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SENATE BILL 45

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

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING A SECTION OF CHAPTER 37,  
ARTICLE 1 NMSA 1978 TO CLARIFY THE STATUTE OF LIMITATIONS FOR  
ACTIONS BROUGHT REGARDING MUNICIPAL CONTRACTS AND TO RECONCILE  
A CONFLICT WITH ANOTHER SECTION OF LAW.

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

SECTION 1. Section 37-1-24 NMSA 1978 (being Laws 1941,  
Chapter 181, Section 1) is amended to read:

"37-1-24. SUITS AGAINST MUNICIPALITIES OR THEIR  
OFFICERS.--No suit, action or proceeding at law or equity for  
the recovery of judgment upon, or the enforcement or collection  
of, any sum of money claimed due from any city, town or village  
in this state, or from any officer [~~as such~~] of any [~~such~~]  
city, town or village in this state, arising out of or founded  
upon any ordinance, trust relation or contract [~~written or~~

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 ~~unwritten~~, or any appropriation of or conversion of any real  
2 or personal property, shall be commenced except within [~~three~~  
3 two years next after the date of the act of omission or  
4 commission giving rise to the cause of action, suit or  
5 proceeding [~~and~~]. No suit, action or proceeding to recover  
6 damages for personal injury or death resulting from the  
7 negligence of any city, town or village or any officer thereof  
8 shall be commenced except within one year next after the date  
9 of [~~such~~] the injury. All such suits, proceedings or actions  
10 not so commenced shall be forever barred [~~provided, however,~~  
11 ~~that as to all such actions heretofore accrued, suit to recover~~  
12 ~~thereon may be instituted at any time on or before December 31,~~  
13 ~~1941, but not otherwise]."~~

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