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SENATE BILL 104

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO TRIALS; PROVIDING FOR GOVERNMENTAL BODIES TO BE  
SUBJECT TO THE SAME SUBSTANTIVE LAW AS PERSONS.

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

Section 1. A new section of Chapter 38, Article 1 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] FAIRNESS IN LITIGATION. -- In a lawsuit  
brought by the state or a political subdivision of the state  
seeking to recover from the defendant the value of a benefit or  
service provided by the state or political subdivision to or on  
behalf of a person injured by the defendant, the state or  
political subdivision shall be subject to the same substantive  
law that would apply to a lawsuit filed against the defendant  
by the injured person to or on behalf of whom the benefit or  
service was paid or provided by the state or political

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