

Notice of Proposed Rulemaking

The Regulation and Licensing Department (Department) Private Investigations Advisory Board will hold a rule hearing on 30, December, 2020 at 9:00 a.m. The rule hearing will be held via Cisco WebEx, please use the following link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e96e3fc2463ed163d46f1fb9b10f11bb8>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 146 155 0413

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.48.1 NMAC – General Provisions
- 16.48.2 NMAC – Requirements for Licensure
- 16.48.3 NMAC – Standards of Practice
- 16.48.4 NMAC – Mandatory Firearms Training
- 16.48.5 NMAC – Fees
- 16.48.6 NMAC – Continuing Education
- 16.48.7 NMAC – License Renewal, Inactive Status and Reinstatement
- 16.48.8 NMAC – Licensure for Military Service Members, Spouses and Veterans

On November 24, 2020 you may obtain and review copies of the proposed changes and public comments, by going to the Board's website at: http://www.rld.state.nm.us/boards/Private_Investigations_Forms_and_Applications.aspx or contact the Boards and Commissions Division at (505) 690-5032

The Department will begin accepting public comments on the proposed amendments beginning November 24, 2020. Please submit written comments on the proposed changes to Austin Basham, Board Administrator, via electronic mail at: pipolygraph@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504 no later than 28, December, 2020. Comments received prior to the rule hearing will be posted to the RLD website at: http://www.rld.state.nm.us/boards/Private_Investigations_Members_and_Meetings.aspx. Persons will also be given the opportunity to present their comments at the rule hearing.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Austin Basham, Board Administrator (505) 690-5032.

Statutory Authority: Legal authority for this rulemaking may be found in the Private Investigations Act, Sections 61-27B-1 through 61-27B-36 NMSA 1978, which among other provisions, specifically authorizes the Department to "adopt and enforce rules necessary to carry out the provision of the Private Investigations Act, including establishing professional ethical standards." Section 61-27B-5(C) NMSA 1978.

Summary of Proposed Changes:

16.48.1 NMAC – General Provisions

Added and clarified definitions, made corrections to definitions section to conform to the requirements of the State Rules Act, Section 14-4-5.7 NMSA 1978.

16.48.2 NMAC – Requirements for Licensure

Amends the title of the rule, Part 2, to include that the rule applies to licensure and registrations, changes required documentation for proof of age; removes private investigators and private patrol operators from surety bond requirements; revised sections related to fingerprinting for background investigations to comply with 61-27B-34 NMSA 1978, effective on July 1, 2020; revised the rule to require a Department approved curriculum for security guard level one, level two, and level three training; revises requirements for psychological evaluations for level three applicants; revised instructor certification requirements; requires update of instructor certifications every four years; requires instructors to complete four hours of continuing education specific to instructor development; removes the

special event permit requirements as they are duplicative to Section 61-27B-19 NMSA 1978; and revised the rule to conform to the requirements in Section 61-1-35 NMSA 1978, effective May 20, 2020.

16.48.3 NMAC – Standards of Practice

Clarifies that alcoholic beverages shall not be consumed by any licensee or registrant while on duty; makes grammatical corrections.

16.48.4 NMAC – Mandatory Firearms Training

Clarifies requirements for mandatory firearms training and requires use of a form issued by the Department to show compliance.

16.48.5 NMAC – Fees

Makes corrections to the entity where fees are payable.

16.48.6 NMAC – Continuing Education

Clarifies the definition of “renewal period” and adds private patrol operators to the requirement to complete four hours of continuing education.

16.48.7 NMAC – License Renewal, Inactive Status and Reinstatement

Amends the title of the rule, Part 7 to reference that the rule applies to renewal of licenses and registrations; requires all applications for licensure or registration to have instructions for completion of the renewal process; revises the rule to remind licensees and registrants that they will receive a courtesy notice via electronic mail, ultimately they will be responsible for timely renewal; revises requirements for reinstatement, inactive licensure or registration.

16.48.8 NMAC – Licensure for Military Service Members, Spouses and Veterans

Amends Part 8 to comply with the requirements set out in 61-1-34 NMSA 1978, effective July 1, 2020.