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HOUSE BILL 144

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO IDENTIFICATION; PROVIDING FOR THE TAXATION AND  
REVENUE DEPARTMENT TO ISSUE A "REAL ID" CARD THAT MEETS THE  
REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005 AND THAT IS  
DISTINCT FROM THE USUAL STATE DRIVER'S LICENSE AND  
IDENTIFICATION CARD; PROVIDING FOR FEES; IMPOSING PENALTIES;  
MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 66, Article 5 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] REAL ID CARDS--PERSONS ELIGIBLE--  
APPLICATION--CONTENTS--DURATION--RENEWAL--DUPLICATES--FEES--  
PENALTIES.--

A. The department shall issue a real id card only  
to a person who is a New Mexico resident and who provides

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1 sufficient evidence as required by the federal Real ID Act of  
2 2005 to establish documentary evidence of the age, identity and  
3 residency of the person. The department shall establish a  
4 unique color and design for a real id card that denotes it as  
5 meeting the requirements of the federal Real ID Act of 2005 to  
6 be accepted by federal agencies for official federal purposes  
7 and that distinguishes it from a driver's license and an  
8 identification card that is not intended to be accepted by  
9 federal agencies for official federal purposes.

10 B. An application for a real id card shall be made  
11 upon a form furnished by the department. An application shall  
12 contain the applicant's full legal name; social security  
13 number, except for applicants ineligible for a social security  
14 number; date of birth; sex; and New Mexico physical address.  
15 Additionally, an application by a foreign national shall  
16 contain the unique identifying number of the foreign national's  
17 valid passport, valid visa or other arrival-departure record or  
18 document issued by the federal government and the expiration  
19 date of the foreign national's authorized period of admission  
20 or extension of stay, as demonstrated on the foreign national's  
21 valid passport, valid visa or other arrival-departure record or  
22 document issued by the federal government. The applicant or  
23 the applicant's parent or guardian shall certify to the  
24 department as to the applicant's true full legal name, correct  
25 age and identifying data and the authenticity of documentary

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1 evidence submitted pursuant to department requirements. Every  
2 application for a real id card shall be signed by the applicant  
3 or the applicant's parent or guardian. The secretary may, for  
4 good cause, revoke or deny the issuance of a real id card.

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

15 D. A real id card shall bear the full legal name,  
16 date of birth, sex, current New Mexico physical address, a  
17 full-face or front-view digital photograph of the real id card  
18 holder, a unique real id card number, a date of issuance, an  
19 expiration date, a brief description of the real id card holder  
20 and the signature of the holder, and the real id card shall  
21 indicate donor status. The real id card shall indicate United  
22 States citizenship or immigration status of the real id card  
23 holder. All real id cards of persons under the age of  
24 twenty-one years shall have a printed legend indicating that  
25 the person is under twenty-one. A real id card shall bear the

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1 following statement:

2 "STATE OF NEW MEXICO

3 REAL ID CARD NO. \_\_\_\_\_

4 This card is provided for the purpose of establishing that the  
5 bearer described on the card provided sufficient evidence as  
6 required by the federal Real ID Act of 2005 to establish  
7 documentary evidence of the age, identity and residency of the  
8 bearer. This real id card is not a license. ISSUED FOR  
9 OFFICIAL FEDERAL IDENTIFICATION PURPOSES".

10 E. Except as provided in Subsection F of this  
11 section, a real id card shall be issued for a period not to  
12 exceed:

13 (1) four years and shall expire on the last  
14 day of the month of the identified person's birth in the fourth  
15 year after the effective date of the real id card; or

16 (2) eight years; provided that the applicant  
17 pays the amount required for a real id card issued for a term  
18 of eight years, and shall expire on the last day of the month  
19 of the applicant's birth in the eighth year after the effective  
20 date of the real id card.

21 F. The department may issue to an eligible foreign  
22 national applicant a real id card that is valid only for the  
23 duration of the foreign national's authorized period of  
24 admission or extension of stay and that shall state that it is  
25 term limited. A real id card issued to a foreign national

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1 shall expire on the earlier of:

2 (1) the last day of the month of the  
3 applicant's birth in the fourth year after the effective date  
4 of the real id card or in the eighth year after the effective  
5 date of the real id card if the applicant opted for a period of  
6 eight years pursuant to Paragraph (2) of Subsection E of this  
7 section; or

8 (2) 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 arrival-departure record or other document issued  
12 by the federal government; provided that if that date cannot be  
13 determined by the department, the real id card shall expire one  
14 year after the effective date of the real id card.

15 G. A real id card may be renewed within ninety days  
16 prior to its expiration or at an earlier date approved by the  
17 department.

18 H. Whenever a person, after applying for or  
19 receiving a real id card, moves from the address named in the  
20 application or in the issued real id card or when the name of a  
21 real id card holder is changed by marriage or otherwise, the  
22 person shall, within ten days, notify the department of the new  
23 address in writing or by electronic media pursuant to  
24 department rules. In the event of a change of name or address,  
25 a real id card holder shall deliver the real id card to the

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1 department and the change of name or address shall be  
2 accomplished on the real id card itself. The department may  
3 require evidence that the department deems sufficient as  
4 documentary evidence of the change of name or address of the  
5 real id card holder.

6 I. In the event a real id card issued pursuant to  
7 this section is lost, stolen, destroyed or mutilated or a name  
8 or address is changed, the person to whom the real id card was  
9 issued may obtain a replacement upon furnishing satisfactory  
10 proof of age, identity and residency to the department and  
11 paying the required fee. A person who loses a real id card and  
12 who, after obtaining a replacement, finds the original card  
13 shall immediately surrender the original card to the  
14 department. The same documentary evidence shall be furnished  
15 for a replacement as for an original real id card.

16 J. No public entity shall be liable for any loss or  
17 injury resulting directly or indirectly from false or  
18 inaccurate information contained in a real id card issued by  
19 the department.

20 K. No person shall be held responsible in a court  
21 of law for any act or failure to act that is directly  
22 attributable to the person's reliance upon the information  
23 contained in a real id card issued pursuant to this section;  
24 provided that the person made a reasonable attempt to ascertain  
25 that the information is correct, has not been altered and the

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1 card belongs to the person presenting it.

2 L. Upon application for a real id card with a  
3 four-year term, there shall be paid to the department a fee of  
4 fifteen dollars (\$15.00). Upon application for a real id card  
5 with an eight-year term, there shall be paid to the department  
6 a fee of thirty dollars (\$30.00). The department with the  
7 approval of the governor may increase the amount of the real id  
8 card fee by an amount not to exceed five dollars (\$5.00);  
9 provided that for a real id card issued for an eight-year  
10 period, the amount of the fee shall be twice the amount charged  
11 for a four-year term real id card. The fees and additional  
12 amounts collected pursuant to this subsection are appropriated  
13 to the department to defray the expense of making and issuing a  
14 real id card that meets federal requirements to be accepted by  
15 federal agencies for official federal purposes. Unexpended or  
16 unencumbered balances remaining from fees collected pursuant to  
17 the provisions of this subsection at the end of any fiscal year  
18 shall not revert to the general fund but shall be expended by  
19 the department in fiscal year 2014 and subsequent fiscal years.

20 M. It is a felony for a person to:

21 (1) use or possess an altered, forged or  
22 fictitious real id card;

23 (2) alter or forge a real id card or make a  
24 fictitious real id card;

25 (3) receive or obtain a real id card and then

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1 lend or transfer that real id card to any other person not  
2 lawfully entitled to issuance of that real id card or to  
3 knowingly permit the use of the person's real id card by  
4 another;

5 (4) display or represent as one's own a real  
6 id card not issued to the person;

7 (5) use a false or fictitious name in any  
8 application for a real id card or knowingly make a false  
9 statement, conceal a material fact, submit fraudulent documents  
10 or otherwise commit a fraud in an application for a real id  
11 card;

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

14 (7) induce or solicit another person, or  
15 conspire with another person, to commit an action identified in  
16 Paragraphs (1) through (6) of this subsection.

17 N. A person convicted of violating Subsection M of  
18 this section is guilty of a third degree felony and shall be  
19 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
20 1978.

21 O. As used in this section, "real id card" means an  
22 identification card issued by the department that:

23 (1) is separate and distinct from a driver's  
24 license or an identification card issued pursuant to Section  
25 66-5-401 or 66-5-404 NMSA 1978; and



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(2) meets the requirements of the federal Real ID Act of 2005 to be accepted by federal agencies to board an airplane, enter a federal courthouse or other official federal purposes."