

**TITLE 16                    OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 30                ARCHITECTS**  
**PART 3                      REGISTRATION AND RENEWAL, DUPLICATE CERTIFICATES,**  
**SEAL SPECIFICATIONS AND DOCUMENT IDENTIFICATION**

**16.30.3.1    ISSUING AGENCY:** New Mexico Board of Examiners for Architects.  
[16.30.3.1 NMAC - Rp, 16.30.3.1 NMAC, 9/26/2023]

**16.30.3.2    SCOPE:** Provisions for Part 3 apply to any person registered as an architect, or to anyone applying for registration as an architect in New Mexico.  
[16.30.3.2 NMAC - Rp, 16.30.3.2 NMAC, 9/26/2023]

**16.30.3.3    STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978 prescribes that “The board...may make rules not inconsistent with law.”  
[16.30.3.3 NMAC - Rp, 16.30.3.3 NMAC, 9/26/2023]

**16.30.3.4    DURATION:** Permanent.  
[16.30.3.4 NMAC - Rp, 16.30.3.4 NMAC, 9/26/2023]

**16.30.3.5    EFFECTIVE DATE:** September 26, 2023, unless a different date is cited at the end of the section.  
[16.30.3.5 NMAC - Rp, 16.30.3.5 NMAC, 9/26/2023]

**16.30.3.6    OBJECTIVE:** The objective of this rule is to clearly establish guidelines and procedures for registration and registration renewal as an architect in New Mexico and for issuance of a duplicate certificate of registration and to provide specifications and guidelines for the use of an individual seal and for document identification.  
[16.30.3.6 NMAC - Rp, 16.30.3.6 NMAC, 9/26/2023]

**16.30.3.7    DEFINITIONS:** [RESERVED]  
[16.30.3.7 NMAC - Rp, 16.30.3.7 NMAC, 9/26/2023]

**16.30.3.8    GENERAL QUALIFICATIONS:**

**A.** The examination and reciprocity committee shall make its recommendations to the board regarding the qualifications of applicants for registration. A majority vote of the board shall be required in determining those applicants qualified for registration.

**B.** The applicant shall be of good character and repute. Factors that the board may consider under this qualification are:

**(1)** misstatement or misrepresentation of fact by the applicant in connection with his or her application;

(2) violation of any of the standards of conduct required by registration holders and set forth in the statutes or rules and regulations; or

(3) practicing architecture without a valid and current registration in the jurisdiction in which the practice took place; or

(4) Convictions for any of the following felony 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:

(a) homicide or manslaughter;

(b) trafficking, or trafficking in controlled substances;

(c) kidnapping, false imprisonment, aggravated assault or aggravated battery;

(d) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;

(e) crimes involving adult abuse, neglect or financial exploitation;

(f) crimes involving child abuse or neglect;

(g) crimes involving robbery, larceny, extortion, burglary, bribery, fraud, forgery, embezzlement, credit card fraud, misuse of public funds, violation of the procurement code, offering or soliciting an illegal kickback, tampering with public records, perjury, identity theft, or receiving stolen property;

(h) human trafficking;

(i) driving under the influence or driving while intoxicated;

(j) using a forged architectural registration seal pursuant to Subsection A of Sections 61-15-10, et. seq. NMSA 1978; or

(k) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

(5) 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.

(6) 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.

(7) 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 Architecture 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.

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

(a) an arrest not followed by a valid conviction;

(b) a conviction that has been sealed, dismissed, expunged or pardoned;

(c) a juvenile adjudication; or

(d) a conviction for any crime other than the disqualifying criminal convictions listed in Subsection A of this rule.

C. Rules and procedures set out herein for obtaining registration in New Mexico apply equally to residents of the state and non-residents.

D. An oral interview before the board may be required of any applicant for New Mexico registration.

E. All applicants must pass the New Mexico architectural jurisprudence exam administered by the board. Failure to answer all questions may result in a failing grade. An applicant who has failed two successive architectural jurisprudence exams shall not be eligible to apply for architectural registration for a period of one year from the date of the last jurisprudence exam failed.

F. All registration and application fees are non-refundable.

[16.30.3.8 NMAC - Rp, 16.30.3.8 NMAC, 9/26/2023]

### **16.30.3.9 REGISTRATION THROUGH EDUCATION, TRAINING AND EXAMINATION:**

A. Registration standards shall be in accordance with the standards of NCARB as described in the latest editions of the NCARB Certification Guidelines and the NCARB Education Guidelines.

B. Training requirements shall satisfy the NCARB standards of training. The applicant shall provide a NCARB architectural experience program AXP record number showing enrollment in AXP. The education standard shall be in accord with the NCARB guidelines as set forth in the latest edition of the NCARB certification guidelines, the NCARB education standard and AXP guidelines. Copies of the latest editions of the NCARB certification guidelines, the NCARB education standard and the AXP guidelines are available from the board office or NCARB.

C. Application for examination:

(1) Individuals applying for registration by examination shall request application forms from the board. The application, together with the application fee, shall be sent to the board office.

(2) Applications will be accepted at any time, for review and approval by the board. Approved examination candidates will schedule examinations with NCARB. The board may require applicants for examination to appear before it for a personal interview.

(3) To pass the architect registration examination (A.R.E.), an applicant must achieve a passing grade on each division as determined by NCARB. A passing grade for any division of the A.R.E., version 4.0 or later, shall remain valid pursuant to NCARB's score validity policy in effect at the time of application. Divisions of the examination, version 4.0 or later, that were considered expired prior to the adoption of NCARB's score validity policy shall be reinstated pursuant to NCARB's score validity policy in effect at the time of application. NCARB, in its discretion, may allow a reasonable extension of such period in circumstances where completion of all divisions is prevented by a medical condition, by active duty in military service or by other like causes.

(4) In case an applicant does not qualify for examination, for reason other than failure to submit a valid application, he or she shall be informed of the cause and apprised of his or her rights under the Uniform Licensing Act, Sections 61-1-1 through 31 NMSA 1978. Should the applicant subsequently meet the requirements for examination, he or she may resubmit the application.

D. Examination materials and results shall not be considered public records pursuant to Section 61-15-5 NMSA 1978. Nothing therein shall prevent the board from reporting an applicant's scores to the architectural registration boards in other jurisdictions or to the national council of registration boards (NCARB). The board shall give written notification to an applicant no later than 30 days after the board receives the results from NCARB.

E. Special provisions for examinees with disabilities:

(1) Any examinee requiring special examination provisions to accommodate a qualifying temporary or permanent disability as defined by the Americans with Disabilities Act, including any modification of the Architect Registration Examination administration process, must submit a written request for such provisions at least 90 days prior to the exam, including documentation justifying such request.

(2) The board shall have the right to solicit additional information within 30 days of such request. The examinee shall provide such additional information within 10 days following receipt of the board's request.

F. Upon receipt of a complete application and fee, board staff are authorized to approve and issue a registration to an applicant for whom no licensing issues are apparent from the application. Board staff shall consult with the enforcement subcommittee if disciplinary issues are present before issuing a registration. The board shall vote to ratify the issuance of all registrations issued by staff at the next regularly scheduled board meeting. In the event the board votes not to ratify a registration issued by board staff, the board shall pursue disciplinary action as required by the Uniform Licensing Act, and Section 61-15-12 NMAC 1978.

[16.30.3.9 NMAC - Rp, 16.30.3.9 NMAC, 9/26/2023]

#### **16.30.3.10 REGISTRATION THROUGH RECIPROCITY:**

A. An individual who holds a current NCARB certificate and is seeking registration through reciprocity shall return a completed application and all fees to the board for processing. The application shall be valid for one year from the time the board receives it.

B. An individual currently registered as an architect in another jurisdiction who does not hold a current NCARB certificate may apply for a New Mexico architect license upon receiving an NCARB certification acquired through the alternative path to licensure for experienced professionals.

C. An individual who does not hold a current NCARB certificate and is seeking registration through reciprocity as a broadly experienced architect must hold a current and valid registration issued by the licensing authority of another jurisdiction and either: (1) hold a degree accredited by the national architectural accrediting board, pass the necessary examination, and successfully complete the architectural experience program (AXP) offered by NCARB; or (2) hold a position of responsibility for at least the previous

five years in the jurisdiction(s) of licensure with no disciplinary action during that five-year period. The term “position of responsibility” shall mean a person in responsible charge as defined in Subsection N of 16.30.1.7 NMAC. The broadly experienced category applicant shall return to the board a completed application, on a form prescribed by the board, along with other pertinent documents and application fee. Each applicant shall provide the board evidence of academic training and work experience directly related to architecture and demonstrating minimum competence as described in 16.30.6 NMAC including but not limited to, evidence of training or experience in the following areas:

- (1) design and construction documents;
- (2) construction administration;
- (3) project management; and
- (4) architectural related activities.

**D.** Each applicant must attest on an affidavit that the applicant:

- (1) has not performed or offered to perform, and will not perform or offer to perform, architectural services in the state of New Mexico until such time as the applicant becomes a New Mexico registered architect;
- (2) is in good standing and has disclosed all requested information on disciplinary proceedings in any other jurisdiction; and
- (3) has secured a copy and has read the Architectural Act, and the New Mexico board of examiners for architects rules and regulations, and agrees to comply with the same.

**E.** All applicants must pass a New Mexico architectural jurisprudence exam administered by the board. An applicant who has failed two successive architectural jurisprudence exams shall not be eligible to apply for architectural registration for a period of one year from the date of the last jurisprudence exam failed.

**F.** Applicants for registration through reciprocity shall present a certificate of good standing from a jurisdiction in which a current and valid registration is held.

**G.** Comprehensive design requirements: Applicants for registration through reciprocity shall present evidence satisfactory to the board of their qualification in comprehensive design.

**H.** The board may require an applicant for registration through reciprocity to appear before the board for a personal interview and to complete a written or oral examination.

**I.** The board shall review all applications on a case-by-case basis.

**J.** Upon receipt of a complete reciprocity application and fee, board staff are authorized to approve and issue a registration to an applicant for whom no licensing issues are apparent from the application. As necessary, board staff shall consult with the enforcement subcommittee prior to review by the examination and reciprocity committee if licensing issues are present before issuing a registration. When an application has apparent issues, or a denial is recommended, the application should be presented to the board prior to any staff approving and issuing a registration. The board shall vote to ratify the issuance of all registrations issue by staff at the next regularly scheduled board meeting. In the event the board votes not to ratify a reciprocity registration issued by

board staff, the board shall pursue disciplinary action as required by the Uniform Licensing Act, Section 61-15-12 NMSA 1978.

[16.30.3.10 NMAC - Rp, 16.30.3.10 NMAC, 9/26/2023]

**16.30.3.11 REGISTRATION RENEWAL:** Fees: Renewal fees are paid biennially. Registrants whose birth year is an even number shall be required to renew their registrations by December 31 of every even-numbered year. Registrants whose birth year is an odd numbered year shall be required to renew their registration by December 31st of every odd numbered year. New registrations shall be pro-rated on a yearly basis and shall expire on December 31st of an even or odd year designated by the last digit of the applicant's birth year. The renewal fees for two years are:

- A. in state \$225.00
- B. out-of-state \$325.00

[16.30.3.11 NMAC - Rp, 16.30.3.11 NMAC, 9/26/2023]

**16.30.3.12 CONTINUING EDUCATION:** Architects registered in New Mexico will be required to show compliance with mandatory education requirements as a condition for renewing registration:

A. Purpose and scope:

(1) These rules provide for a continuing education program to insure that all architects remain informed of these technical subjects necessary to safeguard life, health, property, and promote the public welfare.

(2) Continuing education is post licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety and welfare.

(3) These rules apply to all architects registered in New Mexico.

B. Definitions:

(1) "Continuing education hour" is one continuous instructional hour (minimum 50 minutes) spent in structured educational activities intended to increase or update the architect's knowledge and competence in health, safety and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's time for continuing education hour purposes irrespective of actual time spent on the activity.

(2) "Health, safety and welfare in architecture" is anything that relates to the structure or soundness of a building or site or its role in promoting the health, safety or well-being of its occupants.

(3) "Health, safety and welfare subjects" are technical and professional subjects in continuing education that the board deems appropriate to protect the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction and utilization of buildings and the built environment.

(a) Building systems: structural, mechanical, electrical, plumbing, communications, security, fire protection.

- (b) Construction contract administration: contracts, bidding, contract negotiations.
- (c) Construction documents: drawings, specifications, delivery methods.
- (d) Design: urban planning, master planning, building designs, site design, interiors, safety and security measures.
- (e) Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation.
- (f) Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public.
- (g) Materials and methods: construction systems, products, finishes, furnishings, equipment.
- (h) Pre-design: land use analysis, programming, site selection, site and soils analysis, surveying.
- (i) Preservation: historic, reuse, adaptation.

(4) “Structured educational activities” are educational activities in which at least seventy-five percent of an activity’s content and instruction time must be devoted to health, safety and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety and welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

**C. Requirements:**

(1) In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 continuing education hours each calendar year or be exempt from these continuing education requirements as provided below. Failure to complete these requirements may result in non-renewal of the architect’s registration or other disciplinary action by the board. Architects shall be assessed an administrative fee of \$100.00 for each continuing education hour they fail to complete. In addition to the fee, the architect shall be required to make up the deficient health safety welfare continuing education hours within 60 days. A first violation of this provision shall not be reported as disciplinary action to NCARB. Two or more violations of this provision shall be reported as disciplinary action to NCARB. Special circumstances will be reviewed by the subcommittee at its discretion.

(2) Continuing education hours must be completed in health, safety and welfare subjects acquired in structured education activities. Continuing education hours may be acquired at any location, whether delivered by direct contact or distant learning methods. Excess continuing education hours may not be credited to a future renewal.

**D. Activities:** The following list shall be used by all registrants in determining the types of activities that would fulfill continuing education requirements:

- (1) continuing education hours in attendance at short courses or seminars dealing with architectural subjects and sponsored by academic institutions;
- (2) continuing education hours in attendance at technical presentations on architectural subjects which are held in conjunction with conventions or at seminars related to materials use and functions; such presentations as those sponsored by the

American institute of architects, construction specifications institute, construction products manufacturers council or similar organizations devoted to architectural education may qualify;

(3) continuing education hours in attendance at short courses or seminars related to new technology and offered by colleges, universities, professional organizations or system suppliers;

(4) continuing education hours spent in self-study courses such as those sponsored by the national council of architectural registration boards, American institute of architects or similar organizations;

(5) up to three preparation hours may be credited for each class hour spent teaching architectural courses or seminars; college or university faculty may not claim credit for teaching regular curriculum courses;

(6) up to three continuing education hours spent in architectural research that is published or formally presented to the profession or public;

(7) college or university credit courses dealing with architectural subjects; each semester hour shall equal 15 continuing education hours; a quarter hour shall equal 10 continuing education hours;

(8) up to four continuing education hours in service to the public that is directly related to the practice of architecture in the area of health, safety and welfare.

**E. Records and record-keeping:**

(1) A registered architect shall complete and submit forms prescribed or accepted by the board certifying to the architect's having obtained the required continuing education hours. Documentation of reported continuing education hours shall be maintained by the architect for three years from the date of award.

(2) One continuing education hour shall represent a minimum of actual course time. No credit will be allowed for introductory remarks, meals, breaks or administrative matters related to courses of study.

(3) Failure to fulfill the continuing education requirements may result in non-renewal of an architect's certificate of registration and will result in the administrative or disciplinary actions set forth in Subsection C of this section. Certification of fulfillment of continuing education requirements without completion of the continuing education may result in disciplinary action.

(4) Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and may subject the registrant to additional disciplinary action.

**F. Initial registration by examination:** An architect whose initial examination registration (not reciprocity) occurs less than 12 months from December 31st shall not be required to report continuing education hours for that calendar year. An architect whose initial examination registration occurs more than 12 months prior to December 31st shall be required to complete 12 continuing education hours within the final calendar year prior to renewal.

**G. Reinstatement:** Pursuant to Section 61-15-7 NMSA 1978, a former registrant may only apply for reinstatement and renewal of an expired certificate under 16.30.3.13 NMAC if delinquent continuing education hours are earned as required by Subparagraph (a) of Paragraph (3) of Subsection B of 16.30.3.11 NMAC, i.e. 12

continuing education hours each calendar year while registration is expired or be exempt from these continuing education requirements as provided below.

**H Exemptions:** A registrant shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required affidavit that for not less than 21 months of the preceding two-year-period of registration, the architect:

(1) has served honorably on active duty in the military service (exceeding 90 consecutive days); or

(2) is a government employee working as an architect and assigned to duty outside the United States, or outside the jurisdiction established by the national council for architectural registration boards.

**I.** The board may consider a hardship case under extenuating circumstances to modify the requirements established by these rules.

**J. Audit:** A number of registrants shall be selected at random to submit substantiating information to support their continuing education claim. If any credits are disallowed by the board, then the registrant shall have 60 calendar days after notification to substantiate the original claim or obtain other continuing education hours to meet the minimum requirements. Such continuing education hours shall not be used again in the next renewal cycle. Any registrant found to be non-compliant with the minimum continuing education hours requirement will result in the administrative or disciplinary actions set forth in Subsection C of this section. Additional audits may be conducted at the board's discretion.

**K. Non-compliance:** Failure to comply with the requirements of this section shall result in non-renewal of registration and forfeit of the renewal fee.

[16.30.3.12 NMAC - Rp, 16.30.3.12 NMAC, 9/26/2023]

### **16.30.3.13 EXPIRATION OF A CERTIFICATE:**

**A.** Certificates of registration shall expire on December 31<sup>st</sup> as prescribed by these rules.

**B.** A certificate expires upon the death of a registrant.

[16.30.3.13 NMAC - Rp, 16.30.3.13 NMAC, 9/26/2023]

### **16.30.3.14 RENEWAL OF AN EXPIRED CERTIFICATE:**

**A.** A registrant whose license has expired for no more than one month shall be required to pay the registration fee and a late fee of fifty dollars (\$50).

**B.** A reinstatement applicant whose license has been expired for more than one month shall be required to:

(1) pay a registration fee and a penalty equal to one year's registration fee for each year expired but in no case shall the penalty exceed three times the annual registration fee;

(2) submit a signed and notarized reinstatement affidavit as provided by the board; and

(3) complete continuing education requirements as required by these rules; at the board's discretion, the former registrant may be required to present evidence to the board of continued proficiency, complete additional requirements, and appear personally before the board in order that the board may determine whether to renew the lapsed certificate.

C. Reinstatement of a certificate that has been lapsed for more than three years requires submittal of an NCARB certificate and required application forms as a new applicant.

[16.30.3.14 NMAC - Rp, 16.30.3.14 NMAC, 9/26/2023]

**16.30.3.15 ARCHITECT EMERITUS:** Upon written request to the board, any architect registered in New Mexico may renew his or her registration as an architect emeritus for a biennial fee of twenty dollars (\$20.00) if the following requirements are met.

A. The registrant shall be 60 years of age or older and retired from the practice of architecture on the date of his or her registration renewal. Retired means that the architect no longer practices architecture in New Mexico and no longer stamps and certifies construction documents with his or her seal for projects located in New Mexico that are subject to the jurisdiction of the board.

B. The registrant shall have 10 years of continuous registration as an architect, five years as a registered architect in New Mexico, unless practicing under a specific exemption authorized by law.

C. In the event an architect emeritus wishes to reinstate a registration to practice architecture, the board may require proof of proficiency and the fulfillment of additional requirements deemed necessary, such as providing proof of continuous architectural registration elsewhere with the registration in good standing. Reinstatement of the license following the request to terminate an architect emeritus status shall include completion of continuing education requirements per Subsection B of 16.30.3.12 NMAC.

[16.30.3.15 NMAC - Rp, 16.30.3.15 NMAC, 9/26/2023]

**16.30.3.16 DUPLICATE WALL CERTIFICATES:** The board may, after consideration of a written request from a registrant outlining the circumstances supporting the request, authorize the issuance of a duplicate wall certificate of registration. The fee for supplying such a certificate shall be thirty-five dollars (\$35).

[16.30.3.16 NMAC - Rp, 16.30.3.16 NMAC, 9/26/2023]

**16.30.3.17 DISPLAY OF A CERTIFICATE OF REGISTRATION:** The board requires that each registrant shall display his or her certificate of registration in a conspicuous location in his or her primary place of business.

[16.30.3.17 NMAC - Rp, 16.30.3.17 NMAC, 9/26/2023]

**16.30.3.18 INDIVIDUAL SEAL AND DOCUMENT IDENTIFICATION:**

A. Registration seal specifications: Each architect registered in the state of New Mexico shall secure a registration seal of the following design: The seal shall have two concentric circles with the outer circle measuring one and three-quarter inches in

diameter and the inner circle being one and one-quarter inches in diameter. The upper portion of the annular space between the two circles shall bear the words "STATE OF NEW MEXICO" and the lower portion shall bear the words "REGISTERED ARCHITECT". The space enclosed by the inner circle shall bear the name of the architect and his or her registration number. In no event shall the seal contain more than one name of an architect. By placement of a seal and signature on a drawing, an architect verifies that his or her registration is valid and that he or she is practicing in accordance with the Architectural Act, Sections 61-15-1 through 13 NMSA 1978 and these rules and regulations.

**B. Use of registration seal:**

**(1)** Each original sheet of construction drawings and each cover sheet of specifications, submitted for permitting, and reports, prepared by or under the responsible charge of an individual architect, must bear the imprint of the seal with the signature of that architect and the date of the signature closely aligned to the seal. The name and address of the architect must also appear on the sealed page. A registrant may apply a seal, signature and date of signature by hand. A registrant may affix an electronically-generated seal, signature, and date of signature. An electronic signature may be utilized provided the registrant utilizes a secure method of affixation; the registrant does not authorize any other person to so affix; and the registrant and client have agreed to conduct transactions by electronic means. Drawings, reports or documents that are signed using an electronic signature shall employ an authentication procedure to ensure the validity of the electronic signature. Signature must satisfy requirements defined in 16.30.1.7 NMAC.

**(2)** As provided in the Architectural Act, Subsection A of Section 61-15-7 NMSA 1978, all plans, specifications, plats and reports prepared by an architect or under the architect's responsible charge shall be signed and sealed by that architect, including all plans and specifications prepared by the architect or under the architect's responsible charge on work described in project exemptions, under Section 61-15-9 NMSA 1978.

**(3)** Placing of multiple architectural seals on plans, specifications or reports shall not be permitted. The architect-of-record must seal, sign and date all construction drawings, specifications, and reports prepared by or under the supervision of that architect. In doing so, the architect-of-record assumes full responsibility for these documents.

**(4)** Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible charge because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation. Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible charge by persons not employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. An exception is made for:

**(a)** architects who review, adapt, and seal prototypical projects provided that the project qualifies as a prototypical project meaning the original plans were

designed by other architects, engineers or architects and engineers with the intent of being used in several diverse locations with local adaptations;

(b) a kit-of-parts that is a manufactured item and the New Mexico registered architect is not responsible for the components.

(5) Architectural and engineering seals are required for any subsequent and physically linked construction to a project which, when seen together with the original construction, would have required both seals.

(6) A legally applied seal and signature is a permanent part of construction documents and may not be removed for non-payment of fees or other civil action.

**C. Assumption of projects:**

(1) Sealed work: Prior to sealing, signing and dating work, a successor registered architect shall be required to notify the original architect, his successors, or assign, by certified letter to the last known address of the original registered architect, of the successor's intention to use or reuse the original registered architect's work. A successor registered architect must use his or her own title block, seal and signature and must remove the title block, seal and signature of the original architect before sealing, signing and dating any sealed construction drawings and specifications. The successor registered architect shall take full responsibility for the drawings as though they were the successor's original product.

(2) Unsealed work: When an architect assumes responsibility of an incomplete project, the following evaluation must occur before the architect can be said to have exhibited responsible charge over the project:

(a) Program: the architect shall meet with the client to assure that the client's needs are met.

(b) Codes: the architect shall assure that the project is in compliance with all federal, state, and local regulation.

(c) Coordination: the architect shall assure coordination with the other professionals in a project.

(d) Analysis: the architect shall assure the project meets all technical, aesthetic, and quality requirements and that site and environmental issues have been addressed.

(e) The architect of record who assumes the incomplete project shall be charged with keeping records of the project for five years.

**D. Plan checking:** Any authorized person checking documents for compliance with any applicable statutes, codes, ordinances, rules or regulations such as building codes, fire codes or zoning ordinances may "red-line" and list changes to meet such applicable statutes, codes, ordinances, rules and regulations, as this is not the practice of the profession. However, a person may not modify a professional document submitted for review unless that modification is supported by reference to an applicable code or standard. A non-registrant shall not modify, in any manner, a document embodying the discretion or judgment of a registrant without the express permission of the architect who is in responsible charge.

[16.30.3.18 NMAC - Rp, 16.30.3.18 NMAC, 9/26/2023

**16.30.3.19 CHANGE OF ADDRESS:** Registrants shall notify the board of a change of primary address within 30 days of a move.

[16.30.3.19 NMAC - Rp, 16.30.3.19 NMAC, 9/26/2023]

**HISTORY OF 16.30.3 NMAC:**

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

BEA 68-1, Architectural Law and Rules and Regulations, 7/1/1968.

BEA 69-1, Architectural Law and Rules and Regulations, 6/17/1969.

BEA 70-1, Architectural Law and Rules and Regulations, 7/28/1970.

BEA 74-1, Roster of Registered Architects Laws Rules Regulations, 8/30/1974.

BEA 78-1, Board of Examiners for Architects, 9/19/1978.

NMBEA 85-1, Architectural Act Rules and Regulations, 2/7/1985.

NMBEA 86-1, Architectural Act Rules and Regulations, 4/9/1986.

NMBEA 88-1, State of New Mexico Board Of Examiners for Architects Rules and Regulations, 6/22/1988.

NMBEA 89-1, State of New Mexico Board Of Examiners for Architects Rules and Regulations, 11/28/1989.

Regulation No. NMBEA 90-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 8/14-90.

NMBEA Rule 4, NCARB Examinations, 6/23/1980.

**History of Repealed Material:**

16 NMAC 30.3, Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, - Repealed, 9/6/2001.

**History of 16.30.3 NMAC:**

16.30.3 NMAC - Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, filed 9/6/2001, was repealed and replaced by 16.30.3 NMAC - Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, effective 9/26/2023.