

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 48 PRIVATE LAW ENFORCEMENT PRACTITIONERS
PART 3 STANDARDS OF PRACTICE

16.48.3.1 ISSUING AGENCY: Regulation and Licensing Department [~~Private Investigations Advisory Board.~~]

[16.48.3.1 NMAC - Re-pr, 16.48.3.1 NMAC, 09/24/08]

16.48.3.2 SCOPE: All individuals and business entities registered and licensed under the Private Investigations Act.

[16.48.3.2 NMAC - Re-pr, 16.48.3.2 NMAC, 09/24/08]

16.48.3.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Private Investigations Act, Section 61-27B-5,

[16.48.3.3 NMAC - Re-pr, 16.48.3.3 NMAC, 09/24/08]

16.48.3.4 DURATION: Permanent

[16.48.3.4 NMAC - Re-pr, 16.48.3.4 NMAC, 09/24/08]

16.48.3.5 EFFECTIVE DATE: September 24, 2008 unless a later date is cited in the history note at the end of a section.

[16.48.3.5 NMAC - Re-pr & A, 16.48.3.5 NMAC, 09/24/08]

16.48.3.6 OBJECTIVE: To establish uniform standards of practice.

[16.48.3.6 NMAC - Re-pr, 16.48.3.6 NMAC, 09/24/08]

16.48.3.7 DEFINITIONS: Refer to 16.48.1.7 NMAC

[16.48.3.7 NMAC - Re-pr, 16.48.3.7 NMAC, 09/24/08]

16.48.3.8 INTERVIEW OF APPLICANTS: At the discretion of the department, any applicant for license or registration may be required to present himself for interview prior to approval of his application.

[16.48.3.8 NMAC - Re-pr, 16.48.3.8 NMAC, 09/24/08]

16.48.3.9 ALCOHOLIC BEVERAGES:

A. Any uniformed registrant or licensee shall not consume alcoholic beverages or controlled substances while on duty.

B. When not in uniform, any registrant or licensee, while on duty, shall not consume alcoholic beverages or any controlled substance [~~in such a manner as to adversely affect his performance under the capacity for which license or registration is issued.~~].

[16.48.3.9 NMAC - Re-pr, 16.48.3.9 NMAC, 09/24/08, xx/xx/21]

16.48.3.10 DEPUTY SHERIFF COMMISSIONS:

A. No licensee subject to the Private Investigators Act shall require any employee, as a condition or requirement of the employee's hiring or continued employment, to obtain a deputy sheriff's commission from any county sheriff, or to obtain a similar commission from any federal, state or local law enforcement agency.

B. No licensee subject to the Private Investigators Act nor any of [~~his~~] their employees shall, during the pursuit of [~~his~~] their licensed activities, display any deputy sheriff's or similar commission or badge issued pursuant to that commission in a manner likely to cause confusion between the licensed business and any city, local, federal or state police organization, or any branch of the United States military.

[16.48.3.10 NMAC - Re-pr, 16.48.3.10 NMAC, 09/24/08, xx/xx/21]

16.48.3.11 FICTITIOUS NAMES AND TITLES:

A. Fictitious names under which licensees conduct businesses shall not contain words which may foster confusion with city, local, state or federal law enforcement agencies, such as "police".

B. The terms, "police", "sheriff", "peace officer", or "law enforcement", shall not be used as part of any business name and shall not be displayed or used on business cards, stationary, advertisements, badges,

uniforms, emblems, insignia or identification. No person licensed or required to be licensed under this act shall in any way give the impression that ~~he is~~ they are connected with the federal government, state government or any political subdivision of a state government.

[16.48.3.11 NMAC - Re-pr, 16.48.3.11 NMAC, 09/24/08, xx/xx/21]

16.48.3.12 UNIFORMS, INSIGNIA, AND BADGES:

A. Uniforms worn by a registrant or licensee shall be of such design as not to be confused with uniforms worn by city, local or state police, or by any branch of the United States military. Insignia attached to the uniform of any registrant or licensee shall be of such design and placed in such manner as not to be confused with insignia attached to uniforms worn by city, local or state police, or by any branch of the United States military. A badge may be worn by a registrant or licensee only while such individual is in uniform and on duty.

B. A patch, at least 2 1/2" x 1/2", entitled "SECURITY" will be worn on the left upper sleeve.

C. An identifiable plate showing the name of the individual and the company will be worn by all uniformed personnel. Such identification will be placed on the individual's outermost garment and be clearly visible at all times.

D. All private patrol operators and company licensees shall furnish the department a complete description of their uniform and shall furnish full length color photographs of the front and each side view of the uniform. All photographs must be clear and legible and shall accurately depict the uniform. A printed form, furnished by the department, shall be submitted describing those features deemed pertinent.

[16.48.3.12 NMAC - Re-pr, 16.48.3.12 NMAC, 09/24/08]

HISTORY OF 16.48.3 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

AG 68-1 (Rule No. IV), Private Patrol Operator Licenses, filed 4-3-68.

AG 68-2 (Rule No. V), Private Investigator Licenses, filed 4-3-68.

AG 69-2 (Rule No. VII), Private Investigators Licenses: Titles, filed 9-17-69.

AG 70-2 (Rule No. VII), Private Investigators: Fictitious Names and Titles, filed 8-20-70.

AG 69-3 (Rule No. VIII), Private Investigator Licenses: Interview of Applicant, filed 9-17-69.

AG 70-3 (Rule No. VIII), Private Investigators: Interview of Applicant, filed 8-20-70.

AG 70-5 (Rule No. X, Private Investigators: Alcohol Beverages, filed 8-20-70.

AG 70-7 (Rule No. XII), Private Investigators: Deputy Sheriff Commissions, filed 11-19-70.

AG 70-8 (Rule NO. XIII), Private Investigators: Cessation of Licensed Business, filed 11-19-70

NMLEA Rule #30, Bureau of Private Investigators: Rules and Regulations, filed 4-24-81.

NMLEA B/PI Rule #1, Bureau of Private Investigators: Rules and Regulations, filed 11-4-83.

History of Repealed Material:

NMLEA B/PI Rule #1 (filed 11/04/1983), repealed 3/7/08.

This rule expired on July 5, 2008 which was 120 days after its emergency filing on March 7, 2008. The Uniform Licensing Act (Subsection A of Section 61-1-30 NMSA 1978) stipulates that emergency rules cannot remain in effect for more than 120 days unless they are replaced by permanent rules.

Other History:

Those applicable portions of NMLEA B/PI Rule #1 (filed 11/04/1983) was renumbered, reformatted, and replaced by 16.48.3 NMAC, Standards of Practice, effective 3/7/08.

16.48.3 NMAC, Standards of Practice (filed 3/7/08) was replaced by 16.48.3 NMAC, Standards of Practice, effective 09/24/08.