

## RESOURCE GUIDE – UNIFORM LEGISLATION IN NEW MEXICO

Uniform legislation has a long history in New Mexico, dating back to at least Arie Poldervaart's discussion of uniform legislation in [Uniform Laws and New Mexico](#), published in 1954. The [Uniform Law Commission](#), also known as the National Conference of Commissioners on Uniform State Laws and hereafter referred to as the Uniform Law Commission, was created in 1892 and the creator, or co-creator, of the majority of the [uniform laws](#) that are currently incorporated into the New Mexico Statutes Annotated. The Uniform Law Commission defines a [uniform act](#) as a law that is the same among various jurisdictions and the similarity and uniformity of the law is the primary or only goal of the legislation. The Uniform Law Commission defines a [model act](#) in a similar way, with the main difference being that uniformity is not the primary goal of the legislation and differences between jurisdictions are allowed for within the act. Uniform and model legislation generally aims to simplify interstate relations on subjects where states may often interact. [Chapter 2, Article 4](#) of the New Mexico Statutes Annotated establishes a Commission for the Promotion of Uniform Legislation in New Mexico and the duties of the commissioners specifically mention uniform legislation on the topics of marriage and divorce. Matters of domestic law uniform legislation include the [Uniform Premarital Agreement Act](#), [Uniform Interstate Family Support Act](#), [Uniform Child Abduction Prevention Act](#), [New Mexico Uniform Parentage Act](#), and [Uniform Interstate Enforcement of Domestic Violence Protection Orders Act](#). However, a review of the New Mexico Statutes Annotated demonstrates that the inclusion and influence of uniform legislation on New Mexico statutory law extends far beyond matters of domestic law. What follows is a non-comprehensive list of some of this legislation by subject.

### Criminal Law and Procedure:

- [Uniform Criminal Extradition Act](#) 31-4-1 to 31-4-30 NMSA 1978
  - The [Uniform Criminal Extradition Act](#) deals with the interstate extradition of criminals.
  - This is the first example in the New Mexico Statutes Annotated discussed here where a piece of uniform legislation was developed by the Uniform Law Commission, and another entity, the Interstate Commission on Crime in this [case](#).
- [Uniform Act to Secure the Attendance of Witnesses From Without a State in Criminal Proceedings](#) 31-8-1 to 31-8-6 NMSA 1978
  - This is cited in Poldervaart's work on uniform state laws.
- [Uniform Collateral Consequences of Conviction Act](#) 31-29-1 to 31-29-16 NMSA 1978
  - The [Uniform Collateral Consequences of Conviction Act](#) provides criminal defendants with notice of the sanctions and/or disqualifications that will result from a plea or sentence, including disqualification from certain public benefits, inability to vote or possess a firearm, and other such consequences.

### Civil Law and Procedure:

- [Uniform Contribution Among Tortfeasors Act](#) 41-3-1 to 41-3-8 NMSA 1978

- The [Uniform Contribution Among Tortfeasors Act](#), which handles tort liability arising from the same claim. This piece of legislation is cited in Poldervaart's work and although, it has been [renamed](#) over the years, is the creation of the Uniform Law Commission.
- [Uniform Statute and Rule Construction Act](#) 12-2A-1 to 12-2A-20 NMSA 1978
  - The [Uniform Statute and Rule Construction Act](#) is an act to standardize the construction of statutes and rules.
- [Uniform Arbitration Act](#) 44-7A-1 to 44-7A-32 NMSA 1978
  - The [Uniform Arbitration Act](#) provides for most aspects of arbitration process and practice in New Mexico.
- [Uniform Unsworn Foreign Declarations Act](#) 44-10-1 to 44-10-8 NMSA 1978
  - The [Uniform Unsworn Foreign Declarations Act](#) governs the validity and requirements of unsworn declarations outside of the United States.
- [Uniform Electronic Transactions Act](#) 14-16-1 to 14-16-21 NMSA 1978
  - The [Uniform Electronic Transactions Act](#) governs electronic transactions and records.

#### **Trials and Judgments:**

- [Uniform Child Witness Protective Measures Act](#) 38-6A-1 to 38-6A-9 NMSA 1978
  - The [Uniform Child Witness Protective Measures Act](#) provides for alternative means of testifying for child witnesses in certain types of cases. This is actually an example of model legislation proposed by the Uniform Law Commission and is explicitly [listed](#) as both a model act and a uniform act by the Commission.
- [Uniform Foreign-Country Money Judgments Recognition Act](#) 39-4D-1 to 39-4D-11 NMSA 1978
  - The [Uniform Foreign-Country Money Judgments Recognition Act](#) provides for the recognition of foreign monetary judgments unless they fit one of the listed exceptions under the Act.
- [Uniform Certification of Questions of Law Act](#) 39-7-1 to 39-7-13 NMSA 1978
  - The [Uniform Certification of Questions of Law Act](#) deals with the certification of questions of law that come before courts in the state of New Mexico and issues of record, cost, and procedure that may arise.

#### **Probate:**

- [Uniform Probate Code](#) Chapter 45 NMSA 1978
  - The [Uniform Probate Code](#) is itself a piece of uniform legislation governing the probate process and it includes the other pieces of uniform legislation listed under the probate category.
- [Uniform Statutory Rule Against Perpetuities](#) 45-2-901 to 45-2-906 NMSA 1978
- [Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act](#) 45-5A-101 to 45-5A-502 NMSA 1978

- [Uniform Power of Attorney Act](#) 45-5B-101 to 45-5B-403 NMSA 1978
- [Uniform Real Property Transfer on Death Act](#) 45-6-401 to 45-6-417 NMSA 1978
- [Uniform Prudent Investor Act](#) 45-7-601 to 45-7-612 NMSA 1978

#### **Business and Commerce:**

- [Uniform Partnership Act](#) 54-1A-101 to 54-1A-1206 NMSA 1978
- [Uniform Revised Limited Partnership Act](#) 54-2A-101 to 54-2A-1206 NMSA 1978
  - Both of these govern how business partnerships are registered and run in New Mexico.
- [Uniform Commercial Code](#) Chapter 55 NMSA 1978
  - The predecessors of this are mentioned in Poldervaart's work.
- [Uniform Federal Lien Registration Act](#) 48-1-1 to 48-1-7 NMSA 1978
  - The [Uniform Federal Lien Registration Act](#) provides for a uniform method of registering federal liens.
- [Uniform Voidable Transactions Act](#) 56-10-14 to 56-10-29 NMSA 1978
  - The [Uniform Voidable Transactions Act](#) covers the transfer of assets to hide from creditors and how such a situation is dealt with, as well as related transactions.
- [Uniform Assignment of Rents Act](#) 56-15-1 to 56-19-19 NMSA 1978
  - The [Uniform Assignment of Rents Act](#) involves commercial real estate.
- [Uniform Trade Secrets Act](#) 57-3A-1 to 57-3A-7 NMSA 1978
  - The [Uniform Trade Secrets Act](#) defines a trade secret, governs damages for disclosure, and includes related law.
- [Model State Commodity Code](#) 58-13A-1 to 58-13A-22 NMSA 1978
  - The [Model State Commodity Code](#) governs commodity and some securities transactions.
  - This is the only piece of model or uniform legislation not written by the Uniform Law Commission. The North American Securities Administrators Association wrote the [Model State Commodity Code](#).
- [New Mexico Uniform Securities Act](#) 58-13C-101 to 58-13C-701 NMSA 1978
  - The [New Mexico Uniform Securities Act](#) governs the securities transactions not covered by the Model State Commodity Code.
- [Uniform Money Services Act](#) 58-32-101 to 58-32-1004 NMSA 1978
  - The [Uniform Money Services Act](#) governs aspects of retail banking, check cashing, and currency exchanges, as well as some related services.

#### **Professions:**

- [Uniform Law on Notarial Acts](#) 14-14-1 to 14-14-11 NMSA 1978 [Repealed January 1, 2022]
- [Revised Uniform Law on Notarial Acts](#) 14-14A-1 to 14-14A-32 NMSA 1978 [Enacted January 1, 2022]
  - Both of these govern notaries and what they are allowed to do.
- [Uniform Athlete Agents Act](#) 61-14F-1 to 61-14F-19 NMSA 1978

- The [Uniform Athlete Agents Act](#) provides regulation for student athletes, schools, and agents.

### **Trusts and Fiduciaries:**

- [Uniform Trust Code](#) Chapter 46A NMSA 1978
  - The [Uniform Trust Code](#) is itself a piece of uniform legislation governing trusts.
- [Uniform Principal and Income Act](#) 46-3A-101 to 46-3A-603 NMSA 1978
  - The following, unless otherwise stated, all govern the responsible direction and/or management of trust funds.
- [Uniform Powers of Appointment Act](#) 46-11-101 to 46-11-603 NMSA 1978
- [Uniform Prudent Management of Institutional Funds Act](#) 46-9A-1 to 46-9A-10 NMSA 1978
- [Uniform Trust Decanting Act](#) 46-12-101 to 46-12-129 NMSA 1978
- [Uniform Directed Trust Act](#) 46-14-1 to 46-14-18 NMSA 1978
- [Revised Uniform Fiduciary Access to Digital Assets Act](#) 46-13-1 to 46-13-18 NMSA 1978
  - The [Revised Uniform Fiduciary Access to Digital Assets Act](#) governs the fiduciary and custodian disclosure and use of digital assets to manage trust funds.
- [Uniform Transfers to Minors Act](#) 46-7-11 to 46-7-34 NMSA 1978
  - The [Uniform Transfers to Minors Act](#) governs the transfer of trust fund contents to minors and the use of a custodian for such funds among other issues that may arise with trust funds and minors.

### **Property:**

- [Uniform Unclaimed Property Act](#) 7-8A-1 to 7-8A-31 NMSA 1978
  - The [Uniform Unclaimed Property Act](#) deals with the disposition of unclaimed property and disposition of funds from the sale of such property.
- [Uniform Real Property Electronic Recording Act](#) 14-9A-1 to 14-9A-7 NMSA 1978
  - The [Uniform Real Property Electronic Recording Act](#) governs the electronic recording of real property.
- [Uniform Partition of Heirs Property Act](#) 42-5A-1 to 42-5A-13 NMSA 1978
  - The [Uniform Partition of Heirs Property Act](#) defines the division of certain types of real property covered by the Act in partition actions covered by the Act.
- [Uniform Vendor and Purchaser Risk Act](#) 47-1A-1 to 47-1A-2 NMSA 1978
  - The [Uniform Vendor and Purchaser Risk Act](#) outlines the rights and duties of the buyer and seller of real estate. Although perhaps not immediately evident, the Uniform Law Commission [wrote](#) this uniform legislation.
- [Condominium Act](#) 47-7A-1 to 47-7D-20 NMSA 1978 [The Compiler's notes indicate that this is New Mexico's version of the Uniform Condominium Act.]
  - The [Condominium Act](#) governs condominium law in New Mexico. Although the law is not named as such, the annotations to the Condominium Act make it clear

that the Condominium Act is New Mexico's version of the Uniform Condominium Act as proposed by the Uniform Law Commission.

### **Health Care:**

- [Uniform Emergency Volunteer Health Practitioners Act](#) 12-12A-1 to 12-12A-13 NMSA 1978
  - The [Uniform Emergency Volunteer Health Practitioners Act](#) is meant to help expedite and regulate the credentials of volunteer health workers in emergencies.
- [Uniform Health-Care Decisions Act](#) 24-7A-1 to 24-7A-18 NMSA 1978
  - The [Uniform Health-Care Decisions Act](#) mainly governs advance health care directives and issues arising from their use.

### **Voting:**

- [Uniform Military and Overseas Voters Act](#) 1-6B-1 to 1-6B-17 NMSA 1978
  - The [Uniform Military and Overseas Voters Act](#) governs voting processes for military and overseas citizens

### **Selected Print Resources:**

[Guidelines for Drafting and Editing Legislation](#)

[Model Laws, Regulations and Guidelines](#)

[New Mexico and the Uniform State laws](#)

[Uniform Laws Annotated](#)

### **Selected Electronic Resources**

[National Conference of Commissioners on Uniform State Laws - Archive Publications](#)

[Uniform State Laws in the United States \[electronic resource\] / Fully Annotated, by Charles Thaddeus Terry; Edited and Published under the Auspices and for the Purposes of the National Conference of Commissioners on Uniform State Laws \(1920\)](#)

The Supreme Court Law Library provides both print and electronic resources on the topic of uniform and model legislation to its patrons. All of the cited statutes are available on [NMOneSource.com](#). The books on uniform legislation are available at a variety of call numbers in the library. A Special Titles list on uniform legislation is also [available](#) on the library's online catalog. Please contact us if you have questions or if you would like assistance locating any of the library's resources.