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SENATE BILL 159

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Joseph Cervantes

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; PROVIDING FOR RECIPROCAL ATTORNEY FEE AWARD  
PROVISIONS IN CERTAIN CIVIL CASES.

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

**SECTION 1. ATTORNEY FEES--RECIPROCAL RIGHT TO RECOVER  
ATTORNEY FEES.--**

A. A court may award reasonable attorney fees as  
part of the costs to a party that prevails in any civil action  
that is:

(1) based on any promissory note, written  
contract or other writing if the provisions of the promissory  
note, written contract or other writing allow at least one  
party to recover attorney fees; and

(2) commenced on or after July 1, 2014.

B. As used in this section, "writing" does not

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

underscoring material = new  
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1 include the provisions of a constitution, statute, rule,  
2 regulation, order, judgment, decree, ordinance, code or similar  
3 promulgation, however denominated.

4 C. A waiver, release or relinquishment of a right  
5 conferred pursuant to this section, executed on or after July  
6 1, 2014, is void, unless it is executed as part of a complete  
7 settlement of a bona fide dispute.

8 D. This section declares the public policy of New  
9 Mexico.

10 SECTION 2. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2014.