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HOUSE BILL 760

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Al Park

AN ACT

RELATING TO COURTS; AUTHORIZING THE DISTRICT COURT TO IMPOSE COSTS ON AN APPELLANT IN CERTAIN INSTANCES FOLLOWING AN APPEAL FROM AN ARBITRATION AWARD; ENACTING A NEW SECTION OF THE NMSA 1978.

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

Section 1. A new section of Chapter 34, Article 6 NMSA 1978 is enacted to read:

" NEW MATERIAL DISTRICT COURT--DE NOVO HEARING--APPEAL FROM AN ARBITRATION AWARD--COSTS. --When a de novo hearing is held by a district court following an appeal from an arbitration award, and the district court order is the same as or less favorable to the appellant than the arbitration award, the district court shall order the appellant to pay the other party's costs incurred during the appeal, including attorney

underscored material = new
[bracketed material] = delete

underscored material = new
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1 fees and prejudgment interest from the date of the arbitration
2 award. The district court, upon good cause shown by the
3 appellant, may waive the requirement that the appellant pay
4 the other party's costs and shall state the basis for its
5 finding on the record. "

6 Section 2. EFFECTIVE DATE. --The effective date of the
7 provisions of this act is July 1, 2001.

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