

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 240

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO INSURANCE; REQUIRING THE SUPERINTENDENT OF
INSURANCE TO SEND ORDERS AND NOTICES BY CERTIFIED MAIL.

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

SECTION 1. Section 59A-2-10 NMSA 1978 (being Laws 1984,
Chapter 127, Section 28) is amended to read:

"59A-2-10. ORDERS--NOTICES IN GENERAL.--

A. Orders and notices of the superintendent shall
be effective only when in writing signed by [~~him~~] the
superintendent or by [~~his authority~~] the superintendent's
designee.

B. Every order of the superintendent shall state
its effective date and shall concisely state:

- (1) what is ordered;
- (2) the grounds on which the order is based;

underscored material = new
[bracketed material] = delete

1 and

2 (3) the provisions of the Insurance Code
3 pursuant to which action is taken or proposed to be taken; but
4 failure to so designate a particular provision shall not
5 deprive the superintendent of the right to rely thereon.

6 C. Except as provided as to particular procedures,
7 an order or notice [~~may~~] shall be given by delivery to the
8 person to be ordered or notified, or by mailing it by certified
9 mail, return receipt requested, postage prepaid, addressed to
10 [~~such~~] the person at the principal place of business or
11 residence last of record with the insurance [~~department~~]
12 division. If so mailed, the order or notice shall be deemed
13 given [~~when~~] ten days after being deposited in a mail
14 depository of the United States post office and [~~as to which~~]
15 the affidavit of the individual who so mailed it shall be prima
16 facie evidence that the order or notice was [~~given~~] mailed."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2011.

19 - 2 -
20
21
22
23
24
25