SENATE BILL 270

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO UNFAIR TRADE PRACTICES; PROVIDING FOR ATTORNEY FEES AND COSTS.

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

SECTION 1. Section 57-12-8 NMSA 1978 (being Laws 1967, Chapter 268, Section 7, as amended) is amended to read:

"57-12-8. RESTRAINT OF PROHIBITED ACTS--REMEDIES FOR VIOLATIONS--ATTORNEY FEES AND COSTS.--

A. Whenever the attorney general has reasonable belief that [any] a person is using, has used or is about to use any method, act or practice [which] that is declared by the Unfair Practices Act to be unlawful and that proceedings would be in the public interest, [he] the attorney general may bring an action in the name of the state alleging violations of the Unfair Practices Act. The action may be brought in the

district court of the county in which the person resides or has [his] the person's principal place of business or in the district court in [any] a county in which the person is using, has used or is about to use the practice [which] that has been alleged to be unlawful under the Unfair Practices Act.  The attorney general acting on behalf of the state [of New Mexico] shall not be required to post bond when seeking a temporary or permanent injunction in such action.

B.  In [any] an action filed pursuant to the Unfair Practices Act, including an action with respect to unimproved real property, the attorney general may petition the district court for temporary or permanent injunctive relief and restitution.

C.  The court shall award reasonable attorney fees and costs to the attorney general or a contract counsel acting on behalf of or at the direction of the attorney general if the attorney general or contract counsel prevails in an action concerning an unfair or deceptive trade practice or an unconscionable trade practice pursuant to the Unfair Practices Act."

SECTION 2.  EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013.

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