

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 208

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO COURTS; PROVIDING FOR RECIPROCAL ATTORNEY FEE AWARD
PROVISIONS IN CERTAIN CIVIL CASES.

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

**SECTION 1. ATTORNEY FEES--RECIPROCAL RIGHT TO RECOVER
ATTORNEY FEES.--**

A. A court may award costs and attorney fees to any party that prevails in a civil action based upon any promissory note, written contract or other writing when the provisions of the promissory note, written contract or other writing allow at least one party to recover attorney fees.

B. As used in this section, "writing" does not include the provisions of a constitution, statute, rule, regulation, order, judgment, decree, ordinance, code or similar promulgation, however denominated.

.183090.3

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

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

1 C. An advance waiver, release or relinquishment of
2 a right conferred pursuant to this section is void.

3 D. This section declares the public policy of New
4 Mexico.

5 SECTION 2. APPLICABILITY.--

6 A. Except as provided in Subsection B of this
7 section, this act shall apply to any promissory note, written
8 contract or other writing executed on or after July 1, 2011.

9 B. After June 30, 2014, this act shall apply to any
10 promissory note, written contract or other writing executed
11 before July 1, 2011.

12 SECTION 3. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2011.