

This is an amendment to 16.42.1 Sections 1, 2, 3, 6 through 10, and 12, effective July 18, 2023.

16.42.1.1 ISSUING AGENCY: Regulation and Licensing Department~~[, New Mexico Interior Design Board]~~.
[11/10/97; 16.42.1.1 NMAC - Rn, 16 NMAC 42.1.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014; A, 7/18/2023]

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.
[11/10/97; 16.42.1.2 NMAC - Rn, 16 NMAC 42.1.2, 10/26/2002; A, 7/18/2023]

16.42.1.3 STATUTORY AUTHORITY: ~~[This rule is adopted]~~ These rules are promulgated pursuant to the Interior Design Act, Section 61-24C-5 NMSA 1978 ~~[; and Section 61-24C-7]~~.
[11/10/97; 16.42.1.3 NMAC - Rn, 16 NMAC 42.1.3, 10/26/2002; A, 7/18/2023]

16.42.1.6 OBJECTIVE: ~~[This part is to establish board meetings dates, and the election of officers,]~~ To define the terms relevant to interior design and establish display of license and advertising requirements.
[11/10/97; 16.42.1.6 NMAC - Rn, 16 NMAC 42.1.6, 10/26/2002; A, 7/18/2023]

16.42.1.7 DEFINITIONS:

~~_____ A. "applicant" has the same meaning as defined in Subsection A of Section 61-24C-3 NMSA 1978;~~

~~_____ B. "department" has the same meaning as defined in Subsection B of Section 61-24C-3 NMSA 1978;~~

~~_____ C. "interior design" has the same meaning as defined in Subsection C of Section 61-24C-3 NMSA 1978;~~

~~_____ D. "licensed interior designer" or "licensed designer" has the same meaning as defined in Subsection D of Section 61-24C-3 NMSA 1978.~~

[16.42.1.7 NMAC - N, 7/18/2023]

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.] [RESERVED]~~

[11/10/97; 16.42.1.8 NMAC - Rn, 16 NMAC 42.1.8, 10/26/2002; Repealed, 7/18/2023]

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.] [RESERVED]~~

[11/10/97; 16.42.1.9 NMAC - Rn, 16 NMAC 42.1.9, 10/26/2002; Repealed, 7/18/2023]

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.] [RESERVED]~~

[11/10/97; 16.42.1.10 NMAC - Rn, 16 NMAC 42.1.10, 10/26/2002; A, 08/15/2014; Repealed, 7/18/2023]

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~~] department 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.
[11/10/97; 16.42.1.12 NMAC - Rn, 16 NMAC 42.1.12, 10/26/2002; A, 11/14/2009; A, 08/15/2014; A, 7/18/2023]