

1 SENATE BILL 124

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO THE OFFICE OF SUPERINTENDENT OF INSURANCE;
12 PROVIDING THE POWER TO ISSUE A CIVIL INVESTIGATIVE SUBPOENA TO
13 THE SUPERINTENDENT OF INSURANCE; PROVIDING PROCEDURES TO COMPEL
14 COMPLIANCE WITH SUCH A SUBPOENA.

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

17 SECTION 1. Section 59A-2-8 NMSA 1978 (being Laws 1984,
18 Chapter 127, Section 26, as amended) is amended to read:

19 "59A-2-8. GENERAL POWERS AND DUTIES OF SUPERINTENDENT.--

20 A. The superintendent shall:

21 (1) organize and manage the office of
22 superintendent of insurance and direct and supervise all its
23 activities;

24 (2) execute the duties imposed upon the
25 superintendent by the Insurance Code;

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1 (3) enforce those provisions of the Insurance
2 Code that are administered by the superintendent;

3 (4) have the powers and authority expressly
4 conferred by or reasonably implied from the provisions of the
5 Insurance Code;

6 (5) conduct such examinations and
7 investigations of insurance matters, in addition to those
8 expressly authorized, as the superintendent may deem proper
9 upon reasonable and probable cause to determine whether a
10 person has violated a provision of the Insurance Code or to
11 secure information useful in the lawful enforcement or
12 administration of the provision; provided that:

13 (a) when examining or investigating such
14 insurance matters, the superintendent may issue a civil
15 investigative subpoena prior to the issuance of a notice of
16 contemplated action; and provided further that the authority to
17 issue a specific civil investigative subpoena pursuant to this
18 subparagraph may be delegated to staff; and

19 (b) upon failure of a person without
20 lawful excuse to obey a subpoena and upon reasonable notice to
21 all persons affected, the enforcing authority may apply to the
22 district court for an order compelling compliance;

23 (6) have the power to sue or be sued;

24 (7) have the power to make, enter into and
25 enforce all contracts, agreements and other instruments

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1 necessary, convenient or desirable in the exercise of the
2 superintendent's powers and functions and for the purposes of
3 the Insurance Code;

4 (8) prepare an annual budget for the office of
5 superintendent of insurance;

6 (9) have the right to require performance
7 bonds of employees as the superintendent deems necessary
8 pursuant to the Surety Bond Act. The office of superintendent
9 of insurance shall pay the cost of required bonds;

10 (10) comply with the provisions of the
11 Administrative Procedures Act;

12 (11) upon an order based upon the invocation
13 of a state of emergency under the All Hazard Emergency
14 Management Act or the Public Health Emergency Response Act by
15 the governor, take those actions necessary to ensure access to
16 insurance and the stability of insurance markets during the
17 emergency. Such actions may include issuing emergency rules or
18 orders to address any or all of the following matters related
19 to insurance policies issued in New Mexico:

20 (a) grace periods for payment of
21 insurance premiums and performance of other duties by insureds;

22 (b) refund of premiums;

23 (c) waiver of cost sharing or
24 deductibles;

25 (d) temporary postponement of

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1 cancellations and nonrenewals;

2 (e) reporting requirements for claims;

3 and

4 (f) suspension of compliance with a
5 statute, rule or contract, if strict compliance would prevent,
6 hinder or delay necessary action in response to the emergency;

7 and

8 (12) have such additional powers and duties as
9 may be provided by other laws of this state.

10 B. If a state of emergency under the All Hazard
11 Emergency Management Act or the Public Health Emergency
12 Response Act is invoked by the governor, and the superintendent
13 issues emergency rules or orders to address matters related to
14 insurance policies issued in New Mexico, each emergency rule or
15 order:

16 (1) shall specify, by line of insurance:

17 (a) the geographic area in which the
18 order applies; and

19 (b) the dates on which the order becomes
20 effective and terminates; and

21 (2) shall not:

22 (a) apply retroactively;

23 (b) apply outside the geographic area
24 designated in the governor's order; or

25 (c) extend beyond the end date of the

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governor's order."

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