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HOUSE BILL 323

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Jason C. Harper

AN ACT

RELATING TO IDENTIFICATION CARDS; ALLOWING PERSONS UNDER
EIGHTEEN YEARS OF AGE WHO ARE APPLYING FOR AN IDENTIFICATION
CARD TO PROVE STATE RESIDENCY WITH A SINGLE DOCUMENT.

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

SECTION 1. Section 66-5-401 NMSA 1978 (being Laws 1978,
Chapter 35, Section 328, as amended) is amended to read:

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

A. A person who does not have a valid New Mexico
driver's license or driving authorization card may be issued an
identification card by the department. An application for an
identification card or renewal of an identification card shall
be made upon a form furnished by the department. An
application for an identification card shall contain the
applicant's full legal name; date of birth; sex; and current

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1 New Mexico residence address and shall briefly describe the
2 applicant. The secretary shall establish by rule documents
3 that may be accepted as evidence of the residency of the
4 applicant. For an applicant under the age of eighteen, the
5 secretary shall accept a single document from among the
6 documents that are accepted as evidence of the residency of the
7 applicant to satisfy the residency requirement in this
8 subsection. The department shall establish two distinct
9 identification cards as provided in Section 66-5-405 NMSA 1978:
10 an identification card that meets federal requirements to be
11 accepted by federal agencies for official federal purposes and
12 an identification card not intended to be accepted by federal
13 agencies for official federal purposes. A person applying for
14 or renewing an identification card that meets federal
15 requirements to be accepted by federal agencies for official
16 federal purposes shall provide documentation required by the
17 federal government of the applicant's identity, date of birth,
18 social security number, if applicable, address of current
19 residence and lawful status. The department shall verify the
20 applicant's lawful status and social security number, if
21 applicable, through a method approved by the federal
22 government. Pursuant to the federal REAL ID Act of 2005, the
23 secretary shall establish a written, defined exception process
24 to allow a person to demonstrate the person's identity, age and
25 lawful status. The process shall allow a person to use a

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

13 B. An application by a foreign national with lawful
14 status for an identification card that meets federal
15 requirements to be accepted by federal agencies for official
16 federal purposes shall contain the unique identifying number
17 and expiration date, if applicable, of the foreign national's
18 valid passport, valid visa, employment authorization card
19 issued under the applicant's approved deferred action status or
20 other arrival-departure record or document issued by the
21 federal government that conveys lawful status. The department
22 may issue to an eligible foreign national applicant an
23 identification card that meets federal requirements to be
24 accepted by federal agencies for official federal purposes that
25 is valid for a period not to exceed the duration of the

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

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

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

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

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1 verifying the authenticity of the identification card;

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

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

7 (5) a document that the secretary has
8 authorized.

9 D. The secretary may adopt rules providing for the
10 proration of fees due to shortened validity periods authorized
11 pursuant to the provision of this section.

12 E. Within the forms prescribed by the department
13 for identification card applications, a space shall be provided
14 to show whether the applicant is a donor as provided in the
15 Jonathan Spradling Revised Uniform Anatomical Gift Act. A
16 person applying for an identification card may indicate that
17 person's status on the space provided on the application. The
18 donor status indicated by the applicant shall be displayed on
19 the identification card. The form and identification card
20 shall be signed by the donor in the presence of a witness who
21 shall also sign the form in the donor's presence."

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