

1 SENATE BILL 174

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Daniel A. Ivey-Soto

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10 AN ACT

11 RELATING TO COMPLIANCE WITH THE FEDERAL REAL ID ACT OF 2005;
12 PROVIDING TWO TIERS OF DRIVER'S LICENSES AND IDENTIFICATION
13 CARDS; CREATING DRIVER'S LICENSES AND IDENTIFICATION CARDS THAT
14 MEET THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005;
15 REQUIRING PROOF OF LAWFUL STATUS IN THE UNITED STATES FOR
16 APPLICANTS TO OBTAIN DRIVER'S LICENSES OR IDENTIFICATION CARDS
17 THAT MEET THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005;
18 LIMITING THE VALIDITY PERIOD OF CERTAIN DRIVER'S LICENSES AND
19 IDENTIFICATION CARDS; PROVIDING FOR THE EXCHANGE OF CERTAIN
20 DRIVER'S LICENSES AND IDENTIFICATION CARDS; DECLARING AN
21 EMERGENCY.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

24 SECTION 1. Section 66-1-4.10 NMSA 1978 (being Laws 1990,
25 Chapter 120, Section 11) is amended to read:

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1 "66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle
2 Code:

3 A. "laned roadway" means a roadway that is divided
4 into two or more clearly marked lanes for vehicular traffic;

5 B. "law enforcement agency designated by the
6 division" means the law enforcement agency indicated on the
7 dismantler's notification form as the appropriate agency for
8 the receipt of the appropriate copy of that form;

9 C. "lawful status" means the legal right to be
10 present in the United States, as that phrase is used in the
11 federal REAL ID Act of 2005;

12 [~~E-~~] D. "license", without modification, means any
13 license, temporary instruction permit or temporary license
14 issued or recognized under the laws of New Mexico pertaining to
15 the licensing of persons to operate motor vehicles;

16 [~~D-~~] E. "lien" or "encumbrance" means every chattel
17 mortgage, conditional sales contract, lease, purchase lease,
18 sales lease, contract, security interest under the Uniform
19 Commercial Code or other instrument in writing having the
20 effect of a mortgage or lien or encumbrance upon, or intended
21 to hold, the title to any vehicle in the former owner,
22 possessor or grantor; and

23 [~~E-~~] F. "local authorities" means every county,
24 municipality and any local board or body having authority to
25 enact laws relating to traffic under the constitution and laws

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1 of this state."

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

4 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
5 PROVISIONAL LICENSE OR INSTRUCTION PERMIT OR RENEWAL.--

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

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

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1 suspension, revocation or refusal. [~~For foreign nationals~~
2 ~~applying for driver's licenses, the secretary shall accept the~~
3 ~~individual taxpayer identification number as a substitute for a~~
4 ~~social security number regardless of immigration status.] The
5 secretary [~~is authorized to~~] shall establish by regulation
6 [~~other~~] documents that may be accepted as [~~a substitute for a~~
7 ~~social security number or an individual tax identification~~
8 ~~number~~] evidence of the residency of the applicant. A person
9 applying for or renewing a license that meets federal
10 requirements to be accepted by federal agencies for official
11 federal purposes shall provide documentation required by the
12 federal government of the applicant's identity, date of birth,
13 social security number, if applicable, address of current
14 residence and lawful status. The department shall verify the
15 applicant's lawful status and social security number, if
16 applicable, through a method approved by the federal
17 government.~~

18 C. An applicant shall indicate whether the
19 applicant is applying for a license that meets federal
20 requirements to be accepted by federal agencies for official
21 federal purposes or a license not intended to be accepted by
22 federal agencies for official federal purposes. A person with
23 lawful status may apply for a license that meets federal
24 requirements to be accepted by federal agencies for official
25 federal purposes or a license not intended to be accepted by

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1 federal agencies for official federal purposes. The department
2 shall issue a license not intended to be accepted by federal
3 agencies for official federal purposes to an applicant who is
4 otherwise eligible for a driver's license but who does not
5 provide proof of lawful status. An applicant who does not
6 provide proof of lawful status shall only apply for a license
7 not intended to be accepted by federal agencies for official
8 federal purposes.

9 D. An application by a foreign national with lawful
10 status for a license that meets federal requirements to be
11 accepted by federal agencies for official federal purposes
12 shall contain the unique identifying number and expiration
13 date, if applicable, of the foreign national's valid passport,
14 valid visa, employment authorization card or other arrival-
15 departure record or document issued by the federal government
16 that conveys lawful status. The department may issue to an
17 eligible foreign national applicant a license that meets
18 federal requirements to be accepted by federal agencies for
19 official federal purposes that is valid for a period not to
20 exceed the duration of the applicant's lawful status; provided
21 that if that date cannot be determined by the department and
22 the applicant is not a legal permanent resident, the license
23 shall expire one year after the effective date of the license.

24 E. For an application for a driver's license not
25 intended to be accepted by federal agencies for official

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1 federal purposes, the secretary shall accept as proof of the
2 applicant's identity:

3 (1) a social security number or an individual
4 tax identification number;

5 (2) a passport from the applicant's country of
6 citizenship or an identification card, issued by the consulate
7 of Mexico in Albuquerque, New Mexico, the consulate general of
8 Mexico in El Paso, Texas, or such other foreign consulate with
9 which the department has established a reliable method of
10 verifying the authenticity of the identification card;

11 (3) a valid New Mexico license or
12 identification card; or

13 (4) a document that the secretary has
14 authorized.

15 ~~[G-]~~ F. An applicant shall indicate whether the
16 applicant has been convicted of driving while under the
17 influence of intoxicating liquor or drugs in this state or in
18 any other jurisdiction. Failure to disclose any such
19 conviction prevents the issuance of a driver's license,
20 provisional license, temporary license or instruction permit
21 for a period of one year if the failure to disclose is
22 discovered by the department prior to issuance. If the
23 nondisclosure is discovered by the department subsequent to
24 issuance, the department shall revoke the driver's license,
25 provisional license, temporary license or instruction permit

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1 for a period of one year. Intentional and willful failure to
2 disclose, as required in this subsection, is a misdemeanor.

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

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

12 (2) had a provisional license for at least the
13 twelve-month period immediately preceding the date of the
14 application for the driver's license; provided that thirty days
15 shall be added to the twelve-month period for each adjudication
16 or conviction of a traffic violation committed during the time
17 the person was driving with a provisional license;

18 (3) complied with restrictions on that
19 license;

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

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

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1 adjudications alleging an offense involving the use of alcohol
2 or drugs at the time of application.

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

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

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

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

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1 ~~[F.]~~ L. This section does not apply to ~~[driver's]~~
2 licenses issued pursuant to the New Mexico Commercial Driver's
3 License Act."

4 SECTION 3. Section 66-5-15 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 237, as amended) is amended to read:

6 "66-5-15. LICENSES ISSUED TO APPLICANTS.--

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

17 B. The department shall ensure that licenses that
18 meet federal requirements to be accepted by federal agencies
19 for official federal purposes and licenses not intended to be
20 accepted by federal agencies for official federal purposes are
21 distinguishable in color and design.

22 C. A license that meets federal requirements to be
23 accepted by federal agencies for official federal purposes
24 issued to a foreign national with lawful status who fails to
25 prove that the foreign national's lawful status will not expire

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1 prior to the date on which the license applied for would expire
2 but for the person being a foreign national shall clearly
3 indicate on its face and in the machine readable zone that it
4 is of limited term and shall bear the words "LIMITED TERM".

5 D. A license not intended to be accepted by federal
6 agencies for official federal purposes shall bear the
7 statement: "NOT FOR FEDERAL PURPOSES"."

8 SECTION 4. Section 66-5-21 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,
10 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended
11 to read:

12 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
13 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--
14 RENEWAL.--

15 A. Except as provided in [~~Subsection~~] Subsections B
16 [~~or D~~] through F of this section, Section 66-5-19 NMSA 1978 and
17 Section 66-5-67 NMSA 1978, all driver's licenses shall be
18 issued for a period of four years, and each license shall
19 expire thirty days after the applicant's birthday in the fourth
20 year after the effective date of the license or shall expire
21 thirty days after the applicant's seventy-fifth birthday. A
22 license issued pursuant to Section 66-5-19 NMSA 1978 shall
23 expire thirty days after the applicant's birthday in the year
24 in which the license expires. Each license is renewable within
25 ninety days prior to its expiration or at an earlier date

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1 approved by the department. The fee for the license shall be
2 as provided in Section 66-5-44 NMSA 1978. The department may
3 provide for renewal by mail or telephonic or electronic means
4 of a [~~driver's~~] license issued pursuant to the provisions of
5 this subsection, pursuant to regulations adopted by the
6 department that ensure adequate security measures to safeguard
7 personal information that is obtained in the issuance of a
8 [~~driver's~~] license, except the department shall not renew by
9 mail or telephonic or electronic means a license that meets
10 federal requirements to be accepted by federal agencies for
11 official federal purposes if prohibited by federal law. The
12 department may require an examination upon renewal of the
13 [~~driver's~~] license.

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

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

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

21 (3) will not reach the age of seventy-five
22 during the last four years of the eight-year license period or
23 reach the age of twenty-one during any year within the term of
24 the license.

25 C. A driver's license issued pursuant to the

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1 provisions of Subsection B of this section shall expire thirty
2 days after the applicant's birthday in the eighth year after
3 the effective date of the license.

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

9 E. A driver's license that meets federal
10 requirements to be accepted by federal agencies for official
11 federal purposes issued to a foreign national with lawful
12 status shall expire on the earliest of:

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

16 (2) thirty days after the applicant's seventy-
17 fifth birthday;

18 (3) thirty days after the applicant's birthday
19 in the fourth year after the effective date of the license or
20 in the eighth year after the effective date of the license if
21 the applicant opted for a period of eight years pursuant to
22 Subsection B of this section; or

23 (4) the expiration date of the applicant's
24 lawful status; provided that if that date cannot be determined
25 by the department and the applicant is not a legal permanent

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1 resident, the driver's license shall expire one year after the
2 effective date of the license.

3 ~~[E.]~~ F. The ~~[director may]~~ secretary shall adopt
4 regulations providing for the proration of driver's license
5 fees and commercial driver's license fees due to shortened
6 licensure periods permitted pursuant to Subsection A of Section
7 66-5-19 NMSA 1978 ~~[or]~~ and for licensure periods authorized
8 pursuant to the provisions of this section."

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 drivers,
13 subject to the following conditions:

14 ~~[(1)]~~ A. photographs or other reproductions of the
15 likeness of all persons shall ~~[show]~~ be a ~~[full face]~~ full-face
16 or ~~[front view]~~ front-view digital photograph; and

17 ~~[(2)]~~ B. 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 certificate,~~
25 ~~certified copy of a birth certificate, a church record~~

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1 ~~purporting to show the date of birth and baptism, an~~
2 ~~acknowledged copy of the church record, a valid passport or~~
3 ~~other evidence which the secretary deems sufficient. The date~~
4 ~~of birth shown on any driver's license or any instruction~~
5 ~~permit issued by the department shall coincide with the date of~~
6 ~~birth shown on the proof of applicant's age.]"~~

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

9 "66-5-401. IDENTIFICATION CARDS--APPLICATION--

10 A. A person who does not have a valid New Mexico
11 driver's license may be issued an identification card by the
12 department [~~certified by the applicant as to true name, correct~~
13 ~~age and other identifying data as the department may require~~].
14 The department shall establish two distinct identification
15 cards as provided in Section 66-5-405 NMSA 1978: an
16 identification card that meets federal requirements to be
17 accepted by federal agencies for official federal purposes and
18 an identification card not intended to be accepted by federal
19 agencies for official federal purposes. An application for an
20 identification card or renewal of an identification card shall
21 be made upon a form furnished by the department. An
22 application for an identification card that meets federal
23 requirements to be accepted by federal agencies for official
24 federal purposes shall contain the applicant's full legal name;
25 date of birth; sex; and current New Mexico residence address

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1 and shall briefly describe the applicant. The secretary shall
2 establish by regulation documents that may be accepted as
3 evidence of the residency of the applicant. A person applying
4 for or renewing an identification card that meets federal
5 requirements to be accepted by federal agencies for official
6 federal purposes shall provide documentation required by the
7 federal government of the applicant's identity, date of birth,
8 social security number, if applicable, address of current
9 residence and lawful status. The department shall verify the
10 applicant's lawful status and social security number, if
11 applicable, through a method approved by the federal
12 government. A person applying for or renewing an
13 identification card not intended to be accepted by federal
14 agencies for official federal purposes shall provide
15 documentation of the applicant's identity, date of birth,
16 social security number, if applicable, and address of current
17 residence. The department shall verify the applicant's social
18 security number, if applicable.

19 B. An applicant shall indicate whether the
20 applicant is applying for an identification card that meets
21 federal requirements to be accepted by federal agencies for
22 official federal purposes or an identification card not
23 intended to be accepted by federal agencies for official
24 federal purposes. A person with lawful status may apply for an
25 identification card that meets federal requirements to be

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1 accepted by federal agencies for official federal purposes or
2 an identification card not intended to be accepted by federal
3 agencies for official federal purposes. An applicant who does
4 not provide proof of lawful status shall only apply for an
5 identification card not intended to be accepted by federal
6 agencies for official federal purposes. The department shall
7 issue an identification card not intended to be accepted by
8 federal agencies for official federal purposes to an applicant
9 who is otherwise eligible for an identification card that meets
10 federal requirements to be accepted by federal agencies for
11 official federal purposes but who does not provide proof of
12 lawful status. Every application for an identification card
13 shall be signed by the applicant or the applicant's parent or
14 guardian. The secretary may, for good cause, revoke or deny
15 the issuance of an identification card.

16 C. An application by a foreign national with lawful
17 status for an identification card that meets federal
18 requirements to be accepted by federal agencies for official
19 federal purposes shall contain the unique identifying number
20 and expiration date, if applicable, of the foreign national's
21 valid passport, valid visa, employment authorization card or
22 other arrival-departure record or document issued by the
23 federal government that conveys lawful status. The department
24 may issue to an eligible foreign national applicant an
25 identification card that meets federal requirements to be

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1 accepted by federal agencies for official federal purposes that
2 is valid for a period not to exceed the duration of the
3 applicant's lawful status; provided that if that date cannot be
4 determined by the department and the applicant is not a legal
5 permanent resident, the identification card shall expire one
6 year after the effective date of the identification card.

7 D. For an application for an identification card
8 not intended to be accepted by federal agencies for official
9 federal purposes, the secretary shall accept as proof of the
10 applicant's identity:

11 (1) a social security number or an individual
12 tax identification number;

13 (2) a passport from the applicant's country of
14 citizenship or an identification card, issued by the consulate
15 of Mexico in Albuquerque, New Mexico, the consulate general of
16 Mexico in El Paso, Texas, or such other foreign consulate with
17 which the department has established a reliable method of
18 verifying the authenticity of the identification card;

19 (3) a valid New Mexico license or
20 identification card; or

21 (4) a document that the secretary has
22 authorized.

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~~] may issue an identification card only to
13 [~~A.~~] a person who is a New Mexico resident and who does not
14 have a valid New Mexico [~~driver's~~] license [~~and only upon the~~
15 ~~furnishing of a birth certificate or its certified copy, a~~
16 ~~certificate of baptism a valid passport or other evidence that~~
17 ~~the department deems sufficient as documentary evidence of the~~
18 ~~age 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~~]
5 Subsections B through D of this section, every identification
6 card shall be issued for a period not to exceed four years and
7 shall expire on the last day of the month of the identified
8 person's birth in the fourth year after the effective date of
9 the identification 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, except the department
15 shall not renew by mail or telephonic or electronic means an
16 identification card that meets federal requirements to be
17 accepted by federal agencies for official federal purposes if
18 prohibited by federal law. The regulations shall ensure
19 adequate security measures to safeguard personal information
20 that is obtained in the issuance of an identification card.

21 C. At the option of the applicant for an
22 identification card, a card may be issued for a period of eight
23 years, provided that the applicant pays the amount required for
24 an identification card issued for a term of eight years. An
25 identification card issued pursuant to the provisions of this

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1 subsection shall expire on the last day of the month of the
2 applicant's birth in the eighth year after the effective date
3 of the identification card. The identification card may be
4 renewed within ninety days prior to its expiration.

5 D. An identification card that meets federal
6 requirements to be accepted by federal agencies for official
7 federal purposes issued to a foreign national with lawful
8 status shall expire on the earliest of:

9 (1) the last day of the month of the
10 applicant's birth in the fourth year after the effective date
11 of the identification card or in the eighth year after the
12 effective date of the identification card if the applicant
13 opted for a period of eight years pursuant to Subsection C of
14 this section; or

15 (2) the expiration date of the applicant's
16 lawful status; provided that if that date cannot be determined
17 by the department and the applicant is not a legal permanent
18 resident, the identification card shall expire one year after
19 the effective date of the identification card."

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

22 "66-5-405. CONTENTS OF CARD.--~~[The]~~

23 A. All identification [card] cards shall
24 [adequately describe the registrant and bear his picture that
25 shall show a full face or front view for all registrants and]

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1 bear the full legal name, date of birth, sex, current New
2 Mexico residence address, a full-face or front-view digital
3 photograph of the identification card holder, a unique
4 identification card number, a date of issuance, an expiration
5 date, a brief description of the identification card holder and
6 the signature of the holder, and the identification card shall
7 indicate donor status. All identification cards of persons
8 under the age of twenty-one years shall have a printed legend
9 indicating that the person is under twenty-one. [The]

10 B. An identification card not intended to be
11 accepted by federal agencies for official federal purposes
12 shall bear the [following] statement:

13 "STATE OF NEW MEXICO IDENTIFICATION

14 CARD NO. _____

15 ~~[This card is provided solely for the purpose of establishing~~
16 ~~that the bearer described on the card was not the holder of a~~
17 ~~New Mexico driver's license as of the date of issuance of this~~
18 ~~card.] This identification card is not a license. ISSUED FOR~~
19 ~~IDENTIFICATION PURPOSES ONLY. NOT FOR FEDERAL PURPOSES."~~

20 C. An identification card that meets federal
21 requirements to be accepted by federal agencies for official
22 federal purposes shall be distinguishable in color and design
23 from an identification card not intended to be accepted by
24 federal agencies for official federal purposes and shall bear
25 the statement:

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1 "STATE OF NEW MEXICO IDENTIFICATION

2 CARD NO. _____

3 This identification card is not a license. ISSUED FOR
4 IDENTIFICATION PURPOSES ONLY."

5 D. An identification card that meets federal
6 requirements to be accepted by federal agencies for official
7 federal purposes issued to a foreign national with lawful
8 status who fails to prove that the foreign national's lawful
9 status will not expire prior to the date on which the
10 identification card applied for would expire but for the person
11 being a foreign national shall clearly indicate on its face and
12 in the machine readable zone that it is of limited term and
13 shall bear the words "LIMITED TERM"."

14 SECTION 10. A new section of the Motor Vehicle Code is
15 enacted to read:

16 "[NEW MATERIAL] ISSUANCE OF DOCUMENTS THAT MEET FEDERAL
17 REQUIREMENTS TO BE ACCEPTED BY FEDERAL AGENCIES FOR OFFICIAL
18 FEDERAL PURPOSES--REIMBURSEMENT.--

19 A. On or before six months from the effective date
20 of this 2016 act, the department shall establish and issue to
21 qualified applicants licenses and identification cards that
22 meet federal requirements to be accepted by federal agencies
23 for official federal purposes. The department shall adopt the
24 general design marking known as gold star pursuant to the
25 *Department of Homeland Security REAL ID Security Plan Guidance*

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1 *Handbook* to implement the provisions of this subsection.

2 B. Provided that a person provides the required
3 documentation and qualifies for the license or identification
4 card issued pursuant to Subsection A of this section, the
5 person may:

6 (1) exchange that person's valid New
7 Mexico-issued license or identification card for a license or
8 identification card issued pursuant to Subsection A of this
9 section with an identical expiration date at no cost; or

10 (2) apply for a new license or identification
11 card issued pursuant to Subsection A of this section.

12 C. The secretary shall adopt regulations providing
13 for the proration of a:

14 (1) refund for the remaining period that a
15 person's license or identification card would have been valid;
16 or

17 (2) credit for the remaining period that a
18 person's license or identification card would have been valid
19 toward the cost of a new license or identification card."

20 **SECTION 11. EMERGENCY.**--It is necessary for the public
21 peace, health and safety that this act take effect immediately.