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SENATE BILL 622

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO DRIVER'S LICENSES; REQUIRING FOREIGN NATIONALS TO
SUBMIT DRIVING RECORDS AND FINGERPRINTS FOR IDENTIFICATION
PURPOSES WHEN APPLYING FOR DRIVER'S LICENSES; PROVIDING AN
EXCEPTION; REQUIRING A REASONABLE FEE; MAKING AN APPROPRIATION.

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

Section 1. Section 66-5-9 NMSA 1978 (being Laws 1978,
Chapter 35, Section 231, as amended) is amended to read:

"66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

A. An application for an instruction permit,
provisional license or driver's license shall be made upon a
form furnished by the department. An application shall be
accompanied by the proper fee. For permits, provisional
licenses or driver's licenses other than those issued pursuant

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1 to the New Mexico Commercial Driver's License Act, submission
2 of a complete application with payment of the fee entitles the
3 applicant to not more than three attempts to pass the
4 examination within a period of six months from the date of
5 application.

6 B. An application shall contain the full name,
7 social security number or individual tax identification number,
8 date of birth, sex and New Mexico residence address of the
9 applicant and briefly describe the applicant and indicate
10 whether the applicant has previously been licensed as a driver
11 and, if so, when and by what state or country and whether any
12 such license has ever been suspended or revoked or whether an
13 application has ever been refused and, if so, the date of and
14 reason for the suspension, revocation or refusal.

15 C. For a foreign [~~nationals~~] national applying for
16 a driver's [~~licenses~~] license, the secretary shall accept the
17 applicant's individual taxpayer identification number as a
18 substitute for a social security number regardless of
19 immigration status. The secretary is authorized to establish
20 by [~~regulation~~] rule other documents that may be accepted as a
21 substitute for a social security number or an individual tax
22 identification number. The secretary shall also require a
23 foreign national applicant for a driver's license to submit:

24 (1) if currently or previously licensed in
25 another jurisdiction, a certified copy of the applicant's

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1 driving record, together with an English language translation
2 of the record if it is in another language, from each
3 jurisdiction where the applicant is currently or was previously
4 licensed; and

5 (2) a full set of fingerprints to be used for
6 a nationwide identity verification background check that uses
7 any international, federal or state repository of appropriate
8 identification information, unless the applicant has a current
9 visa issued by the United States or other valid federal
10 immigration documentation. The results of the background check
11 shall be used solely to verify the applicant's identity. An
12 applicant's failure to provide required or correct information
13 in the application may result in cancellation of the license
14 pursuant to Section 66-5-24 NMSA 1978.

15 D. A driver's license issued to a foreign-national
16 licensee by the division before July 1, 2006 shall no longer be
17 valid unless the licensee submits a full set of fingerprints
18 for a background check as described in Subsection C of this
19 section. On and after July 1, 2006, a foreign-national
20 licensee shall be required to submit a full set of fingerprints
21 to the division no later than the first business day of the
22 month in which the licensee's license expires; provided that
23 the requirement to submit fingerprints in this subsection shall
24 not apply to a foreign-national licensee who has a current visa
25 issued by the United States or other valid immigration

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1 documentation.

2 ~~[G.]~~ E. An applicant shall indicate whether ~~[he]~~
3 the applicant has been convicted of driving while under the
4 influence of intoxicating liquor or drugs in this state or in
5 any other jurisdiction. Failure to disclose any such
6 conviction prevents the issuance of a driver's license,
7 provisional license, temporary license or instruction permit
8 for a period of one year if the failure to disclose is
9 discovered by the department prior to issuance. If the
10 nondisclosure is discovered by the department subsequent to
11 issuance, the department shall revoke the driver's license,
12 provisional license, temporary license or instruction permit
13 for a period of one year. Intentional and willful failure to
14 disclose, as required in this subsection, is a misdemeanor.

15 ~~[D.]~~ F. An applicant ~~[less than]~~ who is under
16 eighteen years of age and who is making an application to be
17 granted ~~[his]~~ a first New Mexico driver's license shall submit
18 evidence that ~~[he]~~ the applicant has:

19 (1) successfully completed a driver education
20 course that included a DWI prevention and education program
21 approved by the bureau or offered by a public school. The
22 bureau may accept verification of driver education course
23 completion from another state if the driver education course
24 substantially meets the requirements of the bureau for a course
25 offered in New Mexico;

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1 (2) had a provisional license for the twelve-
2 month period immediately preceding the date of the application
3 for the driver's license;

4 (3) complied with restrictions on that
5 license;

6 (4) not been convicted of a traffic violation
7 committed during the ninety days prior to applying for a
8 driver's license;

9 (5) not been cited for a traffic violation
10 that is pending at the time of [~~his~~] the application; and

11 (6) not been adjudicated for an offense
12 involving the use of alcohol or drugs during the twelve-month
13 period immediately preceding the date of the application for
14 the driver's license and that there are no pending
15 adjudications alleging an offense involving the use of alcohol
16 or drugs at the time of [~~his~~] the application.

17 [~~E.~~] G. An applicant eighteen years of age and
18 over, but [~~less than~~] under twenty-five years of age, who is
19 making an application to be granted [~~his~~] a first New Mexico
20 driver's license shall submit evidence with [~~his~~] the
21 application that [~~he~~] the applicant has successfully completed
22 a bureau-approved DWI prevention and education program.

23 [~~F.~~] H. An applicant twenty-five years of age [~~and~~]
24 or over who has been convicted of driving under the influence
25 of intoxicating liquor or drugs, and who is making an

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1 application to be granted [~~his~~] a first New Mexico driver's
2 license, shall submit evidence with [~~his~~] the application that
3 [~~he~~] the applicant has successfully completed a bureau-approved
4 DWI prevention and education program.

5 [~~G.~~] I. Whenever application is received from a
6 person previously licensed in another jurisdiction, the
7 department may request a copy of the driver's record from the
8 other jurisdiction. When received, the driver's record may
9 become a part of the driver's record in this state with the
10 same effect as though entered on the driver's record in this
11 state in the original instance.

12 [~~H.~~] J. Whenever the department receives a request
13 for a driver's record from another licensing jurisdiction, the
14 record shall be forwarded without charge.

15 [~~I.~~] K. This section does not apply to driver's
16 licenses issued pursuant to the New Mexico Commercial Driver's
17 License Act."

18 Section 2. Section 66-5-44 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 266, as amended) is amended to read:

20 "66-5-44. LICENSES AND PERMITS--DURATION AND FEE--
21 APPROPRIATION.--

22 A. There shall be paid to the department a fee of
23 ten dollars (\$10.00) for each driver's license or duplicate
24 driver's license, except that for a driver's license issued for
25 an eight-year period, a fee of twenty dollars (\$20.00) shall be

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1 paid to the department. Each license shall be for a term
2 provided for in Section 66-5-21 NMSA 1978.

3 B. For each permit and instruction permit, there
4 shall be paid to the department a fee of two dollars (\$2.00).
5 The term for each permit shall be as provided in Sections
6 66-5-8 and 66-5-9 NMSA 1978.

7 C. The director with the approval of the governor
8 may increase the amount of the fees provided for in this
9 section by an amount not to exceed three dollars (\$3.00) for
10 the purpose of implementing an enhanced driver's license
11 system; provided that for a driver's license issued for an
12 eight-year period, the amount of the fees shall be twice the
13 amount charged for other driver's licenses. The additional
14 amounts collected pursuant to this subsection are appropriated
15 to the department to defray the expense of the new system of
16 licensing.

17 D. There shall be paid to the department a driver
18 safety fee of three dollars (\$3.00) for each driver's license
19 or duplicate driver's license, except that for a driver's
20 license issued for an eight-year period, a fee of six dollars
21 (\$6.00) shall be paid to the department. The fee shall be
22 distributed to each school district for the purpose of
23 providing defensive driving instruction through the state
24 equalization guarantee distribution made annually pursuant to
25 the general appropriation act.

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1 E. An applicant or licensee who is required to
2 submit a set of fingerprints for a background check pursuant to
3 Section 66-5-9 NMSA 1978 shall pay a reasonable fee to the
4 department, which fee shall be established by department rule.
5 Money from the fees collected pursuant to this subsection is
6 appropriated to the division to defray the costs of background
7 checks."

8 Section 3. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2006.

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