

DPS'S ADJUSTMENT STATEMENT FOR 10.8.2.15(A)(4) NMAC AND 10.8.2.21(D)(1) NMAC
POST OCTOBER 14, 2025, PUBLIC COMMENT HEAIRNG

Post-Hearing Harmonization of Reinstatement Fee (10.8.2.15(A)(4); 10.8.2.21(D)(1)):

During the October 14, 2025, public comment hearing, DPS identified an internal inconsistency in the noticed rule text: Subsection 10.8.2.15(A)(4) NMAC referenced a \$5 reinstatement fee, while Subsection 10.8.2.21(D)(1) NMAC referenced \$25. To ensure uniform administration, avoid confusion to the public, and for consistency with current agency fees, DPS will adopt a single \$10 reinstatement fee in both provisions in the final rule. Both sections were opened in this rulemaking; stakeholders could reasonably anticipate fee-language adjustments. The change resolves a conflict revealed on the record, remains within the subject matter noticed (reinstatement requirements and fees), and reduces the higher noticed fee while maintaining the lower existing amount.

Accordingly, the amendment falls within the scope of the current rulemaking under 1.24.25.14(C); reasons for this change are to be provided pursuant to 1.24.25.14(F)(6) (The concise explanatory statement shall include reasons for changes between the published proposed and final rule).

Post-Hearing Clarification Statement — 10.8.2.15(A)(4) NMAC (Refresher vs. Renewal Training)

After the Oct. 14, 2025, public comment hearing, DPS identified a drafting inconsistency in the *published proposed* text of § 10.8.2.15(A)(4) NMAC. The sentence describing grounds for suspension referred to a **four-hour renewal course**; however, the statute requires completion of a **two-hour refresher course** two years after issuance of an original or renewed license. See NMSA 1978, § 29-19-6(H) (“A licensee shall complete a two-hour refresher firearms training course two years after the issuance of an original or renewed license”).

Existing § 10.8.2.15(A)(4) already ties suspension to non-compliance with “refresher course requirements.” In the adopted final Rule, DPS will restore that phrasing and add the descriptor “two-hour” to track § 29-19-6(H) and provide clarity to the public. No change to the subject matter or obligations is introduced; this is a conforming correction to align rule text with the governing statute.

This amendment falls within the scope of the current rulemaking because it (i) concerns the same subsection opened for amendment, (ii) corrects a drafting error by conforming to

NMSA 1978, § 29-19-6(H), and (iii) does not impose a materially different effect than what commenters could reasonably anticipate from the noticed changes. See 1.24.25.14(C) NMAC.

DPS submits this adjustment statement for inclusion in the rulemaking record. See 1.24.25.14(C) NMAC (An agency may amend the proposed rule. Amendments to the proposed rule must fall within the scope of the current rulemaking proceeding.) and 1.24.25.14(F)(6) NMAC (The concise explanatory statement shall include reasons for changes between the published proposed and final rule).

I. The proposed **new language** of 10.8.2.15(A)(4) NMAC will be:

“A. ~~[Alt]~~ New Mexico ~~[residents]~~ resident applicants must attend a department approved firearms training course taught by a department approved instructor unless ~~[he or she received the license by transfer of an out of state license]~~ the applicant is on active military status, a military veteran who is within 20 years of separation from the military, an active peace officer, or a peace officer who is less than 10 years separated from a law enforcement agency.”... (4) The department may suspend a license if the licensee does not comply with the two-hour refresher course requirements. Upon compliance, the licensee shall submit a ~~[\$5]~~ \$10 reinstatement fee.”

II. The Draft Amendment language circulated of 10.8.2.15(A)(4) NMAC is:

“A. ~~[Alt]~~ New Mexico ~~[residents]~~ resident applicants must attend a department approved firearms training course taught by a department approved instructor unless ~~[he or she received the license by transfer of an out of state license]~~ the applicant is on active military status, a military veteran who is within 20 years of separation from the military, an active peace officer, or a peace officer who is less than 10 years separated from a law enforcement agency.”... (4) The department may suspend a license if the licensee does not comply with the ~~[refresher]~~ four-hour renewal course requirements. Upon compliance, the licensee shall submit a \$5 reinstatement fee.”

III. The proposed **new language** of 10.8.2.21(D)(1) NMAC will be:

“D. (1) The department ~~[may]~~ shall suspend a license ~~[when]~~ while the outcome of a disqualifying matter is pending. Suspended licenses may be reinstated when suspension was due to a rule violation, from an arrest/charge and the final court disposition shows no

conviction. A two-page application, with final disposition and \$10 reinstatement fee must be submitted; additional training not required. The licensee may file an application to reapply for concealed carry license [~~renew the license~~] upon expiration of the term of suspension with submittal of a new application.”

IV. The Draft Amendment language circulated of 10.8.2.21(D)(1) NMAC is:

“D. (1) The department [~~may~~] shall suspend a license [~~when~~] while the outcome of a disqualifying matter is pending. Suspended licenses may be reinstated when suspension was due to a rule violation, from an arrest/charge and the final court disposition shows no conviction. A two-page application, with final disposition and \$25 fee must be submitted; additional training not required. The licensee may file an application to reapply for concealed carry license [~~renew the license~~] upon expiration of the term of suspension with submittal of a new application.”