

**NOTICE OF PROPOSED RULEMAKING AND RULE HEARING**

The Regulation and Licensing Department (Department) will hold a rule hearing on Friday, January 7, 2022 at 9:00a.m. Due to the ongoing public health concerns posed by the threat of the contagious disease COVID-19, the rule hearing will be virtual via an Internet based video conference and via telephone. The rule hearing will be held via Cisco WebEx, please use the following link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=edf9830d78980ad5f502b0e34d3d3576e>

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

Event Number (Access Code): 2484 150 0267; no password

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

16.48.2 NMAC – Requirements for Licensure

16.48.5 NMAC – Fees

16.48.6 NMAC – Continuing Education

16.48.7 NMAC – License Renewal, Inactive Status and Reinstatement

On November 30, 2021 you may obtain and review copies of the proposed changes and public comments, by going to the Private Investigation's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/private-investigations/pi-laws-rules-and-policies/> or by contacting Austin Basham, Board Administrator at (505)690-5032.

The Department will begin accepting public comments on the proposed amendments beginning November 30, 2021. Please submit written comments on the proposed changes to Austin Basham, Board Administrator, via electronic mail at: [pipolygraphbd@state.nm.us](mailto:pipolygraphbd@state.nm.us), or by regular mail at P.O. Box 25101, Santa Fe, NM 87504 no later than Thursday, January 6, 2022. Comments received prior to the rule hearing will be posted to the Private Investigations website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/private-investigations/pi-laws-rules-and-policies/> Persons will also be given the opportunity to present their comments during 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 Regulation and Licensing Department Act, Section 9-16-5 and 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.” See Section 61-27B-5(C) NMSA 1978.

The purpose of these amendments is to comply with Executive Order 2021-060 issued on October 26, 2021 to “reduce, streamline, and eliminate rules imposing a regulatory burden or cost on members of the public to the greatest extent practicable.”

**Summary of Proposed Changes:**

**16.48.2 NMAC – Requirements for Licensure and Registration**

Part 2 is amended to extend the initial term for all license and registration types from the current two year period, to a period of three years. This section will also require that approved instructors that want to renew their approval, will be required to present certifications that take place within four years preceding the renewal request. Section 16.48.2.25 NMAC, Reciprocity is being amended to remove the requirement for an applicant for licensure or

registration to be of good moral character in alignment with Section 61-1-36 NMSA 1978 of the Uniform Licensing Act.

#### **16.48.5 – Fees**

Part 5 is being amended to align the fees for licensure and registration with a three year initial and renewal cycle instead of a two year renewal cycle.

#### **16.48.6 NMAC – Continuing Education**

This section is being amended to align the requirements for continuing education for security guards, private investigators, private patrol operators and polygraph examiners to align with a three year licensure and registration renewal period.

#### **16.48.7 NMAC – License Renewal, Inactive Status and Reinstatement**

In the amendments to Part 7, the renewal period for licensure and registration is being extended from a biennial (two year) renewal period to a renewal period of three years. In order to transition to a three year cycle, from the date this rule goes into effect until December 31, 2023, licenses or registrations ending in an even number will renew for a three year period and licenses or registrations ending in an odd number will renew for a two year period. Beginning January 1, 2024, all licenses and registrations will renew for three year terms. All security guard level one, two, and three renewal applicants will be required to submit renewals online only, beginning on the first day of the first full month after the rule is final and paper applications will only be accepted for renewals by approval of the board administrator. The amendments to Part 7 will also clarify that department of public safety background checks will only be required for individuals who hold a current firearms certification with their license.