



NEW MEXICO PHOTOGRAPHERS LICENSING BOARD

PHONE 983-3440

P. O. Box 1034

SANTA FE, NEW MEXICO

August 29, 1963

Miss Laura Gilpin
409 Camino del Monte Sol
Box 1173, Santa Fe, N.M.

Dear Miss Gilpin:

This letter will acknowledge your Application for Certificate to Practice Photography in New Mexico and will constitute a temporary approval of your Application until the next meeting of the Board at which time your Application will be given formal consideration for approval.

Meanwhile, we are enclosing herewith a reprint of Section 8 of the Act, relating to unlawful trade practices, and a complete transcript of this legislation.

Please post this letter in a conspicuous place or keep it available at all times.

Yours very truly,

Gar Packard
Executive Secretary



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Chapter 255, Laws of 1963

SECTION 8. UNLAWFUL TRADE PRACTICES

A. It is unlawful for any person, company, corporation, business, or any of their agents in the practice of photography to make any representation or exhibit any samples which have the capacity or tendency to deceive prospective purchasers in regard to:

- (1) the size, quality, finish, workmanship or price of any photographic product or service;
- (2) the nature, type, or volume of his business;
- (3) the status or affiliation of his business or the training, skill, reputation and experience of himself or any of his employees;
- (4) the equipment or methods used;
- (5) the possible exhibition of photographs proposed to be taken or sold;
- (6) a contest of any type or description, which is held in connection with or influenced by the purchase of merchandise or services;
- (7) limitations on dates or quantities of purchases, or on the number of prospective purchasers who will be allowed to purchase; and
- (8) conditions or limitations on any guarantee or warranty.

B. Any person committing any unlawful trade practice is guilty of a misdemeanor.

NOTICE: It is unlawful after July 1, 1963, for any person to practice without a Certificate issued by the board. The fee for issuing each Certificate to practice is twenty dollars (\$20). Each Certificate to practice shall expire June 30 of each year. The Certificate must be renewed on or before the expiration date. The fee for a renewal Certificate is five dollars (\$5.00).

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SECTION 2. Definitions as used in this Act.

A. "photography" means the process of projecting and registering images by means of lens, camera and light upon sensitized materials and surfaces.

B. "practice" means to take photographs for hire, practice does not include, however, taking or producing motion pictures or photographs to be used primarily or exclusively in theater exhibition or television broadcasting, for appearance in newspapers, magazines, books, x-ray pictures, blue prints, photostatic copies, pictures taken for clinical purposes by physicians or dental practitioners, pictures taken by a person in the employ of schools, colleges or institutions solely for the use of the school for educational or scientific purposes.

SECTION 7. Unlawful to practice without a license.

It is unlawful after July 1, 1963 for any person to practice photography without a certificate issued by the board and anyone convicted of practicing without a certificate is guilty of a misdemeanor.

AN ACT RELATING TO PHOTOGRAPHY; DEFINING AND REGULATING THE PRACTICE THEREOF; PROVIDING CERTIFICATES; CREATING A PHOTOGRAPHERS LICENSING BOARD; PROHIBITING CERTAIN MISREPRESENTATION AND DECEPTIONS IN THE INDUSTRY; PROVIDING PENALTIES.

NEW MEX. SENATE BILL NO. 294; Approved March 21, 1963

Section 1. SHORT TITLE. - This act may be cited as the "Photographers Licensing Act".

Section 2. DEFINITIONS. - As used in this act:

A. "photography" means the process of projecting and registering images by means of lens, camera and light upon sensitized materials and surfaces.

B. "practice" means to take photographs for hire, practice does not include, however, taking or producing motion pictures or photographs to be used primarily or exclusively in theater exhibition or television broadcasting, for appearance in newspapers, magazines, books, x-ray pictures, blueprints, photostatic copies, pictures taken for clinical purposes by physicians or dental practitioners, pictures taken by a person in the employ of schools, colleges or institutions solely for the use of the school for educational or scientific purposes.

Section 3. CREATION OF BOARD.- The photographers licensing board is created. The board shall consist of five members to be appointed by the governor. Four members of the board shall be practicing photographers who have been practicing and resident in this state for not less than five years prior to appointment. One member of the board shall be a resident of the state not practicing photography. The original board shall be appointed for terms which will be staggered so that the term of one member expires on July 1 of each year. Thereafter appointments shall be for five years in such manner that one term will expire on July 1 of each year.

Section 4. ORGANIZATION - MEETING.- The board shall meet within thirty days after the appointment of the members and elect one of its members as president, one as vice president and one as secretary-treasurer. Officers shall be elected for one year terms, ending on July 1 each year. The board shall meet at least twice a year and as often and at such places as it may deem necessary.

Section 5. FUNDS - REIMBURSEMENT OF BOARD MEMBERS.- The secretary-treasurer shall transmit to the state treasurer all fees or other revenue received by the board. The state treasurer shall place five percent of the amount received into the general fund, and the remainder in a separate fund to be known as the "photographers license fund" to be used to defray the expenses of the board and in carrying out the purposes of this act.

The board shall never incur any expense or approve any claim in excess of the balance therein, nor shall any warrant be issued against the fund in excess of the balance.

Each member of the board shall receive per diem and mileage as provided in the Per Diem and Mileage Act, and shall receive no other compensation, perquisite or allowance.

Section 6. CERTIFICATES - FEES.- The board shall issue a certificate to practice photography to each person applying for such license unless that person has been convicted of a felony and not restored to civil rights, or has been, within the last three years, convicted of a violation of the Photographers Licensing Act. The fee for issuing of a certificate to practice is twenty dollars (\$20.00). Each certificate to practice shall expire on June 30 of each year. The certificate must be renewed on or before the expiration date. The fee for a renewal certificate is five dollars (\$5.00).

The board may suspend a certificate to practice only for conviction of a felony or conviction of a violation of this act.

Section 7. UNLAWFUL TO PRACTICE WITHOUT LICENSE.- It is unlawful after July 1, 1963, for any person to practice photography without a certificate issued by the board and anyone convicted of practicing without a certificate is guilty of a misdemeanor.

Section 8. UNLAWFUL TRADE PRACTICES.-

A. It is unlawful for any person, company, corporation, business, or any of their agents in the practice of photography to make any representation or exhibit any samples which have the capacity or tendency to deceive prospective purchasers in regard to:

- (1) the size, quality, finish, workmanship or price of any photographic product or service;
- (2) the nature, type or volume of his business;
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- (5) the possible exhibition of photographs proposed to be taken or sold;
- (6) a contest of any type or description, which is held in connection with or influenced by the purchase of merchandise or services;
- (7) limitations on dates or quantities of purchases, or on the number of prospective purchasers who will be allowed to purchase; and
- (8) conditions or limitations or any guarantee or warranty.

B. Any person committing any unlawful trade practice described in this section is guilty of a misdemeanor.

Section 9. SEVERABILITY.- If any part or application of this act is held invalid, the remainder of the act, or its application to other situations or persons, shall not be affected.

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