

1 SENATE BILL 278

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO DRIVER'S LICENSES; RENAMING DRIVER'S LICENSES AND
12 DRIVING AUTHORIZATION CARDS; CHANGING THE VALIDITY PERIODS OF
13 SOME DRIVER'S LICENSES AND IDENTIFICATION CARDS; REMOVING THE
14 FINGERPRINTING REQUIREMENT FOR ISSUANCE OF CERTAIN DRIVER'S
15 LICENSES AND IDENTIFICATION CARDS; CHANGING PROCEDURES FOR THE
16 ISSUANCE OF TEMPORARY LICENSES; AMENDING, REPEALING AND
17 ENACTING SECTIONS OF THE NMSA 1978.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
21 Chapter 120, Section 5, as amended) is amended to read:

22 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

24 A. "day" means calendar day, unless otherwise
25 provided in the Motor Vehicle Code;

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1 B. "dealer", except as specifically excluded, means
2 any person who sells or solicits or advertises the sale of new
3 or used motor vehicles, manufactured homes or trailers subject
4 to registration in this state; "dealer" does not include:

5 (1) receivers, trustees, administrators,
6 executors, guardians or other persons appointed by or acting
7 under judgment, decree or order of any court;

8 (2) public officers while performing their
9 duties as such officers;

10 (3) persons making casual sales of their own
11 vehicles;

12 (4) finance companies, banks and other lending
13 institutions making sales of repossessed vehicles; or

14 (5) licensed brokers under the Manufactured
15 Housing Act who, for a fee, commission or other valuable
16 consideration, engage in brokerage activities related to the
17 sale, exchange or lease purchase of pre-owned manufactured
18 homes on a site installed for a consumer;

19 C. "declared gross weight" means the maximum gross
20 vehicle weight or gross combination vehicle weight at which a
21 vehicle or combination will be operated during the registration
22 period, as declared by the registrant for registration and fee
23 purposes; the vehicle or combination shall have only one
24 declared gross weight for all operating considerations;

25 D. "department" means the taxation and revenue

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1 department, the secretary of taxation and revenue or any
2 employee of the department exercising authority lawfully
3 delegated to that employee by the secretary;

4 E. "designated accessible parking space for persons
5 with significant mobility limitation" means any space,
6 including an access aisle, that is marked and reserved for the
7 parking of a passenger vehicle that carries registration plates
8 or a parking placard with the international symbol of access
9 issued in accordance with Section 66-3-16 NMSA 1978 and that is
10 designated by a conspicuously posted sign bearing the
11 international symbol of access and, if the parking space is
12 paved, by a clearly visible depiction of this symbol painted in
13 blue on the pavement of the space;

14 F. "director" means the secretary;

15 G. "disqualification" means a prohibition against
16 driving a commercial motor vehicle;

17 H. "distinguishing number" means the number
18 assigned by the department to a vehicle whose identifying
19 number has been destroyed or obliterated or the number assigned
20 by the department to a vehicle that has never had an
21 identifying number;

22 I. "distributor" means a person who distributes or
23 sells new or used motor vehicles to dealers and who is not a
24 manufacturer;

25 J. "division", without further specification,

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1 "division of motor vehicles" or "motor vehicle division" means
2 the department;

3 K. "driveaway-towaway operation" means an operation
4 in which any motor vehicle, new or used, is the item being
5 transported when one set or more of wheels of any such motor
6 vehicle is on the roadway during the course of transportation,
7 whether or not the motor vehicle furnishes the motive power;

8 [~~K.~~] L. "driver" means every person who drives or
9 is in actual physical control of a motor vehicle, including a
10 motorcycle, upon a highway, who is exercising control over or
11 steering a vehicle being towed by a motor vehicle or who
12 operates or is in actual physical control of an off-highway
13 motor vehicle; and

14 [~~L. "driver's license" means a license or a class~~
15 ~~of license issued by a state or other jurisdiction pertaining~~
16 ~~to the authorizing of persons to operate motor vehicles and~~
17 ~~that meets federal requirements to be accepted by federal~~
18 ~~agencies for official federal purposes;~~

19 ~~M. "driveaway-towaway operation" means an operation~~
20 ~~in which any motor vehicle, new or used, is the item being~~
21 ~~transported when one set or more of wheels of any such motor~~
22 ~~vehicle is on the roadway during the course of transportation,~~
23 ~~whether or not the motor vehicle furnishes the motive power;~~
24 ~~and~~

25 ~~N. "driving authorization card" means a card issued~~

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1 ~~or recognized under the laws of New Mexico pertaining to the~~
2 ~~authorizing of persons to operate motor vehicles and not~~
3 ~~intended to be accepted by federal agencies for official~~
4 ~~federal purposes;]~~

5 M. "driver's license" means any license, permit or
6 driving authorization card recognized under the laws of New
7 Mexico pertaining to the authorizing of persons to operate
8 motor vehicles and includes a REAL ID driver's license and a
9 non-REAL ID driver's license."

10 SECTION 2. Section 66-1-4.10 NMSA 1978 (being Laws 1990,
11 Chapter 120, Section 11, as amended) is amended to read:

12 "66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle
13 Code:

14 A. "laned roadway" means a roadway that is divided
15 into two or more clearly marked lanes for vehicular traffic;

16 B. "law enforcement agency designated by the
17 division" means the law enforcement agency indicated on the
18 dismantler's notification form as the appropriate agency for
19 the receipt of the appropriate copy of that form;

20 C. "lawful status" means the legal right to be
21 present in the United States, as that phrase is used in the
22 federal REAL ID Act of 2005;

23 D. "license", without modification, means any
24 license, permit or driving authorization card recognized under
25 the laws of New Mexico pertaining to the authorizing of persons

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1 to operate motor vehicles and includes a REAL ID driver's
2 license and a non-REAL ID driver's license;

3 E. "lien" or "encumbrance" means every chattel
4 mortgage, conditional sales contract, lease, purchase lease,
5 sales lease, contract, security interest under the Uniform
6 Commercial Code or other instrument in writing having the
7 effect of a mortgage or lien or encumbrance upon, or intended
8 to hold, the title to any vehicle in the former owner,
9 possessor or grantor; and

10 F. "local authorities" means every county,
11 municipality and any local board or body having authority to
12 enact laws relating to traffic under the constitution and laws
13 of this state."

14 SECTION 3. Section 66-1-4.12 NMSA 1978 (being Laws 1990,
15 Chapter 120, Section 13, as amended) is amended to read:

16 "66-1-4.12. DEFINITIONS.--As used in the Motor Vehicle
17 Code:

18 A. "natural gas vehicle" means a vehicle operated
19 by an engine that primarily uses natural gas;

20 B. "neighborhood electric car" means a four-wheeled
21 electric motor vehicle that has a maximum speed of more than
22 twenty miles per hour but less than twenty-five miles per hour
23 and complies with the federal requirements specified in 49 CFR
24 571.500;

25 C. "non-REAL ID driver's license" means a license

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1 or a class of license issued by a state or other jurisdiction
2 pertaining to the authorizing of persons to operate motor
3 vehicles and not intended to be accepted by federal agencies
4 for official federal purposes;

5 ~~[G-]~~ D. "nonrepairable vehicle" means a vehicle of
6 a type otherwise subject to registration that:

7 (1) has no resale value except as a source of
8 parts or scrap metal or that the owner irreversibly designates
9 as a source of parts or scrap metal or for destruction;

10 (2) has been substantially stripped as a
11 result of theft or is missing all of the bolts on sheet metal
12 body panels, all of the doors and hatches, substantially all of
13 the interior components and substantially all of the grill and
14 light assemblies and has little or no resale value other than
15 its worth as a source of a vehicle identification number that
16 could be used illegally; or

17 (3) is a substantially burned vehicle that has
18 burned to the extent that there are no more usable or
19 repairable body or interior components, tires and wheels or
20 drive train components or that the owner irreversibly
21 designates for destruction or as having little or no resale
22 value other than its worth as a source of scrap metal or as a
23 source of a vehicle identification number that could be used
24 illegally;

25 ~~[D-]~~ E. "nonrepairable vehicle certificate" means a

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1 vehicle ownership document conspicuously labeled
2 "NONREPAIRABLE" issued to the owner of the nonrepairable
3 vehicle;

4 ~~[E-]~~ F. "nonresident" means every person who is not
5 a resident of this state;

6 ~~[F-]~~ G. "nonresident commercial driver's license"
7 means a commercial driver's license issued by another state to
8 a person domiciled in that state or by a foreign country to a
9 person domiciled in that country; and

10 ~~[G-]~~ H. "nonresident's operating privilege" means
11 the privilege conferred upon a nonresident by the laws of this
12 state pertaining to the operation by the nonresident of a motor
13 vehicle, or the use of a motor vehicle owned by the
14 nonresident, in this state."

15 SECTION 4. Section 66-1-4.15 NMSA 1978 (being Laws 1990,
16 Chapter 120, Section 16, as amended) is amended to read:

17 "66-1-4.15. DEFINITIONS.--As used in the Motor Vehicle
18 Code:

19 A. "railroad" means a carrier of persons or
20 property upon cars operated upon stationary rails;

21 B. "railroad sign or signal" means any sign, signal
22 or device erected by authority of a public body or official or
23 by a railroad and intended to give notice of the presence of
24 railroad tracks or the approach of a railroad train;

25 C. "railroad train" means a steam engine, electric

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1 or other motor, with or without cars coupled thereto, operated
2 upon rails;

3 D. "REAL ID driver's license" means a license or a
4 class of license issued by a state or other jurisdiction
5 pertaining to the authorizing of persons to operate motor
6 vehicles and that meets federal requirements to be accepted by
7 federal agencies for official federal purposes;

8 [~~D.~~] E. "reconstructed vehicle" means any vehicle
9 assembled or constructed largely by means of essential parts,
10 new or used, derived from other vehicles or [~~which~~] that, if
11 originally otherwise assembled or constructed, has been
12 materially altered by the removal of essential parts, new or
13 used;

14 [~~E.~~] F. "recreational travel trailer" means a
15 camping body designed to be drawn by another vehicle;

16 [~~F.~~] G. "recreational vehicle" means a vehicle with
17 a camping body that has its own motive power, is affixed to or
18 is drawn by another vehicle and includes motor homes, travel
19 trailers and truck campers;

20 [~~G.~~] H. "registration" means registration
21 certificates and registration plates issued under the laws of
22 New Mexico pertaining to the registration of vehicles;

23 [~~H.~~] I. "registration number" means the number
24 assigned upon registration by the division to the owner of a
25 vehicle or motor vehicle required to be registered by the Motor

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1 Vehicle Code;

2 [~~H.~~] J. "registration plate" means the plate,
3 marker, sticker or tag assigned by the division for the
4 identification of the registered vehicle;

5 [~~J.~~] K. "residence district" means the territory
6 contiguous to and including a highway not comprising a business
7 district when the property on the highway for a distance of
8 three hundred feet or more is in the main improved with
9 residences or residences and buildings in use for business;

10 [~~K.~~] L. "revocation" means that the driver's
11 license and privilege to drive a motor vehicle on the public
12 highways are terminated and shall not be renewed or restored,
13 except that an application for a new license may be presented
14 to and acted upon by the division after the expiration of at
15 least one year after date of revocation;

16 [~~L.~~] M. "right of way" means the privilege of the
17 immediate use of the roadway;

18 [~~M.~~] N. "road tractor" means every motor vehicle
19 designed and used primarily for drawing other vehicles and
20 constructed not to carry a significant load on the road
21 tractor, either independently or as any part of the weight of a
22 vehicle or load drawn; and

23 [~~N.~~] O. "roadway" means that portion of a street or
24 highway improved, designed or ordinarily used for vehicular
25 travel, exclusive of the berm or shoulder; when a highway

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1 includes two or more separate roadways, the term "roadway"
2 refers to each roadway separately but not to all of the
3 roadways collectively."

4 SECTION 5. Section 66-5-9 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 231, as amended) is amended to read:

6 "66-5-9. APPLICATION FOR LICENSE [~~TEMPORARY LICENSE,~~
7 ~~PROVISIONAL LICENSE, INSTRUCTION PERMIT OR DRIVING~~
8 ~~AUTHORIZATION CARD~~] OR RENEWAL.--

9 A. An application for [~~an instruction permit,~~
10 ~~provisional license, driver's~~] a license [~~or driving~~
11 ~~authorization card~~] or a renewal of [~~an instruction permit,~~
12 ~~provisional license, driver's~~] a license [~~or driving~~
13 ~~authorization card~~] shall be made upon a form furnished by the
14 department. An application shall be accompanied by the proper
15 fee. For [~~permits, provisional licenses, driver's~~] licenses
16 [~~or driving authorization cards~~] other than those issued
17 pursuant to the New Mexico Commercial Driver's License Act,
18 submission of a complete application with payment of the fee
19 entitles the applicant to not more than three attempts to pass
20 the examination within a period of six months from the date of
21 application.

22 B. An application for a REAL ID driver's license,
23 an instruction permit or provisional license, or renewal of a
24 REAL ID driver's license, instruction permit or provisional
25 license shall contain the applicant's full legal name; date of

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1 birth; sex; and current New Mexico residence address and shall
2 briefly describe the applicant and indicate whether the
3 applicant has previously been licensed as a driver and, if so,
4 when and by what state or country and whether any such license
5 has ever been suspended or revoked or whether an application
6 has ever been refused and, if so, the date of and reason for
7 the suspension, revocation or refusal.

8 C. An application for a non-REAL ID driver's
9 license or a renewal of a non-REAL ID driver's license shall
10 contain the applicant's full name; date of birth; sex; and New
11 Mexico residence address of the applicant and briefly describe
12 the applicant and indicate whether the applicant has previously
13 been licensed as a driver and, if so, when and by what state or
14 country and whether any such license has ever been suspended or
15 revoked or whether an application has ever been refused and, if
16 so, the date of and reason for the suspension, revocation or
17 refusal.

18 D. A valid license shall satisfy the department's
19 identity requirement for the issuance or renewal of a non-REAL
20 ID driver's license to an applicant.

21 E. The secretary shall establish by regulation
22 documents that may be accepted as evidence of the residency of
23 the applicant. A person applying for or renewing a REAL ID
24 driver's license shall provide documentation required by the
25 federal government of the applicant's identity; date of birth;

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1 social security number, if applicable; address of current
2 residence; and lawful status. For an applicant for a REAL ID
3 driver's license or a renewal of a REAL ID driver's license,
4 the department shall verify the applicant's lawful status and
5 social security number, if applicable, through a method
6 approved by the federal government.

7 ~~[G.]~~ F. Pursuant to the federal REAL ID Act of
8 2005, the secretary shall establish a written, defined
9 exception process to allow a person to demonstrate the person's
10 identity, age and lawful status. The process shall allow a
11 person to use a certified letter of enrollment or a valid
12 identification card issued by a federally recognized Indian
13 nation, tribe or pueblo to demonstrate the person's identity or
14 age or to demonstrate the person's lawful status, if
15 applicable.

16 ~~[D.]~~ G. A person with lawful status may apply for a
17 REAL ID driver's license or a ~~[driving authorization card]~~ non-
18 REAL ID driver's license.

19 ~~[E.]~~ H. An applicant shall indicate whether the
20 applicant is applying for a REAL ID driver's license or a
21 ~~[driving authorization card]~~ non-REAL ID driver's license. The
22 department shall issue a ~~[driving authorization card]~~ non-REAL
23 ID driver's license to an applicant who is otherwise eligible
24 for a REAL ID driver's license but who does not provide proof
25 of lawful status and who affirmatively acknowledges that the

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1 applicant understands that a driving authorization card [~~is~~]
2 may not be valid for federal purposes. An applicant who does
3 not provide proof of lawful status shall only apply for a
4 [~~driving authorization card~~] non-REAL ID driver's license.

5 Except as otherwise provided in the Motor Vehicle Code, the
6 department [~~may~~] shall treat driving authorization cards and
7 non-REAL ID driver's licenses as REAL ID driver's licenses.

8 [~~F.~~] I. An application by a foreign national with
9 lawful status for a REAL ID driver's license shall contain the
10 unique identifying number and expiration date, if applicable,
11 of the foreign national's valid passport, valid visa,
12 employment authorization card issued under the applicant's
13 approved deferred action status or other arrival-departure
14 record or document issued by the federal government that
15 conveys lawful status. The department may issue to an eligible
16 foreign national applicant a REAL ID driver's license that is
17 valid for a period not to exceed the duration of the
18 applicant's lawful status; provided that if that date cannot be
19 determined by the department and the applicant is not a legal
20 permanent resident, the license shall expire one year after the
21 effective date of the license.

22 [~~G.~~] J. An application for a [~~driving authorization~~
23 ~~card~~] non-REAL ID driver's license shall include proof of the
24 applicant's identity and age. [~~as shown by:~~

25 (~~1) a social security number or an individual~~

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1 ~~tax identification number;~~

2 ~~(2) a passport from the applicant's country of~~
3 ~~citizenship or an identification card, issued by the consulate~~
4 ~~of Mexico in Albuquerque, New Mexico, the consulate general of~~
5 ~~Mexico in El Paso, Texas, or such other foreign consulate with~~
6 ~~which the department has established a reliable method of~~
7 ~~verifying the authenticity of the identification card;~~

8 ~~(3) a valid New Mexico license or~~
9 ~~identification card;~~

10 ~~(4) a certified letter of enrollment or a~~
11 ~~valid identification card issued by a federally recognized~~
12 ~~Indian nation, tribe or pueblo; or~~

13 ~~(5) a document that the secretary has~~
14 ~~authorized.~~

15 H.] K. An applicant shall indicate whether the
16 applicant has been convicted of driving while under the
17 influence of intoxicating liquor or drugs in this state or in
18 any other jurisdiction. Failure to disclose any such
19 conviction prevents the issuance of a [~~driver's~~] license
20 [~~driving authorization card, provisional license, temporary~~
21 ~~license or instruction permit~~] for a period of one year if the
22 failure to disclose is discovered by the department prior to
23 issuance. If the nondisclosure is discovered by the department
24 subsequent to issuance, the department shall revoke the
25 [~~driver's~~] license [~~driving authorization card, provisional~~

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1 ~~license, temporary license or instruction permit~~] for a period
2 of one year. Intentional and willful failure to disclose, as
3 required in this subsection, is a misdemeanor.

4 ~~[F.]~~ L. An applicant under eighteen years of age
5 who is making an application for a first New Mexico driver's
6 license ~~[or driving authorization card]~~ shall submit evidence
7 that the applicant has:

8 (1) successfully completed a driver education
9 course approved by the bureau that included a DWI prevention
10 and education component. The bureau may accept verification of
11 driver education course completion from another state if the
12 driver education course substantially meets the requirements of
13 the bureau for a course offered in New Mexico;

14 (2) had a provisional license for at least the
15 twelve-month period immediately preceding the date of the
16 application for the driver's license ~~[or driving authorization~~
17 ~~card]~~; provided that thirty days shall be added to the twelve-
18 month period for each adjudication or conviction of a traffic
19 violation committed during the time the person was driving with
20 a provisional license;

21 (3) complied with restrictions on that
22 license;

23 (4) not been cited for a traffic violation
24 that is pending at the time of application; and

25 (5) not been adjudicated for an offense

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1 involving the use of alcohol or drugs during the twelve-month
2 period immediately preceding the date of the application for
3 the driver's license [~~or driving authorization card~~] and that
4 there are no pending adjudications alleging an offense
5 involving the use of alcohol or drugs at the time of
6 application.

7 [~~J.~~] M. An applicant eighteen years of age or over,
8 but under twenty-five years of age, who is making an
9 application to be granted a first New Mexico driver's license
10 [~~or driving authorization card~~] shall submit evidence with the
11 application that the applicant has successfully completed a
12 bureau-approved DWI prevention and education program.

13 [~~K.~~] N. An applicant twenty-five years of age or
14 over who has been convicted of driving under the influence of
15 intoxicating liquor or drugs and who is making an application
16 to be granted a first New Mexico driver's license [~~or driving~~
17 ~~authorization card~~] shall submit evidence with the application
18 that the applicant has successfully completed a bureau-approved
19 DWI prevention and education program.

20 [~~L.~~] O. Whenever an application is received from a
21 person previously licensed in another jurisdiction, the
22 department may request a copy of the driver's record from the
23 other jurisdiction. When received, the driver's record may
24 become a part of the driver's record in this state with the
25 same effect as though entered on the driver's record in this

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1 state in the original instance.

2 [M-] P. Whenever the department receives a request
3 for a driver's record from another licensing jurisdiction, the
4 record shall be forwarded without charge.

5 [N-] Q. This section does not apply to licenses
6 issued pursuant to the New Mexico Commercial Driver's License
7 Act."

8 SECTION 6. Section 66-5-15 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 237, as amended) is amended to read:

10 "66-5-15. LICENSES ISSUED TO APPLICANTS.--

11 A. The department shall, upon payment of the
12 required fee, issue to every qualified applicant a license as
13 applied for. Except as provided in Subsection B of this
14 section, the license shall bear the applicant's full legal
15 name; date of birth; sex; current New Mexico residence address;
16 full-face or front-view digital photograph; a unique license
17 number; a date of issuance; an expiration date; a brief
18 description of the licensee; and the signature of the licensee.
19 A license shall not be valid unless it bears the signature of
20 the licensee.

21 B. A non-REAL ID driver's license shall bear the
22 applicant's full name; date of birth; sex; current New Mexico
23 residence address; full-face or front-view digital photograph;
24 a unique license number; a date of issuance; an expiration
25 date; a brief description of the licensee; and the signature of

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1 the licensee.

2 ~~[B.]~~ C. The department shall ensure that REAL ID
3 driver's licenses and ~~[driving authorization cards]~~ non-REAL ID
4 driver's licenses are distinguishable in color or design but
5 only to the extent that a non-REAL ID driver's license shall
6 bear the statement: "NOT INTENDED FOR FEDERAL PURPOSES" and a
7 REAL ID driver's license shall include a gold star pursuant to
8 Section 66-5-15.3 NMSA 1978.

9 ~~[G.]~~ D. A REAL ID driver's license issued to a
10 foreign national who fails to prove that the foreign national's
11 lawful status will not expire prior to the date on which the
12 license applied for would expire but for the person being a
13 foreign national shall clearly indicate on its face and in the
14 machine readable zone that it is temporary and shall bear the
15 word "TEMPORARY".

16 ~~[D. A driving authorization card shall bear the~~
17 ~~statement: "NOT FOR FEDERAL PURPOSES".]~~"

18 SECTION 7. Section 66-5-21 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 243, as amended) is amended to read:

20 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
21 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--
22 RENEWAL.--

23 A. Except as provided in Subsections B through ~~[F]~~
24 H of this section ~~[Section]~~ and Sections 66-5-19 ~~[NMSA 1978]~~
25 and ~~[Section]~~ 66-5-67 NMSA 1978, all licenses shall be issued

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1 for a period of four years, and each license shall expire
2 [~~thirty days after the applicant's birthday in the fourth year~~]
3 four years after the effective date of the license or shall
4 expire thirty days after the applicant's seventy-ninth
5 birthday. A license issued pursuant to Section 66-5-19 NMSA
6 1978 shall expire thirty days after the applicant's birthday in
7 the year in which the license expires. Each license is
8 renewable within ninety days prior to its expiration or at an
9 earlier date approved by the department. The fee for the
10 license shall be as provided in Section 66-5-44 NMSA 1978. The
11 department may provide for renewal by mail or telephonic or
12 electronic means of a license issued pursuant to the provisions
13 of this subsection, pursuant to regulations adopted by the
14 department that ensure adequate security measures to safeguard
15 personal information that is obtained in the issuance of a
16 license, except the department shall not renew by mail or
17 telephonic or electronic means a license if prohibited by
18 federal law. The department may require an examination upon
19 renewal of the license.

20 B. Except as provided in Subsection E of this
21 section, at the option of an applicant, a REAL ID driver's
22 license may be issued for a period of eight years, provided
23 that the applicant:

24 (1) pays the amount required for a REAL ID
25 driver's license issued for a term of eight years;

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1 (2) otherwise qualifies for a four-year REAL
2 ID driver's license; and

3 (3) will not reach the age of seventy-nine
4 during the last four years of the eight-year REAL ID driver's
5 license period or reach the age of twenty-one during any year
6 within the term of the license.

7 C. A REAL ID driver's license issued pursuant to
8 the provisions of Subsection B of this section shall expire
9 eight years after the effective date of the license.

10 D. A [~~driver's~~] license issued prior to an
11 applicant's twenty-first birthday shall expire thirty days
12 after the applicant's twenty-first birthday. A [~~driver's~~]
13 license issued prior to an applicant's twenty-first birthday
14 may be issued for a period of up to five years.

15 E. A REAL ID driver's license issued to a foreign
16 national shall expire on the earliest of:

17 (1) thirty days after the applicant's twenty-
18 first birthday, if issued prior to the applicant's twenty-first
19 birthday;

20 (2) thirty days after the applicant's seventy-
21 ninth birthday;

22 (3) [~~thirty days after the applicant's~~
23 ~~birthday in the fourth year~~] four years after the effective
24 date of the license or eight years after the effective date of
25 the license if the applicant opted for a period of eight years

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1 pursuant to Subsection B of this section; or

2 (4) the expiration date of the applicant's
3 lawful status; provided that if that date cannot be determined
4 by the department and the applicant is not a legal permanent
5 resident, the REAL ID driver's license shall expire one year
6 after the effective date of the license.

7 F. A [~~driving authorization card~~] non-REAL ID
8 driver's license issued to an applicant [~~who provides proof of~~
9 ~~lawful status~~] shall expire on the earliest of:

10 (1) thirty days after the applicant's twenty-
11 first birthday, if issued prior to the applicant's twenty-first
12 birthday;

13 (2) thirty days after the applicant's seventy-
14 ninth birthday; or

15 (3) [~~thirty days after the applicant's~~
16 ~~birthday in the fourth year~~] four years after the effective
17 date of the license.

18 [~~G. A driving authorization card issued to an~~
19 ~~applicant who does not provide proof of lawful status shall~~
20 ~~expire on the earliest of:~~

21 (1) ~~thirty days after the applicant's~~
22 ~~twenty-first birthday, if issued prior to the applicant's~~
23 ~~twenty-first birthday;~~

24 (2) ~~thirty days after the applicant's~~
25 ~~seventy-ninth birthday; or~~

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1 ~~(3) two years after the effective date of the~~
2 ~~driving authorization card.~~

3 ~~H. A driving authorization card that is valid for~~
4 ~~two years issued pursuant to Subsection G of this section~~
5 ~~shall, upon renewal and for subsequent renewals, be valid for~~
6 ~~four years.]~~

7 G. At the option of an applicant, a non-REAL ID
8 driver's license may be issued for a period of eight years;
9 provided that the applicant:

10 (1) pays the amount required for a non-REAL ID
11 driver's license issued for a term of eight years;

12 (2) otherwise qualifies for a four-year non-
13 REAL ID driver's license; and

14 (3) will not reach the age of seventy-nine
15 during the last four years of the eight-year non-REAL ID
16 driver's license period or reach the age of twenty-one during
17 any year within the term of the license.

18 ~~[F.]~~ H. The secretary shall adopt regulations
19 providing for the proration of driver's license fees [~~driving~~
20 ~~authorization card fees and commercial driver's license fees]~~
21 due to shortened licensure periods permitted pursuant to
22 Subsection A of Section 66-5-19 NMSA 1978 and for licensure
23 periods authorized pursuant to the provisions of this section."

24 SECTION 8. Section 66-5-37 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 259, as amended) is amended to read:

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1 "66-5-37. UNLAWFUL USE OF LICENSE.--

2 A. It is a misdemeanor for any person to:

3 (1) display or cause or permit to be displayed
4 or have in the person's possession any canceled, revoked or
5 suspended driver's license [~~or permit, commercial driver's~~
6 ~~license or permit or driving authorization card~~];

7 (2) lend the person's driver's license [~~or~~
8 ~~permit, commercial driver's license or permit or driving~~
9 ~~authorization card~~] to any other person or knowingly permit the
10 use of the person's license [~~permit or driving authorization~~
11 ~~card~~] by another;

12 (3) permit any unlawful use of the driver's
13 license [~~or permit, commercial driver's license or permit or~~
14 ~~driving authorization card~~] issued to, or received by, the
15 person;

16 (4) display or represent as one's own any
17 driver's license [~~or permit, commercial driver's license or~~
18 ~~permit or driving authorization card~~] not issued to the person;
19 or

20 (5) do any other act forbidden or fail to
21 perform any other act required by Sections 66-5-1.1 through
22 66-5-47 NMSA 1978 or the provisions of the New Mexico
23 Commercial Driver's License Act.

24 B. It is a felony for any person to:

25 (1) fail or refuse to surrender to the

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1 division upon its lawful demand any driver's license [~~or~~
2 ~~permit, commercial driver's license or permit or driving~~
3 ~~authorization card~~] that has been suspended, revoked or
4 canceled;

5 (2) knowingly or willfully provide a false or
6 fictitious name or document in any application for a driver's
7 license [~~or permit or commercial driver's license or permit or~~
8 ~~driving authorization card~~] or knowingly make a false statement
9 or knowingly conceal a material fact or otherwise commit a
10 fraud in any such application; or

11 (3) induce or solicit another person or
12 conspire with another person to violate this subsection."

13 SECTION 9. Section 66-5-401 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 328, as amended) is amended to read:

15 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

16 A. A person who does not have a valid New Mexico
17 driver's license [~~or driving authorization card~~] may be issued
18 an identification card by the department. An application for
19 an identification card or renewal of an identification card
20 shall be made upon a form furnished by the department.

21 B. The department shall establish two distinct
22 identification cards as provided in Section 66-5-405 NMSA 1978:

23 (1) an identification card that meets federal
24 requirements to be accepted by federal agencies for official
25 federal purposes; and

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1 (2) an identification card not intended to be
2 accepted by federal agencies for official federal purposes.

3 C. An application for an identification card that
4 meets federal requirements to be accepted by federal agencies
5 for official federal purposes shall contain the applicant's
6 full legal name; date of birth; sex; and current New Mexico
7 residence address and shall briefly describe the applicant.

8 D. An application for an identification card not
9 intended to be accepted by federal agencies for official
10 federal purposes shall bear the applicant's full name; date of
11 birth; sex; and current New Mexico residence address and shall
12 briefly describe the applicant.

13 E. The secretary shall establish by rule documents
14 that may be accepted as evidence of the residency of the
15 applicant. [~~The department shall establish two distinct~~
16 ~~identification cards as provided in Section 66-5-405 NMSA 1978:~~
17 ~~an identification card that meets federal requirements to be~~
18 ~~accepted by federal agencies for official federal purposes and~~
19 ~~an identification card not intended to be accepted by federal~~
20 ~~agencies for official federal purposes.]~~

21 F. A person applying for or renewing an
22 identification card that meets federal requirements to be
23 accepted by federal agencies for official federal purposes
24 shall provide documentation required by the federal government
25 of the applicant's identity; date of birth; social security

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1 number, if applicable; address of current residence; and lawful
2 status. The department shall verify the applicant's lawful
3 status and social security number, if applicable, through a
4 method approved by the federal government. Pursuant to the
5 federal REAL ID Act of 2005, the secretary shall establish a
6 written, defined exception process to allow a person to
7 demonstrate the person's identity, age and lawful status. The
8 process shall allow a person to use a certified letter of
9 enrollment or a valid identification card issued by a federally
10 recognized Indian nation, tribe or pueblo to demonstrate the
11 person's identity or age or to demonstrate the person's lawful
12 status, if applicable. A person with lawful status may apply
13 for an identification card that meets federal requirements to
14 be accepted by federal agencies for official federal purposes
15 or an identification card not intended to be accepted by
16 federal agencies for official federal purposes. Every
17 application for an identification card shall be signed by the
18 applicant or the applicant's parent or guardian. The secretary
19 may, for good cause, revoke or deny the issuance of an
20 identification card.

21 ~~[B-]~~ G. An application by a foreign national with
22 lawful status for an identification card that meets federal
23 requirements to be accepted by federal agencies for official
24 federal purposes shall contain the unique identifying number
25 and expiration date, if applicable, of the foreign national's

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1 valid passport, valid visa, employment authorization card
2 issued under the applicant's approved deferred action status or
3 other arrival-departure record or document issued by the
4 federal government that conveys lawful status. The department
5 may issue to an eligible foreign national applicant an
6 identification card that meets federal requirements to be
7 accepted by federal agencies for official federal purposes that
8 is valid for a period not to exceed the duration of the
9 applicant's lawful status; provided that if that date cannot be
10 determined by the department and the applicant is not a legal
11 permanent resident, the identification card shall expire one
12 year after the effective date of the identification card.

13 ~~[G.]~~ H. The department shall issue an
14 identification card not intended to be accepted by federal
15 agencies for official federal purposes to an applicant who is
16 otherwise eligible but who does not provide proof of lawful
17 status and who affirmatively acknowledges that the applicant
18 understands that an identification card not intended to be
19 accepted by federal agencies for official federal purposes ~~[is]~~
20 may not be valid for federal purposes. An applicant who does
21 not provide proof of lawful status shall only apply for an
22 identification card not intended to be accepted by federal
23 agencies for official federal purposes. ~~[For]~~ An application
24 for an identification card not intended to be accepted by
25 federal agencies for official federal purposes ~~[the secretary]~~

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1 shall [~~accept as~~] include proof of the applicant's identity and
2 age.

3 [~~(1) a social security number or an individual~~
4 ~~tax identification number;~~

5 [~~(2) a passport from the applicant's country of~~
6 ~~citizenship or an identification card, issued by the consulate~~
7 ~~of Mexico in Albuquerque, New Mexico, the consulate general of~~
8 ~~Mexico in El Paso, Texas, or such other foreign consulate with~~
9 ~~which the department has established a reliable method of~~
10 ~~verifying the authenticity of the identification card;~~

11 [~~(3) a valid New Mexico license or~~
12 ~~identification card;~~

13 [~~(4) a certified letter of enrollment or a~~
14 ~~valid identification card issued by a federally recognized~~
15 ~~Indian nation, tribe or pueblo; or~~

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

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

22 [~~E.]~~ J. Within the forms prescribed by the
23 department for identification card applications, a space shall
24 be provided to show whether the applicant is a donor as
25 provided in the Jonathan Spradling Revised Uniform Anatomical

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

8 SECTION 10. Section 66-5-403 NMSA 1978 (being Laws 1973,
9 Chapter 269, Section 3, as amended) is amended to read:

10 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
11 RENEWAL.--

12 A. Except as provided in Subsections B through [G]
13 E of this section, every identification card shall be issued
14 for a period not to exceed four years and shall expire [~~on the~~
15 ~~last day of the month of the identified person's birth in the~~
16 ~~fourth year]~~ four years after the effective date of the
17 identification card.

18 B. An identification card may be renewed within
19 ninety days prior to its expiration or at an earlier date
20 approved by the department. An identification card may be
21 renewed by mail or telephonic or electronic means pursuant to
22 regulations adopted by the department, except the department
23 shall not renew by mail or telephonic or electronic means an
24 identification card that meets federal requirements to be
25 accepted by federal agencies for official federal purposes if

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1 prohibited by federal law. The regulations shall ensure
2 adequate security measures to safeguard personal information
3 that is obtained in the issuance of an identification card.

4 C. At the option of the applicant for an
5 identification card, a card may be issued for a period of eight
6 years, provided that the applicant pays the amount required for
7 an identification card issued for a term of eight years. An
8 identification card issued pursuant to the provisions of this
9 subsection shall expire eight years after the effective date of
10 the identification card. [~~The identification card may be~~
11 ~~renewed within ninety days prior to its expiration.~~]

12 D. An identification card that meets federal
13 requirements to be accepted by federal agencies for official
14 federal purposes issued to a foreign national with lawful
15 status shall expire on the earlier of:

16 (1) [~~the last day of the month of the~~
17 ~~applicant's birth in the fourth year]~~ four years after the
18 effective date of the identification card or eight years after
19 the effective date of the identification card if the applicant
20 opted for a period of eight years pursuant to Subsection C of
21 this section; or

22 (2) the expiration date of the applicant's
23 lawful status; provided that if that date cannot be determined
24 by the department and the applicant is not a legal permanent
25 resident, the identification card shall expire one year after

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1 the effective date of the identification card.

2 E. An identification card not intended to be
3 accepted by federal agencies for official federal purposes
4 ~~[issued to an applicant who provides proof of lawful status]~~
5 shall expire ~~[on the last day of the month of the applicant's~~
6 ~~birth in the fourth year]~~ four years after the effective date
7 of the identification card.

8 ~~[F. An identification card not intended to be~~
9 ~~accepted by federal agencies for official federal purposes~~
10 ~~issued to an applicant who does not provide proof of lawful~~
11 ~~status shall expire two years after the effective date of the~~
12 ~~identification card.~~

13 ~~G. An identification card that is valid for two~~
14 ~~years issued pursuant to Subsection F of this section shall,~~
15 ~~upon renewal and for subsequent renewals, be valid for four~~
16 ~~years.]"~~

17 SECTION 11. Section 66-5-405 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 332, as amended) is amended to read:

19 "66-5-405. CONTENTS OF CARD.--

20 A. An identification card that meets federal
21 requirements to be accepted by federal agencies for official
22 federal purposes shall bear the applicant's full legal name;
23 date of birth; sex; current New Mexico residence address; full-
24 face or front-view digital photograph of the identification
25 card holder; a unique identification card number; a date of

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1 issuance; an expiration date; a brief description of the
2 identification card holder; and the signature of the holder,
3 and the identification card shall indicate donor status.

4 B. An identification card not intended to be
5 accepted by federal agencies for official federal purposes
6 shall bear the applicant's full name; date of birth; sex;
7 current New Mexico residence address; full-face or front-view
8 digital photograph of the identification card holder; a unique
9 identification card number; a date of issuance; an expiration
10 date; a brief description of the identification card holder;
11 and the signature of the holder, and the identification card
12 shall indicate donor status.

13 C. A valid license or identification card shall
14 satisfy the identity requirement for the issuance of an
15 identification card not intended to be accepted by federal
16 agencies for official federal purposes to an applicant.

17 D. All identification cards of persons under the
18 age of twenty-one years shall have a printed legend indicating
19 that the person is under twenty-one.

20 ~~[B-]~~ E. An identification card not intended to be
21 accepted by federal agencies for official federal purposes
22 shall not include a gold star pursuant to Section 66-5-15.3
23 NMSA 1978 and shall bear the statement:

24 "STATE OF NEW MEXICO IDENTIFICATION

25 CARD NO. _____

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1 This card is provided solely for the purpose of establishing
2 that the bearer described on the card was not the holder of a
3 New Mexico driver's license as of the date of issuance of this
4 card. This identification card is not a license. ISSUED FOR
5 IDENTIFICATION PURPOSES ONLY. NOT INTENDED FOR FEDERAL
6 PURPOSES."

7 ~~[G.]~~ F. An identification card that meets federal
8 requirements to be accepted by federal agencies for official
9 federal purposes shall be distinguishable in color or design
10 from an identification card not intended to be accepted by
11 federal agencies for official federal purposes ~~[and]~~ but only
12 to the extent that an identification card not intended to be
13 accepted by federal agencies for official federal purposes
14 shall bear the statement: "NOT INTENDED FOR FEDERAL PURPOSES",
15 and an identification card that meets federal requirements to
16 be accepted by federal agencies for official federal purposes
17 shall include a gold star pursuant to Section 66-5-15.3 NMSA
18 1978.

19 G. An identification card that meets federal
20 requirements to be accepted by federal agencies for official
21 federal purposes shall bear the statement:

22 "STATE OF NEW MEXICO IDENTIFICATION

23 CARD NO. _____

24 This card is provided for the purpose of establishing that the
25 bearer described on the card was not the holder of a New Mexico

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1 driver's license as of the date of issuance of this card. This
2 identification card is not a license. ISSUED FOR
3 IDENTIFICATION PURPOSES ONLY."

4 ~~[D-]~~ H. An identification card that meets federal
5 requirements to be accepted by federal agencies for official
6 federal purposes issued to a foreign national with lawful
7 status who fails to prove that the foreign national's lawful
8 status will not expire prior to the date on which the
9 identification card applied for would expire but for the person
10 being a foreign national shall clearly indicate on its face and
11 in the machine readable zone that it is temporary and shall
12 bear the word "TEMPORARY".

13 **SECTION 12.** Section 66-8-111.1 NMSA 1978 (being Laws
14 1984, Chapter 72, Section 7, as amended) is amended to read:

15 "66-8-111.1. LAW ENFORCEMENT OFFICER AGENT FOR
16 DEPARTMENT--WRITTEN NOTICE OF REVOCATION AND RIGHT TO
17 HEARING.--

18 A. On behalf of the department, a law enforcement
19 officer requesting a chemical test or directing the
20 administration of a chemical test pursuant to Section 66-8-107
21 NMSA 1978 shall serve immediate written notice of revocation
22 and of right to a hearing before the administrative hearings
23 office pursuant to the Implied Consent Act on a person who:

24 (1) refuses to permit chemical testing ~~[or on~~
25 ~~a person who]~~; and

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1 (2) submits to a chemical test the results of
2 which indicate an alcohol concentration in the person's blood
3 or breath of:

4 (a) eight one hundredths or more if the
5 person is twenty-one years of age or older;

6 (b) four one hundredths or more if the
7 person is driving a commercial motor vehicle; or

8 (c) two one hundredths or more if the
9 person is less than twenty-one years of age. [~~Upon serving~~]

10 B. The written notice of revocation [~~the law~~
11 ~~enforcement officer shall take the license or permit of the~~
12 ~~driver, if any, and issue a~~] and of a right to a hearing served
13 on the driver shall be a temporary license valid for twenty
14 days or, if the driver requests a hearing pursuant to Section
15 66-8-112 NMSA 1978, valid until the date the administrative
16 hearings office issues the order following that hearing;
17 provided that a written notice of revocation and right to a
18 hearing shall not be a temporary license [~~shall not be issued~~
19 ~~to~~] for a driver without [~~a valid license or permit~~] any
20 otherwise valid driving privileges in this state.

21 C. The law enforcement officer shall send [~~the~~
22 ~~person's driver's license~~] to the department [~~along with~~] the
23 signed statement required pursuant to Section 66-8-111 NMSA
24 1978."

25 SECTION 13. A new section of the Motor Vehicle Code is
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1 enacted to read:

2 "[NEW MATERIAL] DRIVER'S LICENSES AND IDENTIFICATION
3 CARDS--ACCEPTANCE.--

4 A. A non-REAL ID driver's license or identification
5 card not intended to be accepted by federal agencies for
6 official federal purposes shall be accepted by every state and
7 local public agency and every public accommodation for all of
8 the purposes for which such public agency or public
9 accommodation would accept a REAL ID driver's license or an
10 identification card that meets federal requirements to be
11 accepted by federal agencies for official federal purposes.

12 B. It is unlawful for a public accommodation to
13 refuse to accept a non-REAL ID driver's license or
14 identification card not intended to be accepted by federal
15 agencies for official federal purposes for any purpose for
16 which it would accept a REAL ID driver's license or an
17 identification card that meets federal requirements to be
18 accepted by federal agencies for official federal purposes. A
19 person harmed by a violation of this subsection may maintain an
20 action for damages or appropriate injunctive or declaratory
21 relief to redress the violation in a district court of the
22 judicial district in which the violation occurred or in which
23 the plaintiff or defendant resides or the defendant may be
24 found.

25 C. As used in this section, "public accommodation"

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1 means any establishment that provides or offers its services,
2 facilities, accommodations or goods to the public, but does not
3 mean a bona fide private club or other place or establishment
4 that is by its nature and use distinctly private."

5 SECTION 14. A new section of the Motor Vehicle Code is
6 enacted to read:

7 "[NEW MATERIAL] VALIDITY--DRIVING AUTHORIZATION CARDS.--A
8 driving authorization card issued by the taxation and revenue
9 department shall be treated by the state and its subdivisions
10 as a non-REAL ID driver's license and shall be valid until the
11 card expires."

12 SECTION 15. DELAYED REPEAL.--Section 14 of this act is
13 repealed effective July 1, 2022.

14 SECTION 16. REPEAL.--Section 66-5-15.2 NMSA 1978 (being
15 Laws 2016, Chapter 79, Section 15) is repealed.

16 SECTION 17. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2019.