

HOUSE BILL 144

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO COMPLIANCE WITH THE FEDERAL REAL ID ACT OF 2005;  
PROVIDING TWO TIERS OF DRIVING DOCUMENTS; CREATING DRIVER'S  
LICENSES AND IDENTIFICATION CARDS THAT MEET THE REQUIREMENTS OF  
THE FEDERAL REAL ID ACT OF 2005; REQUIRING PROOF OF LAWFUL  
STATUS IN THE UNITED STATES FOR APPLICANTS TO OBTAIN DRIVER'S  
LICENSES OR IDENTIFICATION CARDS THAT MEET THE REQUIREMENTS OF  
THE FEDERAL REAL ID ACT OF 2005; CREATING DRIVER'S CARDS THAT  
DO NOT MEET THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF  
2005; LIMITING THE VALIDITY PERIOD OF CERTAIN DRIVER'S LICENSES  
AND IDENTIFICATION CARDS; PROVIDING FOR THE EXCHANGE OF  
DRIVER'S LICENSES AND IDENTIFICATION CARDS; INCREASING  
PENALTIES AND IMPOSING NEW PENALTIES; DECLARING AN EMERGENCY.

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

**SECTION 1.** Section 66-1-4.4 NMSA 1978 (being Laws 1990,

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1 Chapter 120, Section 5, as amended) is amended to read:

2 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle  
3 Code:

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

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

10 (1) receivers, trustees, administrators,  
11 executors, guardians or other persons appointed by or acting  
12 under judgment, decree or order of any court;

13 (2) public officers while performing their  
14 duties as such officers;

15 (3) persons making casual sales of their own  
16 vehicles;

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

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

24 C. "declared gross weight" means the maximum gross  
25 vehicle weight or gross combination vehicle weight at which a

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1 vehicle or combination will be operated during the registration  
2 period, as declared by the registrant for registration and fee  
3 purposes; the vehicle or combination shall have only one  
4 declared gross weight for all operating considerations;

5 D. "department" means the taxation and revenue  
6 department, the secretary of taxation and revenue or any  
7 employee of the department exercising authority lawfully  
8 delegated to that employee by the secretary;

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

19 F. "director" means the secretary;

20 G. "disqualification" means a prohibition against  
21 driving a commercial motor vehicle;

22 H. "distinguishing number" means the number  
23 assigned by the department to a vehicle whose identifying  
24 number has been destroyed or obliterated or the number assigned  
25 by the department to a vehicle that has never had an

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1 identifying number;

2 I. "distributor" means a person who distributes or  
3 sells new or used motor vehicles to dealers and who is not a  
4 manufacturer;

5 J. "division", without further specification,  
6 "division of motor vehicles" or "motor vehicle division" means  
7 the department;

8 K. "driver" means every person who drives or is in  
9 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;

14 L. "driver's card" means a card not intended to be  
15 accepted by federal agencies for official federal purposes  
16 issued or recognized under the laws of New Mexico pertaining to  
17 the authorization of persons to operate motor vehicles;

18 [~~L.~~] M. "driver's license" means a license or a  
19 class of license that meets federal requirements to be accepted  
20 by federal agencies for official federal purposes issued by a  
21 state or other jurisdiction to an individual that authorizes  
22 the individual to drive a motor vehicle; and

23 [~~M.~~] N. "driveaway-towaway operation" means an  
24 operation in which any motor vehicle, new or used, is the item  
25 being transported when one set or more of wheels of any such

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1 motor vehicle is on the roadway during the course of  
2 transportation, whether or not the motor vehicle furnishes the  
3 motive power."

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

6 "66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle  
7 Code:

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

10 B. "law enforcement agency designated by the  
11 division" means the law enforcement agency indicated on the  
12 dismantler's notification form as the appropriate agency for  
13 the receipt of the appropriate copy of that form;

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

17 [~~G.~~] D. "license", without modification, means any  
18 license, [~~temporary instruction~~] permit or [~~temporary license~~  
19 ~~issued or~~] card recognized under the laws of New Mexico  
20 pertaining to the [~~licensing~~] authorizing of persons to operate  
21 motor vehicles;

22 [~~D.~~] E. "lien" or "encumbrance" means every chattel  
23 mortgage, conditional sales contract, lease, purchase lease,  
24 sales lease, contract, security interest under the Uniform  
25 Commercial Code or other instrument in writing having the

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1 effect of a mortgage or lien or encumbrance upon, or intended  
2 to hold, the title to any vehicle in the former owner,  
3 possessor or grantor; and

4 ~~[E.]~~ F. "local authorities" means every county,  
5 municipality and any local board or body having authority to  
6 enact laws relating to traffic under the constitution and laws  
7 of this state."

8 **SECTION 3.** Section 66-5-9 NMSA 1978 (being Laws 1978,  
9 Chapter 35, Section 231, as amended) is amended to read:

10 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,  
11 PROVISIONAL LICENSE, ~~[OR]~~ INSTRUCTION PERMIT OR DRIVER'S CARD  
12 OR RENEWAL.--

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

25 B. An application shall contain the applicant's

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1 full legal name; [~~social security number or individual tax~~  
2 ~~identification number~~] date of birth; sex; and current New  
3 Mexico residence address [~~of the applicant~~] and shall briefly  
4 describe the applicant and indicate whether the applicant has  
5 previously been licensed as a driver and, if so, when and by  
6 what state or country and whether any such license has ever  
7 been suspended or revoked or whether an application has ever  
8 been refused and, if so, the date of and reason for the  
9 suspension, revocation or refusal. [~~For foreign nationals~~  
10 ~~applying for driver's licenses, the secretary shall accept the~~  
11 ~~individual taxpayer identification number as a substitute for a~~  
12 ~~social security number regardless of immigration status.~~] The  
13 secretary [~~is authorized to~~] shall establish by regulation  
14 [~~other~~] documents that may be accepted as [~~a substitute for a~~  
15 ~~social security number or an individual tax identification~~  
16 ~~number~~] evidence of the residency of the applicant. A person  
17 applying for or renewing a driver's license shall provide  
18 documentation required by the federal government of the  
19 applicant's identity, date of birth, social security number, if  
20 applicable, address of current residence and lawful status.  
21 The department shall verify the applicant's lawful status and  
22 social security number, if applicable, through a method  
23 approved by the federal government.

24 C. A person with lawful status may apply for a  
25 driver's license or a driver's card.

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1           D. An applicant shall indicate whether the  
2 applicant is applying for a driver's license or a driver's  
3 card. The department shall issue a driver's card to an  
4 applicant who is otherwise eligible for a driver's license but  
5 who does not provide proof of lawful status. An applicant who  
6 does not provide proof of lawful status shall only apply for a  
7 driver's card. Except as otherwise provided in the Motor  
8 Vehicle Code, the department may treat driver's cards as  
9 driver's licenses.

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

23           F. For an application for a driver's card, the  
24 secretary shall accept as proof of the applicant's identity:

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; or

10 (4) a document that the secretary has  
11 authorized.

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

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1           [~~D-~~] H. An applicant under eighteen years of age  
2 who is making an application for a first New Mexico driver's  
3 license or driver's card shall submit evidence that the  
4 applicant has:

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

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

18                   (3) complied with restrictions on that  
19 license;

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

22                   (5) not been adjudicated for an offense  
23 involving the use of alcohol or drugs during the twelve-month  
24 period immediately preceding the date of the application for  
25 the driver's license or driver's card and that there are no

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1 pending adjudications alleging an offense involving the use of  
2 alcohol or drugs at the time of application.

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

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

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

23 ~~[H-]~~ L. Whenever the department receives a request  
24 for a driver's record from another licensing jurisdiction, the  
25 record shall be forwarded without charge.

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1           ~~[F.]~~ M. This section does not apply to ~~[driver's]~~  
2 licenses issued pursuant to the New Mexico Commercial Driver's  
3 License Act."

4           SECTION 4. Section 66-5-15 NMSA 1978 (being Laws 1978,  
5 Chapter 35, Section 237, as amended) is amended to read:

6           "66-5-15. LICENSES ISSUED TO APPLICANTS.--

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

17           B. The department shall ensure that driver's  
18 licenses and driver's cards are distinguishable in color and  
19 design.

20           C. A driver's license issued to a foreign national  
21 who fails to prove that the foreign national's lawful status  
22 will not expire prior to the date on which the license applied  
23 for would expire but for the person being a foreign national  
24 shall clearly indicate on its face and in the machine readable  
25 zone that it is temporary and shall bear the word "TEMPORARY".

1                   D. A driver's card shall bear the statement: "FOR  
2 DRIVING ONLY. NOT VALID FOR FEDERAL IDENTIFICATION.""

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

7                   "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE  
8 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--  
9 RENEWAL.--

10                  A. Except as provided in [~~Subsection B or D~~]  
11 Subsections B through G of this section, Section 66-5-19 NMSA  
12 1978 and Section 66-5-67 NMSA 1978, all driver's licenses shall  
13 be issued for a period of four years, and each license shall  
14 expire thirty days after the applicant's birthday in the fourth  
15 year after the effective date of the license or shall expire  
16 thirty days after the applicant's seventy-fifth birthday. A  
17 license issued pursuant to Section 66-5-19 NMSA 1978 shall  
18 expire thirty days after the applicant's birthday in the year  
19 in which the license expires. Each license is renewable within  
20 ninety days prior to its expiration or at an earlier date  
21 approved by the department. The fee for the license shall be  
22 as provided in Section 66-5-44 NMSA 1978. The department may  
23 provide for renewal by mail or telephonic or electronic means  
24 of a [~~driver's~~] license issued pursuant to the provisions of  
25 this subsection, pursuant to regulations adopted by the

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1 department that ensure adequate security measures to safeguard  
2 personal information that is obtained in the issuance of a  
3 [~~driver's~~] license, except the department shall not renew by  
4 mail or telephonic or electronic means a license if prohibited  
5 by state or federal law or regulation. The department may  
6 require an examination upon renewal of the [~~driver's~~] license.

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

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

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

14 (3) will not reach the age of seventy-five  
15 during the last four years of the eight-year license period or  
16 reach the age of twenty-one during any year within the term of  
17 the license.

18 C. A driver's license issued pursuant to the  
19 provisions of Subsection B of this section shall expire thirty  
20 days after the applicant's birthday in the eighth year after  
21 the effective date of the license.

22 D. A driver's license issued prior to an  
23 applicant's twenty-first birthday shall expire thirty days  
24 after the applicant's twenty-first birthday. A driver's  
25 license issued prior to an applicant's twenty-first birthday

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1 may be issued for a period of up to five years.

2 E. A driver's license issued to a foreign national  
3 shall expire on the earlier of:

4 (1) thirty days after the applicant's twenty-  
5 first birthday, if issued prior to the applicant's twenty-first  
6 birthday;

7 (2) thirty days after the applicant's seventy-  
8 fifth birthday;

9 (3) thirty days after the applicant's birthday  
10 in the fourth year after the effective date of the license or  
11 in the eighth year after the effective date of the license if  
12 the applicant opted for a period of eight years pursuant to  
13 Subsection B of this section; or

14 (4) the expiration date of the applicant's  
15 lawful status; provided that if that date cannot be determined  
16 by the department and the applicant is not a legal permanent  
17 resident, the driver's license shall expire one year after the  
18 effective date of the license.

19 F. A driver's card shall expire on the earlier of:

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

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

25 (3) two years after the effective date of the

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1 driver's card.

2 [E-] G. The [~~director may~~] secretary shall adopt  
3 regulations providing for the proration of driver's license  
4 fees, driver's card fees and commercial driver's license fees  
5 due to shortened licensure periods permitted pursuant to  
6 Subsection A of Section 66-5-19 NMSA 1978 [~~or~~] and for  
7 licensure periods authorized pursuant to the provisions of this  
8 section."

9 SECTION 6. Section 66-5-37 NMSA 1978 (being Laws 1978,  
10 Chapter 35, Section 259, as amended) is amended to read:

11 "66-5-37. UNLAWFUL USE OF LICENSE.--

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

13 [A-] (1) display or cause or permit to be  
14 displayed or have in [~~his~~] the person's possession any  
15 canceled, revoked or suspended driver's license or permit [~~or~~],  
16 commercial driver's license or permit or driver's card;

17 [B-] (2) lend [~~his~~] the person's driver's  
18 license or permit [~~or~~], commercial driver's license or permit  
19 or driver's card to any other person or knowingly permit the  
20 use of [~~his~~] the person's license [~~or~~], permit or driver's card  
21 by another;

22 (3) permit any unlawful use of the driver's  
23 license or permit, commercial driver's license or permit or  
24 driver's card issued to, or received by, the person;

25 [G-] (4) display or represent as one's own any

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1 driver's license or permit [~~or~~], commercial driver's license or  
2 permit or driver's card not issued to [~~him~~] the person; or

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

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

8 [~~D.~~] (1) fail or refuse to surrender to the  
9 division upon its lawful demand any driver's license or permit,  
10 [~~or~~] commercial driver's license or permit [which] or driver's  
11 card that has been suspended, revoked or canceled;

12 [~~E.—use~~] (2) knowingly or willfully provide a  
13 false or fictitious name or document in any application for a  
14 driver's license or permit or commercial driver's license or  
15 permit or driver's card or knowingly make a false statement or  
16 knowingly conceal a material fact or otherwise commit a fraud  
17 in any such application;

18 [~~F.—permit any unlawful use of the driver's license~~  
19 ~~or permit or commercial driver's license or permit issued to~~  
20 ~~him; or~~

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

25 (3) induce or solicit another person or

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1 conspire with another person to violate this subsection."

2 SECTION 7. Section 66-5-47 NMSA 1978 (being Laws 1978,  
3 Chapter 35, Section 269, as amended) is amended to read:

4 "66-5-47. PHOTOGRAPHS [~~EVIDENCE OF APPLICANT'S AGE~~].--  
5 [~~A.~~] The department shall reproduce the likeness of drivers,  
6 subject to the following conditions:

7 [~~(1)~~] A. photographs or other reproductions of the  
8 likeness of all persons shall [~~show~~] be a [full-face] full-face  
9 or [front-view] front-view digital photograph; and

10 [~~(2)~~] B. photographs or other reproductions of the  
11 likeness of all persons under the age of twenty-one years shall  
12 have a printed legend, indicating that the person is under  
13 twenty-one, which shall be displayed in such manner as to be  
14 easily read by any person inspecting the license.

15 [~~B. Each applicant for an initial license or a~~  
16 ~~replacement license shall produce evidence of the applicant's~~  
17 ~~age. Proof of an applicant's age shall be a birth certificate,~~  
18 ~~certified copy of a birth certificate, a church record~~  
19 ~~purporting to show the date of birth and baptism, an~~  
20 ~~acknowledged copy of the church record, a valid passport or~~  
21 ~~other evidence which the secretary deems sufficient. The date~~  
22 ~~of birth shown on any driver's license or any instruction~~  
23 ~~permit issued by the department shall coincide with the date of~~  
24 ~~birth shown on the proof of applicant's age.]"~~

25 SECTION 8. Section 66-5-401 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 328, as amended) is amended to read:

2 "66-5-401. IDENTIFICATION CARDS--APPLICATION--

3 A. A person with lawful status who does not have a  
4 valid New Mexico driver's license or driver's card may be  
5 issued an identification card by the department [~~certified by~~  
6 ~~the applicant as to true name, correct age and other~~  
7 ~~identifying data as the department may require~~]. An  
8 application for an identification card or renewal of an  
9 identification card shall be made upon a form furnished by the  
10 department. An application shall contain the applicant's full  
11 legal name; social security number, except for an applicant  
12 ineligible for a social security number; date of birth; sex;  
13 and current New Mexico residence address and shall briefly  
14 describe the applicant. The secretary shall establish by  
15 regulation documents that may be accepted as evidence of the  
16 residency of the applicant. A person applying for or renewing  
17 an identification card shall provide documentation required by  
18 the federal government of the applicant's identity, date of  
19 birth, social security number, if applicable, address of  
20 current residence and lawful status. The department shall  
21 verify the applicant's lawful status and social security  
22 number, if applicable, through a method approved by the federal  
23 government. Every application for an identification card shall  
24 be signed by the applicant or the applicant's parent or  
25 guardian. The secretary may, for good cause, revoke or deny

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1 the issuance of an identification card.

2 B. An application by a foreign national for an  
3 identification card shall contain the unique identifying number  
4 and expiration date, if applicable, of the foreign national's  
5 valid passport, valid visa, employment authorization card  
6 issued under the applicant's approved deferred action status or  
7 other arrival-departure record or document issued by the  
8 federal government that conveys lawful status. The department  
9 may issue to an eligible foreign national applicant an  
10 identification card that is valid only for the duration of the  
11 applicant's lawful status; provided that if that date cannot be  
12 determined by the department and the applicant is not a legal  
13 permanent resident, the identification card shall expire one  
14 year after the effective date of the identification card.

15 ~~[B-]~~ C. Within the forms prescribed by the  
16 department for identification card applications, a space shall  
17 be provided to show whether the applicant is a donor as  
18 provided in the Jonathan Spradling Revised Uniform Anatomical  
19 Gift Act. A person applying for an identification card may  
20 indicate that person's status on the space provided on the  
21 application. The donor status indicated by the applicant shall  
22 be displayed on the identification card. The form and  
23 identification card shall be signed by the donor in the  
24 presence of a witness who shall also sign the form in the  
25 donor's presence."

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1           SECTION 9. Section 66-5-402 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 329, as amended) is amended to read:

3           "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--  
4 The department [~~shall~~] may issue an identification card only to  
5 [~~A.~~] a person who is a New Mexico resident and who does not  
6 have a valid New Mexico [~~driver's~~] license [~~and only upon the~~  
7 ~~furnishing of a birth certificate or its certified copy, a~~  
8 ~~certificate of baptism a valid passport or other evidence that~~  
9 ~~the department deems sufficient as documentary evidence of the~~  
10 ~~age and identity of the person; or~~

11           ~~B. a person over age sixty-five who is a New Mexico~~  
12 ~~resident and who is surrendering a valid New Mexico driver's~~  
13 ~~license, which license shall be sufficient documentary evidence~~  
14 ~~of the age and identity of the person] or driver's card."~~

15           SECTION 10. Section 66-5-403 NMSA 1978 (being Laws 1973,  
16 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,  
17 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended  
18 to read:

19           "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--  
20 RENEWAL.--

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

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1 the identification card.

2 B. An identification card may be renewed within  
3 ninety days prior to its expiration or at an earlier date  
4 approved by the department. An identification card may be  
5 renewed by mail or telephonic or electronic means pursuant to  
6 regulations adopted by the department, except the department  
7 shall not renew by mail or telephonic or electronic means an  
8 identification card if prohibited by state or federal law or  
9 regulation. The regulations shall ensure adequate security  
10 measures to safeguard personal information that is obtained in  
11 the issuance of an identification card.

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

21 D. An identification card issued to a foreign  
22 national shall expire on the earlier of:

23 (1) the last day of the month of the  
24 applicant's birth in the fourth year after the effective date  
25 of the identification card or in the eighth year after the

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1 effective date of the identification card if the applicant  
2 opted for a period of eight years pursuant to Subsection C of  
3 this section; or

4 (2) the expiration date of the applicant's  
5 lawful status; provided that if that date cannot be determined  
6 by the department and the applicant is not a legal permanent  
7 resident, the identification card shall expire one year after  
8 the effective date of the identification card."

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

11 "66-5-405. CONTENTS OF CARD.--~~[The]~~

12 A. All identification [card] cards shall  
13 ~~[adequately describe the registrant and bear his picture that~~  
14 ~~shall show a full face or front view for all registrants and]~~  
15 bear the full legal name, date of birth, sex, current New  
16 Mexico residence address, a full-face or front-view digital  
17 photograph of the identification card holder, a unique  
18 identification card number, a date of issuance, an expiration  
19 date, a brief description of the identification card holder and  
20 the signature of the holder, and the identification card shall  
21 indicate donor status. All identification cards of persons  
22 under the age of twenty-one years shall have a printed legend  
23 indicating that the person is under twenty-one. ~~[The]~~

24 B. An identification card shall bear the  
25 ~~[following]~~ statement:

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1 "STATE OF NEW MEXICO IDENTIFICATION

2 CARD NO. \_\_\_\_\_

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

8 C. An identification card issued to a foreign  
9 national who fails to prove that the foreign national's lawful  
10 status will not expire prior to the date on which the  
11 identification card applied for would expire but for the person  
12 being a foreign national shall clearly indicate on its face and  
13 in the machine readable zone that it is temporary and shall  
14 bear the word "TEMPORARY"."

15 SECTION 12. Section 66-5-409 NMSA 1978 (being Laws 1991,  
16 Chapter 160, Section 13) is amended to read:

17 "66-5-409. UNLAWFUL USE OF IDENTIFICATION CARD.--

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

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

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

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

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1 (4) display or represent as one's own any  
2 identification card not issued to the person; or

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

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

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

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

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

16 ~~[B-]~~ C. For the purposes of this section,  
17 "identification card" means an identification card issued by  
18 the department pursuant to Section 66-5-401 or 66-5-404 NMSA  
19 1978."

20 SECTION 13. Section 66-8-1.1 NMSA 1978 (being Laws 2007,  
21 Chapter 319, Section 65) is amended to read:

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

25 A. It is a felony for a ~~[person]~~ department

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1 employee or private retail agent or other contractor of the  
2 department to:

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

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

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

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

20 B. A person convicted of violating this section is  
21 guilty of a fourth degree felony and shall be sentenced  
22 pursuant to the provisions of Section 31-18-15 NMSA 1978."

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

25 "[NEW MATERIAL] ISSUANCE OF DOCUMENTS THAT MEET FEDERAL  
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1 REQUIREMENTS TO BE ACCEPTED BY FEDERAL AGENCIES FOR OFFICIAL  
2 FEDERAL PURPOSES--REIMBURSEMENT.--

3 A. On or before six months from the effective date  
4 of this 2016 act, the department shall establish and issue to  
5 qualified applicants licenses and identification cards that  
6 meet federal requirements to be accepted by federal agencies  
7 for official federal purposes. The department shall adopt the  
8 general design marking known as gold star pursuant to the  
9 *Department of Homeland Security REAL ID Security Plan Guidance*  
10 *Handbook* to implement the provisions of this subsection.

11 B. Provided that a person provides the required  
12 documentation and qualifies for the license or identification  
13 card issued pursuant to Subsection A of this section, the  
14 person may:

15 (1) exchange that person's valid New  
16 Mexico-issued license or identification card for a license or  
17 identification card issued pursuant to Subsection A of this  
18 section with an identical expiration date at no cost; or

19 (2) apply for a new license or identification  
20 card issued pursuant to Subsection A of this section.

21 C. The secretary shall adopt regulations providing  
22 for the proration of a:

23 (1) refund for the remaining period that a  
24 person's license or identification card would have been valid;  
25 or

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(2) credit for the remaining period that a person's license or identification card would have been valid toward the cost of a new license or identification card."

SECTION 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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