

1 HOUSE BILL 389

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Raymundo Lara

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10 AN ACT

11 RELATING TO IDENTIFICATION CARDS; REMOVING THE FEE REQUIREMENT
12 FOR ISSUANCE OF AN IDENTIFICATION CARD TO A HOMELESS
13 INDIVIDUAL.

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

16 SECTION 1. Section 66-5-408 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 335, as amended) is amended to read:

18 "66-5-408. FEES.--

19 A. Upon application for an identification card with
20 a four-year term, there shall be paid to the department a fee
21 of five dollars (\$5.00). Upon application for an
22 identification card with an eight-year term, there shall be
23 paid to the department a fee of ten dollars (\$10.00). A fee
24 shall not be charged to an applicant for an identification card
25 if the applicant is at least seventy-five years of age or a

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1 homeless individual.

2 B. The department with the approval of the governor
3 may increase the amount of the identification card fee by an
4 amount not to exceed three dollars (\$3.00) for the purpose of
5 implementing an enhanced licensing system; provided that for an
6 identification card issued for an eight-year period, the amount
7 of the fee shall be twice the amount charged for other
8 identification cards. The additional amounts collected
9 pursuant to this subsection are appropriated to the department
10 to defray the expense of the new system of licensing and for
11 use as set forth in the provisions of Subsection F of Section
12 66-6-13 NMSA 1978. Unexpended and unencumbered balances from
13 fees collected pursuant to the provisions of this subsection at
14 the end of any fiscal year shall not revert to the general fund
15 but shall be expended by the department in fiscal year 2010 and
16 subsequent fiscal years.

17 C. As used in this section, "homeless individual"
18 means, pursuant to the federal McKinney-Vento Homeless
19 Assistance Act, an individual:

20 (1) who lacks a fixed, regular and adequate
21 nighttime residence;

22 (2) with a primary nighttime residence that is
23 a public or private place not designed for or ordinarily used
24 as a regular sleeping accommodation for human beings, including
25 a car, park, abandoned building, bus or train station, airport

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1 or camping ground;

2 (3) who lives in a supervised publicly or
3 privately operated shelter designated to provide a temporary
4 living arrangement, including a hotel or motel paid for by a
5 federal, state or local government program for low-income
6 individuals or by a charitable organization, congregate shelter
7 or transitional housing;

8 (4) who resides in a shelter or place not
9 meant for human habitation and who is exiting an institution
10 where the individual temporarily resided;

11 (5) who will imminently lose the individual's
12 housing, has no subsequent residence identified and lacks the
13 resources or support network needed to obtain other permanent
14 housing. For the purposes of this paragraph, "housing"
15 includes housing that the individual owns, rents or lives in
16 without paying rent or is sharing with others and rooms in
17 hotels or motels not paid for by federal, state or local
18 government programs for low-income individuals or by charitable
19 organizations and is evidenced by:

20 (a) a court order resulting from an
21 eviction action that notifies the individual that the
22 individual must leave within fourteen days;

23 (b) the individual having a primary
24 nighttime residence that is a room in a hotel or motel and
25 where the individual lacks the resources necessary to reside

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1 there for more than fourteen days; or

2 (c) credible evidence indicating that
3 the owner or renter of the housing will not allow the
4 individual to stay for more than fourteen days or an oral
5 statement from the individual;

6 (6) who is an unaccompanied minor who:

7 (a) has experienced a long-term period
8 without living independently in permanent housing;

9 (b) has experienced persistent
10 instability as measured by frequent moves over the period; and

11 (c) can be expected to continue in such
12 status for an extended period of time because of a chronic
13 disability, chronic physical health or mental health condition,
14 substance addiction, history of domestic violence or childhood
15 abuse or multiple barriers to employment; or

16 (7) who is experiencing trauma or a lack of
17 safety related to, or fleeing or attempting to flee, domestic
18 violence, dating violence, sexual assault, stalking or other
19 dangerous, traumatic or life-threatening conditions related to
20 the violence against the individual or a family member in the
21 individual's current housing situation, including where the
22 health and safety of children are jeopardized, and:

23 (a) has no other safe residence; and

24 (b) lacks the resources to obtain other
25 safe permanent housing."

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