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AN ACT

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

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

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

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

A. The superintendent shall:

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

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

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

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

(5) conduct such examinations and  
investigations of insurance matters, in addition to those  
expressly authorized, as the superintendent may deem proper

1 upon reasonable and probable cause to determine whether a  
2 person has violated a provision of the Insurance Code or to  
3 secure information useful in the lawful enforcement or  
4 administration of the provision; provided that:

5 (a) when examining or investigating  
6 such insurance matters, the superintendent may issue a civil  
7 investigative subpoena prior to the issuance of a notice of  
8 contemplated action; and

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

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

14 (7) have the power to make, enter into and  
15 enforce all contracts, agreements and other instruments  
16 necessary, convenient or desirable in the exercise of the  
17 superintendent's powers and functions and for the purposes of  
18 the Insurance Code;

19 (8) prepare an annual budget for the office  
20 of superintendent of insurance;

21 (9) have the right to require performance  
22 bonds of employees as the superintendent deems necessary  
23 pursuant to the Surety Bond Act. The office of  
24 superintendent of insurance shall pay the cost of required  
25 bonds;

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

3 (11) upon an order based upon the invocation  
4 of a state of emergency under the All Hazard Emergency  
5 Management Act or the Public Health Emergency Response Act by  
6 the governor, take those actions necessary to ensure access  
7 to insurance and the stability of insurance markets during  
8 the emergency. Such actions may include issuing emergency  
9 rules or orders to address any or all of the following  
10 matters related to insurance policies issued in New Mexico:

11 (a) grace periods for payment of  
12 insurance premiums and performance of other duties by  
13 insureds;

14 (b) refund of premiums;

15 (c) waiver of cost sharing or  
16 deductibles;

17 (d) temporary postponement of  
18 cancellations and nonrenewals;

19 (e) reporting requirements for claims;  
20 and

21 (f) suspension of compliance with a  
22 statute, rule or contract, if strict compliance would  
23 prevent, hinder or delay necessary action in response to the  
24 emergency; and

25 (12) have such additional powers and duties

1 as may be provided by other laws of this state.

2 B. If a state of emergency under the All Hazard  
3 Emergency Management Act or the Public Health Emergency  
4 Response Act is invoked by the governor, and the  
5 superintendent issues emergency rules or orders to address  
6 matters related to insurance policies issued in New Mexico,  
7 each emergency rule or order:

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

9 (a) the geographic area in which the  
10 order applies; and

11 (b) the dates on which the order  
12 becomes effective and terminates; and

13 (2) shall not:

14 (a) apply retroactively;  
15 (b) apply outside the geographic area  
16 designated in the governor's order; or

17 (c) extend beyond the end date of the  
18 governor's order."

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