

1 HOUSE BILL 269

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO INSURANCE FRAUD; CREATING ADDITIONAL POWERS AND  
12 DUTIES OF OFFICE OF THE SUPERINTENDENT OF INSURANCE; DECLARING  
13 AN EMERGENCY.  
14

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

16 SECTION 1. Section 59A-16C-4 NMSA 1978 (being Laws 1998,  
17 Chapter 115, Section 4) is amended to read:

18 "59A-16C-4. SUPERINTENDENT'S DUTIES.--The superintendent  
19 shall:

20 A. initiate inquiries and conduct investigations  
21 when the superintendent has reason to believe that insurance  
22 fraud may have been or is being committed;

23 B. respond to notifications or complaints of  
24 suspected insurance fraud generated by state and local police  
25 or other law enforcement authorities and governmental units,

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1 including the federal government and any other person;

2 C. review notices and reports of insurance fraud  
3 submitted by authorized insurers, their employees, agents or  
4 producers and select those incidents of alleged fraud that, in  
5 [~~his~~] the superintendent's judgment, require further  
6 investigation and conduct the investigations;

7 D. conduct independent investigations and  
8 examinations of insurance transactions and alleged insurance  
9 fraud, conduct studies to determine the extent of insurance  
10 fraud, deceit or intentional misrepresentation of any kind in  
11 the insurance process and publish information and reports on  
12 [~~its~~] the superintendent's examinations and studies;

13 E. report incidents of alleged insurance fraud  
14 supported by investigations and examinations to the appropriate  
15 district attorney and any other appropriate law enforcement,  
16 administrative, regulatory or licensing agency and assemble  
17 evidence, prepare charges and otherwise assist any  
18 prosecutorial authority having jurisdiction over insurance  
19 fraud enforcement;

20 F. assist any official or agency of this state, any  
21 other state or the federal government that requests assistance  
22 in investigating insurance fraud;

23 G. maintain records and information in order to  
24 produce an annual report of [~~his~~] the superintendent's  
25 activities undertaken in connection with carrying out the

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1 provisions of the Insurance Fraud Act; ~~and~~

2 H. conduct, in cooperation with the attorney  
3 general and the department of public safety, public outreach  
4 and awareness programs on the costs of insurance fraud to the  
5 public and how members of the public can assist themselves, the  
6 superintendent and law enforcement officials in preventing and  
7 prosecuting insurance fraud;

8 I. facilitate, promote and coordinate  
9 multi-jurisdictional partnerships to prevent auto theft  
10 statewide;

11 J. create, staff and maintain the auto theft  
12 prevention authority;

13 K. produce an annual report regarding local, state  
14 and national trends regarding auto crimes and prosecutorial and  
15 educational efforts relating to auto theft prevention in New  
16 Mexico; and

17 L. annually, provide the report required by  
18 Subsection K of this section to the governor and present it to  
19 an appropriate legislative committee."

20 SECTION 2. Section 59A-16C-5 NMSA 1978 (being Laws 1998,  
21 Chapter 115, Section 5) is amended to read:

22 "59A-16C-5. SUPERINTENDENT'S AUTHORITY.--The  
23 superintendent ~~[is authorized to]~~ may:

24 A. select and contract with investigative personnel  
25 and prosecutors to discharge ~~[his]~~ the superintendent's duties

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1 pursuant to the provisions of the Insurance Fraud Act;

2 B. conduct statewide investigations and  
3 prosecutions related to auto theft;

4 C. coordinate with the attorney general and  
5 district attorneys to prosecute cases involving stolen vehicles  
6 and insurance fraud; and

7 D. promulgate rules relating to the creation and  
8 operation of the auto theft prevention authority."

9 SECTION 3. EMERGENCY.--It is necessary for the public  
10 peace, health and safety that this act take effect immediately.