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HOUSE BILL 97

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

INTRODUCED BY

Janelle Anyanonu and Katy M. Duhigg

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING MINIMUM AMOUNTS OF
INSURANCE AGAINST UNINSURED AND UNDERINSURED MOTORISTS.

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

SECTION 1. Section 66-5-208 NMSA 1978 (being Laws 1978,
Chapter 35, Section 282, as amended) is amended to read:

"66-5-208. EVIDENCE OF FINANCIAL RESPONSIBILITY--AMOUNTS
AND CONDITIONS.--

A. "Evidence of financial responsibility", as used
in the Mandatory Financial Responsibility Act, means evidence
of the ability to respond in damages for liability and for the
protection of persons insured who are legally entitled to
recover damages from owners or operators of uninsured or
underinsured motor vehicles, on account of accidents occurring
subsequent to the effective date of the evidence, arising out

underscoring material = new
[bracketed material] = delete

1 of the ownership, maintenance or use of a vehicle of a type
2 subject to registration under the laws of New Mexico, in the
3 following amounts:

4 [A.] (1) twenty-five thousand dollars
5 (\$25,000) because of bodily injury to or death of one person in
6 any one accident;

7 [B.] (2) subject to this limit for one person,
8 fifty thousand dollars (\$50,000) because of bodily injury to or
9 death of two or more persons in any one accident;

10 [C.] (3) ten thousand dollars (\$10,000)
11 because of injury to or destruction of property of others in
12 any one accident; and

13 [D.] (4) if evidence is in the form of a
14 surety bond or a cash deposit, the total amount shall be sixty
15 thousand dollars (\$60,000).

16 B. For the purposes of this section, "underinsured"
17 means that the sum of the limits of liability under all bodily
18 injury liability insurance applicable at the time of an
19 accident is less than the limits of liability under the
20 insured's uninsured motorist coverage."

21 SECTION 2. Section 66-5-301 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 325, as amended) is amended to read:

23 "66-5-301. INSURANCE AGAINST UNINSURED AND UNKNOWN
24 MOTORISTS [REJECTION OF COVERAGE BY THE INSURED].--

25 A. No motor vehicle or automobile liability policy

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1 insuring against loss resulting from liability imposed by law
2 for bodily injury or death suffered by any person and for
3 injury to or destruction of property of others arising out of
4 the ownership, maintenance or use of a motor vehicle shall be
5 delivered or issued for delivery in New Mexico with respect to
6 any motor vehicle registered or principally garaged in New
7 Mexico unless coverage is provided therein or supplemental
8 thereto in minimum limits as set forth in Section 66-5-215 NMSA
9 1978 for bodily injury or death and for injury to or
10 destruction of property [~~as set forth in Section 66-5-215 NMSA~~
11 ~~1978 and such higher limits as may be desired by the insured,~~
12 ~~but up to the limits of liability specified in bodily injury~~
13 ~~and property damage liability provisions of the insured's~~
14 ~~policy] and for the protection of persons insured thereunder
15 who are legally entitled to recover damages from owners or
16 operators of uninsured motor vehicles because of bodily injury,
17 sickness or disease, including death, and for injury to or
18 destruction of property resulting therefrom [~~according to the~~
19 ~~rules and regulations promulgated by, and under provisions~~
20 ~~filed with and approved by, the superintendent of insurance].~~~~

21 B. The uninsured motorist coverage described in
22 Subsection A of this section shall include underinsured
23 motorist coverage for persons protected by an insured's policy.
24 For the purposes of this subsection, "underinsured motorist"
25 means an operator of a motor vehicle with respect to the

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1 ownership, maintenance or use of which the sum of the limits of
2 liability under all bodily injury liability insurance
3 applicable at the time of the accident is less than the limits
4 of liability under the insured's uninsured motorist coverage.

5 ~~[No motor vehicle or automobile liability policy sold in New~~
6 ~~Mexico shall be required to include underinsured motorist~~
7 ~~coverage until January 1, 1980.]~~

8 C. The uninsured motorist coverage shall provide an
9 exclusion of not more than the first two hundred fifty dollars
10 (\$250) of loss resulting from injury to or destruction of
11 property of the insured in any one accident. ~~[The named~~
12 ~~insured shall have the right to reject uninsured motorist~~
13 ~~coverage as described in Subsections A and B of this section;~~
14 ~~provided that unless the named insured requests such coverage~~
15 ~~in writing, such coverage need not be provided in or~~
16 ~~supplemental to a renewal policy where the named insured has~~
17 ~~rejected the coverage in connection with a policy previously~~
18 ~~issued to him by the same insurer]"~~

19 SECTION 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is January 1, 2026.