

This is an amendment to 16.66.3 NMAC Sections 8, 9, 10, 11, 12, 14 and 15 effective 4/23/2024

16.66.3.8 APPLICATION FOR LICENSURE BY TRAINING AND EXAMINATION:

A. The board shall issue a license to an applicant for licensure by training and examination if the applicant fulfills the following requirements and provides the following information and evidence:

- (1) Completion of the board-issued application form;
- (2) Payment of the non-refundable application fee in full as provided in Part 2;
- (3) Provision to the board of the applicant's fingerprints and all information necessary for the board to complete a state and national criminal background check;
- (4) Provision to the board of sufficient documentation to establish that the applicant is at least 18 years of age;
- (5) Completion of at least 80 hours of classroom training:
 - (a) The cumulative total of 80 hours of classroom training must include all of the following subjects:

- (i) Site characteristics and exterior;
- (ii) Structural components;
- (iii) Roofing;
- (iv) Plumbing;
- (v) Electrical;
- (vi) Heating, cooling, and air conditioning;
- (vii) Interiors, appliances, and garages;
- (viii) Insulation and ventilation;
- (ix) Fireplaces and fuel burning appliances;
- (x) New Mexico standards of practice and code of ethics;
- (xi) Business practices, including New Mexico rules and regulations, pre-inspection agreements, and report writing.

(b) All 80 hours of classroom training must be obtained through an educational course that satisfies one of the following criteria:

- (i) The course is approved or accepted by another governmental state home inspector licensing authority;
- (ii) The course is approved by the United States Department of Education or the New Mexico Department of Education; or
- (iii) The course is designated as pre-licensing education and is certified or approved by any society, institute, council, or association of home inspectors;

(c) All 80 hours of classroom training may be completed online;

(6) Passage of ~~[the national home inspector examination (NHIE); or the proctored home inspector examination of the international association of certified home inspectors (Inter NACHI);]~~ a board approved examination.

(7) Completion of a total of at least 80 hours of field training spent conducting a minimum of 30 parallel home inspections, evidenced by documents including, but not necessarily limited to, a completed board-issued inspection log, pre-inspection agreements, notarized affidavits, and other similarly-reliable evidence;

(8) Satisfactory evidence that the applicant has errors and omissions insurance coverage meeting the minimum terms and conditions required by ~~[16.66.8]~~ 16.66.9.9 NMAC; and

(9) Satisfactory evidence that the applicant has professional liability insurance coverage meeting the minimum terms and conditions required by ~~[16.66.8]~~ 16.66.9.10 NMAC.

B. For the purposes of this rule, parallel home inspections mean inspections that are either:

- (1) Conducted in New Mexico prior to the effective date of this rule; or
- (2) Those home inspections at which the applicant, for observational, experiential, and educational purposes, accompanied another home inspector who:
 - (a) Is legally engaged in the practice and profession of home inspection in the jurisdiction in which the home inspection is conducted;
 - (b) Has at least two years of experience in the profession of home inspection; and
 - (c) Has previously completed at least 100 home inspections for compensation.

[16.66.3.8 NMAC – N, 1/15/2021; A, 1/14/2022; A, 04/23/2024]

16.66.3.9 APPLICATION FOR LICENSURE BY EXPERIENCE AND EXAMINATION:

A. An individual is eligible for licensure by experience and examination if the individual satisfies both of the following criteria:

(1) The applicant worked as a home inspector in each of the 24 months immediately preceding January 1, 2020; and

(2) The applicant performed at least 100 home inspections for compensation in the 24 months immediately preceding January 1, 2020.

B. The board shall issue a home inspector license to applicant for licensure by experience and examination if the applicant fulfills the following requirements and provides the following information and evidence:

(1) Completion of the board-issued application form;

(2) Payment of the non-refundable application fee in full as provided in Part 2;

(3) Provision to the board of the applicant's fingerprints and all information necessary for the board to complete a state and national criminal background check;

(4) Provision to the board of sufficient documentation to establish that the applicant is at least 18 years of age and a legal resident of the United States;

(5) Passage of a ~~[national home inspector examination. For the purposes of this rule, the applicant must either have passed the national home inspector examination (NHIE), or the proctored home inspector examination of the international association of certified home inspectors (Inter NACHI);]~~ board approved examination, subject to the following limitations:

(a) Evidence of the applicant's examination passage must be in writing and written by the organization or entity that administered the examination; and

(b) The examination must have been proctored and the applicant must provide evidence as to this requirement.

(6) Satisfactory evidence that the applicant has errors and omissions insurance coverage and professional liability insurance coverage meeting the minimum terms and conditions required by ~~[16.66.8]~~ 16.66.9 NMAC; and

(7) Provision to the board of sufficient documentation and evidence to establish the applicant's home inspector activities in the 24 months immediately preceding January 1, 2020. Such documentation may include, but is not limited to, tax records, notarized affidavits from persons other than the applicant, pre-inspection agreements, and other similarly reliable evidence of the applicant's home inspection activities in the 24 months immediately preceding January 1, 2020.

C. For the purposes of this rule, the phrase "worked as a home inspector in each of the 24 months immediately preceding January 1, 2020" means having personally conducted any business activity directly associated with the profession of home inspection but is not limited to having conducted an actual home inspection. To qualify for licensure by experience and examination, an individual does not need to have personally conducted a home inspection in each of the 24 months immediately preceding January 1, 2020, if that individual conducted another business activity directly associated with the profession of home inspection during each of the 24 months.

[16.66.3.9 NMAC – N, 1/15/2021; A, 1/14/2022; A, 04/23/2024]

16.66.3.10 APPLICATION FOR LICENSURE BY CREDENTIALS:

A. An applicant who holds a license in good standing to practice as a home inspector in another state may be granted a license by virtue of the applicant's credentials if the applicant's resident state license requirements are the same as or similar to the requirements set forth in the Home Inspector Licensing Act as determined by the board.

B. An applicant applying for licensure on the basis of the applicant's credentials as described in subsection A of this rule shall be required to provide to the board:

(1) Completion of the board-issued application form;

(2) Payment of the non-refundable application fee in full as provided in Part 2;

(3) Provision to the board of the applicant's fingerprints and all information necessary for the board to complete a state and national criminal background check;

(4) Provision to the board of sufficient documentation to establish that the applicant is at least 18 years of age ~~[and a legal resident of the United States];~~

(5) A certificate, letter, or other documentation from the licensing authority in the applicant's resident state attesting to the fact that the applicant holds a license in good standing to practice as a home inspector in that state;

(6) Satisfactory evidence that the applicant has errors and omissions insurance coverage meeting the minimum terms and conditions required by ~~[16.66.8]~~ 16.66.9.9 NMAC; and

(7) Satisfactory evidence that the applicant has professional liability insurance coverage meeting the minimum terms and conditions required by ~~[16.66.8]~~ 16.66.9.10 NMAC.

C. Pursuant to the Home Inspector Licensing Act, the board may negotiate agreements with other states or licensing jurisdictions to allow for reciprocity regarding licensure. A license granted pursuant to a reciprocity agreement shall be issued upon:

(1) Completion of the board-issued application form;

(2) Payment of the non-refundable application fee in full as provided in Part 2;

(3) Provision to the board of the applicant's fingerprints and all information necessary for the board to complete a state and national criminal background check;

(4) Provision to the board of sufficient documentation to establish that the applicant is at least 18 years of age ~~[and a legal resident of the United States];~~

(5) The applicant's provision to the board of a certificate, letter, or other documentation from the licensing authority in the applicant's resident state attesting to the fact that the applicant holds a license in good standing to practice as a home inspector in that state.

(6) Satisfactory evidence that the applicant has errors and omissions insurance coverage meeting the minimum terms and conditions required by ~~[16.66.8]~~ 16.66.9.9 NMAC; and

(7) Satisfactory evidence that the applicant has professional liability insurance coverage meeting the minimum terms and conditions required by ~~[16.66.8]~~ 16.66.9.10 NMAC.

[16.66.3.10 NMAC – N, 1/15/2021; A, 04/23/2024]

16.66.3.11 EXAMINATIONS:

A. Licensure by training and examination: All applicants for licensure by training and examination must ~~[either] pass [the national home inspector examination (NHIE) or the proctored examination of the international association of certified home inspectors (Inter-NACHI) following the date of application for licensure with the board or have previously passed the national home inspector examination (NHIE) or the proctored Inter-NACHI examination]~~ a board approved examination prior to the date of the applicant's application for licensure.

B. Licensure by experience and examination: All applicants for licensure by experience and examination must ~~[either:] pass a board approved examination, subject to the following limitations:~~

~~[(1) — Pass the national home inspector examination (NHIE); or~~

~~(2) — Have passed prior to the date falling six months after the effective date of these rules the proctored home inspector examination of the international association of certified home inspectors (Inter-NACHI) subject to the following limitations:]~~

~~[(a)]~~ (1) Evidence of the applicant's examination passage must be in writing and written by the organization or entity that administered the examination; and

~~[(b)]~~ (2) The examination must have been proctored and the applicant must provide evidence as to this requirement.

C. Licensure by credentials: Applicants for licensure by ~~[licensure by]~~ credentials are not required to provide the board with evidence as to prior examination passage. However, the board will consider whether the applicant's prior licensing jurisdiction requires the passage of a national examination in determining whether the prior licensing jurisdiction's standards are substantially equivalent to those in New Mexico.

D. It is the applicant's responsibility to make all arrangements ~~[with the examination board of professional home inspectors (EBPHI) to take the NHIE or with Inter-NACHI to take the proctored Inter-NACHI home inspectors examination]~~ to take a board approved examination.

E. The applicant shall send the applicant's examination score to the board, provided that the examination score must be in a document originally written by the organization or entity that administered the examination.

~~[F. — Any applicant who fails the NHIE may retake the exam at the next available opportunity.]~~
[16.66.3.11 NMAC – N, 1/15/2021; A, 1/14/2022; A, 04/23/2024]

16.66.3.12 EXPEDITED LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES, CHILDREN, AND VETERANS:

- A.** Application requirements:
- Board.
- information:
- (1) Applications for licensure shall be completed on a form provided by the Home Inspectors
 - (2) The applicant shall provide a complete application that includes the following information:
 - (a) applicant's full name;
 - (b) current mailing address;
 - (c) current electronic mail address, if any;
 - (d) date of birth;
 - (e) background check, if required; and
 - (f) proof as described in subsection C below.
 - (3) The applicant shall provide the following satisfactory evidence as follows:
 - (a) applicant is currently licensed and in good standing in another jurisdiction, including a branch of the United States armed forces;
 - (b) applicant has met the minimal licensing requirements in that jurisdiction and the minimal licensing requirements in that jurisdiction are substantially equivalent to the licensing requirements for New Mexico; and
 - (c) the following documentation:
 - (i) for military service member: a copy of military orders;
 - (ii) for spouse of military service members: copy of military service member's military orders, and copy of marriage license;
 - (iii) for spouses of deceased military service members: copy of decedent's DD 214 and copy of marriage license;
 - (iv) 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 tax return or other governmental or judicial documentation establishing dependency;
 - (v) for veterans (retired or separated): a copy of DD 214 showing proof of honorable discharge.
 - (4) The license shall be issued by the board as soon as practicable but no later than thirty days after a qualified military service member, spouse, dependent child, or veteran files a complete application and provides a background check if required for a license, and any required fees.
 - (5) Military service members and veterans as defined in Subsection E of Section 61-1-34 NMSA 1978 shall not pay and the board shall not charge a licensing fee for the first three years for a license issued pursuant to this rule.
 - (6) A license issued pursuant to this section shall be valid for the time period that is specified in the Home Inspectors Licensing Act.

B. Renewal requirements:

- (1) A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for renewal set forth in 16.66.4.8 NMAC pursuant to 61-24D-8 NMSA 1978.
- (2) As a courtesy, the board will send via electronic mail license renewal notifications to licensees before the license expiration date to the last known email address on file with the board. Failure to receive the renewal notification shall not relieve the licensee of the responsibility of timely renewal on or before the expiration date.
[16.66.3.12 NMAC – N, 1/15/2021; A, 1/14/2022; A, 04/23/2024]

16.66.3.14 LICENSURE PROCEDURE:

A. Upon receipt of a completed application, including all required documentation and fees, the Board's application committee, should the Board choose in its discretion to utilize such a committee, may provide a non-binding and purely advisory recommendation as to whether the Board should grant or deny the application.

B. No license may be issued until the applicant has paid the non-refundable [~~but potentially prorated as provided in these rules,~~] initial license fee in full.
[16.66.3.14 NMAC – N, 1/15/2021; A, 04/23/2024]

16.66.3.15 POTENTIALLY DISQUALIFYING CRIMINAL CONVICTIONS:

A. Convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license issued by the board. This includes conviction of an offense which if committed in this state, would be deemed a felony under either state or federal law, without regard to its designation elsewhere. The term “conviction” shall include a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon or an appeal of the conviction has been sought.

- (1) homicide, voluntary or involuntary manslaughter;
- (2) trafficking in controlled substances, manufacturing of controlled substances or distribution of controlled substances;
- (3) human trafficking, kidnapping, false imprisonment, aggravated assault or aggravated battery;
- (4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;
- (5) crimes involving adult abuse, neglect, or financial exploitation;
- (6) crimes involving child abuse or neglect;
- (7) crimes involving robbery, larceny, extortion, burglary, possession of burglary tools, destruction of property, criminal damage to property, unlawful or dangerous uses of explosives, breaking and entering, arson, making a bomb scare, tampering with evidence or receiving stolen property;
- (8) financial crimes involving fraud, forgery, embezzlement, credit card fraud,

B. The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

C. The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

D. Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual’s conduct to the extent that such conduct violated the Home Inspector Licensing Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of this rule.

E. In connection with an application for licensure, the board/commission shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;
- (2) a conviction that has been sealed, dismissed, expunged or pardoned;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the disqualifying criminal convictions listed in Subsection A of this rule.

[16.66.3.15 NMAC – N, 1/14/2022; A, 04/23/2024]