

This is an amendment to 16.39.3 NMAC, Sections 7, 11, 12 and 13, effective 3/12/2022.

- 16.39.3.7 DEFINITIONS:** ~~[Board approved, four year curriculum in engineering is defined as:]~~
- A.** “ABET” is defined as the accreditation board for engineering and technology.
 - B.** **“Board-approved, four - year curriculum in engineering”** is defined as:
 - (1) engineering curriculum of at least four years that has been accredited by ABET within at least three years of the applicant’s graduation with a bachelor’s degree in engineering;
 - (2) curriculum not accredited by ABET but with the minimum number of engineering credits required for accreditation by ABET; and
 - (3) ~~[Curriculum]~~ curriculum required for graduate degree (master or doctoral) in engineering from an engineering program with an ABET-accredited bachelor’s degree has successfully completed (as confirmed by letter from graduation committee) all requirements deficient to bachelor’s degree in engineering.
 - C.** **“Branch”** refers to engineering disciplines as referred to in 16.39.3.8 NMAC.
 - D.** **“Category”** refers to the type of license such as professional engineer or professional surveyor as referred to in Subsections L and P of Sections 61-23-23 NMSA 1978.
 - E.** **“Electronic signature”** means an electronic 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.
 - ~~[E.]~~ **F.** **“Engineering accreditation commission”** is defined as the engineering accreditation commission of ABET, or any successor commission or organization.
 - ~~[F.]~~ **G.** **“Engineering discipline”** is defined as a designated area of proficiency and competence in the practice of engineering.
 - H.** **“Engineering experience”** is defined as experience gained by the time of the application that includes demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design as well as demonstration of the application of engineering principles in the practical solution of engineering problems and is:
 - (1) progressive experience on engineering projects that demonstrates an increasing quality and responsibility;
 - (2) experience not associated with a graduate degree if that degree that is used to satisfy education requirements;
 - (3) experience obtained in compliance with the licensure act;
 - (4) experience gained in the armed services of a character equivalent to that which would have been gained in the civilian sector doing similar work;
 - (5) experience gained under the supervision of a licensed professional engineer;
 - (6) experience not gained under the supervision of a licensed professional engineer provided that an explanation is made to the satisfaction of the Board showing why the experience should be considered acceptable including the appropriate credentials of the unlicensed supervisor;
 - (7) sales experience demonstrating that engineering principles were required and used in gaining the experience;
 - (8) teaching experience in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering program of four years or more that is approved by the board;
 - (9) experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board;
 - (10) experience gained in engineering research by industry or government employees; or
 - (11) experience in construction demonstrating the application of engineering principles.
 - ~~[G.]~~ **I.** **“FE exam”** refers to the fundamentals of engineering exam.
 - ~~[H.]~~ **J.** **“NCEES”** refers to the national council of examiners for engineering and surveying.
 - ~~[I.]~~ **K.** **“PE exam”** refers to the principles and practice of engineering exam.
 - L.** **“Signature”** means a physical or digital representation of the name of the person who applied it.

[16.39.3.7 NMAC - Rp, 16 NMAC 39.3.7, 1/01/2002; A, 7/01/2006; A, 1/01/2007; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

16.39.3.11 PRACTICE OF ENGINEERING:

A. Neither a person nor a business entity shall advertise, accept work or offer to practice engineering work in a discipline of engineering unless the person or a member of the organization has been approved by the professional engineering committee in the appropriate discipline and who is legally able to bind that business entity by contract.

B. Neither persons nor business entities shall circumvent these rules. Licensees or business entities may advertise for work only in those disciplines of engineering in which they are approved by the professional engineering committee to practice. Nothing in this section is intended to prevent the existence of an association of professionals in different disciplines.

C. In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board shall, either upon request of the licensee or of its own volition, require the licensee to pass an appropriate examination.

D. The professional engineering committee will consider the use of the terms, "engineer," "engineering," or any modification or derivative of such terms, in the title of a firm or business entity to constitute the offering of engineering. The board will also consider the use of these terms or any modification or derivative of such terms in a corporation's name or its articles of incorporation or in a foreign corporation's certificate of authority as published by the New Mexico secretary of state to constitute the offering of engineering services.

E. In the case of practice through a business entity offering or providing services or work involving the practice of engineering, an authorized company officer and the professional engineer who is employed by the business entity and in responsible charge shall place on file with the board within 30 days a signed affidavit, as prescribed by board rule. The affidavit shall be kept current, and, if there is any change in the professional engineer or authorized company officer, the affidavit shall be revised within 30 days and resubmitted to the board.

F. The board shall recognize that there may be occasions when engineers need to obtain supplemental survey information for the planning and design of an engineering project. An engineer may densify, augment and enhance previously performed survey work by a surveyor for a project as defined in Subsection U of Section 61-23-3 NMSA 1978 of the Engineering and Surveying Practice Act.

G. In the case of an employee of a business entity who performs only the engineering services involved in the operation of the business entity's business, the extent to which the engineering services can be provided without licensure is limited to only the legal boundaries of the property owned or leased by that business. Practice beyond this extent or within off-premises easements is considered within public space and is subject to the Engineering and Surveying Practice Act.

[16.39.3.11 NMAC - Rp, 16 NMAC 39.3.11, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

16.39.3.12 SEAL OF LICENSEE:

A. Each licensed professional engineer shall obtain a seal/stamp, which shall appear on all final engineering design drawings, the certification page of all specifications and engineering reports prepared by the licensee in responsible charge. Adjacent to the seal/stamp shall appear the original signature of the licensee along with the date the signature was applied. Rubber stamps signatures are not acceptable. Electronic signatures as provided by law and board's policy shall be acceptable.

B. The seal/stamp shall be the impression type seal, the rubber type, or a computer-generated facsimile. Computer generated seals shall be bona fide copies of the actual seal/stamp specific to the work being presented.

C. The design of the seal/stamp shall consist of either:
(1) three concentric circles, the outermost circle being one and one-half inches in diameter, the middle circle being one inch in diameter, and the innermost circle being one-half inch in diameter. The outer ring shall contain the words, "*professional engineer*" and the licensee's name. The inner ring shall contain the words "*New Mexico*". The center circle shall contain the license number issued by the board. Any border pattern used by the manufacturer is acceptable; or
(2) a design approved by the board which contains the words "*professional engineer*", the licensee's name, "*New Mexico*", and the license number issued by the board each in text no less than 0.2 inches in height.

D. Professional engineers who were licensed prior to the enactment of these current rules and who have maintained that license without lapse, may retain and use the seals, stamps, and wall certificates previously approved.

E. For the purposes of the Engineering and Surveying Practice Act, a licensee of this board has "responsible charge of the work" as defined in Subsection O of Section 61-23-3 NMSA 1978 and may sign, date and seal/stamp plans, specifications, drawings or reports which the licensee did not personally prepare when plans,

specifications, drawings or reports have been sealed only by another licensed engineer, and the licensee or persons directly under his personal supervision have reviewed the plans, specifications, drawings or reports and have made tests, calculations or changes in the work as necessary to determine that the work has been completed in a proper and professional manner.

F. The seal and signature shall be placed on work only when it is under the licensee's responsible charge. The licensee shall sign and seal only work within the licensee's area of discipline.

G. When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided it is designated by a note under the seal specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet and, in the case of multiple licensees, explicitly identify the portion of work attributable to each licensee.

H. An electronic signature, as an option to a permanently legible signature, is acceptable for professional documents. The licensee shall provide adequate security regarding the use of the seal and signature. If the document contains more than one licensee and is electronically transmitted as specified under the preceding paragraph, each signature must contain an independent electronic signature.

~~**I.** The board shall recognize that there may be occasions when engineers need to obtain supplemental survey information for the planning and design of an engineering project. An engineer may densify, augment and enhance previously performed survey work by a surveyor for a project as defined in Subsection U of Section 61-23-3 NMSA 1978 of the Practice Act.~~

[16.39.3.12 NMAC - Rp, 16 NMAC 39.3.12, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]

16.39.3.13 ENDORSEMENTS: For the purpose of New Mexico licensees by endorsement from other states, or possessions, the professional engineering committee will only recognize licensure granted by those authorities when the professional engineering committee has determined that the applicant possesses qualifications which "do not conflict with the provisions of the Engineering and Surveying Practice Act and are of standard not lower than that specified in Sections 61-23-14 and 61-23-14.1, NMSA 1978". Conditions establishing eligibility for licensure by endorsement shall have been met at the time of initial licensure. Additionally, the applicant must have a current license in another state, the district of Columbia, a territory or a possession of the United States, or in a foreign country. Conditions for endorsement for licensure as a professional engineer shall be as follows:

A. has been actively licensed for the contiguous 10 years immediately preceding application to New Mexico, and has not received any form of disciplinary action related to the practice of engineering or professional conduct from any jurisdiction within the five years preceding application to New Mexico, and has not had the applicant's professional license suspended or revoked at any time from any jurisdiction; (2019 law);

~~**A.**~~ **B.** graduation from an approved engineering curriculum that fulfills the required content of the engineering education standard as defined by NCEES, four years of experience satisfactory to the professional engineering committee, and passing of the eight - hour fundamentals and eight - hour professional examinations; (2017 law);

~~**B.**~~ **C.** graduation from an ABET accredited engineering technology program, six years of experience satisfactory to the professional engineering committee, and passing of the eight - hour fundamentals examination and eight - hour professional examination (1993 law);

~~**C.**~~ **D.** graduation from an approved engineering curriculum, four years of experience satisfactory to the professional engineering committee, and passing of the eight hour fundamentals and eight - hour professional examinations; (1979 law and 1987 law);

~~**D.**~~ **E.** licensure prior to July 1, 2002, graduation from an ABET accredited engineering technology program or from an engineering or related science curriculum approved by the committee, six years of experience satisfactory to the professional engineering committee, and passing of the eight -hour fundamentals and eight -hour professional examination (1993 law);

~~**E.**~~ **F.** licensure prior to July 1, 1993, by graduation from an engineering or related science curriculum other than the ones approved by the committee, eight years of experience satisfactory to the professional engineering committee, and passing of the eight -hour fundamentals and eight -hour professional examination (1979 law and 1987 law);

~~**F.**~~ **G.** licensure prior to July 1, 1993, by graduation from an engineering or related science curriculum, 20-years experience satisfactory to the professional engineering committee, and passing the eight -hour professional examination (1979 law and 1987 law);

~~**G.**~~ **H.** licensure prior to July 1, 1940, by 12 years of experience satisfactory to the professional

engineering committee (1934 law);

~~[H.]~~ I. licensure prior to July 1, 1957, by graduation from an approved curriculum, and four years or more of experience satisfactory to the professional engineering committee (1935 law);

~~[I.]~~ J. licensure prior to July 1, 1957, by passing a written and oral examination designed to show knowledge and skill approximating that attained through graduation from an approved curriculum, and four years or more of experience satisfactory to the professional engineering committee (1952 law);

~~[J.]~~ K. licensure prior to July 1, 1967, by 24 years of experience satisfactory to the professional engineering committee, and by passing an oral examination (1957 law);

~~[K.]~~ L. licensure prior to July 1, 1967, by graduation from an approved curriculum prior to July 1, 1957, and passing the eight - hour professional examination (1957 law);

~~[L.]~~ M. licensure prior to July 1, 1979, by eight years of experience satisfactory to the professional engineering committee, and by having passed the eight - hour fundamentals and eight - hour professional examinations (1969 law);

~~[M.]~~ N. licensure prior to July 1, 1979, by 30 years of experience, the last 12 years of which must have been of outstanding nature and by having been nationally eminent among his peers (1967 law);

~~[N.]~~ O. for the purposes of endorsement, an approved engineering curriculum shall be an ABET accredited engineering curriculum of four years or more or equivalent as determined by the board.

[16.39.3.13 NMAC - Rp, 16 NMAC 39.3.13, 1/01/2002; A, 7/01/2006; A, 7/1/2015; A, 12/28/2017; A, 3/12/2022]