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HOUSE BILL 54

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Yvette Herrell

AN ACT

RELATING TO WAGE CLAIM ACTIONS; ALLOWING THE DIRECTOR OF THE
LABOR RELATIONS DIVISION OF THE WORKFORCE SOLUTIONS DEPARTMENT
TO NOT BE REQUIRED TO PAY COURT COSTS OR FEES IN A WAGE CLAIM
ACTION BROUGHT BY THE DIRECTOR.

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

SECTION 1. Section 50-4-12 NMSA 1978 (being Laws 1937,
Chapter 109, Section 13, as amended) is amended to read:

"50-4-12. WAGE CLAIM ACTIONS--COSTS--JURISDICTION--
REPRESENTATION BY DISTRICT ATTORNEY--APPEALS.--

A. In all actions brought by the director of the
labor ~~[and industrial]~~ relations division of the ~~[labor]~~
workforce solutions department as assignee under the provisions
of Section 50-4-11 NMSA 1978, the director shall not be
required to pay court costs or filing fees, and the director

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 shall be entitled to free service of process and shall not be
2 obligated or required to give any bond or other security for
3 costs.

4 B. Any sheriff, constable or other officer
5 requested by the director to serve any summons, writ, complaint
6 or order shall do so without requiring the director to pay any
7 fees or furnish any security or bond.

8 C. Where all claims joined together do not exceed
9 in the aggregate the jurisdictional limit of the magistrate or
10 metropolitan court, the director may institute an action
11 against the employer in any magistrate or metropolitan court
12 having jurisdiction without referring the claim to the district
13 attorney. In the event that during the course of the
14 proceedings representation by an attorney at law becomes
15 necessary or, in the director's judgment, advisable, the
16 director shall so notify the district attorney, and it shall
17 then be the duty of the district attorney or the district
18 attorney's assistant to appear for the director in the cause.

19 D. In the event the cause is appealed by the
20 director, no bond or other security shall be required or fees
21 charged the director for court costs or sheriff's fees in
22 serving process."