

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 359

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
PROVIDING FOR THE TAXATION AND REVENUE DEPARTMENT TO ISSUE A  
"REAL ID" CARD THAT MEETS THE REQUIREMENTS OF THE FEDERAL REAL  
ID ACT OF 2005 AND THAT IS DISTINCT FROM THE STATE DRIVER'S  
LICENSE AND IDENTIFICATION CARD; PROVIDING FOR FEES; IMPOSING  
PENALTIES; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 66, Article 5 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] REAL ID CARDS--PERSONS ELIGIBLE--  
APPLICATION--CONTENTS--DURATION--RENEWAL--DUPLICATES--FEES--  
PENALTIES.--

A. The department shall issue a Real ID card only  
to a person who is a New Mexico resident and who provides

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1 sufficient evidence as required by the federal Real ID Act of  
2 2005 to establish documentary evidence of the age, identity and  
3 residency of the person. The department shall establish a  
4 unique design for a Real ID card that denotes it as meeting the  
5 requirements of the federal Real ID Act of 2005 to be accepted  
6 by federal agencies for official federal purposes and that  
7 distinguishes it from a driver's license and an identification  
8 card that is not intended to be accepted by federal agencies  
9 for official federal purposes.

10 B. An application for a Real ID card shall be made  
11 upon a form furnished by the department. The department shall  
12 promulgate rules ensuring that the application for the Real ID  
13 card contains all information required by the federal Real ID  
14 Act of 2005 and that the card bears all information required by  
15 that act.

16 C. The secretary may, for good cause, revoke or  
17 deny the issuance of a Real ID card.

18 D. Within the forms prescribed by the department  
19 for Real ID card applications, a space shall be provided to  
20 show whether the applicant is a donor as provided in the  
21 Jonathan Spradling Revised Uniform Anatomical Gift Act. A  
22 person applying for a Real ID card may indicate that person's  
23 status on the space provided on the application. The donor  
24 status indicated by the applicant shall be displayed on the  
25 Real ID card. The form and Real ID card shall be signed by the

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1 donor in the presence of a witness who shall also sign the form  
2 in the donor's presence.

3 E. All Real ID cards of persons under the age of  
4 twenty-one years shall have a printed legend indicating that  
5 the person is under twenty-one. A Real ID card shall bear the  
6 following statement:

7 "STATE OF NEW MEXICO

8 Real ID CARD NO. \_\_\_\_\_

9 This card is provided for the purpose of establishing that the  
10 bearer described on the card provided sufficient evidence as  
11 required by the federal Real ID Act of 2005 to establish  
12 documentary evidence of the age, identity and residency of the  
13 bearer. This Real ID card is not a license. ISSUED FOR  
14 OFFICIAL FEDERAL IDENTIFICATION PURPOSES".

15 F. Except as provided in Subsection G of this  
16 section, a Real ID card shall be issued for a period not to  
17 exceed:

18 (1) four years and shall expire on the last  
19 day of the month of the identified person's birth in the fourth  
20 year after the effective date of the Real ID card; or

21 (2) eight years, provided that the applicant  
22 pays the amount required for a Real ID card issued for a term  
23 of eight years, and shall expire on the last day of the month  
24 of the applicant's birth in the eighth year after the effective  
25 date of the Real ID card.

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1           G. The department may issue to an eligible foreign  
2 national applicant a Real ID card that is valid only for the  
3 duration of the foreign national's authorized period of  
4 admission or extension of stay and that shall state that it is  
5 term limited. A Real ID card issued to a foreign national  
6 shall expire on the earlier of:

7                   (1) the last day of the month of the  
8 applicant's birth in the fourth year after the effective date  
9 of the Real ID card or in the eighth year after the effective  
10 date of the Real ID card if the applicant opted for a period of  
11 eight years pursuant to Paragraph (2) of Subsection F of this  
12 section; or

13                   (2) the date of the foreign national's  
14 termination of authorized period of admission or extension of  
15 stay as demonstrated on the foreign national's valid passport,  
16 valid visa or arrival-departure record or other document issued  
17 by the federal government; provided that if that date cannot be  
18 determined by the department, the Real ID card shall expire one  
19 year after the effective date of the Real ID card.

20           H. A Real ID card may be renewed within ninety days  
21 prior to its expiration or at an earlier date approved by the  
22 department.

23           I. Whenever a person, after applying for or  
24 receiving a Real ID card, moves from the address named in the  
25 application or in the issued Real ID card or when the name of a

1 Real ID card holder is changed by marriage or otherwise, the  
2 person shall, within ten days, notify the department of the new  
3 address or change of name in writing or by electronic media  
4 pursuant to department rules. In the event of a change of name  
5 or address, a Real ID card holder shall deliver the Real ID  
6 card to the department and the change of name or address shall  
7 be accomplished on the Real ID card itself. The department may  
8 require evidence that the department deems sufficient as  
9 documentary evidence of the change of name or address of the  
10 Real ID card holder.

11 J. In the event that a Real ID card issued pursuant  
12 to this section is lost, stolen, destroyed or mutilated or a  
13 name or address is changed, the person to whom the Real ID card  
14 was issued may obtain a replacement upon furnishing  
15 satisfactory proof of age, identity and residency to the  
16 department and paying the required fee. A person who loses a  
17 Real ID card and who, after obtaining a replacement, finds the  
18 original card shall immediately surrender the original card to  
19 the department. The same documentary evidence shall be  
20 furnished for a replacement as for an original Real ID card.

21 K. No public entity shall be liable for any loss or  
22 injury resulting, directly or indirectly, from false or  
23 inaccurate information contained in a Real ID card issued by  
24 the department.

25 L. No person shall be held responsible in a court

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1 of law for any act or failure to act that is directly  
2 attributable to the person's reliance upon the information  
3 contained in a Real ID card issued pursuant to this section;  
4 provided that the person made a reasonable attempt to ascertain  
5 that the information is correct, that the card has not been  
6 altered and that the card belongs to the person presenting it.

7 M. Upon application for a Real ID card with a  
8 four-year term, there shall be paid to the department a fee of  
9 fifteen dollars (\$15.00). Upon application for a Real ID card  
10 with an eight-year term, there shall be paid to the department  
11 a fee of thirty dollars (\$30.00). The fees and additional  
12 amounts collected pursuant to this subsection are appropriated  
13 to the department to defray the expense of making and issuing a  
14 Real ID card that meets federal requirements to be accepted by  
15 federal agencies for official federal purposes. Unexpended or  
16 unencumbered balances remaining from fees collected pursuant to  
17 the provisions of this subsection at the end of a fiscal year  
18 shall not revert to the general fund but shall be expended by  
19 the department in fiscal year 2015 and subsequent fiscal years.

20 N. The application fee for a Real ID card shall be  
21 waived for a person in possession of a valid New Mexico  
22 driver's license or identification card issued pursuant to  
23 Section 66-5-401 or 66-5-404 NMSA 1978.

24 O. It is a felony for a person to:

25 (1) use or possess an altered, forged or

1 fictitious Real ID card;

2 (2) alter or forge a Real ID card or make a  
3 fictitious Real ID card;

4 (3) receive or obtain a Real ID card and then  
5 lend or transfer that Real ID card to any other person not  
6 lawfully entitled to issuance of that Real ID card or to  
7 knowingly permit the use of the person's Real ID card by  
8 another;

9 (4) display or represent as one's own a Real  
10 ID card not issued to the person;

11 (5) use a false or fictitious name in any  
12 application for a Real ID card or knowingly make a false  
13 statement, conceal a material fact, submit fraudulent documents  
14 or otherwise commit a fraud in an application for a Real ID  
15 card;

16 (6) make or permit any unlawful use of the  
17 Real ID card issued to the person; or

18 (7) induce or solicit another person, or  
19 conspire with another person, to commit an action identified in  
20 Paragraphs (1) through (6) of this subsection.

21 P. A person convicted of violating Subsection O of  
22 this section is guilty of a third degree felony and shall be  
23 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
24 1978.

25 Q. As used in this section, "Real ID card" means an  
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~~[bracketed material] = delete~~

1 identification card issued by the department that:

2 (1) is separate and distinct from a driver's  
3 license or an identification card issued pursuant to Section  
4 66-5-401 or 66-5-404 NMSA 1978; and

5 (2) meets the requirements of the federal Real  
6 ID Act of 2005 to be accepted by federal agencies to board an  
7 airplane, enter a federal courthouse or other official federal  
8 purposes."

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