

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 401

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

INTRODUCED BY

David C. Chavez

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR A GUEST DRIVER'S PERMIT FOR UNDOCUMENTED PERSONS; REQUIRING AN IDENTIFICATION NUMBER AND DOCUMENTATION OF AUTHORIZED PRESENCE IN THE UNITED STATES FOR DRIVER'S LICENSE APPLICATION; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Motor Vehicle Code is enacted to read:

"[NEW MATERIAL] GUEST DRIVER'S PERMIT.--

A. As used in this section, "undocumented guest" means a person who:

- (1) is a resident of New Mexico;
- (2) is eighteen years of age or older;
- (3) has passed a drug and alcohol test,

1 administered and certified at the person's expense by a
2 facility authorized by the department in the same manner as for
3 a safety-sensitive driving position;

4 (4) is free of a felony conviction;

5 (5) is not a United States citizen and who
6 does not possess a social security number or valid
7 documentation issued by the United States that authorizes the
8 person's presence in the United States; and

9 (6) possesses an individual taxpayer
10 identification number or other documentation that the secretary
11 may accept as a substitute for an individual taxpayer
12 identification number.

13 B. The department shall:

14 (1) issue a guest driver's permit to an
15 undocumented guest who applies for the permit and who, except
16 as otherwise provided in this section, meets all of the
17 requirements of the Motor Vehicle Code for the issuance of a
18 driver's license;

19 (2) conduct a criminal background check on an
20 applicant through the national crime information center to
21 verify that the applicant is free of a felony conviction; and

22 (3) by October 1, 2011, promulgate rules to
23 carry out the provisions of this section.

24 C. The guest driver's permit itself shall
25 conspicuously state: "This permit is only valid for driving

underscored material = new
[bracketed material] = delete

1 privileges in New Mexico and is not proof of valid presence in
2 the United States.".

3 D. Except as otherwise provided in this section, a
4 guest driver's permit shall be subject in the same manner as a
5 driver's license to the provisions of the Motor Vehicle Code.

6 E. A guest driver's permit is valid for a term of
7 one year from the date of issuance and may be renewed for one-
8 year terms, provided that all of the requirements in this
9 section for the initial issuance of the permit are met before
10 the permit is renewed except for a driving test.

11 F. In lieu of any other fee for the issuance or
12 renewal of a driver's license, the fee for the issuance or
13 renewal of a guest driver's permit is two hundred dollars
14 (\$200). The fee is appropriated to the department for
15 expenditure in fiscal year 2012 and in subsequent fiscal years
16 to help defray the expenses of the department. Unexpended or
17 unencumbered balances remaining from the fee collected pursuant
18 to the provisions of this subsection at the end of any fiscal
19 year shall not revert to the general fund."

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

22 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
23 PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

24 A. An application for an instruction permit,
25 provisional license or driver's license shall be made upon a

.183519.5

underscored material = new
[bracketed material] = delete

1 form furnished by the department. An application shall be
2 accompanied by the proper fee. For permits, provisional
3 licenses or driver's licenses other than those issued pursuant
4 to the New Mexico Commercial Driver's License Act, submission
5 of a complete application with payment of the fee entitles the
6 applicant to not more than three attempts to pass the
7 examination within a period of six months from the date of
8 application.

9 B. An application shall contain the full name,
10 social security number or individual tax identification number,
11 date of birth, sex and New Mexico residence address of the
12 applicant and briefly describe the applicant and indicate
13 whether the applicant has previously been licensed as a driver
14 and, if so, when and by what state or country and whether any
15 such license has ever been suspended or revoked or whether an
16 application has ever been refused and, if so, the date of and
17 reason for the suspension, revocation or refusal. For ~~[foreign~~
18 ~~nationals applying for driver's licenses]~~ applicants who are
19 not citizens of the United States but who have valid
20 documentation issued by the federal government authorizing the
21 applicant's presence in the United States, the secretary shall
22 accept the individual taxpayer identification number as a
23 substitute for a social security number ~~[regardless of~~
24 ~~immigration status]~~. The secretary is authorized to establish
25 by regulation other documents that may be accepted as a

.183519.5

underscored material = new
[bracketed material] = delete

1 substitute for a social security number or an individual tax
2 identification number.

3 C. An applicant shall indicate whether [~~he~~] the
4 applicant has been convicted of driving while under the
5 influence of intoxicating liquor or drugs in this state or in
6 any other jurisdiction. Failure to disclose any such
7 conviction prevents the issuance of a driver's license,
8 provisional license, temporary license or instruction permit
9 for a period of one year if the failure to disclose is
10 discovered by the department prior to issuance. If the
11 nondisclosure is discovered by the department subsequent to
12 issuance, the department shall revoke the driver's license,
13 provisional license, temporary license or instruction permit
14 for a period of one year. Intentional and willful failure to
15 disclose, as required in this subsection, is a misdemeanor.

16 D. An applicant [~~less than~~] who is under eighteen
17 years of age and who is making an application to be granted
18 [~~his~~] a first New Mexico driver's license shall submit evidence
19 that [~~he~~] the applicant has:

20 (1) successfully completed a driver education
21 course that included a DWI prevention and education program
22 approved by the bureau or offered by a public school. The
23 bureau may accept verification of driver education course
24 completion from another state if the driver education course
25 substantially meets the requirements of the bureau for a course

.183519.5

underscored material = new
[bracketed material] = delete

1 offered in New Mexico;

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

5 (3) complied with restrictions on that
6 license;

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

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

12 (6) not been adjudicated for an offense
13 involving the use of alcohol or drugs during the twelve-month
14 period immediately preceding the date of the application for
15 the driver's license and that there are no pending
16 adjudications alleging an offense involving the use of alcohol
17 or drugs at the time of [~~his~~] the application.

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

24 F. An applicant who is twenty-five years of age
25 [~~and~~] or over, who has been convicted of driving under the

.183519.5

underscoring material = new
[bracketed material] = delete

1 influence of intoxicating liquor or drugs and who is making an
2 application to be granted [~~his~~] a first New Mexico driver's
3 license, shall submit evidence with [~~his~~] the application that
4 [~~he~~] the applicant has successfully completed a bureau-approved
5 DWI prevention and education program.

6 G. Whenever an application is received from a
7 person previously licensed in another jurisdiction, the
8 department may request a copy of the driver's record from the
9 other jurisdiction. When received, the driver's record may
10 become a part of the driver's record in this state with the
11 same effect as though entered on the driver's record in this
12 state in the original instance.

13 H. Whenever the department receives a request for a
14 driver's record from another licensing jurisdiction, the record
15 shall be forwarded without charge.

16 I. This section does not apply to driver's licenses
17 issued pursuant to the New Mexico Commercial Driver's License
18 Act."

19 SECTION 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2011.

21 - 7 -

22
23
24
25