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SENATE BILL 427

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO DRIVING AUTHORIZATION CARDS; ALLOWING VALID OR
RECENTLY EXPIRED NEW MEXICO LICENSES AND IDENTIFICATION CARDS
TO SATISFY THE IDENTIFICATION NUMBER, IDENTITY, AGE AND
RESIDENCY REQUIREMENTS TO RECEIVE A DRIVING AUTHORIZATION CARD
OR A NON-REAL ID IDENTIFICATION CARD; CHANGING THE VALIDITY
PERIOD FOR CERTAIN DRIVING AUTHORIZATION CARDS AND
IDENTIFICATION CARDS.

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

SECTION 1. Section 66-5-9 NMSA 1978 (being Laws 1978,
Chapter 35, Section 231, as amended) is amended to read:

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

A. An application for an instruction permit,

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

13 B. An application shall contain the applicant's
14 full legal name; date of birth; sex; and current New Mexico
15 residence address and shall briefly describe the applicant and
16 indicate whether the applicant has previously been licensed as
17 a driver and, if so, when and by what state or country and
18 whether any such license has ever been suspended or revoked or
19 whether an application has ever been refused and, if so, the
20 date of and reason for the suspension, revocation or refusal.
21 The secretary shall establish by regulation documents that may
22 be accepted as evidence of the residency of the applicant. A
23 person applying for or renewing a driver's license shall
24 provide documentation required by the federal government of the
25 applicant's identity, date of birth, social security number, if

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1 applicable, address of current residence and lawful status.
2 For an applicant for a driver's license or a renewal of a
3 driver's license, the department shall verify the applicant's
4 lawful status and social security number, if applicable,
5 through a method approved by the federal government.

6 C. Pursuant to the federal REAL ID Act of 2005, the
7 secretary shall establish a written, defined exception process
8 to allow a person to demonstrate the person's identity, age and
9 lawful status. The process shall allow a person to use a
10 certified letter of enrollment or a valid identification card
11 issued by a federally recognized Indian nation, tribe or pueblo
12 to demonstrate the person's identity or age or to demonstrate
13 the person's lawful status, if applicable.

14 D. A person with lawful status may apply for a
15 driver's license or a driving authorization card.

16 E. An applicant shall indicate whether the
17 applicant is applying for a driver's license or a driving
18 authorization card. The department shall issue a driving
19 authorization card to an applicant who is otherwise eligible
20 for a driver's license but who does not provide proof of lawful
21 status and who affirmatively acknowledges that the applicant
22 understands that a driving authorization card is not valid for
23 federal purposes. An applicant who does not provide proof of
24 lawful status shall only apply for a driving authorization
25 card. Except as otherwise provided in the Motor Vehicle Code,

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1 the department may treat driving authorization cards as
2 driver's licenses.

3 F. An application by a foreign national with lawful
4 status for a driver's license shall contain the unique
5 identifying number and expiration date, if applicable, of the
6 foreign national's valid passport, valid visa, employment
7 authorization card issued under the applicant's approved
8 deferred action status or other arrival-departure record or
9 document issued by the federal government that conveys lawful
10 status. The department may issue to an eligible foreign
11 national applicant a driver's license that is valid for a
12 period not to exceed the duration of the applicant's lawful
13 status; provided that if that date cannot be determined by the
14 department and the applicant is not a legal permanent resident,
15 the license shall expire one year after the effective date of
16 the license.

17 G. Except as provided in Subsection H of this
18 section, an application for a driving authorization card shall
19 include proof of the applicant's identity and age as shown by:

20 (1) a social security number or an individual
21 tax identification number;

22 (2) a passport from the applicant's country of
23 citizenship or an identification card, issued by the consulate
24 of Mexico in Albuquerque, New Mexico, the consulate general of
25 Mexico in El Paso, Texas, or such other foreign consulate with

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1 which the department has established a reliable method of
2 verifying the authenticity of the identification card;

3 ~~[(3) a valid New Mexico license or~~
4 ~~identification card;~~

5 ~~(4)]~~ (3) a certified letter of enrollment or a
6 valid identification card issued by a federally recognized
7 Indian nation, tribe or pueblo; or

8 ~~[(5)]~~ (4) a document that the secretary has
9 authorized.

10 H. An applicant who provides a New Mexico license
11 that is valid or has been expired for one year or less or a New
12 Mexico identification card that is valid or has been expired
13 for one year or less shall be deemed to have satisfied the
14 department's requirement that an applicant provide proof of the
15 applicant's identification number, identity, age and New Mexico
16 residency requirement required for the applicant to be issued a
17 driving authorization card.

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

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1 the nondisclosure is discovered by the department subsequent to
2 issuance, the department shall revoke the driver's license,
3 driving authorization card, provisional license, temporary
4 license or instruction permit for a period of one year.

5 Intentional and willful failure to disclose, as required in
6 this subsection, is a misdemeanor.

7 ~~[F.]~~ J. An applicant under eighteen years of age
8 who is making an application for a first New Mexico driver's
9 license or driving authorization card shall submit evidence
10 that the applicant has:

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

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

24 (3) complied with restrictions on that
25 license;

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

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

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

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

23 [~~L~~] M. Whenever an application is received from a
24 person previously licensed in another jurisdiction, the
25 department may request a copy of the driver's record from the

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

5 ~~[M.]~~ N. Whenever the department receives a request
6 for a driver's record from another licensing jurisdiction, the
7 record shall be forwarded without charge.

8 ~~[N.]~~ O. This section does not apply to licenses
9 issued pursuant to the New Mexico Commercial Driver's License
10 Act."

11 **SECTION 2.** Section 66-5-21 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 243, as amended) is amended to read:

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

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

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

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

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

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

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

23 C. A driver's license issued pursuant to the
24 provisions of Subsection B of this section shall expire eight
25 years after the effective date of the license.

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

6 E. A driver's license issued to a foreign national
7 shall expire on the earliest of:

8 (1) thirty days after the applicant's twenty-
9 first birthday, if issued prior to the applicant's twenty-first
10 birthday;

11 (2) thirty days after the applicant's seventy-
12 ninth birthday;

13 (3) thirty days after the applicant's birthday
14 in the fourth year after the effective date of the license or
15 eight years after the effective date of the license if the
16 applicant opted for a period of eight years pursuant to
17 Subsection B of this section; or

18 (4) the expiration date of the applicant's
19 lawful status; provided that if that date cannot be determined
20 by the department and the applicant is not a legal permanent
21 resident, the driver's license shall expire one year after the
22 effective date of the license.

23 F. A driving authorization card [~~issued to an~~
24 ~~applicant who provides proof of lawful status~~] shall expire on
25 the earliest of:

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

4 (2) thirty days after the applicant's seventy-
5 ninth birthday; or

6 (3) thirty days after the applicant's birthday
7 in the fourth year after the effective date of the license.

8 ~~[G. A driving authorization card issued to an~~
9 ~~applicant who does not provide proof of lawful status shall~~
10 ~~expire on the earliest 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 seventy-~~
15 ~~ninth birthday; or~~

16 ~~(3) two years after the effective date of the~~
17 ~~driving authorization card.~~

18 ~~H. A driving authorization card that is valid for~~
19 ~~two years issued pursuant to Subsection G of this section~~
20 ~~shall, upon renewal and for subsequent renewals, be valid for~~
21 ~~four years.~~

22 ~~F.]~~ G. The secretary shall adopt regulations
23 providing for the proration of driver's license fees, driving
24 authorization card fees and commercial driver's license fees
25 due to shortened licensure periods permitted pursuant to

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

3 SECTION 3. Section 66-5-401 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 328, as amended) is amended to read:

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

6 A. A person who does not have a valid New Mexico
7 driver's license or driving authorization card may be issued an
8 identification card by the department. An application for an
9 identification card or renewal of an identification card shall
10 be made upon a form furnished by the department. An
11 application for an identification card shall contain the
12 applicant's full legal name; date of birth; sex; and current
13 New Mexico residence address and shall briefly describe the
14 applicant. The secretary shall establish by rule documents
15 that may be accepted as evidence of the residency of the
16 applicant. The department shall establish two distinct
17 identification cards as provided in Section 66-5-405 NMSA 1978:
18 an identification card that meets federal requirements to be
19 accepted by federal agencies for official federal purposes and
20 an identification card not intended to be accepted by federal
21 agencies for official federal purposes. A person applying for
22 or renewing an identification card that meets federal
23 requirements to be accepted by federal agencies for official
24 federal purposes shall provide documentation required by the
25 federal government of the applicant's identity, date of birth,

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1 social security number, if applicable, address of current
2 residence and lawful status. The department shall verify the
3 applicant's lawful status and social security number, if
4 applicable, through a method approved by the federal
5 government. Pursuant to the federal REAL ID Act of 2005, the
6 secretary shall establish a written, defined exception process
7 to allow a person to demonstrate the person's identity, age and
8 lawful status. The process shall allow a person to use a
9 certified letter of enrollment or a valid identification card
10 issued by a federally recognized Indian nation, tribe or pueblo
11 to demonstrate the person's identity or age or to demonstrate
12 the person's lawful status, if applicable. A person with
13 lawful status may apply for an identification card that meets
14 federal requirements to be accepted by federal agencies for
15 official federal purposes or an identification card not
16 intended to be accepted by federal agencies for official
17 federal purposes. Every application for an identification card
18 shall be signed by the applicant or the applicant's parent or
19 guardian. The secretary may, for good cause, revoke or deny
20 the issuance of an identification card.

21 B. An application by a foreign national with lawful
22 status for an identification card that meets federal
23 requirements to be accepted by federal agencies for official
24 federal purposes shall contain the unique identifying number
25 and expiration date, if applicable, of the foreign national's

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1 valid passport, valid visa, employment authorization card
2 issued under the applicant's approved deferred action status or
3 other arrival-departure record or document issued by the
4 federal government that conveys lawful status. The department
5 may issue to an eligible foreign national applicant an
6 identification card that meets federal requirements to be
7 accepted by federal agencies for official federal purposes that
8 is valid for a period not to exceed the duration of the
9 applicant's lawful status; provided that if that date cannot be
10 determined by the department and the applicant is not a legal
11 permanent resident, the identification card shall expire one
12 year after the effective date of the identification card.

13 C. The department shall issue an identification
14 card not intended to be accepted by federal agencies for
15 official federal purposes to an applicant who is otherwise
16 eligible but who does not provide proof of lawful status and
17 who affirmatively acknowledges that the applicant understands
18 that an identification card not intended to be accepted by
19 federal agencies for official federal purposes is not valid for
20 federal purposes. An applicant who does not provide proof of
21 lawful status shall only apply for an identification card not
22 intended to be accepted by federal agencies for official
23 federal purposes. Except as provided in Subsection D of this
24 section, for an application for an identification card 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 and age:

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;~~

13 ~~(4)]~~ (3) a certified letter of enrollment or a
14 valid identification card issued by a federally recognized
15 Indian nation, tribe or pueblo; or

16 [~~(5)]~~ (4) a document that the secretary has
17 authorized.

18 D. An applicant who provides a New Mexico license
19 that is valid or has been expired for one year or less or a New
20 Mexico identification card that is valid or has been expired
21 for one year or less shall be deemed to have satisfied the
22 department's requirement that an applicant provide proof of the
23 applicant's identification number, identity, age and New Mexico
24 residency requirement required for the applicant to be issued
25 an identification card not intended to be accepted by federal

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1 agencies for official federal purposes.

2 ~~[D-]~~ E. The secretary may adopt rules providing for
3 the proration of fees due to shortened validity periods
4 authorized pursuant to the provision of this section.

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

16 **SECTION 4.** Section 66-5-403 NMSA 1978 (being Laws 1973,
17 Chapter 269, Section 3, as amended) is amended to read:

18 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
19 RENEWAL.--

20 A. Except as provided in Subsections B through ~~[G]~~
21 E of this section, every identification card shall be issued
22 for a period not to exceed four years and shall expire on the
23 last day of the month of the identified person's birth in the
24 fourth year after the effective date of the identification
25 card.

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1 B. An identification card may be renewed within
2 ninety days prior to its expiration or at an earlier date
3 approved by the department. An identification card may be
4 renewed by mail or telephonic or electronic means pursuant to
5 regulations adopted by the department, except the department
6 shall not renew by mail or telephonic or electronic means an
7 identification card that meets federal requirements to be
8 accepted by federal agencies for official federal purposes if
9 prohibited by federal law. The regulations shall ensure
10 adequate security measures to safeguard personal information
11 that is obtained in the issuance of an identification card.

12 C. At the option of the applicant for an
13 identification card, a card may be issued for a period of eight
14 years; provided that the applicant pays the amount required for
15 an identification card issued for a term of eight years. An
16 identification card issued pursuant to the provisions of this
17 subsection shall expire eight years after the effective date of
18 the identification card. The identification card may be
19 renewed within ninety days prior to its expiration.

20 D. An identification card that meets federal
21 requirements to be accepted by federal agencies for official
22 federal purposes issued to a foreign national with lawful
23 status shall expire on the earlier of:

24 (1) ~~[the last day of the month of the~~
25 ~~applicant's birth in the fourth year]~~ four years after the

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1 effective date of the identification card or eight years after
2 the effective date of the identification card if the applicant
3 opted for a period of eight years pursuant to Subsection C of
4 this section; or

5 (2) the expiration date of the applicant's
6 lawful status; provided that if that date cannot be determined
7 by the department and the applicant is not a legal permanent
8 resident, the identification card shall expire one year after
9 the effective date of the identification card.

10 E. An identification card not intended to be
11 accepted by federal agencies for official federal purposes
12 ~~[issued to an applicant who provides proof of lawful status~~
13 ~~shall expire on the last day of the month of the applicant's~~
14 ~~birth in the fourth year after the effective date of the~~
15 ~~identification card.~~

16 ~~F. An identification card not intended to be~~
17 ~~accepted by federal agencies for official federal purposes~~
18 ~~issued to an applicant who does not provide proof of lawful~~
19 ~~status] shall expire [two] four years after the effective date~~
20 ~~of the identification card.~~

21 ~~[G. An identification card that is valid for two~~
22 ~~years issued pursuant to Subsection F of this section shall,~~
23 ~~upon renewal and for subsequent renewals, be valid for four~~
24 ~~years.]"~~