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HOUSE BILL 32

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Paul A. Pacheco

AN ACT

RELATING TO DRIVER'S LICENSES; PROVIDING FOR A TWO-TIERED
SYSTEM OF DRIVER'S LICENSES AND IDENTIFICATION CARDS; PROVIDING
FOR A RESTRICTED TEMPORARY DRIVER'S LICENSE OR IDENTIFICATION
CARD OF ONE YEAR'S DURATION FOR CERTAIN FOREIGN NATIONALS;
REQUIRING A SOCIAL SECURITY NUMBER FROM ELIGIBLE APPLICANTS FOR
CERTAIN DRIVER'S LICENSES OR IDENTIFICATION CARDS; PROVIDING
FOR CERTAIN DRIVER'S LICENSES AND IDENTIFICATION CARDS TO BE
ACCEPTED BY FEDERAL AGENCIES FOR OFFICIAL FEDERAL PURPOSES;
LIMITING THE DURATION OF DRIVER'S LICENSES AND IDENTIFICATION
CARDS OF FOREIGN NATIONALS; REQUIRING PROOF OF GRANTED DEFERRED
ACTION FOR CHILDHOOD ARRIVALS; INCREASING PENALTIES AND
IMPOSING NEW PENALTIES.

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

SECTION 1. Section 66-5-9 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 231, as amended) is amended to read:

2 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
3 PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

4 A. An application for an instruction permit,
5 provisional license or driver's license shall be made upon a
6 form furnished by the department. An application shall be
7 accompanied by the proper fee. For permits, provisional
8 licenses or driver's licenses other than those issued pursuant
9 to the New Mexico Commercial Driver's License Act, submission
10 of a complete application with payment of the fee entitles the
11 applicant to not more than three attempts to pass the
12 examination within a period of six months from the date of
13 application.

14 B. An application shall contain the applicant's
15 full legal name; social security number, [~~or individual tax~~
16 ~~identification number~~] except for an applicant ineligible for a
17 social security number; date of birth; sex; and New Mexico
18 residence address of the applicant and briefly describe the
19 applicant and indicate whether the applicant has previously
20 been licensed as a driver and, if so, when and by what state or
21 country and whether any such license has ever been suspended or
22 revoked or whether an application has ever been refused and, if
23 so, the date of and reason for the suspension, revocation or
24 refusal. [~~For foreign nationals applying for driver's~~
25 ~~licenses, the secretary shall accept the individual taxpayer~~

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1 ~~identification number as a substitute for a social security~~
2 ~~number regardless of immigration status.]~~ The secretary is
3 authorized to establish by regulation other documents that may
4 be accepted as [~~a substitute for a social security number or an~~
5 ~~individual tax identification number~~] documentary evidence of
6 the identity and residency of the applicant.

7 C. An applicant shall indicate whether the
8 applicant is applying for a driver's license that meets federal
9 requirements to be accepted by federal agencies for official
10 federal purposes or a driver's license not intended to be
11 accepted by federal agencies for official federal purposes. An
12 applicant who is a foreign national and who does not provide
13 proof of authorized period of admission into the United States
14 shall only apply for a driver's license not intended to be
15 accepted by federal agencies for official federal purposes.

16 D. An application by a foreign national for a
17 driver's license that meets federal requirements to be accepted
18 by federal agencies for official federal purposes shall contain
19 the unique identifying number of the foreign national's valid
20 passport, valid visa or other arrival-departure record or
21 document issued by the federal government and the expiration
22 date of the foreign national's authorized period of admission
23 or extension of stay as demonstrated on the foreign national's
24 valid passport, valid visa or arrival-departure record or other
25 document issued by the federal government. The department may

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1 issue to an eligible foreign national applicant a driver's
2 license that is valid only for the duration of the foreign
3 national's authorized period of admission or extension of stay
4 and that shall state that it is term limited.

5 E. For an application for a driver's license not
6 intended to be accepted by federal agencies for official
7 federal purposes, the secretary shall require proof:

8 (1) that the applicant has been granted
9 deferred action for childhood arrivals;

10 (2) that the applicant has resided in New
11 Mexico for six consecutive months;

12 (3) that the applicant has completed a
13 driver's education course at a driver education school licensed
14 pursuant to the Driving School Licensing Act and passed a
15 written and on-the-road examination administered by the
16 department; and

17 (4) of the applicant's identity; provided that
18 the secretary shall not accept as proof of identity a driving
19 privilege permit or other document not intended as
20 identification and issued exclusively to authorize an
21 individual to drive a motor vehicle by a state or other
22 jurisdiction.

23 [~~G.~~] F. An applicant shall indicate whether the
24 applicant has been convicted of driving while under the
25 influence of intoxicating liquor or drugs in this state or in

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1 any other jurisdiction. Failure to disclose any such
2 conviction prevents the issuance of a driver's license,
3 provisional license, temporary license or instruction permit
4 for a period of one year if the failure to disclose is
5 discovered by the department prior to issuance. If the
6 nondisclosure is discovered by the department subsequent to
7 issuance, the department shall revoke the driver's license,
8 provisional license, temporary license or instruction permit
9 for a period of one year. Intentional and willful failure to
10 disclose, as required in this subsection, is a misdemeanor.

11 ~~[D-]~~ G. An applicant under eighteen years of age
12 who is making an application for a first New Mexico driver's
13 license shall submit evidence that the applicant has:

14 (1) successfully completed a driver education
15 course approved by the bureau that included a DWI prevention
16 and education component. The bureau may accept verification of
17 driver education course completion from another state if the
18 driver education course substantially meets the requirements of
19 the bureau for a course offered in New Mexico;

20 (2) had a provisional license for at least the
21 twelve-month period immediately preceding the date of the
22 application for the driver's license; provided that thirty days
23 shall be added to the twelve-month period for each adjudication
24 or conviction of a traffic violation committed during the time
25 the person was driving with a provisional license;

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1 (3) complied with restrictions on that
2 license;

3 (4) not been cited for a traffic violation
4 that is pending at the time of application; and

5 (5) not been adjudicated for an offense
6 involving the use of alcohol or drugs during the twelve-month
7 period immediately preceding the date of the application for
8 the driver's license and that there are no pending
9 adjudications alleging an offense involving the use of alcohol
10 or drugs at the time of application.

11 [~~E-~~] H. An applicant eighteen years of age or over,
12 but under twenty-five years of age, who is making an
13 application to be granted a first New Mexico driver's license
14 shall submit evidence with the application that the applicant
15 has successfully completed a bureau-approved DWI prevention and
16 education program.

17 [~~F-~~] I. An applicant twenty-five years of age or
18 over who has been convicted of driving under the influence of
19 intoxicating liquor or drugs and who is making an application
20 to be granted a first New Mexico driver's license shall submit
21 evidence with the application that the applicant has
22 successfully completed a bureau-approved DWI prevention and
23 education program.

24 [~~G-~~] J. Whenever an application is received from a
25 person previously licensed in another jurisdiction, the

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1 department may request a copy of the driver's record from the
2 other jurisdiction. When received, the driver's record may
3 become a part of the driver's record in this state with the
4 same effect as though entered on the driver's record in this
5 state in the original instance.

6 [H.] K. Whenever the department receives a request
7 for a driver's record from another licensing jurisdiction, the
8 record shall be forwarded without charge.

9 [F.] L. This section does not apply to driver's
10 licenses issued pursuant to the New Mexico Commercial Driver's
11 License Act."

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

14 "66-5-15. LICENSES ISSUED TO APPLICANTS.--

15 A. The department shall, upon payment of the
16 required fee, issue to every qualified applicant a driver's
17 license as applied for. [~~The license~~] All licenses shall bear
18 the full legal name, date of birth, sex, current New Mexico
19 physical [~~or mailing~~] address, a full-face or front-view
20 digital photograph of the license holder, [~~and~~] a unique
21 driver's license number, a date of issuance, an expiration
22 date, a brief description of the licensee and the signature of
23 the licensee. A license shall not be valid unless it bears the
24 signature of the licensee.

25 B. The department shall establish two distinct

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1 driver's licenses. On or after July 1, 2015, a driver's
2 license issued to a licensee that meets federal requirements to
3 be accepted by federal agencies for official federal purposes
4 shall contain a United States department of homeland
5 security-approved security marking in a unique color and design
6 that distinguishes the driver's license meeting federal
7 requirements to be accepted by federal agencies for official
8 federal purposes from a driver's license that is not intended
9 to be accepted by federal agencies for official federal
10 purposes. The driver's license that is not intended to be
11 accepted by federal agencies for official federal purposes
12 shall clearly state on the front of the driver's license that
13 it is not acceptable for official federal purposes."

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

18 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
19 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--
20 RENEWAL.--

21 A. Except as provided in Subsection B, [~~or~~] D, E or
22 F of this section, Section 66-5-19 NMSA 1978 [~~and~~] or Section
23 66-5-67 NMSA 1978, all driver's licenses shall be issued for a
24 period of four years, and each license shall expire thirty days
25 after the applicant's birthday in the fourth year after the

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1 effective date of the license or shall expire thirty days after
2 the applicant's seventy-fifth birthday. A license issued
3 pursuant to Section 66-5-19 NMSA 1978 shall expire thirty days
4 after the applicant's birthday in the year in which the license
5 expires. Each license is renewable within ninety days prior to
6 its expiration or at an earlier date approved by the
7 department. The fee for the license shall be as provided in
8 Section 66-5-44 NMSA 1978. The department may provide for
9 renewal by mail or telephonic or electronic means of a driver's
10 license issued pursuant to the provisions of this subsection,
11 pursuant to regulations adopted by the department that ensure
12 adequate security measures to safeguard personal information
13 that is obtained in the issuance of a driver's license. The
14 department may require an examination upon renewal of the
15 driver's license. A driver's license issued to a foreign
16 national shall not be renewed unless the applicant presents
17 valid documentary evidence that the status by which the
18 applicant qualified for the driver's license is still in effect
19 or that the applicant continues to qualify for lawful status in
20 the United States.

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

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

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

3 (3) will not reach the age of seventy-five
4 during the last four years of the eight-year license period or
5 reach the age of twenty-one during any year within the term of
6 the license.

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

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

16 E. A driver's license that meets federal
17 requirements to be accepted by federal agencies for official
18 federal purposes issued to a foreign national shall expire on
19 the earlier of:

20 (1) thirty days after the applicant's twenty-
21 first birthday, if issued prior to the applicant's twenty-first
22 birthday;

23 (2) thirty days after the applicant's seventy-
24 fifth birthday;

25 (3) thirty days after the applicant's birthday

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1 on the fourth year after the effective date of the license or
2 on the eighth year after the effective date of the license if
3 the applicant opted for a period of eight years pursuant to
4 Subsection B of this section; or

5 (4) the date, if one exists, of the foreign
6 national's termination of authorized period of admission or
7 extension of stay as demonstrated on the foreign national's
8 valid passport, valid visa or arrival-departure record or other
9 document issued by the federal government; provided that if
10 that date cannot be determined by the department, the driver's
11 license shall expire one year after the effective date of the
12 license.

13 F. A driver's license that is not intended to be
14 accepted by federal agencies for official federal purposes
15 issued to a foreign national who does not provide proof of
16 authorized period of admission into the United States shall
17 expire on the earlier of:

18 (1) one year after the effective date of the
19 license; or

20 (2) the date of the applicant's termination of
21 deferred action for childhood arrivals.

22 ~~[E.]~~ G. The ~~[director]~~ secretary may adopt
23 regulations providing for the proration of driver's license
24 fees and commercial driver's license fees due to shortened
25 licensure periods permitted pursuant to Subsection A of Section

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1 66-5-19 NMSA 1978 or for licensure periods authorized pursuant
2 to the provisions of this section."

3 SECTION 4. Section 66-5-37 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 259, as amended) is amended to read:

5 "66-5-37. UNLAWFUL USE OF LICENSE.--It is a misdemeanor
6 for any person to:

7 A. display or cause or permit to be displayed or
8 have in [~~his~~] the person's possession any canceled, revoked or
9 suspended driver's license or permit or commercial driver's
10 license or permit;

11 B. lend [~~his~~] the person's driver's license or
12 permit or commercial driver's license or permit to any other
13 person or knowingly permit the use of [~~his~~] the person's
14 license or permit by another;

15 C. display or represent as one's own any driver's
16 license or permit or commercial driver's license or permit not
17 issued to [~~him~~] the person;

18 D. fail or refuse to surrender to the division upon
19 its lawful demand any driver's license or permit or commercial
20 driver's license or permit [~~which~~] that has been suspended,
21 revoked or canceled;

22 E. use a false or fictitious name in any
23 application for a [~~driver's license or permit or~~] commercial
24 driver's license or permit or knowingly make a false statement
25 or knowingly conceal a material fact or otherwise commit a

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1 fraud in any such application;

2 F. permit any unlawful use of the driver's license
3 or permit or commercial driver's license or permit issued to
4 ~~[him]~~ the person; or

5 G. do any act forbidden or fail to perform any act
6 required by Sections ~~[66-5-1]~~ 66-5-1.1 through 66-5-47 NMSA
7 1978 or the provisions of the New Mexico Commercial Driver's
8 License Act."

9 SECTION 5. Section 66-5-47 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 269, as amended) is amended to read:

11 "66-5-47. PHOTOGRAPHS--EVIDENCE OF APPLICANT'S AGE.--

12 A. The department shall reproduce the likeness of
13 drivers, subject to the following conditions:

14 (1) photographs or other reproductions of the
15 likeness of all persons shall show a full face or front view;
16 and

17 (2) photographs or other reproductions of the
18 likeness of all persons under the age of twenty-one years shall
19 have a printed legend, indicating that the person is under
20 twenty-one, which shall be displayed in such manner as to be
21 easily read by any person inspecting the license.

22 B. Each applicant for an initial license or a
23 replacement license shall produce evidence of the applicant's
24 age. Proof of an applicant's age shall be a ~~[birth~~
25 ~~certificate]~~ certified copy of a birth certificate ~~[a church~~

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1 ~~record purporting to show the date of birth and baptism, an~~
2 ~~acknowledged copy of the church record] filed with the vital~~
3 ~~records and health statistics bureau of the department of~~
4 ~~health or equivalent agency in the applicant's state of birth,~~
5 a valid, unexpired United States passport, [~~or other evidence~~
6 ~~which the secretary deems sufficient] a valid, unexpired~~
7 ~~permanent resident card issued by the United States department~~
8 ~~of homeland security, an unexpired employment authorization~~
9 ~~document issued by the United States department of homeland~~
10 ~~security, a valid, unexpired foreign passport with a valid,~~
11 ~~unexpired United States visa affixed accompanied by the~~
12 ~~approved I-94 form documenting the applicant's most recent~~
13 ~~admittance into the United States, a certificate of~~
14 ~~naturalization issued by the United States department of~~
15 ~~homeland security, a certificate of citizenship issued by the~~
16 ~~United States department of homeland security or a REAL ID~~
17 ~~driver's license or identification card issued in compliance~~
18 ~~with the standards established by the United States department~~
19 ~~of homeland security. The date of birth shown on [any] a~~
20 ~~driver's license or [any] instruction permit issued by the~~
21 ~~department shall coincide with the date of birth shown on the~~
22 ~~proof of applicant's age."~~

23 SECTION 6. Section 66-5-401 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 328, as amended) is amended to read:

25 "66-5-401. IDENTIFICATION CARDS.--

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1 A. A person who does not have a valid New Mexico
2 driver's license may be issued an identification card by the
3 department certified by the applicant as to true name, correct
4 age and other identifying data as the department may require.
5 Every application for an identification card shall be signed by
6 the applicant or the applicant's parent or guardian. The
7 secretary may, for good cause, revoke or deny the issuance of
8 an identification card.

9 B. An applicant shall indicate whether the
10 applicant is applying for an identification card that meets
11 federal requirements to be accepted by federal agencies for
12 official federal purposes or an identification card not
13 intended to be accepted by federal agencies for official
14 federal purposes. An applicant who is a foreign national and
15 who does not provide proof of authorized period of admission
16 into the United States shall only apply for an identification
17 card not intended to be accepted by federal agencies for
18 official federal purposes.

19 C. In addition to the requirements of Subsection A
20 of this section, an application by a foreign national for an
21 identification card that meets federal requirements to be
22 accepted by federal agencies for official federal purposes
23 shall contain the unique identifying number of the foreign
24 national's valid passport, valid visa or other arrival-
25 departure record or document issued by the federal government

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1 and the expiration date of the foreign national's authorized
2 period of admission or extension of stay as demonstrated on the
3 foreign national's valid passport, valid visa or
4 arrival-departure record or other document issued by the
5 federal government. The department may issue to an eligible
6 foreign national applicant with lawful status an identification
7 card that is valid only for the duration of the foreign
8 national's authorized period of admission or extension of stay
9 and that states that it is term limited.

10 D. For an application for an identification card
11 not intended to be accepted by federal agencies for official
12 federal purposes, the secretary shall require proof:

13 (1) that the applicant has been granted
14 deferred action for childhood arrivals;

15 (2) that the applicant has resided in New
16 Mexico for six consecutive months; and

17 (3) of the applicant's identity; provided that
18 the secretary shall not accept as proof of identity a driving
19 privilege permit or other document not intended as
20 identification and issued exclusively to authorize an
21 individual to drive a motor vehicle by a state or other
22 jurisdiction.

23 ~~[B-]~~ E. Within the forms prescribed by the
24 department for identification card applications, a space shall
25 be provided to show whether the applicant is a donor as

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1 provided in the Jonathan Spradling Revised Uniform Anatomical
2 Gift Act. A person applying for an identification card may
3 indicate that person's status on the space provided on the
4 application. The donor status indicated by the applicant shall
5 be displayed on the identification card. The form and
6 identification card shall be signed by the donor in the
7 presence of a witness who shall also sign the form in the
8 donor's presence."

9 SECTION 7. Section 66-5-402 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 329, as amended) is amended to read:

11 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--
12 The department shall issue an identification card only to [~~A.~~]
13 a person who is a New Mexico resident and who does not have a
14 valid New Mexico driver's license and only upon the furnishing
15 of a birth certificate or its certified copy [~~a certificate of~~
16 ~~baptism~~] or a valid passport or other evidence that the
17 department deems sufficient as documentary evidence of the age
18 and identity of the person [~~or~~

19 ~~B. a person over age sixty-five who is a New Mexico~~
20 ~~resident and who is surrendering a valid New Mexico driver's~~
21 ~~license, which license shall be sufficient documentary evidence~~
22 ~~of the age and identity of the person]."~~

23 SECTION 8. Section 66-5-403 NMSA 1978 (being Laws 1973,
24 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,
25 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended

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1 to read:

2 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
3 RENEWAL.--

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

10 B. An identification card may be renewed within
11 ninety days prior to its expiration or at an earlier date
12 approved by the department. An identification card may be
13 renewed by mail or telephonic or electronic means pursuant to
14 regulations adopted by the department. The regulations shall
15 ensure adequate security measures to safeguard personal
16 information that is obtained in the issuance of an
17 identification card. An identification card issued to a
18 foreign national shall not be renewed unless the person
19 presents valid documentary evidence that the status by which
20 the applicant qualified for the identification card is still in
21 effect or that the applicant has lawful status in the United
22 States.

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 that meets federal
8 requirements to be accepted by federal agencies for official
9 federal purposes issued to a foreign national shall expire on
10 the earlier of:

11 (1) thirty days after the applicant's twenty-
12 first birthday, if issued prior to the applicant's twenty-first
13 birthday;

14 (2) thirty days after the applicant's birthday
15 on the fourth year after the effective date of the
16 identification card or on the eighth year after the effective
17 date of the identification card if the applicant opted for a
18 period of eight years pursuant to Subsection C of this section;
19 or

20 (3) the date, if one exists, of the foreign
21 national's termination of authorized period of admission or
22 extension of stay as demonstrated on the foreign national's
23 valid passport, valid visa or arrival-departure record or other
24 document issued by the federal government; provided that if
25 that date cannot be determined by the department, the

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1 identification card shall expire one year after the effective
2 date of the identification card.

3 E. An identification card that is not intended to
4 be accepted by federal agencies for official federal purposes
5 issued to a foreign national who does not provide proof of
6 authorized period of admission into the United States shall
7 expire on the earlier of:

8 (1) one year after the effective date of the
9 identification card; or

10 (2) the date of the applicant's termination of
11 deferred action for childhood arrivals."

12 SECTION 9. Section 66-5-405 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 332, as amended) is amended to read:

14 "66-5-405. CONTENTS OF CARD.--~~[The identification card~~
15 ~~shall adequately describe the registrant and bear his picture~~
16 ~~that shall show a full face or front view for all registrants~~
17 ~~and]~~

18 A. The department shall establish two distinct
19 identification cards. On or after July 1, 2015, an
20 identification card issued to an applicant that meets federal
21 requirements to be accepted by federal agencies for official
22 federal purposes shall contain a United States department of
23 homeland security-approved security marking in a unique color
24 and design that distinguishes the identification card meeting
25 federal requirements to be accepted by federal agencies for

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1 official federal purposes from an identification card that is
2 not intended to be accepted by federal agencies for official
3 federal purposes. The identification card that is not intended
4 to be accepted by federal agencies for official federal
5 purposes shall clearly state on the face of the identification
6 card that it is not acceptable for official federal purposes.

7 B. All identification cards shall bear the full
8 legal name, date of birth, sex, current New Mexico physical
9 address, a full-face or front-view digital photograph of the
10 identification card holder, a unique identification card
11 number, a date of issuance, an expiration date, a brief
12 description of the identification card holder and a signature
13 of the holder, and the identification card shall indicate donor
14 status. All identification cards of persons under the age of
15 twenty-one years shall have a printed legend indicating that
16 the person is under twenty-one. The identification card shall
17 bear the following statement:

18 "STATE OF NEW MEXICO IDENTIFICATION

19 CARD NO. _____

20 This card is provided solely for the purpose of establishing
21 that the bearer described on the card was not the holder of a
22 New Mexico driver's license as of the date of issuance of this
23 card. This identification card is not a license. ISSUED FOR
24 IDENTIFICATION PURPOSES ONLY".

25 SECTION 10. Section 66-5-409 NMSA 1978 (being Laws 1991,

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1 Chapter 160, Section 13) is amended to read:

2 "66-5-409. UNLAWFUL USE OF IDENTIFICATION CARD.--

3 A. It is a misdemeanor for any person to:

4 (1) use or possess an altered, forged or
5 fictitious identification card;

6 (2) alter or forge an identification card or
7 make a fictitious identification card;

8 (3) lend the person's identification card to
9 any other person or to knowingly permit the use of the person's
10 identification card by another;

11 (4) display or represent as one's own any
12 identification card not issued to the person; or

13 ~~[(5) use a false or fictitious name in any~~
14 ~~application for an identification card or knowingly make a~~
15 ~~false statement or conceal a material fact or otherwise commit~~
16 ~~a fraud in any such application; or~~

17 ~~(6)]~~ (5) make or permit any unlawful use of
18 the identification card issued to, or received or obtained by,
19 the person.

20 B. It is a felony for any person to:

21 (1) knowingly or willfully provide a false or
22 fictitious name in any application for an identification card
23 or knowingly make a false statement or conceal a material fact
24 or otherwise commit a fraud in any such application; or

25 (2) induce or solicit another person, or

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1 conspire with another person, to violate this subsection.

2 ~~[B-]~~ C. For the purposes of this section,
3 "identification card" means an identification card issued by
4 the department pursuant to Section 66-5-401 or 66-5-404 NMSA
5 1978."

6 SECTION 11. Section 66-8-1.1 NMSA 1978 (being Laws 2007,
7 Chapter 319, Section 65) is amended to read:

8 "66-8-1.1. FRAUD ~~[IN OBTAINING DOCUMENTS ISSUED]~~ RELATED
9 TO THE ISSUANCE OF DOCUMENTS BY THE DIVISION--~~[PENALTY]~~
10 PENALTIES.--

11 A. It is a felony for a ~~[person]~~ department
12 employee or contractor to:

13 (1) knowingly issue an identification card,
14 driver's license, vehicle or vessel registration or vehicle or
15 vessel title to a person who is not lawfully entitled to
16 issuance of that document;

17 (2) knowingly accept and use fraudulent
18 documents as a basis for issuing an identification card,
19 driver's license, vehicle or vessel registration or vehicle or
20 vessel title;

21 (3) knowingly alter a record of an
22 identification card, driver's license, vehicle or vessel
23 registration or vehicle or vessel title without legal
24 justification; or

25 (4) solicit or accept, directly or indirectly,

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[bracketed material] = delete

1 anything of value with the intent to influence a decision or
2 action on an identification card, a driver's license, a vehicle
3 or vessel registration or a vehicle or vessel title.

4 B. It is a felony for an applicant to knowingly or
5 willfully provide a false name, false information or fraudulent
6 document required by Section 66-5-9 NMSA 1978 or otherwise
7 commit a fraud in an application submitted pursuant to Section
8 66-5-9 NMSA 1978.

9 C. It is a felony for a person to:

10 (1) receive or obtain an instruction permit,
11 driver's license or provisional license and then transfer the
12 instruction permit, driver's license or provisional license to
13 another person who is not lawfully entitled to that document;
14 or

15 (2) induce or solicit another person, or
16 conspire with another person, to violate Subsection A or B of
17 this section.

18 D. A person convicted of violating Subsection A of
19 this section is guilty of a third degree felony and shall be
20 sentenced pursuant to the provisions of Section 31-18-15 NMSA
21 1978.

22 [~~B.~~] E. A person convicted of violating Subsection
23 B or C of this section is guilty of a fourth degree felony and
24 shall be sentenced pursuant to the provisions of Section
25 31-18-15 NMSA 1978."

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1 SECTION 12. A new section of the Motor Vehicle Code is
2 enacted to read:

3 "[NEW MATERIAL] USE OF RESTRICTED TEMPORARY LICENSE FOR
4 IDENTIFICATION OUTSIDE OF NEW MEXICO--PROHIBITED.--A driver's
5 license issued to a foreign national applicant who does not
6 provide a social security number or proof of authorized
7 presence in the United States shall not be valid for
8 identification purposes outside the exterior boundaries of New
9 Mexico."

10 SECTION 13. SEVERABILITY.--If any part or application of
11 this act is held invalid, the remainder or its application to
12 other situations or persons shall not be affected.

13 SECTION 14. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2015.