

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 359

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO INSURANCE; REQUIRING POLICY DECLARATION PROVISIONS  
TO BE IN BOTH ENGLISH AND SPANISH UPON REQUEST; AMENDING A  
SECTION OF THE NMSA 1978.

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

Section 1. Section 59A-18-17 NMSA 1978 (being Laws 1984,  
Chapter 127, Section 346, as amended) is amended to read:

"59A-18-17. STANDARD PROVISIONS, IN GENERAL.--

A. Insurance contracts shall contain such standard  
or uniform provisions as are required by applicable provisions  
of the Insurance Code pertaining to contracts of particular  
kinds of insurance.

B. No policy shall contain any provision  
inconsistent with or contradictory to any standard or uniform  
provision used or required to be used, but the superintendent

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underscored material = new  
[bracketed material] = delete

1 may approve any substitute provision which is, in [~~his~~] the  
2 superintendent's opinion, not less favorable in any particular  
3 to the insured, owner or beneficiary than the provision  
4 otherwise required or which is designed to comply with Chapter  
5 59A, Article 19 NMSA 1978.

6 C. Insurance coverage provided in residential  
7 property insurance policies shall provide coverage for the cost  
8 to repair or replace without deduction for depreciation. If  
9 the insured elects to effectuate repairs to the property  
10 himself, a reasonable overhead expense shall be allowed.

11 D. In all insurance contracts issued or renewed on  
12 or after January 1, 2006, the policy declarations page or, if  
13 other than a property or casualty contract, the equivalent page  
14 shall be written in both the English and Spanish languages if  
15 requested by the insured. The provisions provided in Spanish  
16 shall not govern the rights and responsibilities of the parties  
17 but are provided for information only. The provisions of this  
18 subsection shall not apply to workers' compensation insurance,  
19 commercial multiple peril insurance, commercial general  
20 liability insurance or surplus lines insurance.

21 [~~D.~~] E. In lieu of the provisions required by the  
22 Insurance Code for contracts for particular kinds of insurance,  
23 substantially similar provisions required by the laws of the  
24 domicile of a foreign or alien insurer may be used when  
25 approved by the superintendent.

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