

HOUSE BILL 330

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO WORKERS' COMPENSATION; REMOVING THE EXEMPTION FOR FARM AND RANCH LABORERS.

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

.224277.3SAAIC February 14, 2023 (4:19pm)

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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. The provisions of the Workers' Compensation Act shall not apply to employers of private domestic servants [~~and farm and ranch laborers~~].

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

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

D. [~~Such~~] Compliance with the provisions of the Workers' Compensation Act, including the provisions for insurance, shall be HAAWC→~~[and construed to be]~~←HAAWC HAAWC→and construed to be←HAAWC a surrender by the employer

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and the worker of their rights to any other method, form or amount of compensation or determination thereof or to any cause of action at law, suit in equity or statutory or common-law right to remedy or proceeding whatever for or on account of personal injuries or death of the worker than as provided in the Workers' Compensation Act and shall be an acceptance of all of the provisions of the Workers' Compensation Act and shall bind the worker [~~himself~~] and, for compensation for [~~his~~] the worker's death, shall bind [~~his~~] the worker's personal representative, [~~his~~] surviving spouse and next of kin, as well as the employer and those conducting [~~his~~] the employer's business during bankruptcy or insolvency.

E. The Workers' Compensation Act provides exclusive remedies. No cause of action outside the Workers' Compensation Act shall be brought by an employee or dependent against the employer or [~~his~~] the employer's representative, including the insurer, guarantor or surety of any employer, for any matter relating to the occurrence of or payment for any injury or death covered by the Workers' Compensation Act. Nothing in the Workers' Compensation Act, however, shall affect HAAWC→~~for be construed to affect~~←HAAWC HAAWC→or be construed to affect←HAAWC in any way the existence of or the mode of trial of any claim or cause of action that the worker has against any person other than [~~his~~] the worker's employer or another employee of [~~his~~] the worker's employer, including a management

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or supervisory employee, or the insurer, guarantor or surety of  
[his] the worker's employer."

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