

1 HOUSE BILL 476

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

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO IDENTIFICATION CARDS; SPECIFYING DOCUMENTS TO BE
12 ACCEPTED BY THE TAXATION AND REVENUE DEPARTMENT FOR THE
13 ISSUANCE OF CERTAIN IDENTIFICATION CARDS.

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

16 SECTION 1. Section 66-5-401 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 328, as amended) is amended to read:

18 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

19 A. A person who does not have a valid New Mexico
20 driver's license or driving authorization card may be issued an
21 identification card by the department. An application for an
22 identification card or renewal of an identification card shall
23 be made upon a form furnished by the department. An
24 application for an identification card that meets federal
25 requirements to be accepted by federal agencies for official

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1 federal purposes shall contain the applicant's full legal name;
2 date of birth; sex; and current New Mexico residence address
3 and shall briefly describe the applicant. An application for
4 an identification card not intended to be accepted by federal
5 agencies for official federal purposes shall contain the
6 applicant's full legal name; date of birth; and sex and shall
7 briefly describe the applicant. The secretary shall establish
8 by rule documents that may be accepted as evidence of the
9 residency of the applicant. The department shall establish two
10 distinct identification cards as provided in Section 66-5-405
11 NMSA 1978: an identification card that meets federal
12 requirements to be accepted by federal agencies for official
13 federal purposes and an identification card not intended to be
14 accepted by federal agencies for official federal purposes. A
15 person applying for or renewing an identification card that
16 meets federal requirements to be accepted by federal agencies
17 for official federal purposes shall provide documentation
18 required by the federal government of the applicant's identity,
19 date of birth, social security number, if applicable, address
20 of current residence and lawful status. The department shall
21 verify the applicant's lawful status and social security
22 number, if applicable, through a method approved by the federal
23 government. Pursuant to the federal REAL ID Act of 2005, the
24 secretary shall establish a written, defined exception process
25 to allow a person to demonstrate the person's identity, age and

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1 lawful status. The process shall allow a person to use a
2 certified letter of enrollment or a valid identification card
3 issued by a federally recognized Indian nation, tribe or pueblo
4 to demonstrate the person's identity or age or to demonstrate
5 the person's lawful status, if applicable. A person with
6 lawful status may apply for an identification card that meets
7 federal requirements to be accepted by federal agencies for
8 official federal purposes or an identification card not
9 intended to be accepted by federal agencies for official
10 federal purposes. Every application for an identification card
11 shall be signed by the applicant or the applicant's parent or
12 guardian. The secretary may, for good cause, revoke or deny
13 the issuance of an identification card.

14 B. An application by a foreign national with lawful
15 status for an identification card that meets federal
16 requirements to be accepted by federal agencies for official
17 federal purposes shall contain the unique identifying number
18 and expiration date, if applicable, of the foreign national's
19 valid passport, valid visa, employment authorization card
20 issued under the applicant's approved deferred action status or
21 other arrival-departure record or document issued by the
22 federal government that conveys lawful status. The department
23 may issue to an eligible foreign national applicant an
24 identification card that meets federal requirements to be
25 accepted by federal agencies for official federal purposes that

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1 is valid for a period not to exceed the duration of the
2 applicant's lawful status; provided that if that date cannot be
3 determined by the department and the applicant is not a legal
4 permanent resident, the identification card shall expire one
5 year after the effective date of the identification card.

6 C. The department shall issue an identification
7 card not intended to be accepted by federal agencies for
8 official federal purposes to an applicant who is otherwise
9 eligible but who does not provide proof of lawful status and
10 who affirmatively acknowledges that the applicant understands
11 that an identification card not intended to be accepted by
12 federal agencies for official federal purposes is not valid for
13 federal purposes. An applicant who does not provide proof of
14 lawful status shall only apply for an identification card not
15 intended to be accepted by federal agencies for official
16 federal purposes.

17 D. For an application for an identification card
18 not intended to be accepted by federal agencies for official
19 federal purposes, the secretary shall accept as proof of the
20 applicant's identity and age:

21 (1) a social security number or an individual
22 tax identification number;

23 (2) a passport from the applicant's country of
24 citizenship or an identification card, issued by the consulate
25 of Mexico in Albuquerque, New Mexico, the consulate general of

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1 Mexico in El Paso, Texas, or such other foreign consulate with
2 which the department has established a reliable method of
3 verifying the authenticity of the identification card;

4 (3) a valid New Mexico license or
5 identification card;

6 (4) a certified letter of enrollment or a
7 valid identification card issued by a federally recognized
8 Indian nation, tribe or pueblo; or

9 (5) a document that the secretary has
10 authorized.

11 E. For an application for an identification card
12 not intended to be accepted by federal agencies for official
13 federal purposes for an applicant who does not provide a
14 document as provided for in Subsection D of this section, the
15 secretary shall accept as proof of the applicant's identity and
16 age any two of the following documents containing the
17 applicant's name and date of birth or name and identity number:

18 (1) a driver's license, identification card or
19 learner's permit issued by a state or territory of the United
20 States other than New Mexico or by a jurisdiction of Canada, as
21 long as it has a photograph and has not been expired more than
22 one year;

23 (2) an original or certified copy of a birth
24 certificate issued in a state or territory of the United
25 States;

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1 (3) a certified copy of a foreign birth
2 certificate with a notarized English translation if not in
3 English;

4 (4) an affidavit of American Indian birth;

5 (5) an I-94 form issued by the United States
6 customs and border protection, presented without a passport if
7 the form contains the applicant's photo;

8 (6) an American Indian or Alaska Native proof
9 of Indian blood, certificate of degree of Indian blood or
10 federal Indian census card, or physical address certification
11 letter from an Indian pueblo's governor's office or planning
12 department;

13 (7) a certificate of naturalization (form N550
14 issued by the United States citizenship and immigration
15 services);

16 (8) a certificate of citizenship (form N560
17 issued by the United States citizenship and immigration
18 services);

19 (9) a resident alien card (form I-551 issued
20 by the United States citizenship and immigration services) if
21 that card contains a photograph of the applicant;

22 (10) an alien registration card (forms AR-3,
23 AR-3a or AR-103 issued by the United States citizenship and
24 immigration services) if that card contains a photograph of the
25 applicant;

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1 (11) a permanent resident card issued by the
2 United States government;

3 (12) a consular report of birth outside the
4 United States (forms FS-240, DS-1350 or FS-545 issued by the
5 United States department of state);

6 (13) an identification card issued by a United
7 States uniformed service or the national guard of New Mexico if
8 that card contains a photograph of the applicant;

9 (14) a card issued by the United States
10 department of veterans affairs containing a photograph of the
11 applicant if that card is accompanied by a United States
12 veterans health administration identification card;

13 (15) a medical insurance card or documentation
14 of medical insurance coverage or eligibility containing an
15 insurance identification number, including a medicaid or
16 medicare card;

17 (16) a dependent's identification card issued
18 by a United States uniformed service if that card contains a
19 photograph of the applicant;

20 (17) an identification card issued by a
21 federal, state or local governmental agency other than a valid
22 New Mexico identification card if that card contains a
23 photograph of the applicant;

24 (18) an identification card issued by the
25 consulate of Mexico in Albuquerque, New Mexico, the consulate

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1 general of Mexico in El Paso, Texas, or such other foreign
2 consulate with which the department can reliably verify the
3 card's authenticity;

4 (19) an identification card issued by the
5 corrections department if that card contains the applicant's
6 name, date of birth and a photograph of the applicant and if
7 that card has not expired within the previous year;

8 (20) an infant baptismal certificate;

9 (21) a social security card issued by the
10 United States social security administration;

11 (22) a transcript, certificate or diploma from
12 a high school, trade school, college or university or a high
13 school equivalency credential;

14 (23) a United States armed forces discharge
15 document (form DD 214 issued by the United States department of
16 defense);

17 (24) a United States selective service system
18 registration card;

19 (25) a document evidencing eligibility for or
20 receipt of welfare benefits, including general assistance,
21 temporary assistance for needy families and the supplemental
22 nutrition assistance program;

23 (26) a medical record less than one year old
24 that is not from a visit to an emergency room or urgent care
25 facility;

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1 (27) a document from a federal, state or local
2 correctional facility;

3 (28) a benefits award letter from the United
4 States social security administration containing the
5 applicant's social security number;

6 (29) a document from a federal, state or local
7 court, including a letter issued by a probation or parole
8 officer;

9 (30) an employment authorization document
10 issued by the United States department of homeland security
11 (form I-766 or form I-688B verified through the federal
12 systematic alien verification for entitlements program);

13 (31) a document showing an individual taxpayer
14 identification number;

15 (32) a court order for name change, sex
16 change, adoption or divorce if the order includes the
17 applicant's legal name, date of birth and a court seal;

18 (33) a federal wage and statement form (a W-2
19 form issued by the United States internal revenue service);

20 (34) a statement of benefits (form SSA-1099
21 issued by the United States social security administration);

22 (35) a pay stub that displays the applicant's
23 name and social security number;

24 (36) a receipt issued by the United States
25 social security administration when an applicant applies for a

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1 social security card; and

2 (37) a document that the secretary has
3 authorized.

4 F. If an applicant provides two documents as
5 provided for in Subsection E of this section but neither
6 document contains the applicant's social security number, the
7 department, if requested by the applicant, shall attempt to
8 electronically validate the applicant's social security number
9 with the United States social security administration.

10 G. For an application for an identification card
11 not intended to be accepted by federal agencies for official
12 federal purposes for an applicant who does not provide a
13 document as provided for in Subsection D of this section, the
14 secretary shall accept as proof of the applicant's residence in
15 New Mexico one of the following documents:

16 (1) a real property rental agreement or
17 purchase agreement;

18 (2) a current local property tax statement or
19 mortgage document;

20 (3) a utility bill, including an electric,
21 solid waste, water, cable, satellite or telephone bill, but not
22 including a cellular telephone bill;

23 (4) an insurance bill or other document
24 verifying current insurance coverage, including motor vehicle,
25 property or health insurance;

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1 (5) a document from a federally regulated
2 financial institution, including a bank account statement but
3 not including a bank check;

4 (6) an employment pay stub showing the
5 applicant's name and address;

6 (7) a document evidencing a minor child's
7 enrollment in a New Mexico public, private or tribal school;

8 (8) a current, valid motor vehicle
9 registration issued by the department;

10 (9) an affidavit attesting to the address
11 where the applicant resides or receives services, in the manner
12 required by the department, from a representative of:

13 (a) a New Mexico governmental entity;

14 (b) a nonprofit organization;

15 (c) an assisted care facility;

16 (d) an adult assisted-living facility;

17 (e) a homeless shelter;

18 (f) a transitional service provider; or

19 (g) a group or halfway house;

20 (10) an identification card issued by the
21 consulate of Mexico in Albuquerque, New Mexico, and the
22 consulate general of Mexico in El Paso, Texas, or such other
23 foreign consulate with which the department can reliably verify
24 the card's authenticity;

25 (11) a document evidencing eligibility and

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1 proof that the applicant is currently receiving services from a
2 nonprofit organization qualified pursuant to Section 501(c)(3)
3 of the federal Internal Revenue Code of 1986;

4 (12) a New Mexico medical or public assistance
5 card, a letter that came with the card from the issuing agency
6 or a profile printout from the issuing agency;

7 (13) a bank or credit card statement;

8 (14) a document from an educational
9 institution;

10 (15) a document evidencing membership in a New
11 Mexico religious or sports organization if the applicant is
12 under eighteen years of age;

13 (16) an affidavit of residency (form 10021
14 issued by the department) if the applicant is under eighteen
15 years of age; and

16 (17) a document that the secretary has
17 authorized.

18 ~~[D-]~~ H. The secretary may adopt rules providing for
19 the proration of fees due to shortened validity periods
20 authorized pursuant to the provision of this section.

21 ~~[E-]~~ I. Within the forms prescribed by the
22 department for identification card applications, a space shall
23 be provided to show whether the applicant is a donor as
24 provided in the Jonathan Spradling Revised Uniform Anatomical
25 Gift Act. A person applying for an identification card may

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1 indicate that person's status on the space provided on the
2 application. The donor status indicated by the applicant shall
3 be displayed on the identification card. The form and
4 identification card shall be signed by the donor in the
5 presence of a witness who shall also sign the form in the
6 donor's presence."

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