

1 HOUSE BILL 330

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

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

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

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

17 "52-1-6. APPLICATION OF PROVISIONS OF ACT.--

18 A. The provisions of the Workers' Compensation Act
19 shall apply to employers of three or more workers; provided
20 that act shall apply to all employers engaged in activities
21 required to be licensed under the provisions of the
22 Construction Industries Licensing Act regardless of the number
23 of employees. The provisions of the Workers' Compensation Act
24 shall not apply to employers of private domestic servants [~~and~~
25 ~~farm and ranch laborers~~].

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

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

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

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underscoring material = new
[bracketed material] = delete

1 compensation for ~~[his]~~ the worker's death, shall bind ~~[his]~~ the
2 worker's personal representative, ~~[his]~~ surviving spouse and
3 next of kin, as well as the employer and those conducting ~~[his]~~
4 the employer's business during bankruptcy or insolvency.

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