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SENATE BILL 348

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Benny Shendo, Jr.

AN ACT

RELATING TO EMPLOYMENT; EXCLUDING MOTOR CARRIERS OVERSEEN BY  
THE UNITED STATES SECRETARY OF TRANSPORTATION FROM THE OVERTIME  
PROVISIONS PROVIDED PURSUANT TO THE MINIMUM WAGE ACT.

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

SECTION 1. Section 50-4-24 NMSA 1978 (being Laws 1975,  
Chapter 275, Section 1, as amended) is amended to read:

"50-4-24. EMPLOYERS EXEMPT FROM OVERTIME PROVISIONS FOR  
CERTAIN EMPLOYEES.--

A. An employer of workers engaged in the ginning of  
cotton for market, in a place of employment located within a  
county where cotton is grown in commercial quantities, is  
exempt from the overtime provisions of Subsection D of Section  
50-4-22 NMSA 1978 if each employee is employed for a period of  
not more than fourteen weeks in the aggregate in a calendar

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1 year.

2 B. An employer of workers engaged in agriculture is  
3 exempt from the overtime provisions set forth in Subsection D  
4 of Section 50-4-22 NMSA 1978. As used in this subsection,  
5 "agriculture" has the meaning used in Section 203 of the  
6 federal Fair Labor Standards Act of 1938.

7 C. An employer is exempt from the overtime  
8 provisions set forth in Subsection D of Section 50-4-22 NMSA  
9 1978 if the hours worked in excess of forty hours in a week of  
10 seven days are:

11 (1) worked by an employee of an air carrier  
12 providing scheduled passenger air transportation subject to  
13 Subchapter II of the federal Railway Labor Act or the air  
14 carrier's subsidiary that is subject to Subchapter II of the  
15 federal Railway Labor Act;

16 (2) not required by the employer; and

17 (3) arranged through a voluntary agreement  
18 among employees to trade scheduled work shifts; provided that  
19 the agreement shall:

20 (a) be in writing;

21 (b) be signed by the employees involved  
22 in the agreement;

23 (c) include a requirement that an  
24 employee who trades a scheduled work shift is responsible for  
25 working the shift so agreed to as part of the employee's

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1 regular work schedule; and

2 (d) not require an employee to work more  
3 than: 1) thirteen consecutive days; 2) sixteen hours in a  
4 single work day; 3) sixty hours within a single work week; or  
5 4) can be required as provided in a collective bargaining  
6 agreement to which the employee is subject.

7 D. Motor carriers, including private motor  
8 carriers, with whom the United States secretary of  
9 transportation has the authority to establish qualifications  
10 and maximum hours of services provided by the motor carriers'  
11 employees pursuant to the federal Motor Carrier Act are exempt  
12 from the overtime provisions set forth in Subsection D of  
13 Section 50-4-22 NMSA 1978."