

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 221

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

INTRODUCED BY

Pat Woods and Gabriel Ramos

AN ACT

RELATING TO INSURANCE; AMENDING THE NEW MEXICO INSURANCE CODE TO DEFINE AND PROHIBIT AN ADDITIONAL UNFAIR CLAIMS PRACTICE.

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

SECTION 1. Section 59A-16-20 NMSA 1978 (being Laws 1984, Chapter 127, Section 286, as amended) is amended to read:

"59A-16-20. UNFAIR CLAIMS PRACTICES DEFINED AND PROHIBITED.--Any [~~and all~~] of the following practices with respect to claims, by an insurer or other person, knowingly committed or performed with such frequency as to indicate a general business practice are defined as unfair and deceptive practices and are prohibited:

A. misrepresenting to insureds pertinent facts or policy provisions relating to coverages at issue;

B. failing to acknowledge and act reasonably

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

1 promptly upon communications with respect to claims from
2 insureds arising under policies;

3 C. failing to adopt and implement reasonable
4 standards for the prompt investigation and processing of
5 insureds' claims arising under policies;

6 D. failing to affirm or deny coverage of claims of
7 insureds within a reasonable time after proof of loss
8 requirements under the policy have been completed and submitted
9 by the insured;

10 E. not attempting in good faith to effectuate
11 prompt, fair and equitable settlements of an insured's claims
12 in which liability has become reasonably clear;

13 F. failing to settle all catastrophic claims within
14 a ninety-day period after the assignment of a catastrophic
15 claim number when a catastrophic loss has been declared;

16 G. compelling insureds to institute litigation to
17 recover amounts due under policy by offering substantially less
18 than the amounts ultimately recovered in actions brought by
19 such insureds when such insureds have made claims for amounts
20 reasonably similar to amounts ultimately recovered;

21 H. attempting to settle a claim by an insured for
22 less than the amount to which a reasonable person would have
23 believed ~~[he]~~ the insured was entitled by reference to written
24 or printed advertising material accompanying or made part of an
25 application;

.229529.1SA

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

1 I. attempting to settle claims on the basis of an
2 application that was altered without notice to, or knowledge or
3 consent of, the insured ~~[his]~~ or the insured's representative,
4 agent or broker;

5 J. failing, after payment of a claim, to inform
6 insureds or beneficiaries, upon request by them, of the
7 coverage under which payment has been made;

8 K. making known to insureds or claimants a practice
9 of insurer of appealing from arbitration awards in favor of
10 insureds or claimants for the purpose of compelling them to
11 accept settlements or compromises less than the amount awarded
12 in arbitration;

13 L. delaying the investigation or payment of claims
14 by requiring an insured, a claimant or the physician of either
15 to submit a preliminary claim report and then requiring the
16 subsequent submission of formal proof of loss forms, both of
17 which submissions contain substantially the same information;

18 M. failing to settle an insured's claims promptly
19 where liability has become apparent under one portion of the
20 policy coverage in order to influence settlement under other
21 portions of the policy coverage;

22 N. failing to promptly provide an insured a
23 reasonable explanation of the basis relied on in the policy in
24 relation to the facts or applicable law for denial of a claim
25 or for the offer of a compromise settlement; ~~[or]~~

.229529.1SA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

O. violating a provision of the Domestic Abuse Insurance Protection Act; or

P. considering an insured's inquiry relating to damage or loss as a claim when the facts of the inquiry are not covered in the policy, the insurer makes no payment to or on behalf of the insured and the claim does not involve deceptive practices on the part of the insured."

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