SENATE BILL 273

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

INTRODUCED BY

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AN ACT

RELATING TO INSURANCE; AMENDING A SECTION OF THE WORKERS'
COMPENSATION ACT TO PROVIDE FOR RECOVERY OF ENFORCEMENT COSTS
FROM EMPLOYERS.

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

SECTION 1. Section 52-1-62 NMSA 1978 (being Laws 1937,
Chapter 92, Section 18, as amended) is amended to read:

"52-1-62. DIRECTOR TO ENFORCE WORKERS' COMPENSATION
ACT.--For the purpose of enforcing the Workers' Compensation
Act, [there are hereby conferred upon] the director has the
following powers and duties:

A. when any employer subject to the provisions of
the Workers' Compensation Act fails to comply with Section
52-1-4 NMSA 1978 relating to the filing of an undertaking in
the nature of insurance or security for the payment of benefits

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1   under the Workers' Compensation Act, the director is empowered

2   to institute in [his] the director's own name an action in the

3   district court of Santa Fe county or the county where the

4   employer resides or has [his] a principal office or place of

5   business to enjoin the employer from continuing [his] business

6   operations until [he] the employer has complied with the

7   provisions of Section 52-1-4 NMSA 1978, and upon a showing of

8   the facts above recited, the court shall grant such injunction.

9   In any such action, the attorney general or district attorney

10   for the judicial district where the action is brought shall

11   represent the director. The director is empowered to seek

12   reimbursement from the employer of all costs associated with

13   the enforcement of Section 52-1-4 NMSA 1978, including but not

14   limited to the costs of service of process, recording fees and

15   locksmith expenses. Any reimbursement shall be deposited in

16   the workers' compensation administration fund; and

17   B.   for the purpose of ascertaining the correctness

18   of any reported wage expenditure, the number of [men] persons

19   employed and other information necessary in the administration

20   of the Workers' Compensation Act, the director may, upon [his]

21   the director's own initiative or upon request of any interested

22   party, hold hearings and subpoena all books, records and

23   payrolls of any employer subject to the provisions of the

24   Workers' Compensation Act [which] that show or reflect in any

25   way upon the amount of wage expenditures of such employer or

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other facts, data or statistics appertaining to the purposes of that act."

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