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HOUSE BILL 296

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Cristina Parajón

AN ACT

RELATING TO THE 1999 PUBLIC ACCOUNTANCY ACT; AMENDING
DEFINITIONS; CHANGING QUALIFICATIONS FOR CERTIFICATION;
REQUIRING PRACTITIONERS FROM OTHER STATES AND JURISDICTIONS TO
HAVE LICENSE REQUIREMENTS THAT ARE COMPARABLE TO OR EXCEED NEW
MEXICO'S REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-28B-3 NMSA 1978 (being Laws 1999,
Chapter 179, Section 3, as amended) is amended to read:

"61-28B-3. DEFINITIONS.--As used in the 1999 Public
Accountancy Act:

A. "accounting experience" means providing service
or advice involving the use of accounting, attest, management
advisory, financial advisory, tax or consulting skills as
verified by a certified public accountant who meets

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1 requirements prescribed by the board; provided that experience
2 gained through employment in government, industry, academia or
3 public practice shall be accepted;

4 [A.] B. "attest" means to provide the following
5 services:

6 (1) an audit or other engagement performed in
7 accordance with the statements on auditing standards;

8 (2) a review of a financial statement
9 performed in accordance with the statement on standards for
10 accounting and review services;

11 (3) an engagement performed in accordance with
12 the statements on standards for attestation engagements adopted
13 by the board; and

14 (4) an engagement to be performed in
15 accordance with the auditing standards of the public company
16 accounting oversight board;

17 [B.] C. "board" means the New Mexico public
18 accountancy board;

19 [C.] D. "certificate" means the legal recognition
20 issued to identify a certified public accountant or a
21 registered public accountant pursuant to the 1999 Public
22 Accountancy Act or prior law;

23 [D.] E. "certified public accountant" means a
24 person certified by this state or by another state to practice
25 public accountancy and use the designation;

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1 F. "comparable licensure requirements" means
2 requirements that are comparable to or exceed the education,
3 examination and experience requirements of Paragraph (1) of
4 Subsection A of Section 61-28B-26 NMSA 1978, as determined by
5 the board;

6 ~~[E.]~~ G. "compilation" means a service provided to
7 management, applying accounting and financial reporting
8 expertise, in the presentation of financial statements and
9 reports without undertaking to obtain or provide assurance that
10 there are no material modifications that should be made to the
11 financial statements or reports to be in accordance with the
12 applicable financial reporting framework;

13 ~~[F.]~~ H. "contingent fee" means a fee established
14 for the performance of a service pursuant to an arrangement in
15 which no fee will be charged unless a specific finding or
16 result is attained or upon which the amount of the fee is
17 dependent upon a finding or result. "Contingent fee" does not
18 mean a fee set by the court or a public authority on a tax
19 matter;

20 ~~[G.]~~ I. "director" means the executive director of
21 the board;

22 ~~[H.]~~ J. "firm" means a sole proprietorship,
23 professional corporation, partnership, limited liability
24 company, limited liability partnership or other legal business
25 entity that practices public accountancy;

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1 ~~[I.]~~ K. "licensee" means a person, certified public
2 accountant, certified public accountant firm, registered public
3 accountant or registered public accountant firm authorized to
4 do business in New Mexico pursuant to the provisions of the
5 1999 Public Accountancy Act or prior law;

6 ~~[J.]~~ L. "peer review" means a study, appraisal or
7 review of one or more aspects of the professional work of a
8 firm by a certified public accountant who is not affiliated
9 with the firm being reviewed;

10 ~~[K.]~~ M. "permit" means the annual authority granted
11 to practice as a certified public accountant firm or a
12 registered public accountant firm;

13 ~~[L.]~~ N. "practice" means performing or offering to
14 perform public accountancy for a client or potential client by
15 a person who makes a representation to the public as being a
16 permit holder or registered firm;

17 ~~[M.]~~ O. "public accountancy" means the performance
18 of one or more kinds of services involving accounting or
19 auditing skills, including the issuance of reports on financial
20 statements, the performance of one or more kinds of management,
21 financial advisory or consulting services, the preparation of
22 tax returns or the furnishing of advice on tax matters;

23 ~~[N.]~~ P. "registered public accountant" means a
24 person who is registered by the board to practice public
25 accountancy and use the designation; and

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1 ~~[θ-]~~ Q. "report" means a written communication
2 issued by an accountant or an accountant firm that:

3 (1) when used in reference to an audit, review
4 or examination service, expresses or disclaims an opinion or a
5 conclusion as to whether subject matter is presented in
6 accordance with specified criteria; and

7 (2) when used in reference to a compilation,
8 agreed-upon procedures service or other service that is not an
9 audit, review or examination service, includes a statement or
10 implication that the accountant or accountant firm that issued
11 the report has special knowledge or competence in accounting or
12 attest services such as by the use of names or titles
13 indicating that the person or firm is an accountant or an
14 accountant firm or by the contents of the report itself. [~~and~~

15 P. ~~"substantial equivalency" means a determination~~
16 ~~by the board that the education, examination and experience~~
17 ~~requirements for certification of another jurisdiction are~~
18 ~~comparable to or exceed the requirements of Paragraph (1) of~~
19 ~~Subsection A of Section 61-28B-26 NMSA 1978]"~~

20 SECTION 2. Section 61-28B-8 NMSA 1978 (being Laws 1999,
21 Chapter 179, Section 8, as amended) is amended to read:

22 "61-28B-8. QUALIFICATIONS FOR A CERTIFICATE AS A
23 CERTIFIED PUBLIC ACCOUNTANT.--

24 A. An applicant for a certificate shall complete
25 the application form provided by the board and demonstrate to

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1 the board's satisfaction that the applicant:

2 (1) is of good moral character and lacks a
3 history of dishonest or felonious acts; and

4 (2) meets the education, accounting experience
5 and examination requirements of the board.

6 B. The board may refuse to grant a certificate on
7 the ground that the applicant failed to satisfy the requirement
8 of good moral character.

9 C. The education requirement for examination shall
10 be: ~~[a baccalaureate degree or its equivalent conferred by a
11 college or university acceptable to the board, with thirty
12 semester hours in accounting or the equivalent as determined by
13 the board. An applicant for a certificate shall have at least
14 one hundred fifty semester hours of college education or its
15 equivalent earned at a college or university acceptable to the
16 board]~~

17 (1) a baccalaureate degree or its equivalent
18 from a college or university acceptable to the board plus
19 completion of an additional thirty semester hours of higher
20 education in accounting or business;

21 (2) a baccalaureate degree from a college or
22 university acceptable to the board with a concentration in
23 accounting or business; or

24 (3) a master's degree from a college or
25 university acceptable to the board with a concentration in

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1 accounting or business.

2 D. The education and accounting experience
3 requirement for a certificate shall be:

4 (1) a baccalaureate degree or its equivalent
5 from a college or university acceptable to the board plus
6 completion of an additional thirty semester hours of higher
7 education in accounting or business and evidence of at least
8 one year of accounting experience;

9 (2) a baccalaureate degree from a college or
10 university acceptable to the board with a concentration in
11 accounting or business and evidence of at least two years of
12 accounting experience; or

13 (3) a master's degree from a college or
14 university acceptable to the board with a concentration in
15 accounting or business and evidence of at least one year of
16 accounting experience.

17 ~~[D-]~~ E. The examination for certification shall be
18 offered continuously via a computer-based testing system at a
19 designated testing center and shall test an applicant's
20 knowledge of the subjects of accounting and auditing and other
21 related subjects as prescribed by the board. The board shall
22 prescribe the method of applying for the examination and the
23 dissemination of scores, and it shall rely on the American
24 institute of certified public accountants for the grading of
25 the examination. The board may use all or any part of the

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1 uniform certified public accountant examination services of the
2 national association of state boards of accountancy to perform
3 administrative services with respect to the examination. The
4 board or its designee shall report all eligibility and score
5 data to the national candidate database, and it shall, to the
6 extent possible, provide that the passing scores are uniform
7 with passing scores of other states.

8 ~~[E.]~~ F. An applicant must pass all sections of the
9 examination to qualify for a certificate. A passing scaled
10 score for each section shall be seventy-five percent. Sections
11 may be taken individually and in any order. Credit for any
12 section passed shall be valid for ~~[eighteen]~~ thirty months from
13 the date the passing score is released to the applicant,
14 without having to attain a minimum score on any failed test
15 section and without regard to whether the applicant has taken
16 other test sections. An applicant must pass all four test
17 sections within a continuous ~~[eighteen-month]~~ thirty-month
18 period, which begins on the date that the first passing scores
19 are released to the applicant. If all four test sections are
20 not passed within the continuous ~~[eighteen-month]~~ thirty-month
21 period, credit for any test section passed outside the
22 ~~[eighteen-month]~~ thirty-month period will expire, and that test
23 section must be retaken.

24 ~~[F.]~~ G. An applicant shall be given credit for
25 examination sections passed in another state if such credit

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1 would have been given in New Mexico.

2 [G.] H. The board may waive or defer requirements
3 of this section regarding the circumstances in which sections
4 of the examination must be passed, upon a showing that, by
5 reason of circumstances beyond the applicant's control, the
6 applicant was unable to meet the requirement.

7 [~~H. An applicant for initial issuance of a
8 certified public accountant certificate shall show that the
9 applicant has had at least one year of experience. This
10 experience shall include providing service or advice involving
11 the use of accounting, attest, management advisory, financial
12 advisory, tax or consulting skills as verified by a certified
13 public accountant who meets requirements prescribed by the
14 board. The experience is acceptable if it was gained through
15 employment in government, industry, academia or public
16 practice.~~]"

17 SECTION 3. Section 61-28B-9 NMSA 1978 (being Laws 1999,
18 Chapter 179, Section 9, as amended) is amended to read:

19 "61-28B-9. ISSUANCE AND RENEWAL OF CERTIFICATE--
20 MAINTENANCE OF COMPETENCY--NONRESIDENT MAINTENANCE OF
21 COMPETENCY REQUIREMENTS.--

22 A. The board shall grant or renew a certificate
23 upon application and demonstration that the applicant's
24 qualifications are in accordance with the 1999 Public
25 Accountancy Act [~~or that they are eligible under the~~

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1 ~~substantial equivalency standard provided in that act].~~

2 B. The board may establish by rule for the issuance
3 of annual certificates and may prescribe the expiration date of
4 certificates. Failure to pay the renewal fee shall be cause
5 for the board to withhold renewal of a certificate without
6 prior hearing pursuant to the provisions of the Uniform
7 Licensing Act. If the renewal fee and delinquency fee are not
8 paid within ninety days after the expiration date of the
9 license, the certificate shall be subject to cancellation. A
10 certificate holder whose certificate has been canceled for
11 failure to pay the annual renewal fee may secure reinstatement
12 of the certificate only upon application and payment of the
13 renewal fee and reinstatement fee and upon approval by the
14 board.

15 C. The board shall grant or deny an application for
16 certification no later than one hundred twenty days after the
17 complete application is filed.

18 D. If an applicant appeals the decision of the
19 board to deny a certificate, the board may issue a provisional
20 certificate for no longer than ninety days while the board
21 reconsiders its decision.

22 E. To renew a certificate, a certificate holder
23 shall provide satisfactory proof to the board of continuing
24 professional education that is designed to maintain competency.
25 Continuing professional education courses shall comply with

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1 board rules. The board may create an exception to the
2 requirement to maintain continuing professional education for
3 certificate holders who do not provide services to the public.
4 A certificate holder granted such an exception must place the
5 word "inactive" or "retired" adjacent to the certificate
6 holder's certified public accountant title or registered public
7 accountant title on a business card, letterhead or other
8 document or device, except for a board-issued certificate.

9 F. A nonresident certificate holder seeking to
10 renew a certificate shall be determined to have met the
11 continuing professional education requirement in this state if
12 the nonresident has met the continuing professional education
13 requirement in the state where the nonresident's principal
14 place of business is located; provided that:

15 (1) the nonresident signs a statement on the
16 renewal application that the nonresident has met the continuing
17 professional education requirement in the state where the
18 nonresident's principal place of business is located; and

19 (2) the state where the nonresident's
20 principal place of business is located requires continuing
21 professional education.

22 G. An applicant for initial issuance or renewal of
23 a certificate pursuant to this section shall list all foreign
24 and domestic jurisdictions in which the applicant has applied
25 for or holds a designation to practice public accountancy. The

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1 applicant shall also list any past denial, revocation or
2 suspension of a certificate, license or permit. An applicant
3 or certificate holder shall notify the board in writing, within
4 thirty days of the occurrence of any issuance, denial,
5 revocation or suspension of a designation or commencement of a
6 disciplinary or enforcement action by any jurisdiction."

7 SECTION 4. Section 61-28B-11 NMSA 1978 (being Laws 1999,
8 Chapter 179, Section 11, as amended) is amended to read:

9 "61-28B-11. CERTIFICATES ISSUED TO HOLDERS OF A
10 CERTIFICATE, LICENSE OR PERMIT ISSUED BY ANOTHER STATE--
11 EXCEPTION.--

12 A. The board may issue a certificate to a holder of
13 a certificate, license or permit issued by another state upon a
14 showing that the applicant:

15 (1) passed the examination required for
16 issuance of the applicant's certificate with [~~grades~~] scores
17 that would have been passing grades at the time in New Mexico;

18 (2) passed the examination upon which the
19 applicant's out-of-state certificate was based and has [~~two~~
20 ~~years of~~] met the accounting experience [~~acceptable to the~~
21 ~~board or meets equivalent requirements prescribed by board~~
22 ~~rule~~] requirements within the ten years immediately preceding
23 the application; and

24 (3) if the applicant's certificate, license or
25 permit was issued more than four years prior to application,

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1 has fulfilled the board's requirements of continuing
2 professional education.

3 ~~[B. A person licensed by another state who wishes~~
4 ~~to establish a principal place of business in New Mexico shall~~
5 ~~apply to the board for a certificate prior to establishing the~~
6 ~~business. The board may issue a certificate to the person if~~
7 ~~the person provides proof from a board-approved national~~
8 ~~qualification appraisal service that the person's certified~~
9 ~~public accountant qualifications are substantially equivalent~~
10 ~~to the certified public accountant certification requirements~~
11 ~~of Paragraph (1) of Subsection A of Section 61-28B-26 NMSA~~
12 ~~1978.]~~

13 B. An individual shall be granted the privilege to
14 perform, or offer to perform services, without notice to the
15 board or being certified, if the individual holds a valid
16 license or permit in good standing as a certified public
17 accountant or its equivalent issued by another jurisdiction in
18 the United States; provided that the licensee, at the time of
19 licensure, was required to provide evidence of having
20 successfully completed a qualifying exam in accordance with the
21 requirements of the licensing jurisdiction.

22 C. The board may issue a certificate to a holder of
23 a [~~substantially equivalent~~] foreign designation with
24 comparable licensure requirements as determined by the board to
25 be comparable to or to exceed the education, examination and

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1 experience requirements of Paragraph (1) of Subsection A of
2 Section 61-28B-26 NMSA 1978; provided that:

3 (1) the foreign authority that granted the
4 designation makes similar provision to allow a person who holds
5 a valid certificate issued by New Mexico to obtain such foreign
6 authority's comparable designation;

7 (2) the foreign designation:

8 (a) was duly issued by a foreign
9 authority that regulates the practice of public accountancy and
10 the foreign designation has not expired or been revoked or
11 suspended;

12 (b) entitles the holder to issue reports
13 upon financial statements; and

14 (c) was issued upon the basis of
15 educational, examination and accounting experience requirements
16 established by the foreign authority or by law; and

17 (3) the applicant:

18 (a) received the designation based on
19 ~~[educational and examination standards substantially equivalent~~
20 ~~to those in effect in New Mexico]~~ comparable licensure
21 requirements at the time the foreign designation was granted;

22 (b) completed an accounting experience
23 requirement in the jurisdiction that granted the foreign
24 designation that ~~[is substantially equivalent to the~~
25 ~~requirement provided for in the 1999 Public Accountancy Act]~~

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1 has comparable licensure requirements or has completed four
2 years of professional accounting experience in New Mexico [~~or~~
3 ~~meets equivalent requirements prescribed by the board within~~
4 ~~the ten years immediately preceding the application~~]; and

5 (c) passed a uniform qualifying
6 examination on national standards and an examination on the
7 laws, rules and code of ethical conduct in effect in New Mexico
8 that is acceptable to the board.

9 D. An applicant for initial issuance or renewal of
10 a certificate pursuant to this section shall list all foreign
11 and domestic jurisdictions in which the applicant has applied
12 for or holds a designation to practice public accountancy. The
13 applicant shall also list any past denial, revocation or
14 suspension of a certificate, license or permit. An applicant
15 or certificate holder shall notify the board in writing, within
16 thirty days of the occurrence of any issuance, denial,
17 revocation or suspension of a designation or commencement of a
18 disciplinary or enforcement action by any jurisdiction.

19 E. The board has the sole authority to interpret
20 the application of the provisions of this section."

21 SECTION 5. Section 61-28B-13 NMSA 1978 (being Laws 1999,
22 Chapter 179, Section 13, as amended) is amended to read:

23 "61-28B-13. FIRM PERMITS TO PRACTICE, ATTEST EXPERIENCE,
24 PEER REVIEW.--

25 A. The board may grant or renew a permit to

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1 practice as a certified public accountant firm to an applicant
2 that demonstrates its qualifications in accordance with this
3 section.

4 B. A permit issued pursuant to this section shall
5 be required for the following:

6 (1) a firm with an office in New Mexico
7 performing attest services as defined by the 1999 Public
8 Accountancy Act;

9 (2) a firm with an office in New Mexico that
10 uses the title "CPA" or "CPA firm"; or

11 (3) a firm that does not have an office in New
12 Mexico but offers or renders attest services for a client in
13 New Mexico, except as provided in Subsection C of this section.

14 C. A firm that does not have an office in New
15 Mexico may offer or render attest services for a client in New
16 Mexico and may use the title "CPA" or "CPA firm" without a
17 permit issued pursuant to this section only if:

18 (1) the firm offers or renders the services
19 through ~~[a person with practice privileges under Section~~
20 ~~61-28B-26 NMSA 1978; provided that the firm can lawfully~~
21 ~~perform the services in the state where the person's primary~~
22 ~~place of business is located]~~ an individual that:

23 (a) holds a valid license or permit in
24 good standing as a certified public accountant or equivalent
25 issued by another jurisdiction in the United States if, at the

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1 time of licensure, the individual showed evidence of having
2 successfully completed a qualifying exam in accordance with the
3 licensing jurisdiction; and

4 (b) consents to the disciplinary
5 authority of the board;

6 (2) the firm meets the requirements of
7 Paragraph (1) of Subsection H of this section; and

8 (3) the firm meets the requirements of
9 Subsection L of this section.

10 D. A firm not subject to the requirements of
11 Subsection B or C of this section may perform other nonattest
12 professional services while using the title "CPA" or "CPA firm"
13 in New Mexico without a permit issued pursuant to this section
14 only if:

15 (1) the firm performs services through a
16 person with practice privileges pursuant to Section 61-28B-26
17 NMSA 1978; and

18 (2) the firm can lawfully perform services in
19 the state that is the firm's principal place of business.

20 E. Permits shall be issued and renewed for periods
21 of not more than two years, expiring on June 30 of the year of
22 expiration. Failure to pay the renewal fee shall be cause for
23 the board to withhold renewal of a permit without prior hearing
24 pursuant to the provisions of the Uniform Licensing Act. If
25 the renewal fee and delinquency fee are not paid within ninety

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1 days after the expiration of the permit, the permit shall be
2 subject to cancellation. A firm whose permit has been canceled
3 for failure to pay the annual renewal fee may secure
4 reinstatement of the permit upon application and payment of the
5 renewal fee and upon approval by the board.

6 F. The board shall grant or deny an application for
7 a permit no later than ninety days after the complete
8 application is filed.

9 G. If an applicant appeals the decision of the
10 board to deny a permit, the board may issue a provisional
11 permit for no longer than ninety days while the board
12 reconsiders its decision.

13 H. An applicant for initial issuance or renewal of
14 a permit shall demonstrate that:

15 (1) a simple majority of the ownership of the
16 firm, in terms of financial interests, profits, losses,
17 dividends, distributions, options, redemptions and voting
18 rights of all partners, officers, shareholders, members or
19 managers, belongs to holders of a certificate who are licensed
20 in some state. A partner, officer, shareholder, member or
21 manager, whose principal place of business is in New Mexico,
22 and who performs professional services in New Mexico, must hold
23 a valid certificate. The firm and all owners must comply with
24 the 1999 Public Accountancy Act. A person with practice
25 privileges pursuant to Section 61-28B-26 NMSA 1978 who performs

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1 services for which a permit is required pursuant to this
2 section shall not be required to obtain a certificate from New
3 Mexico pursuant to Section 61-28B-9 NMSA 1978. A firm may
4 include owners who are not certificate holders; provided that:

5 (a) the firm designates a New Mexico
6 certificate holder, or in the case of a firm that must have a
7 permit, a licensee of another state who meets the requirements
8 of Subsection A of Section 61-28B-26 NMSA 1978, who is
9 responsible for the proper registration of the firm and
10 identifies that person to the board;

11 (b) all owners who are not certificate
12 holders are active participants in the certified public
13 accountant firm or registered public accountant firm or
14 affiliated entities; and

15 (c) the firm complies with the 1999
16 Public Accountancy Act; and

17 (2) a certificate holder, or a person
18 qualifying for practice privileges pursuant to Section
19 61-28B-26 NMSA 1978, who is responsible for supervising attest
20 services or signs or authorizes someone to sign the
21 accountant's report on behalf of the firm meets the accounting
22 experience requirements set out in the professional standards
23 for such services.

24 I. An applicant for initial issuance or renewal of
25 a permit shall be required to register each office of the firm

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1 within New Mexico with the board and to show that all attest
2 services rendered in this state are under the charge of a
3 person holding a valid certificate issued pursuant to the 1999
4 Public Accountancy Act or the corresponding provision of prior
5 law or by some other state.

6 J. An applicant for initial issuance or renewal of
7 a permit shall list all foreign and domestic jurisdictions in
8 which it has applied for or holds permits as a certified public
9 accountant firm and list any past denial, revocation or
10 suspension of a permit by any jurisdiction. Each permit holder
11 or applicant shall notify the board in writing, within thirty
12 days of the occurrence of a change in the identities of
13 partners, officers, shareholders, members or managers whose
14 principal place of business is in this state, a change in the
15 number or location of offices within this state, a change in
16 the identity of the persons in charge of such offices and any
17 issuance, denial, revocation or suspension of a permit by
18 another jurisdiction.

19 K. A firm that falls out of compliance with the
20 provisions of the 1999 Public Accountancy Act due to changes in
21 firm ownership or personnel shall take corrective action to
22 bring the firm back into compliance as quickly as possible.
23 The board may grant a six-month period for a firm to take the
24 corrective action. Failure to bring the firm back into
25 compliance within six months shall result in the suspension or

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1 revocation of the firm permit.

2 L. As a condition to permit renewal, the board
3 shall require the applicant to undergo a peer review conducted
4 in accordance with board rules. The review shall include a
5 verification that a person in the firm, or a person qualifying
6 for practice privileges pursuant to Section 61-28B-26 NMSA
7 1978, who is responsible for supervising attest services and
8 signs or authorizes someone to sign the accountant's report on
9 behalf of the firm meets the accounting experience requirements
10 set out in the professional standards for the services as
11 required by the board.

12 M. If a partner, shareholder or member is a legal
13 business entity, that legal business entity must be a firm.

14 N. Attest services may only be provided by a
15 certificate holder or a member of a firm that satisfies the
16 requirements of this section and Sections 61-28B-8 and
17 61-28B-13 NMSA 1978. Attest services may not be performed by a
18 certificate holder who is a member of a firm that does not meet
19 the certificate holder's ownership requirements set forth in
20 this section."

21 SECTION 6. Section 61-28B-17 NMSA 1978 (being Laws 1999,
22 Chapter 179, Section 17, as amended) is amended to read:

23 "61-28B-17. ENFORCEMENT--UNLAWFUL ACTS.--

24 A. Except as otherwise provided in the 1999 Public
25 Accountancy Act, it is unlawful for a person to engage in

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1 practice in New Mexico unless the person is a licensee.

2 B. Except as otherwise provided in the 1999 Public
3 Accountancy Act, no person shall issue a report or financial
4 statement for a person or a governmental unit or issue a report
5 using any form of language conventionally used respecting an
6 audit or review of financial statements, unless the person
7 holds a current license or permit. The state auditor and the
8 state auditor's auditing staff are considered to be in the
9 practice of public accountancy.

10 C. With the exception of persons cited in Section
11 61-28B-18 NMSA 1978, a person who prepares a financial
12 accounting and related statements and who is not the holder of
13 a certificate or a permit under the provisions of that act
14 shall use the following statement in the transmittal letter:
15 "I (we) have prepared the accompanying financial statements of
16 (name of entity) as of (time period) and for the (time period)
17 ending (date). This presentation is limited to preparing in
18 the form of financial statements information that is the
19 representation of management (owners). I (we) have not audited
20 or reviewed the accompanying financial statements and
21 accordingly do not express an opinion or any other form of
22 assurance on them."

23 D. No person shall indicate by title, designation,
24 abbreviation, sign, card or device that the person is a
25 certified public accountant or a registered public accountant

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1 unless the person is currently certified by the board pursuant
2 to the 1999 Public Accountancy Act or is a firm currently
3 permitted by the board pursuant to that act. Unless the person
4 is a holder of a current certificate or permit, no person shall
5 use any title, initials or designation intended to or
6 substantially likely to indicate to the public that the person
7 is a certified public accountant or registered public
8 accountant.

9 E. No person shall engage in practice unless the
10 person:

11 (1) [~~the person~~] holds a valid certificate or
12 current permit; [~~or~~]

13 (2) [~~the person~~] is an employee supervised by
14 a licensee pursuant to Section 61-28B-18 NMSA 1978 and not a
15 partner, officer, shareholder or member of a firm; or

16 (3) is exempt from licensure pursuant to
17 Subparagraph (a) of Paragraph (1) of Subsection C of Section
18 61-28B-13 NMSA 1978.

19 F. No person or firm holding a certificate or
20 permit shall engage in practice using a professional or firm
21 name or designation that is misleading about the legal form of
22 the firm; provided, however, that names of one or more former
23 partners, shareholders or members may be included in the name
24 of a firm or its successors.

25 G. No person shall sell, offer to sell or

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1 fraudulently obtain or furnish any certificate or permit nor
2 shall the person fraudulently register as a certified public
3 accountant or registered public accountant or practice in this
4 state without being granted a certificate or permit as provided
5 in the 1999 Public Accountancy Act.

6 H. A licensee or the licensee's firm shall not
7 receive a commission to recommend or refer a product or service
8 to a client or to recommend to anyone else a product or service
9 to be supplied by a client during the period the licensee or
10 the licensee's firm is engaged to perform the following
11 services for that client and during the period covered by any
12 historical financial statements involved in the services:

13 (1) an audit or review of a financial
14 statement;

15 (2) a compilation of a financial statement
16 when the licensee expects or might reasonably expect that a
17 third party will use the financial statement, and the
18 compilation report does not disclose the lack of independence
19 by the licensee; or

20 (3) an examination of prospective financial
21 information.

22 I. A licensee or the licensee's firm that is not
23 prohibited from receiving a commission by Subsection H of this
24 section and that is paid or expects to be paid a commission
25 shall disclose that fact in writing to the person for whom the

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1 licensee or the licensee's firm performs a service or refers or
2 recommends a product or service. A licensee or firm that
3 accepts or pays a referral fee for a service or to obtain a
4 client shall disclose such acceptance or payment to the client
5 in writing.

6 J. A licensee or the licensee's firm shall not
7 charge or receive a contingent fee for a client for whom the
8 licensee or the licensee's firm performs the following
9 services:

10 (1) an audit or review of a financial
11 statement;

12 (2) a compilation of a financial statement
13 when the licensee expects or reasonably might expect that a
14 third party will use the financial statement and the
15 compilation report does not disclose a lack of independence;

16 (3) an examination of prospective financial
17 information; or

18 (4) preparation of an original or amended tax
19 return or claim for tax refund, except in the case of federal,
20 state or other taxes in which the findings are those of the tax
21 authorities and not those of the licensee or in the case of
22 professional services for which fees are to be fixed by courts
23 or other public authorities and that are therefore
24 indeterminate in amount at the time the professional services
25 are undertaken.

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underscored material = new
[bracketed material] = delete

1 K. No licensee shall sign or certify any financial
2 statements if the licensee knows the same to be materially
3 false or fraudulent.

4 L. For the purposes of this section, a person with
5 practice privileges pursuant to Section 61-28B-26 NMSA 1978
6 shall be [~~substantially equivalent~~] deemed to have comparable
7 licensure requirements to a certificate holder pursuant to
8 Section 61-28B-9 NMSA 1978. Terms or references that refer to
9 a certificate holder pursuant to Section 61-28B-9 NMSA 1978
10 shall include a person with practice privileges pursuant to
11 Section 61-28B-26 NMSA 1978.

12 M. For the purposes of this section, a firm
13 practicing under Subsection C or D of Section 61-28B-13 NMSA
14 1978 may perform the services specified by the applicable
15 provisions of the 1999 Public Accountancy Act and may use the
16 terms "CPA" or "CPA firm" without obtaining a permit. Terms or
17 references that refer to a firm holding a permit pursuant to
18 Subsection B of Section 61-28B-13 NMSA 1978 shall include a
19 firm practicing pursuant to Subsection C or D of Section
20 61-28B-13 NMSA 1978."

21 SECTION 7. Section 61-28B-26 NMSA 1978 (being Laws 1999,
22 Chapter 179, Section 26, as amended) is amended to read:

23 "61-28B-26. PRACTICE PRIVILEGE AND DISCIPLINE FOR A
24 CERTIFICATE HOLDER FROM [~~A STATE WHOSE ACCOUNTANCY STATUTE IS~~
25 ~~SUBSTANTIALLY EQUIVALENT~~] ANOTHER STATE OR JURISDICTION--

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[bracketed material] = delete

1 REQUIREMENTS.--

2 A. Except as provided in Subsection D of this
3 section, a person whose principal place of business is not in
4 New Mexico shall be presumed to have [~~qualifications~~
5 ~~substantially similar to New Mexico's requirements~~] met
6 comparable licensure requirements and may exercise all the
7 practice privileges of certificate holders of New Mexico
8 without the need to obtain a certificate pursuant to Section
9 61-28B-9 NMSA 1978 if the person:

10 (1) holds a valid license as a certified
11 public accountant from any state that requires, as a condition
12 of licensure, that a person

13 ~~[(a) have at least one hundred fifty~~
14 ~~semester hours of college education including a baccalaureate~~
15 ~~or higher degree conferred by a college or university~~
16 ~~acceptable to the board;~~

17 ~~(b) achieve a passing grade on the~~
18 ~~uniform certified public accountant examination; and~~

19 ~~(c) possess at least one year of~~
20 ~~experience, including providing any type of service or advice~~
21 ~~involving the use of accounting, attest, compilation,~~
22 ~~management advisory, financial advisory, tax or consulting~~
23 ~~skills, which may be obtained through government, industry,~~
24 ~~academic or public practice, all of which can be verified by a~~
25 ~~licensee] meet the education requirements pursuant to~~

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~~[bracketed material] = delete~~

1 Subsection D of Section 61-28B-8 NMSA 1978; or

2 (2) holds a valid license or permit in good
3 standing as a certified public accountant or its equivalent
4 from ~~[any state that does not meet the requirements of~~
5 ~~Paragraph (1) of Subsection A of this section, but the person's~~
6 ~~certified public accountant qualifications are substantially~~
7 ~~equivalent to those requirements. A person who passed the~~
8 ~~uniform certified public accountant examination and holds a~~
9 ~~valid license issued by any other state prior to January 1,~~
10 ~~2012 may be exempt from the education requirement in~~
11 ~~Subparagraph (a) of Paragraph (1) of this subsection] a~~
12 jurisdiction in the United States; provided that the licensee,
13 at the time of licensure, was required to provide evidence of
14 having successfully completed a qualifying exam in accordance
15 with the requirements of the licensing jurisdiction.

16 B. Notwithstanding any other provision of law, a
17 person who qualifies for the practice privilege pursuant to
18 this section may offer or render professional services whether
19 in person or by mail, telephone or electronic means, and no
20 notice, fee or other submission shall be required of the
21 person.

22 C. A person licensed in another state exercising
23 the practice privilege afforded pursuant to this section shall
24 consent, as a condition of exercising the practice privilege:

25 (1) to submit to the personal and subject-

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underscoring material = new
~~[bracketed material] = delete~~

1 matter jurisdiction and disciplinary authority of the board;

2 (2) to comply with the 1999 Public Accountancy
3 Act and the rules adopted by the board;

4 (3) to cease offering or rendering
5 professional attest services in New Mexico in the event the
6 license from the state of the person's principal place of
7 business is no longer valid; and

8 (4) to the appointment of the state board that
9 issued the license as agent upon whom process may be served in
10 any action or proceeding by the New Mexico public accountancy
11 board against the licensee.

12 D. A person who qualifies for the practice
13 privileges pursuant to this section and who performs an attest
14 service shall meet the requirements of Section 61-28B-11 NMSA
15 1978.

16 E. A certificate or permit holder of New Mexico
17 that offers or renders an attest service or uses its certified
18 public accountant title in another state shall be subject to
19 disciplinary action in New Mexico for an act committed in
20 another state for which it would be subject to discipline in
21 the other state. The board shall investigate any complaint
22 made by the board of accountancy in another state in accordance
23 with the provisions of the 1999 Public Accountancy Act."

24 **SECTION 8.** Section 61-28B-27 NMSA 1978 (being Laws 1999,
25 Chapter 179, Section 27, as amended) is amended to read:

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1 "61-28B-27. FEES.--Except as provided in Section 61-1-34
2 NMSA 1978 and Subsection B of Section 61-28B-11 NMSA 1978, the
3 board may collect from certificate holders, permit holders,
4 applicants and others the following fees:

5 A. for examination, a fee not to exceed four
6 hundred dollars (\$400) per examination section;

7 B. for certificate issuance or renewal, a fee not
8 to exceed one hundred seventy-five dollars (\$175) per year;
9 provided, however, that the board may charge a biennial fee of
10 not more than twice the annual fee;

11 C. for firm permits, a fee not to exceed one
12 hundred dollars (\$100) per year; provided, however, that the
13 board may charge a biennial fee of not more than twice the
14 annual fee;

15 D. for incomplete or delinquent continuing
16 education reports, certificate or permit renewals, a fee not to
17 exceed one hundred dollars (\$100) each;

18 E. for preparing and providing licensure and
19 examination information to others, a fee not to exceed seventy-
20 five dollars (\$75.00) per report;

21 F. reasonable administrative fees for such services
22 as research, record copies, duplicate or replacement
23 certificates or permits;

24 G. a fee for fingerprinting and background check
25 for an applicant for certification not to exceed one hundred

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underscoring material = new
~~[bracketed material] = delete~~

1 dollars (\$100);

2 H. for certificate reinstatement, a fee not to
3 exceed one hundred seventy-five dollars (\$175), plus past due
4 fees and penalties;

5 I. for waiver to comply with continuing
6 professional education requirements, a fee not to exceed
7 seventy-five dollars (\$75.00) per application; and

8 J. for reentry into active certificate status and
9 to comply with continuing education, a fee not to exceed
10 seventy-five dollars (\$75.00) per application."

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