

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 427

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

AN ACT

RELATING TO THE MOTOR VEHICLE CODE; 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;  
ALLOWING A PERSON'S MEDICARE CARD TO SATISFY THE IDENTITY  
NUMBER REQUIREMENT TO RECEIVE A LICENSE OR IDENTIFICATION CARD.

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.--

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underscored material = new  
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1           A. An application for an instruction permit,  
2 provisional license, driver's license or driving authorization  
3 card or a renewal of an instruction permit, provisional  
4 license, driver's license or driving authorization card shall  
5 be made upon a form furnished by the department. An  
6 application shall be accompanied by the proper fee. For  
7 permits, provisional licenses, driver's licenses or driving  
8 authorization cards other than those issued pursuant to the New  
9 Mexico Commercial Driver's License Act, submission of a  
10 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; date of birth; sex; and current New Mexico  
16 residence address and shall briefly describe the applicant and  
17 indicate whether the applicant has previously been licensed as  
18 a driver and, if so, when and by what state or country and  
19 whether any such license has ever been suspended or revoked or  
20 whether an application has ever been refused and, if so, the  
21 date of and reason for the suspension, revocation or refusal.  
22 The secretary shall establish by regulation documents that may  
23 be accepted as evidence of the residency of the applicant. A  
24 person applying for or renewing a driver's license shall  
25 provide documentation required by the federal government of the

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1 applicant's identity, date of birth, social security number, if  
2 applicable, address of current residence and lawful status.

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

7 C. Pursuant to the federal REAL ID Act of 2005, the  
8 secretary shall establish a written, defined exception process  
9 to allow a person to demonstrate the person's identity, age and  
10 lawful status. The process shall allow a person to use:

11 (1) a certified letter of enrollment or a  
12 valid identification card issued by a federally recognized  
13 Indian nation, tribe or pueblo to demonstrate the person's  
14 identity or age or to demonstrate the person's lawful status,  
15 if applicable; and

16 (2) a medicare card to demonstrate the  
17 person's identity number.

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

20 E. An applicant shall indicate whether the  
21 applicant is applying for a driver's license or a driving  
22 authorization card. The department shall issue a driving  
23 authorization card to an applicant who is otherwise eligible  
24 for a driver's license but who does not provide proof of lawful  
25 status and who affirmatively acknowledges that the applicant

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1 understands that a driving authorization card is not valid for  
2 federal purposes. An applicant who does not provide proof of  
3 lawful status shall only apply for a driving authorization  
4 card. Except as otherwise provided in the Motor Vehicle Code,  
5 the department may treat driving authorization cards as  
6 driver's licenses.

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

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

24 (1) a social security number, a medicare card  
25 or an individual tax identification number;

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

7 [~~(3)~~] ~~a valid New Mexico license or~~  
 8 ~~identification card;~~

9 ~~(4)]~~ (3) a certified letter of enrollment or a  
 10 valid identification card issued by a federally recognized  
 11 Indian nation, tribe or pueblo; or

12 [~~(5)]~~ (4) a document that the secretary has  
 13 authorized.

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

22 [~~H.]~~ I. An applicant shall indicate whether the  
 23 applicant has been convicted of driving while under the  
 24 influence of intoxicating liquor or drugs in this state or in  
 25 any other jurisdiction. Failure to disclose any such

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

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

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

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

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1 violation committed during the time the person was driving with  
2 a provisional license;

3 (3) complied with restrictions on that  
4 license;

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

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

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

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

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1 DWI prevention and education program.

2 ~~[L-]~~ M. Whenever an application is received from a  
3 person previously licensed in another jurisdiction, the  
4 department may request a copy of the driver's record from the  
5 other jurisdiction. When received, the driver's record may  
6 become a part of the driver's record in this state with the  
7 same effect as though entered on the driver's record in this  
8 state in the original instance.

9 ~~[M-]~~ N. Whenever the department receives a request  
10 for a driver's record from another licensing jurisdiction, the  
11 record shall be forwarded without charge.

12 ~~[N-]~~ O. This section does not apply to licenses  
13 issued pursuant to the New Mexico Commercial Driver's License  
14 Act."

15 **SECTION 2.** Section 66-5-15.2 NMSA 1978 (being Laws 2016,  
16 Chapter 79, Section 15) is amended to read:

17 "66-5-15.2. PHOTOGRAPH--FINGERPRINTS.--

18 A. The taxation and revenue department shall take a  
19 full-face or front-view photograph and the fingerprints of an  
20 applicant for a driving authorization card or an identification  
21 card not intended to be accepted by federal agencies for  
22 official federal purposes who does not provide proof of lawful  
23 status ~~[and]~~ or who does not possess a ~~[valid]~~ New Mexico  
24 license or identification card that is valid or has been  
25 expired for one year or less. The taxation and revenue

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1 department is authorized to submit fingerprint data to the  
2 department of public safety and obtain the criminal history  
3 record of an applicant from the department of public safety.  
4 The department of public safety is authorized to submit the  
5 fingerprint data to the federal bureau of investigation to  
6 conduct a background check of the applicant's criminal history  
7 pursuant to the federal bureau of investigation appropriation  
8 in Title 42 of Public Law 92-544.

9 B. An applicant is ineligible for a driving  
10 authorization card or identification card not intended to be  
11 accepted by federal agencies for official federal purposes and  
12 shall not be issued a driving authorization card or  
13 identification card not intended to be accepted by federal  
14 agencies for official federal purposes if information provided  
15 pursuant to Subsection A of this section reveals that the:

16 (1) applicant has an outstanding valid  
17 criminal arrest warrant; or

18 (2) applicant's fingerprints are associated  
19 with any name, date of birth or social security number other  
20 than those provided by the applicant in the application for a  
21 driving authorization card or identification card not intended  
22 to be accepted by federal agencies for official federal  
23 purposes.

24 C. An applicant ineligible for a driving  
25 authorization card or identification card not intended to be

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1 accepted by federal agencies for official federal purposes  
2 pursuant to Subsection B of this section shall become eligible  
3 upon submission of satisfactory evidence that the basis for  
4 ineligibility has been resolved."

5 SECTION 3. Section 66-5-21 NMSA 1978 (being Laws 1978,  
6 Chapter 35, Section 243, as amended) is amended to read:

7 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE  
8 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--  
9 RENEWAL.--

10 A. Except as provided in Subsections B through [±]  
11 G of this section, Section 66-5-19 NMSA 1978 and Section  
12 66-5-67 NMSA 1978, all licenses shall be issued for a period of  
13 four years, and each license shall expire thirty days after the  
14 applicant's birthday in the fourth year after the effective  
15 date of the license or shall expire thirty days after the  
16 applicant's seventy-ninth birthday. A license issued pursuant  
17 to Section 66-5-19 NMSA 1978 shall expire thirty days after the  
18 applicant's birthday in the year in which the license expires.  
19 Each license is renewable within ninety days prior to its  
20 expiration or at an earlier date approved by the department.  
21 The fee for the license shall be as provided in Section 66-5-44  
22 NMSA 1978. The department may provide for renewal by mail or  
23 telephonic or electronic means of a license issued pursuant to  
24 the provisions of this subsection, pursuant to regulations  
25 adopted by the department that ensure adequate security

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1 measures to safeguard personal information that is obtained in  
2 the issuance of a license, except the department shall not  
3 renew by mail or telephonic or electronic means a license if  
4 prohibited by federal law. The department may require an  
5 examination upon renewal of the license.

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

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

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

13 (3) will not reach the age of seventy-nine  
14 during the last four years of the eight-year license period or  
15 reach the age of twenty-one during any year within the term of  
16 the license.

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

20 D. A driver's license issued prior to an  
21 applicant's twenty-first birthday shall expire thirty days  
22 after the applicant's twenty-first birthday. A driver's  
23 license issued prior to an applicant's twenty-first birthday  
24 may be issued for a period of up to five years.

25 E. A driver's license issued to a foreign national

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1 shall expire on the earliest of:

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

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

7 (3) thirty days after the applicant's birthday  
8 in the fourth year after the effective date of the license or  
9 eight years after the effective date of the license if the  
10 applicant opted for a period of eight years pursuant to  
11 Subsection B of this section; or

12 (4) the expiration date of the applicant's  
13 lawful status; provided that if that date cannot be determined  
14 by the department and the applicant is not a legal permanent  
15 resident, the driver's license shall expire one year after the  
16 effective date of the license.

17 F. A driving authorization card [~~issued to an~~  
18 ~~applicant who provides proof of lawful status~~] shall expire on  
19 the earliest 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 ninth birthday; or

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

1 in the fourth year after the effective date of the license.

2 ~~[G. A driving authorization card issued to an~~  
3 ~~applicant who does not provide proof of lawful status shall~~  
4 ~~expire on the earliest of:~~

5 ~~(1) thirty days after the applicant's twenty-~~  
6 ~~first birthday, if issued prior to the applicant's twenty-first~~  
7 ~~birthday;~~

8 ~~(2) thirty days after the applicant's seventy-~~  
9 ~~ninth birthday; or~~

10 ~~(3) two years after the effective date of the~~  
11 ~~driving authorization card.~~

12 ~~H. A driving authorization card that is valid for~~  
13 ~~two years issued pursuant to Subsection G of this section~~  
14 ~~shall, upon renewal and for subsequent renewals, be valid for~~  
15 ~~four years.~~

16 ~~I.]~~ G. The secretary shall adopt regulations  
17 providing for the proration of driver's license fees, driving  
18 authorization card fees and commercial driver's license fees  
19 due to shortened licensure periods permitted pursuant to  
20 Subsection A of Section 66-5-19 NMSA 1978 and for licensure  
21 periods authorized pursuant to the provisions of this section."

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

24 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

25 A. A person who does not have a valid New Mexico

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1 driver's license or driving authorization card may be issued an  
2 identification card by the department. An application for an  
3 identification card or renewal of an identification card shall  
4 be made upon a form furnished by the department. An  
5 application for an identification card shall contain the  
6 applicant's full legal name; date of birth; sex; and current  
7 New Mexico residence address and shall briefly describe the  
8 applicant. The secretary shall establish by rule documents  
9 that may be accepted as evidence of the residency of the  
10 applicant. The department shall establish two distinct  
11 identification cards as provided in Section 66-5-405 NMSA 1978:  
12 an identification card that meets federal requirements to be  
13 accepted by federal agencies for official federal purposes and  
14 an identification card not intended to be accepted by federal  
15 agencies for official federal purposes. A person applying for  
16 or renewing an identification card that meets federal  
17 requirements to be accepted by federal agencies for official  
18 federal purposes shall provide documentation required by the  
19 federal government of the applicant's identity, date of birth,  
20 social security number, if applicable, address of current  
21 residence and lawful status. The department shall verify the  
22 applicant's lawful status and social security number, if  
23 applicable, through a method approved by the federal  
24 government. Pursuant to the federal REAL ID Act of 2005, the  
25 secretary shall establish a written, defined exception process

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1 to allow a person to demonstrate the person's identity, age and  
2 lawful status. The process shall allow a person to use a  
3 certified letter of enrollment or a valid identification card  
4 issued by a federally recognized Indian nation, tribe or pueblo  
5 to demonstrate the person's identity or age or to demonstrate  
6 the person's lawful status, if applicable, and shall allow a  
7 person to use a medicare card to demonstrate the person's  
8 identity number. A person with lawful status may apply for an  
9 identification card that meets federal requirements to be  
10 accepted by federal agencies for official federal purposes or  
11 an identification card not intended to be accepted by federal  
12 agencies for official federal purposes. Every application for  
13 an identification card shall be signed by the applicant or the  
14 applicant's parent or guardian. The secretary may, for good  
15 cause, revoke or deny the issuance of an identification card.

16 B. 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  
22 issued under the applicant's approved deferred action status or  
23 other arrival-departure record or document issued by the  
24 federal government that conveys lawful status. The department  
25 may issue to an eligible foreign national applicant an

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

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

23 (1) a social security number, a medicare card  
24 or an individual tax identification number;

25 (2) a passport from the applicant's country of



1 citizenship or an identification card, issued by the consulate  
 2 of Mexico in Albuquerque, New Mexico, the consulate general of  
 3 Mexico in El Paso, Texas, or such other foreign consulate with  
 4 which the department has established a reliable method of  
 5 verifying the authenticity of the identification card;

6 ~~[(3)] a valid New Mexico license or~~  
 7 ~~identification card;~~

8 ~~(4)]~~ (3) a certified letter of enrollment or a  
 9 valid identification card issued by a federally recognized  
 10 Indian nation, tribe or pueblo; or

11 ~~[(5)]~~ (4) a document that the secretary has  
 12 authorized.

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

22 ~~[D.]~~ E. The secretary may adopt rules providing for  
 23 the proration of fees due to shortened validity periods  
 24 authorized pursuant to the provision of this section.

25 ~~[E.]~~ F. Within the forms prescribed by the

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

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

13 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--  
14 RENEWAL.--

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

21 B. An identification card may be renewed within  
22 ninety days prior to its expiration or at an earlier date  
23 approved by the department. An identification card may be  
24 renewed by mail or telephonic or electronic means pursuant to  
25 regulations adopted by the department, except the department

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1 shall not renew by mail or telephonic or electronic means an  
2 identification card that meets federal requirements to be  
3 accepted by federal agencies for official federal purposes if  
4 prohibited by federal law. The regulations shall ensure  
5 adequate security measures to safeguard personal information  
6 that is obtained in the issuance of an identification card.

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

15 D. An identification card that meets federal  
16 requirements to be accepted by federal agencies for official  
17 federal purposes issued to a foreign national with lawful  
18 status shall expire on the earlier of:

19 (1) ~~[the last day of the month of the~~  
20 ~~applicant's birth in the fourth year]~~ four years after the  
21 effective date of the identification card or eight years after  
22 the effective date of the identification card if the applicant  
23 opted for a period of eight years pursuant to Subsection C of  
24 this section; or

25 (2) the expiration date of the applicant's

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1 lawful status; provided that if that date cannot be determined  
2 by the department and the applicant is not a legal permanent  
3 resident, the identification card shall expire one year after  
4 the effective date of the identification card.

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

11 ~~F. An identification card not intended to be~~  
12 ~~accepted by federal agencies for official federal purposes~~  
13 ~~issued to an applicant who does not provide proof of lawful~~  
14 ~~status] shall expire [two] four years after the effective date~~  
15 ~~of the identification card.~~

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