

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 61    REAL ESTATE BROKERS**  
**PART 7         FINGERPRINTING AND ARREST RECORD CHECKS**

**16.61.7.1        ISSUING AGENCY:** New Mexico Real Estate Commission.  
[16.61.7.1 NMAC - Rp, 16.61.7.1 NMAC, 1/1/2012]

**16.61.7.2        SCOPE:** The provisions in Part 7 apply to Title 16, Chapter 16 and provide relevant information about criminal background check requirements for a first-time or renewal applicant for a New Mexico real estate broker's license.  
[16.61.7.2 NMAC - Rp, 16.61.7.2 NMAC, 1/1/2012]

**16.61.7.3        STATUTORY AUTHORITY:** Part 7 of Chapter 61 is promulgated pursuant to the Real Estate Licensing Law, NMSA 1978, Section 61-29-4.4.  
[16.61.7.3 NMAC - Rp, 16.61.7.3 NMAC, 1/1/2012]

**16.61.7.4        DURATION:** Permanent.  
[16.61.7.4 NMAC - Rp, 16.61.7.4, NMAC, 1/1/2012]

**16.61.7.5        EFFECTIVE DATE:** 1/1/2012, unless a later date is cited at the end of a section.  
[16.61.7.5 NMAC - Rp, 16.61.7.5 NMAC, 1/1/2012]

**16.61.7.6        OBJECTIVE:** The objective of Part 7 is to ensure that first-time or renewal applicants for a New Mexico real estate broker's license are of good repute and competent to transact the business of a qualifying broker or associate broker in a manner that safeguards the interests of the public.  
[16.61.7.6 NMAC - Rp, 16.61.7.6, NMAC, 1/1/2012]

**16.61.7.7        DEFINITIONS:** Refer to 16.61.1.7 NMAC  
[16.61.7.7 NMAC - Rp, 16.61.7.7 NMAC, 1/1/2012]

**16.61.7.8        REQUIREMENTS:**

**A.** All persons applying for a New Mexico real estate broker's license or upgrading an associate broker's license to a qualifying broker's license must be fingerprinted as a condition of licensure.

**B.** Applicant fingerprints and processing fees are submitted electronically to the New Mexico department of public safety from approved live scan vendor sites for the purpose of matching applicant fingerprints with fingerprints in state and national arrest record databases. Applicants must register on the vendor web site prior to being fingerprinted. The vendor web site address and a list of approved live scan sites are available on the real estate commission web site at [www.rld.state.nm.us](http://www.rld.state.nm.us).

**C.** To verify compliance with the fingerprinting requirement, applicants for licensure shall submit to the commission along with their license application a copy of the commission-approved fingerprint certification form completed by the vendor. To ensure that the commission is receiving the most current information available, fingerprinting shall be done no earlier than 21 days prior to submitting documents to apply for a license. The commission cannot accept fingerprints that are older than 21 days.

**D.** Background checks: The commission will conduct a background check on all applications including renewal applications and may use that information in determining the applicant's eligibility for licensure or renewal.

[16.61.7.8 NMAC - Rp, 16.61.7.8 NMAC, 1/1/2012; A, 1/1/2017; A, 1/3/2021]

**HISTORY OF 16.61.7 NMAC:**

**History of Repealed Material:**

16.61.7 NMAC, Criminal Background Checks (filed 11/9/2006) repealed 1/1/2012.