

HOUSE FLOOR SUBSTITUTE FOR  
HOUSE BILL 78

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO DRIVER'S LICENSES; REQUIRING A SOCIAL SECURITY  
NUMBER FROM ELIGIBLE APPLICANTS; LIMITING THE ISSUANCE OF  
DRIVER'S LICENSES AND IDENTIFICATION CARDS; LIMITING THE  
DURATION OF DRIVER'S LICENSES AND IDENTIFICATION CARDS OF  
FOREIGN NATIONALS.

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

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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 identification~~  
9 ~~number~~] except for applicants ineligible for a social security  
10 number, date of birth, sex and New Mexico residence address of  
11 the applicant and briefly describe the applicant and indicate  
12 whether the applicant has previously been licensed as a driver  
13 and, if so, when and by what state or country and whether any  
14 such license has ever been suspended or revoked or whether an  
15 application has ever been refused and, if so, the date of and  
16 reason for the suspension, revocation or refusal. [~~For foreign~~  
17 ~~nationals applying for driver's licenses the secretary shall~~  
18 ~~accept the individual taxpayer identification number as a~~  
19 ~~substitute for a social security number regardless of~~  
20 ~~immigration status. The secretary is authorized to establish~~  
21 ~~by regulation other documents that may be accepted as a~~  
22 ~~substitute for a social security number or an individual tax~~  
23 ~~identification number.]~~

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

1 contain the unique identifying number of the foreign national's  
2 valid passport, valid visa or other arrival-departure record or  
3 document issued by the federal department of homeland security  
4 and the expiration date of the foreign national's authorized  
5 period of admission or extension of stay as demonstrated on the  
6 foreign national's valid passport, valid visa or other arrival-  
7 departure record or document issued by the federal department  
8 of homeland security. The department may issue to an eligible  
9 foreign national applicant a driver's license only valid for  
10 the duration of the foreign national's authorized period of  
11 admission or extension of stay.

12           ~~[G.]~~ D. An applicant shall indicate whether ~~[he]~~  
13 the 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 provisional license, temporary license or instruction permit  
18 for a period of one year if the failure to disclose is  
19 discovered by the department prior to issuance. If the  
20 nondisclosure is discovered by the department subsequent to  
21 issuance, the department shall revoke the driver's license,  
22 provisional license, temporary license or instruction permit  
23 for a period of one year. Intentional and willful failure to  
24 disclose, as required in this subsection, is a misdemeanor.

25           ~~[D.]~~ E. An applicant ~~[less than]~~ who is under

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1 eight years of age and who is making an application to be  
2 granted [~~his~~] a first New Mexico driver's license shall submit  
3 evidence that [~~he~~] the applicant has:

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

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

14 (3) complied with restrictions on that  
15 license;

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

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

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

1 or drugs at the time of ~~[his]~~ the application.

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

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

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

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

25 ~~[I.]~~ J. This section does not apply to driver's

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1 licenses issued pursuant to the New Mexico Commercial Driver's  
2 License Act.

3 K. The secretary shall promulgate rules necessary  
4 to implement and enforce the provisions of this section."

5 SECTION 2. Section 66-5-15 NMSA 1978 (being Laws 1978,  
6 Chapter 35, Section 237, as amended) is amended to read:

7 "66-5-15. LICENSES ISSUED TO APPLICANTS.--The department  
8 shall, upon payment of the required fee, issue to every  
9 qualified applicant a driver's license as applied for. The  
10 license shall bear the full legal name, date of birth, current  
11 New Mexico physical or mailing address, a full face or front-  
12 view photograph of the license holder and a brief description  
13 of the licensee and the signature of the licensee. A license  
14 shall not be valid unless it bears the signature of the  
15 licensee."

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

20 "66-5-21. EXPIRATION OF LICENSE--FOUR-YEAR ISSUANCE  
21 PERIOD--EIGHT-YEAR ISSUANCE PERIOD--LIMITED ISSUANCE  
22 PERIOD--RENEWAL.--

23 A. Except as provided in Subsection B [~~or~~], D or E  
24 of this section, Section 66-5-19 NMSA 1978 and Section 66-5-67  
25 NMSA 1978, all driver's licenses shall be issued for a period

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

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

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

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

25 (3) will not reach the age of seventy-five

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1 during the last four years of the eight-year license period or  
2 reach the age of twenty-one during any year within the term of  
3 the license.

4 C. A driver's license issued pursuant to the  
5 provisions of Subsection B of this section shall expire thirty  
6 days after the applicant's birthday in the eighth year after  
7 the effective date of the license.

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

13 E. A driver's license issued to a foreign national  
14 shall expire on the date of the foreign national's termination  
15 of authorized period of admission or extension of stay as  
16 demonstrated on the foreign national's valid passport, valid  
17 visa or other arrival-departure record or document issued by  
18 the federal department of homeland security.

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

25 SECTION 4. 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.--

3 A. A person who does not have a valid New Mexico  
4 driver's license may be issued an identification card by the  
5 department certified by the applicant as to true name, correct  
6 age and other identifying data as the department may require.  
7 An application for an identification card shall be made upon a  
8 form furnished by the department. An application shall contain  
9 the applicant's full legal name; social security number, except  
10 for applicants ineligible for a social security number; date of  
11 birth; sex; and New Mexico residence address. Every  
12 application for an identification card shall be signed by the  
13 applicant or the applicant's parent or guardian. The secretary  
14 may, for good cause, revoke or deny the issuance of an  
15 identification card.

16 B. In addition to the requirements of Subsection A  
17 of this section, an application by a foreign national shall  
18 contain the unique identifying number of the foreign national's  
19 valid passport, valid visa or other arrival-departure record or  
20 document issued by the federal department of homeland security  
21 and the expiration date of the foreign national's authorized  
22 period of admission or extension of stay as demonstrated on the  
23 foreign national's valid passport, valid visa or other arrival-  
24 departure record or document issued by the federal department  
25 of homeland security. The department may issue to an eligible

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1 foreign national applicant an identification card only valid  
2 for the duration of the foreign national's authorized period of  
3 admission or extension of stay.

4 [B-] C. Within the forms prescribed by the  
5 department for identification card applications, a space shall  
6 be provided to show whether the applicant is a donor as  
7 provided in the Jonathan Spradling Revised Uniform Anatomical  
8 Gift Act. A person applying for an identification card may  
9 indicate that person's status on the space provided on the  
10 application. The donor status indicated by the applicant shall  
11 be displayed on the identification card. The form and  
12 identification card shall be signed by the donor in the  
13 presence of a witness who shall also sign the form in the  
14 donor's presence."

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

17 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--  
18 The department shall issue an identification card only to [A-]  
19 a person who is a New Mexico resident and who does not have a  
20 valid New Mexico driver's license and only upon the furnishing  
21 of a birth certificate or its certified copy, [~~a certificate of~~  
22 ~~baptism~~] a valid passport or other evidence that the department  
23 deems sufficient as documentary evidence of the age and  
24 identity of the person [~~or~~

25 B. ~~a person over age sixty-five who is a New Mexico~~

underscoring material = new  
[bracketed material] = delete

1 ~~resident and who is surrendering a valid New Mexico driver's~~  
 2 ~~license, which license shall be sufficient documentary evidence~~  
 3 ~~of the age and identity of the person]."~~

4 SECTION 6. Section 66-5-403 NMSA 1978 (being Laws 1973,  
 5 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,  
 6 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended  
 7 to read:

8 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--  
 9 RENEWAL.--

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

15 B. An identification card may be renewed within  
 16 ninety days prior to its expiration or at an earlier date  
 17 approved by the department. An identification card may be  
 18 renewed by mail or telephonic or electronic means pursuant to  
 19 regulations adopted by the department. The regulations shall  
 20 ensure adequate security measures to safeguard personal  
 21 information that is obtained in the issuance of an  
 22 identification card.

23 C. At the option of the applicant for an  
 24 identification card, a card may be issued for a period of eight  
 25 years, provided that the applicant pays the amount required for

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1 an identification card issued for a term of eight years. An  
2 identification card issued pursuant to the provisions of this  
3 subsection shall expire on the last day of the month of the  
4 applicant's birth in the eighth year after the effective date  
5 of the identification card. The identification card may be  
6 renewed within ninety days prior to its expiration.

7 D. An identification card issued to a foreign  
8 national shall expire on the date of the foreign national's  
9 termination of authorized period of admission or extension of  
10 stay as demonstrated on the foreign national's valid passport,  
11 valid visa or other arrival-departure record or document issued  
12 by the federal department of homeland security."

13 SECTION 7. Section 66-5-405 NMSA 1978 (being Laws 1978,  
14 Chapter 35, Section 332, as amended) is amended to read:

15 "66-5-405. CONTENTS OF CARD.--The identification card  
16 shall contain the registrant's full legal name, date of birth,  
17 gender and adequately describe the registrant and bear [his]  
18 the registrant's picture that shall show a full face or front  
19 view for all registrants and indicate donor status. All  
20 identification cards of persons under the age of twenty-one  
21 years shall have a printed legend indicating that the person is  
22 under twenty-one. The identification card shall bear the  
23 following statement:

24 "STATE OF NEW MEXICO IDENTIFICATION

25 CARD NO. \_\_\_\_\_

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underscoring material = new  
[bracketed material] = delete

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

6 SECTION 8. SEVERABILITY.--If any part or application of  
7 this act is held invalid, the remainder or its application to  
8 other situations or persons shall not be affected.

9 SECTION 9. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2011.