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SENATE BILL 1064

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

John T. L. Grubescic

AN ACT

RELATING TO WORKERS' COMPENSATION; AMENDING THE WORKERS'
COMPENSATION ACT TO CLARIFY EMPLOYERS WHO MAY BE SUBJECT TO
THAT ACT; AMENDING A SECTION OF NMSA 1978.

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

Section 1. Section 52-1-6 NMSA 1978 (being Laws 1990 (2nd
S.S.), Chapter 2, Section 4) is amended to read:

"52-1-6. APPLICATION OF PROVISIONS OF ACT.--

A. The provisions of the Workers' Compensation Act
shall apply to employers of three or more workers; provided
that act shall apply to all employers engaged in activities
required to be licensed under the provisions of the
Construction Industries Licensing Act regardless of the number
of employees, unless they meet the provisions of Paragraph (2)
of Subsection F of Section 52-1-7 NMSA 1978. The provisions of

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1 the Workers' Compensation Act shall not apply to employers of
2 private domestic servants and farm and ranch laborers.

3 B. An election to be subject to the Workers'
4 Compensation Act by employers of private domestic servants or
5 farm and ranch laborers, by persons for whom the services of
6 qualified real estate salespersons are performed or by a
7 partner or self-employed person may be made by filing, in the
8 office of the director, either a sworn statement to the effect
9 that the employer accepts the provisions of the Workers'
10 Compensation Act or an insurance or security undertaking as
11 required by Section 52-1-4 NMSA 1978.

12 C. Every worker shall be conclusively presumed to
13 have accepted the provisions of the Workers' Compensation Act
14 if ~~[his]~~ the worker's employer is subject to the provisions of
15 that act and has complied with its requirements, including
16 insurance.

17 D. ~~[Such]~~ Compliance with the provisions of the
18 Workers' Compensation Act, including the provisions for
19 insurance, shall be ~~[and construed to be]~~ a surrender by the
20 employer and the worker of their rights to any other method,
21 form or amount of compensation or determination thereof or to
22 any cause of action at law, suit in equity or statutory or
23 common-law right to remedy or proceeding whatever for or on
24 account of personal injuries or death of the worker than as
25 provided in the Workers' Compensation Act and shall be an

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1 acceptance of all of the provisions of the Workers'
2 Compensation Act and shall bind the worker [~~himself~~] and, for
3 compensation for [~~his~~] the worker's death, shall bind [~~his~~] the
4 worker's personal representative, [~~his~~] the worker's surviving
5 spouse and next of kin, as well as the employer and those
6 conducting [~~his~~] the employer's business during bankruptcy or
7 insolvency.

8 E. The Workers' Compensation Act provides exclusive
9 remedies. No cause of action outside the Workers' Compensation
10 Act shall be brought by an employee or dependent against the
11 employer or [~~his~~] the employer's representative, including the
12 insurer, guarantor or surety of any employer, for any matter
13 relating to the occurrence of or payment for any injury or
14 death covered by the Workers' Compensation Act. Nothing in the
15 Workers' Compensation Act, however, shall affect [~~or be~~
16 ~~construed to affect~~] in any way, the existence of or the mode
17 of trial of any claim or cause of action that the worker has
18 against any person other than [~~his~~] the worker's employer or
19 another employee of [~~his~~] the worker's employer, including a
20 management or supervisory employee, or the insurer, guarantor
21 or surety of [~~his~~] the worker's employer."