

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 42 INTERIOR DESIGNERS
PART 3 LICENSING REQUIREMENTS

16.42.3.1 ISSUING AGENCY: Regulation and Licensing Department.
[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]

16.42.3.2 SCOPE: The provisions in Part 3 apply to all parts and provide relevant information to the licensees, applicants and general public.
[11/10/97; 16.42.3.2 NMAC - Rn, 16 NMAC 42.3.2, 10/26/2002]

16.42.3.3 STATUTORY AUTHORITY: 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]

16.42.3.4 DURATION: Permanent.
[11/10/97; 16.42.3.4 NMAC - Rn, 16 NMAC 42.3.4, 10/26/2002]

16.42.3.5 EFFECTIVE DATE: July 8, 1998, unless a different date is cited at the end of a section.
[11/10/97, 7/8/98; 16.42.3.5 NMAC - Rn, 16 NMAC 42.3.5, 10/26/2002; A, 7/18/2023]

16.42.3.6 OBJECTIVE: This part is to establish the minimum requirements for applicants applying for licensure as a licensed interior designer.
[11/10/97; 16.42.3.6 NMAC - Rn, 16 NMAC 42.3.6, 10/26/2002; A, 11/14/2009]

16.42.3.7 DEFINITIONS: “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.
[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 without examination. Electronic signatures will be acceptable for applications submitted pursuant to 14-16-1 through 14-16-19, NMSA 1978.
[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 department on a form prescribed by the department, pay the required application fee, and furnish evidence to the department documenting that the applicant meets the requirement for licensure. The following are the requirements for licensure.

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

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 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 WITHOUT EXAMINATION: 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. 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. 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.

[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 [RESERVED]

[16.42.3.11 NMAC - N/E, 12/12/2005; A, 08/15/2014; Repealed, 7/18/2023]

16.42.3.12 EXPEDITED LICENSURE:

A. 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. 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 department shall expire 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 department.

B. Each licensed interior designer must have completed no less than 20 continuing education 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: 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 department. Such request shall be made prior to the expiration of the license.

(1) The licensee shall submit their license to the department along with a written request to be placed on inactive status. The licensee is deemed inactive status at the time of the request and license are stamped and received at the department. In the event the license is lost or otherwise unavailable for delivery, inactivation of the license will take place at the time the department receives and marks them at the 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 against the licensee.

B. An annual inactive status fee must be submitted to the 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 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 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:

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:

(1) Completed and signed application form.

(2) 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 are acceptable for application submitted pursuant to Section 14-16-1 through Sections 14-16-19, NMSA 1978.

D. Fees:

(1) The initial licensing fee is waived for the first four years of licensure.

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

(2) Original and renewal licensing shall be valid for a period of four years.

(3) Prior to the expiration of the license; licensee shall apply for 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]

HISTORY OF 16.42.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

IDB Rule 89-4, Licensure filed 12/19/89.

IDB Rule 89-5 Examination, filed 12/19/89.

IDB Rule 89-6, Licensure Without Examination, filed 12/19/89.

History of Repealed Material: [RESERVED]