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HOUSE BILL 80

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Antonio Lujan

AN ACT

RELATING TO WORKERS' COMPENSATION; EXPANDING COVERAGE TO
INCLUDE FARM AND RANCH LABORERS; REPEALING A SECTION OF THE
NMSA 1978.

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

Section 1. Section 52-1-6 NMSA 1978 (being Laws 1990 (2nd
S.S.), Chapter 2, Section 4) is amended to read:

"52-1-6. APPLICATION OF PROVISIONS OF ACT.--

A. The provisions of the Workers' Compensation Act
shall apply to employers of three or more workers; provided
that act shall apply to all employers engaged in activities
required to be licensed under the provisions of the
Construction Industries Licensing Act regardless of the number
of employees. The provisions of the Workers' Compensation Act
shall not apply to employers of private domestic servants [~~and~~

.165130.1

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

underscored material = new
[bracketed material] = delete

1 ~~farm and ranch laborers~~].

2 B. An election to be subject to the Workers'
3 Compensation Act by employers of private domestic servants [~~or~~
4 ~~farm and ranch laborers~~] by persons for whom the services of
5 qualified real estate salespersons are performed or by a
6 partner or self-employed person may be made by filing, in the
7 office of the director, either a sworn statement to the effect
8 that the employer accepts the provisions of the Workers'
9 Compensation Act or an insurance or security undertaking as
10 required by Section 52-1-4 NMSA 1978.

11 C. Every worker shall be conclusively presumed to
12 have accepted the provisions of the Workers' Compensation Act
13 if [~~his~~] the worker's employer is subject to the provisions of
14 that act and has complied with its requirements, including
15 insurance.

16 D. [~~Such~~] Compliance with the provisions of the
17 Workers' Compensation Act, including the provisions for
18 insurance, shall be [~~and construed to be~~] a surrender by the
19 employer and the worker of their rights to any other method,
20 form or amount of compensation or determination thereof or to
21 any cause of action at law, suit in equity or statutory or
22 common-law right to remedy or proceeding whatever for or on
23 account of personal injuries or death of the worker than as
24 provided in the Workers' Compensation Act and shall be an
25 acceptance of all of the provisions of the Workers'

.165130.1

underscored material = new
[bracketed material] = delete

1 Compensation Act and shall bind the worker [~~himself~~] and, for
2 compensation for [~~his~~] the worker's death, shall bind [~~his~~] the
3 worker's personal representative, [~~his~~] the worker's surviving
4 spouse and next of kin, as well as the employer and those
5 conducting [~~his~~] the employer's business during bankruptcy or
6 insolvency.

7 E. The Workers' Compensation Act provides exclusive
8 remedies. No cause of action outside the Workers' Compensation
9 Act shall be brought by an employee or dependent against the
10 employer or [~~his~~] the employer's representative, including the
11 insurer, guarantor or surety of any employer, for any matter
12 relating to the occurrence of or payment for any injury or
13 death covered by the Workers' Compensation Act. Nothing in the
14 Workers' Compensation Act, however, shall affect [~~or be~~
15 ~~construed to affect~~] in any way the existence of or the mode of
16 trial of any claim or cause of action that the worker has
17 against any person other than [~~his~~] the worker's employer or
18 another employee of [~~his~~] the worker's employer, including a
19 management or supervisory employee, or the insurer, guarantor
20 or surety of [~~his~~] the worker's employer."

21 Section 2. REPEAL.--Section 52-1-6.1 NMSA 1978 (being
22 Laws 1984, Chapter 127, Section 988.3) is repealed.