

LFC Requester:	Kathleen Gygi
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 3/1/2025 *Check all that apply:*
Bill Number: HB495 Original Correcti
 Amendment Substitut

Sponsor: Janelle Anyanonu **Agency Name and Code** 632
Short Title: Service Provider Lien Restrictions **Number:** _____
Person Writing Michael J. Holt
Phone: (505)841-6822 **Email:** Michael.Holt@wca.nm.wca

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The bill amends NMSA 1978, Section 48-8-1 by creating a lien in favor of a “service provider” in lieu of a “hospital” as currently listed in the existing statute and defining the former term as embracing organizations that provide medical care to an injured individual except one injured as a result of a workers’ compensation accident. Apart from the “service provider” substitution of terminology, the bill requires the service provider to proportionally share under the common fund doctrine attorneys’ fees and costs incurred in obtaining the settlement or judgment. The bill makes other technical and grammatical changes to Section 48-8-1.

The bill amends NMSA 1978, Section 66-5-301 in that the rights of subrogation asserted by an uninsured motorist’s carrier which seeks subrogation from a third-party must name the named insured as a plaintiff as an indispensable party; be tried before a jury; be proven by a preponderance of the evidence; and preclude admissibility into evidence of the prior payment on uninsured benefits. The bill further provides legal immunity to an underinsured driver who is minimally insured in accordance with New Mexico state law for any benefits paid in excess of the underinsured limits.

FISCAL IMPLICATIONS: HB 495 imposes no fiscal implications upon the WCA.

SIGNIFICANT ISSUES: None to the WCA.

PERFORMANCE IMPLICATIONS: None to the WCA.

ADMINISTRATIVE IMPLICATIONS: None to the WCA.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP: None known.

TECHNICAL ISSUES: None known.

OTHER SUBSTANTIVE ISSUES: None known.

ALTERNATIVES: None known.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: Existing law will remain in place.

AMENDMENTS: None.