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HOUSE BILL 79

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO DRIVER'S LICENSES; LIMITING ISSUANCE OF DRIVER'S
LICENSES AND IDENTIFICATION CARDS TO THOSE FOREIGN NATIONALS
WITH LAWFUL STATUS; REDUCING THE VALIDITY PERIOD OF DRIVER'S
LICENSES AND IDENTIFICATION CARDS FOR FOREIGN NATIONALS TO
THEIR AUTHORIZED PERIOD OF ADMISSION; PROVIDING FOR
CANCELLATION OF CERTAIN DRIVER'S LICENSES; PROVIDING PENALTIES;
DECLARING AN EMERGENCY.

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

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

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

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

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1 B. "law enforcement agency designated by the
2 division" means the law enforcement agency indicated on the
3 dismantler's notification form as the appropriate agency for
4 the receipt of the appropriate copy of that form;

5 C. "lawful status" means the legal right to be
6 present in the United States, as shown by valid documentary
7 evidence that a person:

8 (1) is a citizen or national of the United
9 States;

10 (2) is an alien lawfully admitted for
11 permanent or temporary residence in the United States;

12 (3) has conditional permanent resident status
13 in the United States;

14 (4) has an approved application for asylum in
15 the United States or has entered into the United States in
16 refugee status;

17 (5) has a valid, unexpired nonimmigrant visa
18 or nonimmigrant visa status for entry into the United States;

19 (6) has a pending application for asylum in
20 the United States;

21 (7) has a pending or approved application for
22 temporary protected status in the United States;

23 (8) has approved deferred action status; or

24 (9) has a pending application for adjustment
25 of status to that of an alien lawfully admitted for permanent

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1 residence in the United States or conditional permanent
2 resident status in the United States;

3 ~~[G-]~~ D. "license", without modification, means any
4 license, temporary instruction permit or temporary license
5 issued or recognized under the laws of New Mexico pertaining to
6 the licensing of persons to operate motor vehicles;

7 ~~[D-]~~ E. "lien" or "encumbrance" means every chattel
8 mortgage, conditional sales contract, lease, purchase lease,
9 sales lease, contract, security interest under the Uniform
10 Commercial Code or other instrument in writing having the
11 effect of a mortgage or lien or encumbrance upon, or intended
12 to hold, the title to any vehicle in the former owner,
13 possessor or grantor; and

14 ~~[E-]~~ F. "local authorities" means every county,
15 municipality and any local board or body having authority to
16 enact laws relating to traffic under the constitution and laws
17 of this state."

18 **SECTION 2.** Section 66-5-9 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 231, as amended) is amended to read:

20 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
21 PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

22 A. An application for an instruction permit,
23 provisional license or driver's license shall be made upon a
24 form furnished by the department. An application shall be
25 accompanied by the proper fee. For permits, provisional

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

7 B. An application shall contain the full legal
8 name, social security number, [~~or individual tax~~
9 ~~identification~~] except for an applicant ineligible for a social
10 security number, date of birth, sex and New Mexico [residence]
11 physical address of the applicant and briefly describe the
12 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. [~~For foreign nationals applying for driver's~~
18 ~~licenses, the secretary shall accept the individual taxpayer~~
19 ~~identification number as a substitute for a social security~~
20 ~~number regardless of immigration status. The secretary is~~
21 ~~authorized to establish by regulation other documents that may~~
22 ~~be accepted as a substitute for a social security number or an~~
23 ~~individual tax identification number.]~~

24 C. In addition to the requirements of Subsection B
25 of this section, an application by a foreign national with

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1 lawful status shall contain the unique identifying number of
2 the foreign national's valid passport, valid visa, employment
3 authorization document card issued under the applicant's
4 approved deferred action status or arrival-departure record or
5 other documents issued by the federal government that convey
6 lawful status and the expiration date, if one exists, of the
7 foreign national's authorized period of admission or extension
8 of stay as demonstrated on the foreign national's valid
9 passport, valid visa, employment authorization document card
10 issued under the applicant's approved deferred action status
11 or arrival-departure record or other documents issued by the
12 federal government. The department may issue to an eligible
13 foreign national applicant with lawful status a driver's
14 license that is valid for a period no longer than the duration
15 of the foreign national's authorized period of admission or
16 extension of stay and that shall state that it is term limited.

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

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1 issuance, the department shall revoke the driver's license,
2 provisional license, temporary license or instruction permit
3 for a period of one year. Intentional and willful failure to
4 disclose, as required in this subsection, is a misdemeanor.

5 ~~[D-]~~ E. An applicant under eighteen years of age
6 who is making an application for a first New Mexico driver's
7 license shall submit evidence 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; provided that thirty days
17 shall be added to the twelve-month period for each adjudication
18 or conviction of a traffic violation committed during the time
19 the person was driving with a provisional license;

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

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

24 (5) not been adjudicated for an offense
25 involving the use of alcohol or drugs during the twelve-month

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1 period immediately preceding the date of the application for
2 the driver's license and that there are no pending
3 adjudications alleging an offense involving the use of alcohol
4 or drugs at the time of application.

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

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

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

25 ~~[H-]~~ I. Whenever the department receives a request

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1 for a driver's record from another licensing jurisdiction, the
2 record shall be forwarded without charge.

3 ~~[F.]~~ J. This section does not apply to driver's
4 licenses issued pursuant to the New Mexico Commercial Driver's
5 License Act.

6 K. The secretary shall promulgate rules necessary
7 to implement and enforce the provisions of this 2015 act."

8 SECTION 3. 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.--The department
11 shall, upon payment of the required fee, issue to every
12 qualified applicant a driver's license as applied for. The
13 license shall bear the full legal name, date of birth, sex,
14 current New Mexico physical ~~[or mailing]~~ address, a full-face
15 or front-view digital photograph of the license holder, ~~[and]~~ a
16 unique driver's license number, a date of issuance, an
17 expiration date, a brief description of the licensee and the
18 signature of the licensee. A license shall not be valid unless
19 it bears the signature of the licensee."

20 SECTION 4. Section 66-5-21 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,
22 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended
23 to read:

24 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
25 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--

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1 RENEWAL.--

2 A. Except as provided in Subsection B [~~or~~], D or E
3 of this section, Section 66-5-19 NMSA 1978 and Section 66-5-67
4 NMSA 1978, all driver's licenses shall be issued for a period
5 of four years, and each license shall expire thirty days after
6 the applicant's birthday in the fourth year after the effective
7 date of the license or shall expire thirty days after the
8 applicant's seventy-fifth birthday. A license issued pursuant
9 to Section 66-5-19 NMSA 1978 shall expire thirty days after the
10 applicant's birthday in the year in which the license expires.
11 Each license is renewable within ninety days prior to its
12 expiration or at an earlier date approved by the department.
13 The fee for the license shall be as provided in Section 66-5-44
14 NMSA 1978. The department may provide for renewal by mail or
15 telephonic or electronic means of a driver's license issued
16 pursuant to the provisions of this subsection, pursuant to
17 regulations adopted by the department that ensure adequate
18 security measures to safeguard personal information that is
19 obtained in the issuance of a driver's license. The department
20 may require an examination upon renewal of the driver's
21 license.

22 B. At the option of an applicant, a driver's
23 license may be issued for a period of eight years, provided
24 that the applicant:

- 25 (1) pays the amount required for a driver's

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1 license issued for a term of eight years;

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

4 (3) will not reach the age of seventy-five
5 during the last four years of the eight-year license period or
6 reach the age of twenty-one during any year within the term of
7 the license.

8 C. A driver's license issued pursuant to the
9 provisions of Subsection B of this section shall expire thirty
10 days after the applicant's birthday in the eighth year after
11 the effective date of the license.

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

17 E. A driver's license issued to a foreign national
18 with lawful status shall expire on the earlier of:

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

22 (2) thirty days after the applicant's
23 seventy-fifth birthday;

24 (3) thirty days after the applicant's birthday
25 on the fourth year after the effective date of the license or

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1 on the eighth year after the effective date of the license if
2 the applicant opted for a period of eight years pursuant to
3 Subsection B of this section; or

4 (4) the date, if one exists, of the foreign
5 national's termination of authorized period of admission or
6 extension of stay as demonstrated on the foreign national's
7 valid passport, valid visa, employment authorization document
8 card issued under the applicant's approved deferred action
9 status or arrival-departure record or other documents issued by
10 the federal government; provided that if that date cannot be
11 determined by the department, the driver's license shall expire
12 one year after the effective date of the license.

13 ~~[E.]~~ F. The director may adopt regulations
14 providing for the proration of driver's license fees and
15 commercial driver's license fees due to shortened licensure
16 periods permitted pursuant to Subsection A of Section 66-5-19
17 NMSA 1978 or for licensure periods authorized pursuant to the
18 provisions of this section."

19 **SECTION 5.** Section 66-5-37 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 259, as amended) is amended to read:

21 "66-5-37. UNLAWFUL USE OF LICENSE.--

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

23 ~~[A.]~~ (1) display or cause or permit to be
24 displayed or have in ~~[his]~~ the person's possession any
25 canceled, revoked or suspended driver's license or permit or

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1 commercial driver's license or permit;

2 ~~[B.]~~ (2) lend [his] the person's driver's
3 license or permit or commercial driver's license or permit to
4 any other person or knowingly permit the use of ~~[his]~~ the
5 person's license or permit by another;

6 (3) permit any unlawful use of the driver's
7 license or permit or commercial driver's license or permit
8 issued to, or received by, the person;

9 ~~[G.]~~ (4) display or represent as one's own any
10 driver's license or permit or commercial driver's license or
11 permit not issued to ~~[him]~~ the person; or

12 (5) do any other act forbidden or fail to
13 perform any other act required by Sections 66-5-1.1 through
14 66-5-47 NMSA 1978 or the provisions of the New Mexico
15 Commercial Driver's License Act.

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

17 ~~[D.]~~ (1) fail or refuse to surrender to the
18 division upon its lawful demand any driver's license or permit
19 or commercial driver's license or permit ~~[which]~~ that has been
20 suspended, revoked or canceled;

21 ~~[E.—use]~~ (2) knowingly or willfully provide a
22 false or fictitious name or document in any application for a
23 driver's license or permit or commercial driver's license or
24 permit or knowingly make a false statement or knowingly conceal
25 a material fact or otherwise commit a fraud in any such

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1 application;

2 ~~[F. permit any unlawful use of the driver's license~~
3 ~~or permit or commercial driver's license or permit issued to~~
4 ~~him; or~~

5 ~~G. do any act forbidden or fail to perform any act~~
6 ~~required by Sections 66-5-1 through 66-5-47 NMSA 1978 or the~~
7 ~~provisions of the New Mexico Commercial Driver's License Act]~~
8 or

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

11 SECTION 6. Section 66-5-401 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 328, as amended) is amended to read:

13 "66-5-401. IDENTIFICATION CARDS--APPLICATION--

14 A. A person who does not have a valid New Mexico
15 driver's license may be issued an identification card by the
16 department certified by the applicant as to true name, correct
17 age and other identifying data as the department may require.
18 An application for an identification card shall be made upon a
19 form furnished by the department. An application shall contain
20 the applicant's full legal name, social security number, except
21 for applicants ineligible for a social security number, date of
22 birth, sex and New Mexico physical address. Every application
23 for an identification card shall be signed by the applicant or
24 the applicant's parent or guardian. The secretary may, for
25 good cause, revoke or deny the issuance of an identification

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1 card.

2 B. In addition to the requirements of Subsection A
3 of this section, an application by a foreign national with
4 lawful status shall contain the unique identifying number of
5 the foreign national's valid passport, valid visa, employment
6 authorization document card issued under the applicant's
7 approved deferred action status or other arrival-departure
8 record or documents issued by the federal government that
9 convey lawful status and the expiration date, if one exists, of
10 the foreign national's authorized period of admission or
11 extension of stay as demonstrated on the foreign national's
12 valid passport, valid visa, employment authorization document
13 card issued under the applicant's approved deferred action
14 status or arrival-departure record or other documents issued by
15 the federal government. The department may issue to an
16 eligible foreign national applicant with lawful status an
17 identification card that is valid only for the duration of the
18 foreign national's authorized period of admission or extension
19 of stay and that shall state that it is term limited, if it is
20 term limited.

21 [~~B.~~] C. 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."

7 SECTION 7. Section 66-5-402 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 329, as amended) is amended to read:

9 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--
10 The department shall issue an identification card only to [~~A.~~]
11 a person who is a New Mexico resident and who does not have a
12 valid New Mexico driver's license and only upon the furnishing
13 of a birth certificate or its certified copy, [~~a certificate of~~
14 ~~baptism~~] a valid passport or other evidence that the department
15 deems sufficient as documentary evidence of the age and
16 identity of the person [~~or~~

17 ~~B. a person over age sixty-five who is a New Mexico~~
18 ~~resident and who is surrendering a valid New Mexico driver's~~
19 ~~license, which license shall be sufficient documentary evidence~~
20 ~~of the age and identity of the person]."~~

21 SECTION 8. Section 66-5-403 NMSA 1978 (being Laws 1973,
22 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,
23 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended
24 to read:

25 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
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1 RENEWAL.--

2 A. Except as provided in Subsection B [~~or~~], C or D
3 of this section, every identification card shall be issued for
4 a period not to exceed four years and shall expire on the last
5 day of the month of the identified person's birth in the fourth
6 year after the effective date of the identification card.

7 B. An identification card may be renewed within
8 ninety days prior to its expiration or at an earlier date
9 approved by the department. An identification card may be
10 renewed by mail or telephonic or electronic means pursuant to
11 regulations adopted by the department. The regulations shall
12 ensure adequate security measures to safeguard personal
13 information that is obtained in the issuance of an
14 identification card.

15 C. At the option of the applicant for an
16 identification card, a card may be issued for a period of eight
17 years, provided that the applicant pays the amount required for
18 an identification card issued for a term of eight years. An
19 identification card issued pursuant to the provisions of this
20 subsection shall expire on the last day of the month of the
21 applicant's birth in the eighth year after the effective date
22 of the identification card. The identification card may be
23 renewed within ninety days prior to its expiration.

24 D. An identification card issued to a foreign
25 national with lawful status shall expire on the earlier of:

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1 (1) the last day of the month of the
2 identified person's birthday in the fourth year after the
3 effective date of the identification card or on the eighth year
4 after the effective date of the identification card if the
5 applicant opted for a period of eight years pursuant to
6 Subsection C of this section; or

7 (2) the date, if one exists, of the foreign
8 national's termination of authorized period of admission or
9 extension of stay as demonstrated on the foreign national's
10 valid passport, valid visa, employment authorization document
11 card issued under the applicant's approved deferred action
12 status or arrival-departure record or other documents issued by
13 the federal government; provided that if that date cannot be
14 determined by the department and the foreign national is not a
15 permanent resident, the identification card shall expire one
16 year after the effective date of the identification card."

17 **SECTION 9.** 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.--The identification card
20 shall ~~[adequately describe the registrant and bear his picture~~
21 ~~that shall show a full face or front view for all registrants~~
22 ~~and]~~ bear the full legal name, date of birth, sex, current New
23 Mexico physical address, a full-face or front-view digital
24 photograph of the identification card holder, a unique
25 identification card number, a date of issuance, an expiration

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1 date, a brief description of the identification card holder and
2 a signature of the holder, and the identification card shall
3 indicate donor status. All identification cards of persons
4 under the age of twenty-one years shall have a printed legend
5 indicating that the person is under twenty-one. The
6 identification card shall bear the following statement:

7 "STATE OF NEW MEXICO IDENTIFICATION

8 CARD NO. _____

9 This card is provided solely for the purpose of establishing
10 that the bearer described on the card was not the holder of a
11 New Mexico driver's license as of the date of issuance of this
12 card. This identification card is not a license. ISSUED FOR
13 IDENTIFICATION PURPOSES ONLY".

14 SECTION 10. Section 66-5-409 NMSA 1978 (being Laws 1991,
15 Chapter 160, Section 13) is amended to read:

16 "66-5-409. UNLAWFUL USE OF IDENTIFICATION CARD.--

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

18 (1) use or possess an altered, forged or
19 fictitious identification card;

20 (2) alter or forge an identification card or
21 make a fictitious identification card;

22 (3) lend the person's identification card to
23 any other person or to knowingly permit the use of the person's
24 identification card by another;

25 (4) display or represent as one's own any

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1 identification card not issued to the person; or

2 (5) ~~[use]~~ make or permit any unlawful use of
3 the identification card issued to, or received or obtained by,
4 the person.

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

6 (1) knowingly or willfully provide a false or
7 fictitious name or document in any application for an
8 identification card or knowingly make a false statement or
9 conceal a material fact or otherwise commit a fraud in any such
10 application; or

11 ~~[(6) make or permit any unlawful use of the~~
12 ~~identification card issued to the person]~~

13 (2) induce or solicit another person, or
14 conspire with another person, to violate this subsection.

15 ~~[B-]~~ C. For the purposes of this section,
16 "identification card" means an identification card issued by
17 the department pursuant to Section 66-5-401 or 66-5-404 NMSA
18 1978."

19 SECTION 11. Section 66-8-1.1 NMSA 1978 (being Laws 2007,
20 Chapter 319, Section 65) is amended to read:

21 "66-8-1.1. FRAUD ~~[IN OBTAINING DOCUMENTS ISSUED]~~ RELATED
22 TO THE ISSUANCE OF DOCUMENTS BY THE DIVISION--PENALTY.--

23 A. It is a felony for a ~~[person]~~ department
24 employee or private retail agent or other contractor of the
25 division to:

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1 (1) knowingly issue an identification card,
2 driver's license, vehicle or vessel registration or vehicle or
3 vessel title to a person who is not lawfully entitled to
4 issuance of that document;

5 (2) knowingly accept and use fraudulent
6 documents as a basis for issuing an identification card,
7 driver's license, vehicle or vessel registration or vehicle or
8 vessel title;

9 (3) knowingly alter a record of an
10 identification card, driver's license, vehicle or vessel
11 registration or vehicle or vessel title without legal
12 justification; or

13 (4) solicit or accept, directly or indirectly,
14 anything of value with the intent to influence a decision or
15 action on an identification card, a driver's license, a vehicle
16 or vessel registration or a vehicle or vessel title.

17 B. A person convicted of violating Subsection A of
18 this section is guilty of a [~~fourth~~] third degree felony and
19 shall be sentenced pursuant to the provisions of Section
20 31-18-15 NMSA 1978."

21 SECTION 12. A new section of the Motor Vehicle Code is
22 enacted to read:

23 "[NEW MATERIAL] MANDATORY CANCELLATION OF DRIVER'S LICENSE
24 ISSUED TO A PERSON WITHOUT A SOCIAL SECURITY NUMBER.--

25 A. The secretary shall have the authority to modify
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1 department rules as necessary to cancel state-issued
2 instruction permits, driver's licenses and provisional licenses
3 as provided in this section.

4 B. The department shall identify any person who was
5 issued an instruction permit, a driver's license or a
6 provisional license prior to the effective date of this 2015
7 act without the person providing the person's social security
8 number. The department shall provide written notice to the
9 person that the instruction permit, driver's license or
10 provisional license will be canceled no later than December 31,
11 2015 if the person fails to submit the person's social security
12 number or submit a new application pursuant to Section 66-5-9
13 NMSA 1978.

14 C. Thirty days prior to the cancellation of the
15 instruction permit, driver's license or provisional license,
16 the department shall provide written notice to the person that
17 the instruction permit, driver's license or provisional license
18 will be canceled if the person's social security number or new
19 application, pursuant to Section 66-5-9 NMSA 1978, is not
20 submitted within thirty days.

21 D. Upon cancellation, the department shall notify
22 the person in writing of the cancellation of that person's
23 instruction permit, driver's license or provisional license.
24 Within twenty days of receiving notice of cancellation, a
25 person may request that the department rescind the order of

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1 cancellation and afford the person an opportunity to show that
2 the person has submitted the person's social security number
3 and proof of the person's identity and proof of New Mexico
4 residency pursuant to Section 66-5-9 NMSA 1978.

5 E. Within twenty days upon receipt of a request to
6 rescind the order of cancellation, the department shall provide
7 the person who made the request with an opportunity to show
8 that the person has submitted that person's social security
9 number and proof of the person's identity and proof of New
10 Mexico residency, pursuant to Section 66-5-9 NMSA 1978, in the
11 county in which the person resides unless the department and
12 the person agree to another county. The secretary or the
13 secretary's duly authorized agent may administer oaths. Upon a
14 showing that the person has provided a social security number
15 and proof of the person's identity and proof of New Mexico
16 residency, the department shall reinstate the instruction
17 permit, driver's license or provisional license for a period
18 pursuant to Section 66-5-21 NMSA 1978.

19 F. Issuance of a written notice pursuant to
20 Subsection A of this section shall not affect the right of a
21 person to renew a driver's license at the expiration of its
22 term pursuant to Section 66-5-21 NMSA 1978; provided, however,
23 that renewal of a license shall not relieve a licensee of the
24 obligation to respond to that notice or preclude the department
25 from canceling a license for failure to respond to that notice

.198514.2

underscoring material = new
~~[bracketed material] = delete~~

1 pursuant to this section.

2 G. Upon cancellation of a person's instruction
3 permit, driver's license or provisional license, the department
4 shall reimburse to the person the amount of the fee paid for
5 the instruction permit, driver's license or provisional license
6 prorated for the remaining period that the instruction permit,
7 driver's license or provisional license would have been valid
8 but for its cancellation."

9 SECTION 13. SEVERABILITY.--If any part or application of
10 this act is held invalid, the remainder or its application to
11 other situations or persons shall not be affected.

12 SECTION 14. EMERGENCY.--It is necessary for the public
13 peace, health and safety that this act take effect immediately.