HOUSE BILL 23

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

INTRODUCED BY

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AN ACT

RELATING TO DRIVER'S LICENSES; ENABLING A TRIBE THAT ENTERS INTO A JOINT POWERS AGREEMENT WITH THE STATE REGARDING THE ISSUANCE OR REVOCATION OF DRIVER'S LICENSES TO FOREIGN NATIONALS TO GET A WAIVER FROM THE STATE'S CRITERIA FOR THE ISSUANCE OR REVOCATION OF DRIVER'S LICENSES AND TO ESTABLISH THE TRIBE'S CRITERIA FOR ISSUANCE OR REVOCATION OF DRIVER'S LICENSES; DECLARING AN EMERGENCY.

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

     SECTION 1. WAIVER OF STATE'S CRITERIA FOR ISSUANCE OR REVOCATION OF DRIVER'S LICENSES TO CERTAIN FOREIGN NATIONALS--ESTABLISHMENT OF TRIBE'S CRITERIA FOR ISSUANCE OR REVOCATION OF DRIVER'S LICENSES TO CERTAIN FOREIGN NATIONALS.--

          A. The secretary of taxation and revenue or any employee of the taxation and revenue department exercising

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1   authority lawfully delegated to that employee by the secretary

2   of taxation and revenue shall waive the requirements set forth

3   in the Motor Vehicle Code and, by rule of the department upon

4   request by a tribe, shall establish and enforce the tribe's own

5   requirements for the issuance or revocation of a driver's

6   license to a foreign national who:

7   (1)   resides on the reservation or pueblo grant

8   of the tribe, as determined by the tribe;

9   (2)   is married to and lives with an enrolled

10   tribal member, as determined by the tribe; or

11   (3)   is the parent of a child who is an

12   enrolled tribal member and who lives with that child.

13   B.   As used in this section, "tribe" means a

14   federally recognized Indian nation, tribe or pueblo that is

15   located wholly or partially in New Mexico and that has entered

16   into a joint powers agreement with the state pursuant to the

17   Joint Powers Agreement Act regarding the issuance of driver's

18   licenses to foreign nationals.

19   SECTION 2. EMERGENCY.--It is necessary for the public

20   peace, health and safety that this act take effect immediately.

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