

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 62 REAL ESTATE APPRAISERS
PART 10 TEMPORARY PRACTICE

16.62.10.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board.
[3/15/00; 16.62.10.1 NMAC - Rn, 16 NMAC 62.10.1, 09/13/2004; A, 01/01/2015]

16.62.10.2 SCOPE: All trainee real estate appraisers, licensed residential real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed or certified real estate appraisers.
[3/15/00; 16.62.10.2 NMAC - Rn & A, 16 NMAC 62.10.2, 09/13/2004; A, 01/01/2015; A, 02/03/2019]

16.62.10.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Real Estate Appraisers Act, Section 61-30-1 to -24, NMSA 1978.
[3/15/00; 16.62.10.3 NMAC - Rn, 16 NMAC 62.10.3, 09/13/2004; A, 09/26/2023]

16.62.10.4 DURATION: Permanent.
[3/15/00; 16.62.10.4 NMAC - Rn, 16 NMAC 62.10.4, 09/13/2004]

16.62.10.5 EFFECTIVE DATE: March 15, 2000, unless a later date is cited at the end of a section.
[3/15/00; 16.62.10.5 NMAC - Rn & A, 16 NMAC 62.10.5, 09/13/2004]

16.62.10.6 OBJECTIVE: This part provides that the board will issue temporary practice permits to out of state licensed or certified appraiser who present evidence of qualification.
[3/15/00; 16.62.10.6 NMAC - Rn, 16 NMAC 62.10.6, 09/13/2004]

16.62.10.7 DEFINITIONS: "Assignment" means one or more real estate appraisals and written appraisal report(s) covered by a single contractual agreement for a specified number of properties.
[16.62.10.79 NMAC - N, 01/01/2015]

16.62.10.8 TEMPORARY PRACTICE PERMITS:

A. All persons who engage in the business of, act in the capacity of, advertise or display in any manner or otherwise assume to engage in the business of, or act as, a state real estate appraiser must have a board license or permit.

B. A temporary permit may be issued to non-resident appraiser licensed and certified appraiser for the purpose of performing an appraisal or an appraisal review.

C. Temporary practice for an appraisal review of a New Mexico real property:

(1) The reviewing appraiser must have a New Mexico residential certification or general certification.

(2) The temporary permit holder must have an active license residential, residential certification or general certification from another issuing agency that corresponds with or is higher than the level of licensure required to perform the appraisal.

(3) In the case of a review appraiser with an opinion of value, the review appraiser must have national USPAP compliance with competency in the report.

D. Temporary practice for an appraisal assignment of a New Mexico real property:

(1) Pursuant to Title XI, the board shall recognize, on a temporary basis, the certification or license of a real estate appraiser issued by another state.

(2) The temporary permit may only be issued on an assignment basis. A single assignment may include one or more properties under a single contract with a single client.

(3) The out of state appraiser must comply with the national USPAP and with the board's statutes and rules.

(4) The out of state appraiser is subject to the board's jurisdiction.

E. Applicants shall submit a form approved by the board to include the following:

(1) verification of license history and good standing as obtained from the national registry of real estate appraisers; the board may obtain verification and certification from the ASC website;

(2) the classification of the license or certification they hold;

- (3) whether they are subject to disciplinary action in the state in which they are licensed or certified; if subject to disciplinary action, submittal of a final order and letter of closer should also be submitted;
- (4) a statement certifying that the applicant's business in New Mexico is temporary and will not exceed 180 days;
- (5) a statement and accompanying contract identifying the specific assignment to which the temporary permit will apply;
- (6) an irrevocable statement consenting that suits and actions may be commenced against him/her in the proper court of any county of New Mexico arising from the applicant's actions as a state licensed or certified appraiser;
- (7) the fee specified in 16.62.12 NMAC.

F. A temporary permit extension may be obtained upon the written request submitted to the board office by the temporary permit holder; a one-time 30-day extension will be granted to complete the specified assignment.

[3/15/00; 16.62.10.8 NMAC - Rn, 16 NMAC 62.10.8, 09/13/2004; A, 11/25/2006; A, 10/16/2009; A, 08/21/2010; A, 01/01/2015; A, 01/15/2017]

16.62.10.9 PROVISIONS FOR EMERGENCY LICENSURE:

A. Licensed or certified real estate appraisers 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 or certified in New Mexico during the four months following the declared disaster with the same level of licensure they currently hold at no cost upon satisfying the following requirements:

(1) receipt by the board of a completed application which has been signed and notarized 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) refer to 16.62.2.8 NMAC, trainee; 16.62.3.8 NMAC, licensed; 16.62.4.8 NMAC, residential; and 16.62.5.8 NMAC, general;

(3) other required verification will be to contact the applicant's prior licensing board by email, mail or telephone.

B. The board may waive the following requirements for licensure:

(1) application fees;

(2) taking and passing the NM state exam; the applicant will be required to take and pass the NM state exam within 60 days from the date the emergency license is issued.

C. The board may waive the specific forms required under 16.62.2.8, 16.62.3.8, 16.62.4.8 and 16.62.5.8 NMAC if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.62.2.8, 16.62.3.8, 16.62.4.8 and 16.62.5.8 NMAC.

E. Licenses issued under (the emergency provision) shall expire on April 30 following the date of issue, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made on or before April 30 following the date of issue to avoid late renewal fees. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving license renewal.

[16.62.10.9 NMAC - N/E, 11/10/2005; A, 11/25/2006; A, 01/01/2015; A, 02/03/2019]

16.62.10.10 EMERGENCY LICENSE TERMINATION:

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of a permanent license under Sections 16.62.2.8, 16.62.3.8, 16.62.4.8 and 16.62.5.8 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.

B. Termination of an emergency license shall not preclude application for permanent licensure.

[16.62.10.10 NMAC - N/E, 11/10/2005; Re-pr, 11/25/2006]

HISTORY OF 16.62.10 NMAC:

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

REAB Rule 10, Temporary Licenses, filed 11/29/90.

Rule 11, Temporary Licenses, filed 4/6/93.
Rule 11, Temporary Practice, filed 1/28/94.

History of Repealed Material: [RESERVED]

Other History:

Rule 11, Temporary Practice (filed 1/28/94) was renumbered, reformatted and replaced by 16 NMAC 62.10, Temporary Practice, effective 03/15/2000.

16 NMAC 62.10, Temporary Practice (filed 02/28/2000) was renumbered, reformatted, amended, and replaced by 16.62.10 NMAC, Temporary Practice, effective 09/13/2004.