

SENATE BILL 124

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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:

.229616.2SAAIC January 31, 2025 (2:11pm)

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

(a) when examining or investigating such insurance matters, the superintendent may issue a civil investigative subpoena prior to the issuance of a notice of contemplated action; SRC → ~~and provided further that the authority to issue a specific civil investigative subpoena pursuant to this subparagraph may be delegated to staff;~~ ← SRC

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and

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

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

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

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

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

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

(11) upon an order based upon the invocation of a state of emergency under the All Hazard Emergency Management Act or the Public Health Emergency Response Act by the governor, take those actions necessary to ensure access to insurance and the stability of insurance markets during the emergency. Such actions may include issuing emergency rules or

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orders to address any or all of the following matters related to insurance policies issued in New Mexico:

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

(b) refund of premiums;

(c) waiver of cost sharing or deductibles;

(d) temporary postponement of cancellations and nonrenewals;

(e) reporting requirements for claims;

and

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

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

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

(1) shall specify, by line of insurance:

(a) the geographic area in which the

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order applies; and

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

(2) shall not:

(a) apply retroactively;

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

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

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