article, book or presentation.

(b) It is the responsibility of the licensee to provide sufficient documentation and proof of the specific service or activity to the board to prove that the alternative method of obtaining CE credit meets the criteria in 6.42.6.8(E) NMAC; it is also the responsibility of the attendee to provide proof of attendance.

(c) Pre-approval of alternative methods of obtaining CE credit is not mandatory but, is highly recommended.

E. In order for a licensee to receive credit for programs of learning, as defined above, the following formalities and further requirements must be met:

(1) Higher education credit courses shall be credited for continuing education purposes at the rate of fifteen (15) hours for each semester or credit hour. A copy of a transcript documenting course completion must be submitted as proof of compliance.

(2) Higher education non-credit courses shall be credited for continuing education purposes equivalent to the actual number of classroom hours. A copy of transcript documenting course completion must be submitted as proof of compliance.

(3) Continuing professional education credit for teaching a higher education course shall be credited with twice the number of credits awarded for attending the course for the first presentation of the course or

program, the same number of credits granted a participant for the second presentation of the course, and none thereafter. A letter from education institution must be submitted as proof of completion.

F. Criteria for approval of providers of continuing education:

- (1)** The board sets forth the following criteria to be used in approving course providers:
 - (a)** Proof of competence and expertise of the instructors is required.
 - (b)** A provider shall not advertise course as board approved unless board approval has been obtained.
- (2)** General requirements for course approval shall include:
 - (a)** Course meets topic area guidelines as set forth in Paragraph (1) of Subsection D of 16.42.6.8 NMAC.
 - (b)** Length of course must be a minimum of one (1.0 CEU) instructional hours. Each instructional hour shall include at least fifty minutes of continuous actual instruction.
 - (c)** For course approval, providers must complete the board-approved continuing education program review form which may be obtained from the board office.
 - (d)** Provider must submit course materials to the board on the review form, form can be obtained from board office or website.
 - (e)** Previously approved courses shall be re-reviewed by the committee and the board if any of the following circumstances occur:
 - (i)** course instructor changed;
 - (ii)** course content changed;
 - (iii)** course received evaluation results from attendees, indicating that the course did not meet the approval criteria outlined in Paragraph (3) of Subsection B of 16.42.6.8 NMAC, Subparagraph (a) of Paragraph (1) of Subsection D of 16.42.6.8 NMAC and Subparagraph (b) of Paragraph (2) of Subsection D of 16.42.6.8 NMAC;
 - (iv)** course documentation not submitted by the provider as required by Subparagraph (a) of Paragraph (4) of Subsection D of 16.42.6.8 NMAC;
 - (v)** changes in the number of CEUs;
 - (vi)** course documentation incomplete or irregularities exist;
 - (vii)** course is advertised as board approved when no such approval has been granted; and
 - (viii)** if any of these conditions exist, a previously approved course shall not be considered approved by the board. The provider is responsible for resubmitting previously approved courses for re-approval if required by the above criteria.
 - (f)** Pay application fees.
 - (g)** Proof of attendance certificate: At the completion of the course, the provider must furnish proof of attendance certificates to all who satisfactorily complete the course. A copy of the attendance certification shall be maintained by the instructor for a two-year period. Said certificate shall contain the following items of information:
 - (i)** name of the provider;
 - (ii)** name of the attendee and license number;
 - (iii)** name of the instructor;
 - (iv)** title of course and number of CEU credits;
 - (v)** New Mexico interior design board approval number;
 - (vi)** date and location of presentation;
 - (vii)** length of course, excluding breaks (e.g. time); and
 - (viii)** provider's signature as verification of attendee satisfactory completion of the course.
 - (h)** the attendee shall submit a copy of the proof of attendance with other documentation.
- (3)** Proof of attendance list:
 - (a)** Within 30 calendar days after the completion of the course, the provider must furnish a proof of attendance list to the board. The proof of attendance list shall include the following information:
 - (i)** name of provider;
 - (ii)** names of attendees;
 - (iii)** signatures of attendees
 - (iv)** title of course and NM board of interior design approval number;

- (v) date and location of course,
- (vi) number of CEU credits; and
- (vii) course evaluation forms.

(b) The provider must also furnish each attendee with a current copy of the board-provided course evaluation form which every attendee shall complete and sign in ink at the conclusion of the course. The provider shall collect the course evaluation forms and submit the original forms to the board within 30 calendar days of course completion.

(c) The names and number of attendees on the proof of attendance list must match the names and number of the evaluation forms.

(d) A current copy of the board-provided course evaluation form shall be obtained from the board office for duplication by the provider.

(e) The board reserves the right to audit the presentation of any course it has approved. The audit may be done without prior notification to the provider; however, the provider is not required to furnish materials and services associated with the course to the auditor without prior notice and compensation.

G. Reporting of continuing education hours: Licensed interior designers shall submit to the board with their renewal application and fee, the required proof of attendance of board-approved or IDCEC approved CEUs completed during the applicable renewal period. The board office shall verify credit hours earned prior to renewing the license.

[11/10/1997; 16.42.6.8 NMAC - Rn, 16 NMAC 42.6.8, 10/26/2002; A, 08/15/2014]

HISTORY OF 16.42.6 NMAC:

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History of Repealed Material: [RESERVED]



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Interior Design Board

2550 Cerrillos Road ▪ PO Box 25101 ▪ Santa Fe, New Mexico 87504
(505) 476-4622 ▪ Fax (505) 476-4645 ▪ www.rld.state.nm.us/boards

ARTICLE 24C
Interior Designers Act

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ARTICLE 24C
Interior Designers

61-24C-1. Short title. (Repealed effective July 1, 2024.)

Chapter 61, Article 24C NMSA 1978 may be cited as the "Interior Designers Act".

61-24C-2. Findings. (Repealed effective July 1, 2024.)

The legislature finds that it will benefit and protect the citizens of the state to require the licensing of interior designers and prohibit the use of the designation licensed "interior designer" by unlicensed persons.

61-24 C-3. Definitions. (Repealed effective July 1, 2024.)

As used in the Interior Designers Act [61-24C-1 NMSA 1978]:

- A. "board" means the interior design board;
- B. "interior design" means services that do not necessarily require performance by an architect, such as administering contracts for fabrication, procurement or installation in the implementation of designs, drawings and specifications for any interior design project and consultations, studies, drawings and specifications in connection with reflected ceiling plans, space utilization, furnishings or the fabrication of nonstructural elements within and surrounding interior spaces of buildings, but specifically excluding mechanical and electrical systems, except for specifications of fixtures and their location within interior spaces; and
- C. "licensed interior designer" or "licensed designer" means a person licensed pursuant to the Interior Designers Act.

61-24 C-4. Interior design board created; members; terms; compensation. (Repealed effective July 1, 2024.)

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

B. All members of the board shall be residents of New Mexico. No more than two members shall be appointed from the same congressional district. Three members of the board shall be licensed interior designers and two members shall be chosen to represent the public and shall not have been licensed as interior designers or have a significant financial interest, direct or indirect, in the occupation regulated. For purposes of this section, the interior designer members of the initial board shall have offered interior design services for at least five years, shall have passed the national council for interior design qualification examination and shall have become registered by November 1, 1989.

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

61-24 C-5. Powers and duties of the board. (Repealed effective July 1, 2024.)

The board:

- A. shall administer, coordinate and enforce the provisions of the Interior Designers Act [61-24C-1 NMSA 1978]. The board may investigate allegations of violations of the provisions of the Interior Designers Act;
- B. shall adopt regulations to carry out the purposes and policies of the Interior Designers Act, including regulations relating to professional conduct, standards of performance and professional examination and licensure, reasonable license, application, renewal and late fees and the establishment of ethical standards of practice for a licensed interior designer in New Mexico;
- C. shall require a licensee, as a condition of the renewal of the license, to undergo continuing education requirements as set forth in the Interior Designers Act;
- D. shall maintain an official roster showing the name, address and license number of each interior designer licensed pursuant to the Interior Designers Act;
- E. shall conduct hearings and keep records and minutes necessary to carry out its functions;
- F. may adopt a common seal for use by licensed interior designers; and
- G. shall do all things reasonable and necessary to carry out the purposes of the Interior Designers Act.

61-24 C-6. Compensation and expenses. (Repealed effective July 1, 2024.)

- A. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act [10-8- 1 NMSA 1978] and shall receive no other compensation, perquisite or allowance.
- B. The board shall fix the compensation of its employees by resolution adopted at a regular meeting of the board.

61-24C-7. Board officers. (Repealed effective July 1, 2024.)

The board shall meet and organize within sixty days after its appointment and designate one member as president, one as vice president and one as secretary-treasurer. The board may appoint an executive director. The director may not be a member of the board. The executive director may receive reimbursement for necessary expenses incurred in carrying out his duties and may receive compensation set by the board.

61-24 C-8. Requirements for licensure. (Repealed effective July 1, 2024.)

Each applicant for licensure shall apply to the board. Except as otherwise provided in the Interior Designers Act [61-24C-1 NMSA 1978], each applicant shall take and pass a nationally standardized examination. The board may adopt substantially all or part of the examination and grading procedures of the national council for interior design qualifications. Prior to examination, the applicant shall provide substantial evidence to the board that the applicant:

- A. is a graduate of a five-year interior design program from an accredited institution and has completed at least one year of diversified interior design experiences;
- B. is a graduate of a four-year interior design program from an accredited institution and has completed at least two years of diversified interior design experience;
- C. has completed at least three years of an interior design curriculum from an accredited institution and has completed three years of diversified interior design experience;
- D. is a graduate of a two-year interior design program from an accredited institution and has completed four years of diversified interior design experience; or
- E. has apprenticed under a designer who has passed the national council for interior design qualification examination or a licensed designer for a minimum of eight years.

61-24 C-9. License without examination. (Repealed effective July 1, 2024.)

A. If any person applies for licensure within one year after the effective date of the Interior Designers Act [61-24C-1 NMSA 1978] and that person has successfully completed the national council of interior design qualification examination or has completed at least eight years of full-time, diversified experience in the practice of interior design that person may be issued a license without examination. Licensure pursuant to this subsection shall be subject to the board's discretionary review of the experience qualification.

B. The board may accept, in lieu of examination, satisfactory evidence of licensure in another state or country where the qualifications are equal to or exceed those required by the provisions of the Interior Designers Act, provided that the applicant holds a current license in the other jurisdiction and has complied with all other requirements of the Interior Designers Act.

C. The board may accept, in lieu of examination, satisfactory evidence of licensure or certification by the national council for interior design qualifications.

61-24 C-10. License; issuance; renewal; denial, suspension or revocation. (Repealed effective July 1, 2024.)

A. A license shall be issued to every person who presents satisfactory evidence of possessing the qualifications of education, experience and, as appropriate, the examination performance required by the provisions of the Interior Designers Act [61-24C-1 NMSA 1978], provided that the applicant has reached the age of majority and pays the required fees.

B. Each original license shall authorize the holder to use the title of and be known as a licensed interior designer from the date of issuance to the next renewal date unless the license is suspended or revoked.

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

D. A license may not be renewed until the licensee submits satisfactory evidence to the board that, during the last year, the licensee has participated in not less than eight hours of continuing education

approved by the board. The board shall approve only continuing education that builds upon basic knowledge of interior design. The board may make exceptions from the continuing education requirement in emergency or hardship cases.

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

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

G. In accordance with the provisions of the Uniform Licensing Act [61-1-1 NMSA 1978], the board may deny, refuse to renew, suspend or revoke a license or impose probationary conditions when the licensee has:

facts;

(1) obtained the license by means of fraud, misrepresentation or concealment of material

felony;

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

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

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

(5) failed to comply with the provisions of the Interior Designers Act or regulations adopted pursuant to that act.

61-24 C-11. License required; penalty. (Repealed effective July 1, 2024.)

A. After the results of the first examination held pursuant to the Interior Designers Act [61-24C-1 NMSA 1978] are announced, no person shall knowingly:

(1) use the name or title of licensed interior designer when the person is not the holder of a current, valid license issued pursuant to the Interior Designers Act;

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

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

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

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

B. A person who violates a provision of this section is guilty of a misdemeanor and shall be sentenced under the provisions of the Criminal Sentencing Act [31-18-12 NMSA 1978] to imprisonment in the county jail for a definite term of less than one year or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both imprisonment or fine, in the discretion of the judge.

61-24 C-12. Penalties levied by the board. (Repealed effective July 1, 2024.)

Upon a finding by the board of a violation of the provisions of the Interior Designers Act [61-24C-1 NMSA 1978], the board may:

- A. refuse to approve an application for licensure;
- B. refuse to renew an existing license;
- C. revoke or suspend a license;
- D. impose an administrative fine;
- E. issue a reprimand;
- F. assess the costs of disciplinary proceedings, as provided in the Uniform Licensing Act [61-1-1 NMSA 1978]; or
- G. invoke any combination of the above listed penalties.

61-24 C-13. Exemptions. (Repealed effective July 1, 2024.)

A. Nothing in the Interior Designers Act [61-24C-1 NMSA 1978] shall be construed as preventing or restricting the practice, services or activities of:

- (1) engineers licensed pursuant to the Engineering and Surveying Practice Act [61-23-1 NMSA 1978];
- (2) architects licensed pursuant to the Architectural Act [61-15-1.1 NMSA 1978];
- (3) contractors licensed pursuant to the Construction Industries Licensing Act [60-13-1 NMSA 1978];
- (4) any interior decorator or individual offering interior decorating services, including but not limited to selection of surface materials, window treatments, wall coverings, paint, floor coverings and lighting fixtures; and
- (5) builders, home furnishings salespersons and similar purveyors of goods and services relating to homemaking.

B. Nothing contained in the Interior Designers Act shall prevent any person from rendering or offering to render any of the services that constitute the practice of interior design, provided that such

person shall not be permitted to use or be identified by the title "licensed interior designer" unless licensed in accordance with the provisions of that act or as otherwise provided by law.

C. Nothing in the Interior Designers Act shall be construed to permit a licensed interior designer to engage in the practice of engineering as defined in the Engineering and Surveying Practice Act.

61-24C-14. License fees. (Repealed effective July 1, 2024.)

The fees for an original license, renewal of license, late charges or any other fees authorized by the provisions of the Interior Designers Act [61-24C-1 NMSA 1978] shall be set by regulation of the board. The fee for initial licensure shall not exceed two hundred dollars (\$200).

61-24 C-15. Disclosure requirements. (Repealed effective July 1, 2024.)

A. Interior design documents prepared by a licensed interior designer shall contain a statement that the document is not an architectural or engineering study, drawing, specification or design and is not to be used as the basis for construction of any load-bearing framing, wall or structure construction.

B. Before entering into a contract, a licensed interior designer shall clearly determine the scope and nature of the project and the methods of compensation. The licensed interior designer may offer professional services to the client as a consultant, specifier or supplier on the basis of a fee, percentage or mark-up. The licensed interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid.

C. A licensed interior designer shall not accept any form of compensation from a supplier of goods and services in cash or in kind, unless the licensed interior designer first informs the client of the compensation.

61-24 C-16. Fund established; disposition; method of payment. (Repealed effective July 1, 2024.)

A. There is created the "interior design board fund".

B. All funds received by the board and money collected under the Interior Designers Act [61-24C- 1 NMSA 1978] shall be deposited with the state treasurer. The state treasurer shall credit the money to the interior design board fund.

C. Payments out of the interior design board fund shall be on vouchers issued by the secretary-treasurer of the board upon warrants drawn by the department of finance and administration in accordance with the budget approved by that department.

D. All amounts paid to the interior design board fund are subject to appropriation by the legislature and shall be used only for meeting necessary expenses incurred in executing the provisions and duties of the Interior Designers Act and for promoting interior design education and standards in the state. All money unused at the end of any fiscal year shall remain in the interior design board fund for use in accordance with the provisions of that act.

61-24C-17. Termination of agency life; delayed repeal. (Repealed effective July 1, 2024.)

The interior design board is terminated on July 1, 2023 pursuant to the provisions of the Sunset Act [12-9-11 through 12-9-21 NMSA 1978]. The board shall continue to operate according to the provisions of the

Interior Designers Act until July 1, 2024. Effective July 1, 2024, Chapter 61, Article 24C NMSA 1978 is repealed.



2550 Cerrillos Road – 2nd Floor
PO Box 25101
Santa Fe, NM 87505
(505) 476-4622

E-Mail: Interior.Design@state.nm.us

Website: www.RLD.state.nm.us