

This is an amendment to 16.42.3 Sections 1, 3, 5, and 7 through 16, effective July 18, 2023.

16.42.3.1 ISSUING AGENCY: Regulation and Licensing Department~~], New Mexico Interior Design Board].~~

[11/10/97; 16.42.3.1 NMAC - Rn, 16 NMAC 42.3.1, 10/26/2002; A, 11/14/2009; A, 08/15/2014; A, 7/18/2023]

16.42.3.3 STATUTORY AUTHORITY: ~~[This rule is adopted]~~ These rules are promulgated pursuant to the Interior Design Act, Sections 61-24C-8, 61-24C-9; Section 61-24C-10; and 61-24C-11, NMSA 1978.

[11/10/97; 16.42.3.3 NMAC - Rn, 16 NMAC 42.3.3, 10/26/2002; A, 7/18/2023]

16.42.3.5 EFFECTIVE DATE: July 8, 1998, unless a different date ~~[if]~~ is cited at the end of a section ~~[or paragraph].~~

[11/10/97, 7/8/98; 16.42.3.5 NMAC - Rn, 16 NMAC 42.3.5, 10/26/2002; A, 7/18/2023]

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; A, 7/18/2023]

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]~~ without examination. 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.]

[11/10/97, 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; A, 7/18/2023]

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

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

~~[B.]~~ **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.]~~ **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.]~~ **D.** Candidate experience form must be completed and submitted to the board office.]

~~[E.]~~ **B.** Verification of passing the National Council for Interior Design Qualification (NCIDQ) examination or other nationally recognized examination approved by the department, must be submitted to the ~~[board office]~~ department.

C. Active certification from the National Council for Interior Design Qualification or another nationally recognized certification must be submitted to the department.

[11/10/97, 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; A, 7/18/2023]

16.42.3.10 LICENSURE [BY CREDENTIALS] WITHOUT EXAMINATION: ~~[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.]~~ The department may, on a case-by-case basis, review

and issue a license to any person applying for a license, who does not satisfy the licensing requirements in 16.42.3.9 NMAC if the applicant provides evidence to the department that:

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.]~~ The applicant has an active licensure in another state or country where qualifications are equal to or exceed those required by the Interior Designers Act and the applicant complies with all other requirements of the Interior Designers Act; or

B. ~~[Verification of passing the NCIDQ examination must be submitted to the board office.]~~ The applicant has apprenticed for at least eight years under a licensed interior designer who passed the National Council for Interior Design Qualification examination or another nationally recognized examination approved by the department.

~~[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.]~~

[11/10/97; 16.42.3.10 NMAC - Rn, 16 NMAC 42.3.10, 10/26/2002; A, 11/14/2009; A, 08/15/2014; A, 7/18/2023]

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.]~~

[RESERVED]

[16.42.3.11 NMAC - N/E, 12/12/2005; A, 08/15/2014; Repealed, 07/18/2023]

16.42.3.12 **[TERMINATION OF EMERGENCY LICENSE] EXPEDITED LICENSURE:**

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.]~~ The department shall issue in no later than 30 days a license by reciprocity to an applicant from another state who holds a current license in good standing, provided the requirements for licensure in the state where the applicant is licensed meet or exceed the requirements for licensure in the state of New Mexico.

B. ~~[Termination of an emergency license shall not preclude application for permanent licensure.]~~ An expedited license is a one year provisional license that confers the same rights, privileges, and responsibilities as regular licenses issued by the department, provided that the department may allow for the initial term of an expedited license to be greater than one year by rule or may extend an expedited license upon a showing of extenuating circumstances.

C. Before the end of the expedited license term and upon application, the department shall issue a regular license through the license renewal process.
[16.42.3.12 NMAC - N/E, 12/12/2005; A, 7/18/2023]

16.42.3.13 LICENSE RENEWAL:

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

B. Each licensed interior designer must have completed no less than [eight] 20 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. The department may make exceptions from this continuing education requirement in cases that the licensee provides evidence of emergency or hardship.
[16.42.3.13 NMAC - N, 11/14/2009; A, 7/18/2023]

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.] The holder of a license that has expired through failure to renew may renew the license, upon approval of the department.
[16.42.3.14 NMAC - N, 11/14/2009; A, 08/15/2014; A, 7/18/2023]

16.42.3.15 INACTIVE STATUS:

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

(1) The licensee shall submit their license to the [board] department 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] department. In the event the license is lost or otherwise unavailable for delivery, inactivation of the license will take place at the time the [board] department receives and marks them at the [board-office] department.

(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 again the licensee.

B. An annual inactive status fee must be submitted to the [board-office] department 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] department 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] 20 continuing education hours for each four year period of inactive status, as defined in 16.42.6 NMAC.

[16.42.3.15 NMAC - N, 11/14/2009; A, 08/15/2014; A, 7/18/2023]

16.42.3.16 EXPEDITED LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES, CHILDREN, 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. Definitions:

(1) "Good standing" means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a license or registrant under the authority of the license.

(2) “Licensing fee” has the same meaning as defined in Paragraph (1) of Subsection E of Section 61-1-34 NMSA 1978.

(3) “Licensing jurisdiction” has the same meaning as defined in Subsection F of Section 61-1-2 NMSA 1978.

(4) “Military service member” has the same meaning as defined in Paragraph (2) of Subsection E of Section 61-1-34 NMSA 1978.

(5) “Veteran” has the same meaning as defined in Paragraph (3) of Subsection E of Section 61-1-34 NMSA 1978.

B. A candidate seeking licensure under Section 61-1-34 NMSA 1978 must submit to the department a complete applicant containing the following:

[A.] (1) Completed and signed application [and fee] form.

[B.] (2) [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.] Proof of a current license in good standing in another jurisdiction, including a branch of the United States armed forces;

(3) submission of the following documentation:

(a) for a military service member; a copy of military orders;

(b) for a spouse of military service member; copy of military service member’s military orders and a copy of marriage license;

(c) for a spouse of deceased military service members; a copy of decedent’s DD form 214 and a copy of marriage license;

(d) for dependent children of military service members; a copy of military service member’s orders listing dependent child, or a copy of military orders and one of the following: a copy of birth certificate, military service member’s federal income tax return or other governmental or judicial documentation establishing dependency; or

(e) for veterans (retired or separated); proof of honorable discharge such as a copy of DD Form 214, DD Form 215, DD Form 256, DD Form 257, NGB Form 22, military ID card, a driver’s license or state ID card with a veteran’s designation, or other documentation verifying honorable discharge.

C. Electronic signatures [will be] are 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.] The initial licensing fee is waived for the first four years of licensure.

(2) The [fees for] renewal fee [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] Section 61-24C-10, NMSA 1978.

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

[~~(3)~~ (2) Original and renewal [registrations] licensing shall be valid for a period of four years. [not more than one year.]

[~~(4)~~ (3) 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; A, 7/18/2023]