

HOUSE BILL 288

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

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AN ACT

RELATING TO WAGE CLAIM ACTIONS; ALLOWING THE DIRECTOR OF THE LABOR RELATIONS DIVISION OF THE WORKFORCE SOLUTIONS DEPARTMENT TO NOT BE REQUIRED TO PAY COURT COSTS OR FEES IN A WAGE CLAIM ACTION BROUGHT BY THE DIRECTOR.

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

SECTION 1. Section 50-4-12 NMSA 1978 (being Laws 1937, Chapter 109, Section 13, as amended) is amended to read:

"50-4-12. WAGE CLAIM ACTIONS--COSTS--JURISDICTION--REPRESENTATION BY DISTRICT ATTORNEY--APPEALS.--

A. In all actions brought by the director of the labor ~~[and industrial]~~ relations division of the ~~[labor]~~ workforce solutions department as assignee under the provisions of Section 50-4-11 NMSA 1978, the director shall not be required to pay court costs or filing fees, and the director

underscored material = new
[bracketed material] = delete

1 shall be entitled to free process and shall not be obligated or
2 required to give any bond or other security for costs.

3 B. Any sheriff, constable or other officer
4 requested by the director to serve any summons, writ, complaint
5 or order shall do so without requiring the director to pay any
6 fees or furnish any security or bond.

7 C. Where all claims joined together do not exceed
8 in the aggregate the jurisdictional limit of the magistrate or
9 metropolitan court, the director may institute an action
10 against the employer in any magistrate or metropolitan court
11 having jurisdiction without referring the claim to the district
12 attorney. In the event that during the course of the
13 proceedings representation by an attorney at law becomes
14 necessary or, in the director's judgment, advisable, the
15 director shall so notify the district attorney, and it shall
16 then be the duty of the district attorney or the district
17 attorney's assistant to appear for the director in the cause.

18 D. In the event the cause is appealed by the
19 director, no bond or other security shall be required or fees
20 charged the director for court costs or sheriff's fees in
21 serving process."