

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 34 BARBERS AND COSMETOLOGISTS
PART 3 EXAMINATIONS

16.34.3.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists.

[16.34.3.1 NMAC - Rp 16 NMAC 34.3.1, 6/16/2001]

16.34.3.2 SCOPE: All barbers, cosmetologists, hairstylists, estheticians, manicurist/pedicurists, manicurist/estheticians, instructors, electrologists, schools, enterprises and establishments.

[16.34.3.2 NMAC - Rp 16 NMAC 34.3.2, 6/16/2001; A, 07/14/2018]

16.34.3.3 STATUTORY AUTHORITY: Section 61-17A-7 NMSA 1978 - Board Powers and Duties - This directs the barbers and cosmetologists board to establish outlines for examinations for licensure.

[16.34.3.3 NMAC - Rp 16 NMAC 34.3.3, 6/16/2001]

16.34.3.4 DURATION: Permanent.

[16.34.3.4 NMAC - Rp 16 NMAC 34.3.4, 6/16/2001]

16.34.3.5 EFFECTIVE DATE: June 16, 2001 unless a later date is cited in the history note at the end of a section.

[16.34.3.5 NMAC - Rp 16 NMAC 34.3.5, 6/16/2001]

16.34.3.6 OBJECTIVE: Pursuant to the Barbers and Cosmetologists Act this outlines examinations for licensure and scoring requirements.

[16.34.3.6 NMAC - Rp 16 NMAC 34.3.6, 6/16/2001]

16.34.3.7 DEFINITIONS: Refer to Part 1.

[16.34.3.7 NMAC - Rp 16 NMAC 34.3.7, 6/16/2001]

16.34.3.8 NOTICE OF EXAMINATION:

A. The application for examination and applicable fee required by the act or these rules must be received by the board or its designee according to the published schedule. It is the applicant's duty to meet all deadlines. Any arrangement to have a third party (such as a school) transmit the fee and application is made at the applicant's risk. Failure of the third party to transmit the fee in a timely manner will render the applicant being ineligible to take the examination in question.

B. The doors to the examination room will close promptly at the scheduled examination start time. Applicants who do not appear on time or who do not have the required documents will not be permitted to the examination or will not be admitted to the examination. In extreme situations where mitigating circumstances are present, the board or its designee will decide whether to allow the applicant to take the examination.

[16.34.3.8 NMAC - Rp 16 NMAC 34.3.8, 6/16/2001; A, 10/4/2007]

16.34.3.9 EXAMINATION SCORES:

A. The minimum passing scaled score for all written and practical licensing examinations is seventy five.

B. Examinations for all licenses except instructor licenses are scored in three individual segments, each requiring a minimum segment scaled score of seventy five. The segments are:

- (1) national practical;
- (2) national theory written; and
- (3) state law written.

C. If an applicant fails to attain a scaled score of seventy five on any segment of the examination, he/she will be required to retake the failed segment in its entirety.

D. Examinations for instructor licenses for all disciplines are scored in two individual segments, each requiring a minimum scaled score of seventy five. The segments are:

- (1) theory written; and
- (2) state law written.

[16.34.3.9 NMAC - Rp 16 NMAC 34.3.9, 6/16/2001; A, 7/16/2004; A, 10/4/2007]

16.34.3.10 [RESERVED]

[16.34.3.10 NMAC - Rp, 16 NMAC 34.3.10, 6/16/2001; A, 10/04/2007; Repealed, 07/14/2018]

16.34.3.11 EXAMINATIONS FOR EXPIRED LICENSES:

A. An applicant whose license has expired for more than five years shall re-enter a licensed school, submit to a scholastic evaluation to determine his training needs, and complete a minimum of 150 hours of remedial education. Upon completion of the remediation, he may apply for and submit to the complete written theory examination, the applicable practical examination and a written state law examination.

B. An applicant whose license has expired for one year but less than five years shall be required to retake the applicable examinations.

[16.34.3.11 NMAC - Rp 16 NMAC 34.3.11, 6/16/2001; A, 7/16/2004; A, 10/4/2007]

16.34.3.12 EXAMINATION REQUIREMENTS FOR EXPIRED LICENSES: All applicants for examination to reinstate an expired license shall submit a completed application for examination as required for original licensure and submit proof that he:

A. meets the age requirements set forth for original licensure;

B. meets the secondary education requirements set forth for original licensure; and

C. has been previously licensed by the New Mexico board of barbers and cosmetologists.

[16.34.3.12 NMAC - Rp 16 NMAC 34.3.12, 6/16/2001; A, 10/4/2007]

16.34.3.13 EXAMINATION REQUIREMENTS FOR FOREIGN TRAINED APPLICANTS: Any foreign indicated person who meets the requirements set forth in 16.34.2.8 NMAC may apply for a New Mexico license by examination. The examination application must be submitted to the board or its designee along with the following supporting documentation:

A. notarized translation of his valid license or certificate from another nation;

B. notarized translation of certified transcript of training from school or nation;

C. notarized translation of any other documents that may be required by the board or its designee;

D. notarized letters of employment from past employers or employment records to prove work experience if applicable as stated in Subsection B of 16.34.6.8 NMAC;

E. the requirements for translation apply only to documents written in a language other than English;

F. the board shall require examination applicants with foreign training who fail any part of the examination to register at a licensed school, submit to a scholastic evaluation to determine their training needs, and complete a minimum of 150 hours of remedial education. Upon completion and proof of the remediation, the applicant will be allowed to re-examine in the failed areas.

[16.34.3.13 NMAC - N, 10/4/2007]

16.34.3.14 EXAMINATION REQUIREMENTS FOR APPLICANTS WITH FULL HOURS, NO OUT-OF-STATE LICENSE: An applicant, who has completed an equivalent course of study in the United States within the preceding 12 months, but has not obtained a license in another state, will be admitted to the New Mexico board examinations subject to all requirements, which apply to New Mexico applicants to take examination.

[16.34.3.14 NMAC - N, 10/4/2007; A, 07/14/2018]

HISTORY OF 16.34.3 NMAC:

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

Article II, Licensing Examinations, 12/12/1981.

Rule 2, Examination Fee, 3/8/1990.

Rule 2, Examination Fee, 3/9/1992.

Rule 2, Examinations, 10/19/1993.

Rule 2, Examinations, 5/13/1994.

Rule 2, Examinations, 5/13/1995.

BBE Rule 86-1, Board of Barber Examiners, Rules and Regulations - 1986, 6/27/1986.

BBE Rule 87-1, NM Board of Barber Examiners, Rules and Regulations - 1987, 11/4/1987.

BBE Rule 88-1, NM Board of Barber Examiners, Rules and Regulations - 1988, 10/4/1988.

History of Repealed Material:

16 NMAC 34.3, Examinations - Repealed, 6/16/2001.