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SENATE BILL 254

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

ELIZABETH T. STEFANICS

AN ACT

CREATING AN AUTOMOBILE INSURANCE TASK FORCE; MAKING AN
APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. ~~AUTOMOBILE INSURANCE TASK FORCE CREATED--~~
~~TERMINATION.~~ --There is created a task force which shall be known
as the "automobile insurance task force". The task force shall
function from the date of its appointment until the first day of
December prior to the first session of the forty-third
legislature.

Section 2. ~~MEMBERSHIP--APPOINTMENT--VACANCIES.~~ --

A. The automobile insurance task force shall be
composed of seventeen voting members, including four legislative
members. Two members of the house of representatives, one from
each of the two major political parties represented in the

1 house, shall be appointed by the speaker of the house of
2 representatives and two members of the senate, one from each of
3 the two major political parties represented in the senate, shall
4 be appointed by the committees' committee of the senate or, if
5 the senate appointment is made in the interim, by the president
6 pro tempore of the senate after consultation with and agreement
7 of a majority of the members of the committees' committee.

8 B. Vacancies on the task force shall be filled by
9 appointment in the same manner as the original appointments.
10 The chairman and vice chairman of the task force shall be
11 appointed by the speaker of the house of representatives and the
12 president pro tempore of the senate.

13 C. The additional thirteen voting members shall be:

14 (1) the three state corporation commissioners
15 or their designees;

16 (2) the director of the motor vehicle division
17 of the taxation and revenue department;

18 (3) a metropolitan or magistrate court judge
19 appointed by the chief justice of the supreme court;

20 (4) the secretary of public safety or his
21 designee;

22 (5) the attorney general or his designee;

23 (6) two public members to represent consumer
24 interests, one appointed by the speaker of the house of
25 representatives and one appointed by the president pro tempore

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1 of the senate;

2 (7) two lawyers representing the interests of
3 trial lawyers, one appointed by the speaker of the house of
4 representatives and one appointed by the president pro tempore
5 of the senate; and

6 (8) two representatives of the interests of the
7 automobile insurance industry, one appointed by the speaker of
8 the house of representatives and one appointed by the president
9 pro tempore of the senate.

10 D. The public members shall be paid per diem and
11 mileage in accordance with the provisions of the Per Diem and
12 Mileage Act.

13 Section 3. DUTIES. --

14 A. After its appointment, the automobile insurance
15 task force shall hold one organizational meeting to develop a
16 work plan and budget for the ensuing interim. The work plan and
17 budget shall be submitted to the New Mexico legislative council
18 for approval.

19 B. Upon approval of the work plan and budget by the
20 legislative council, the task force shall examine the statutes,
21 constitutional provisions, regulations, court decisions and
22 practices governing automobile insurance in New Mexico and
23 elsewhere and recommend legislation or changes if any are found
24 to be necessary to the first session of the forty-third
25 legislature. The task force shall seek in its study to

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1 determine why automobile insurance rates are at the level they
2 are in New Mexico; investigate whether, and if so, why those
3 rates are disproportionately high; assess what options are
4 reasonably available to lower the rates; determine what
5 percentage of New Mexicans are uninsured, and what options may
6 be pursued to decrease that percentage; consider what options
7 are in general available to address automobile insurance
8 problems in New Mexico, including the advantages and
9 disadvantages of each; address concerns about competition in the
10 marketplace, fraudulent practices and their impact on rates; and
11 review how enforcement of effective automobile insurance laws
12 can be achieved, including consideration of effective methods
13 working in other states.

14 Section 4. REPORT.--The automobile insurance task force
15 shall make a report of its findings and recommendations for the
16 consideration of the first session of the forty-third
17 legislature. The report and suggested legislation shall be made
18 available on or before December 1, 1996 to the New Mexico
19 legislative council, the legislative finance committee and any
20 appropriate interim committee with jurisdiction over court or
21 insurance matters.

22 Section 5. STAFF.--The staff for the automobile insurance
23 task force shall be provided by the legislative council service,
24 and the staff of the department of insurance, the state
25 corporation commission and other state agencies shall provide

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1 assistance as requested. The legislative council service, at
2 the direction of the task force, may hire additional staff as
3 necessary and contract with experts to assist the task force in
4 carrying out its tasks.

5 Section 6. APPROPRIATION.--For the purpose of paying the
6 salaries and expenses of the technical, professional, legal,
7 clerical and stenographic assistants; for necessary equipment
8 and supplies used in carrying out the provisions of this act;
9 and for reimbursing the per diem and mileage expenses of the
10 automobile insurance task force, there is appropriated to the
11 legislative council service from the general fund the sum of
12 fifty thousand dollars (\$50,000). All or any part of this
13 appropriation may be expended in fiscal years 1996 and 1997, and
14 any unexpended or unencumbered balance remaining at the end of
15 fiscal year 1997 shall revert to the general fund. Payments
16 from the appropriation shall be made upon vouchers signed by the
17 director of the legislative council service or his authorized
18 representative.

19 Section 7. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect immediately.

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996
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5 JANUARY 25, 1996
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7 Mr. Presi dent:
8

9 Your COMMI TTEES' COMMI TTEE, to whom has been referred
10

11 SENATE BILL 254
12

13 has had it under consideration and finds same to be GERMANE, PURSUANT
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the CORPORATIONS
15 AND TRANSPORTATION COMMI TTEE.
16

17 Respectfully submi tted,
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22 _____
23 SENATOR MANNY M. ARAGON, Chai rman
24
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Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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1 FORTY-SECOND LEGISLATURE
2 SECOND SESSION, 1996
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4

SB 254/a

5 January 30, 1996
6

7 Mr. President:
8

9 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom
10 has been referred
11

12 SENATE BILL 254
13

14 has had it under consideration and reports same with recommendation that
15 it DO PASS, amended as follows:
16

17 1. On page 1, line 23, strike "seventeen" and insert in lieu
18 thereof "fifteen".
19

20 2. On page 2, lines 1 and 2, strike "shall be appointed by the
21 speaker of the house of representatives".
22

23 3. On page 2, line 4, strike "committees' committee of the senate
24 or, if", strike all of lines 5 through 7 and insert in lieu thereof
25 "legislative council".

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 254

Page 9

4. On page 2, line 10, strike "The chairman and vice chairman" and insert in lieu thereof "Co-chairmen".

5. On page 2, lines 11 and 12, strike "speaker of the house of representatives and the president pro tempore of the senate" and insert in lieu thereof "legislative council".

6. On page 2, line 13, strike "thirteen" and insert in lieu thereof "eleven".

7. On page 2, strike lines 18 and 19.

8. Renumber the succeeding paragraphs accordingly.

9. On page 2, line 21, after the semicolon insert "and".

10. On page 2, strike line 22.

11. Renumber the succeeding paragraph accordingly.

12. On page 2, line 23, after "(6)" strike the remainder of the line, strike all of lines 24 and 25, and on page 3, strike lines 1 through 9 and insert in lieu thereof:

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SCORC/SB 254

Page 10

"six public members who are knowledgeable about or interested in automobile insurance matters to represent consumer interests, three of whom shall be appointed by the legislative council and three of whom shall be appointed by the governor.",

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SCORC/SB 254

Page 11

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Kidd, McKibben, Reagan, Robinson

Absent: None

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1 FORTY-SECOND LEGISLATURE
2 SECOND SESSION, 1996

SB 254/a

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5 February 10, 1996

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7 Mr. President:

8
9 Your FINANCE COMMITTEE, to whom has been referred

10
11 SENATE BILL 254, as amended

12
13 has had it under consideration and reports same with recommendation that
14 it DO PASS, amended as follows:

- 15
16 1. On page 1, lines 11 and 12, strike "MAKING AN APPROPRIATION;".
17
18 2. On page 5, strike lines 5 through 18 in their entirety.
19
20 3. Renumber the succeeding section accordingly.
21
22

23 Respectfully submitted,
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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Duran, Ingle, Kidd, Sanchez

Absent: None

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FORTY-SECOND LEGISLATURE

SECOND SESSION

February 11, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 254, as amended

Amendment sponsored by Senator Elizabeth T. Stefanics

1. Strike Senate Corporations and Transportation Committee
Amendments 1 and 6.

2. On page 1, line 23, strike "seventeen" and insert in lieu
thereof "nineteen".

3. On page 2, line 13, strike "thirteen" and insert in lieu
thereof "fifteen".

FORTY-FIRST LEGISLATURE
SECOND SESSION

SB 254, aa

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Elizabeth T. Stefanics

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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