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AN ACT

RELATING TO SURETYSHIP; PROHIBITING DIRECTED SURETYSHIP; PRESCRIBING
A PENALTY.

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

Section 1. DIRECTED SURETYSHIP PROHIBITED--PENALTY.--

A. Except to the extent necessary to ensure that
a surety company meets the requirements of Subsection A of Section 13-4-18 NMSA
1978, an employee of the state or its political subdivisions, or a person acting or
purporting to act on behalf of that employee, shall not require a bidder or an offeror in
a procurement for a construction contract pursuant to the Procurement Code to make
application or furnish financial data for a surety bond or to obtain a surety bond from a
particular surety company, insurance company, broker or agent in connection with the
bid or proposal.

B. A person who violates Subsection A of this section is guilty of a
misdemeanor and shall be sentenced
in accordance with the provisions of Section 31-19-1
NMSA 1978.