

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 278

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

AN ACT

RELATING TO DRIVER'S LICENSES; RENAMING DRIVER'S LICENSES AND  
DRIVING AUTHORIZATION CARDS; CHANGING THE VALIDITY PERIODS OF  
SOME DRIVER'S LICENSES AND IDENTIFICATION CARDS; REMOVING THE  
FINGERPRINTING REQUIREMENT FOR ISSUANCE OF CERTAIN DRIVER'S  
LICENSES AND IDENTIFICATION CARDS; CHANGING PROCEDURES FOR THE  
ISSUANCE OF TEMPORARY LICENSES; AMENDING, REPEALING AND  
ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 66-1-4.4 NMSA 1978 (being Laws 1990,  
Chapter 120, Section 5, as amended) is amended to read:

"66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle  
Code:

A. "day" means calendar day, unless otherwise  
provided in the Motor Vehicle Code;

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underscoring material = new  
[bracketed material] = delete

1           B. "dealer", except as specifically excluded, means  
2 any person who sells or solicits or advertises the sale of new  
3 or used motor vehicles, manufactured homes or trailers subject  
4 to registration in this state; "dealer" does not include:

5                   (1) receivers, trustees, administrators,  
6 executors, guardians or other persons appointed by or acting  
7 under judgment, decree or order of any court;

8                   (2) public officers while performing their  
9 duties as such officers;

10                  (3) persons making casual sales of their own  
11 vehicles;

12                  (4) finance companies, banks and other lending  
13 institutions making sales of repossessed vehicles; or

14                  (5) licensed brokers under the Manufactured  
15 Housing Act who, for a fee, commission or other valuable  
16 consideration, engage in brokerage activities related to the  
17 sale, exchange or lease purchase of pre-owned manufactured  
18 homes on a site installed for a consumer;

19           C. "declared gross weight" means the maximum gross  
20 vehicle weight or gross combination vehicle weight at which a  
21 vehicle or combination will be operated during the registration  
22 period, as declared by the registrant for registration and fee  
23 purposes; the vehicle or combination shall have only one  
24 declared gross weight for all operating considerations;

25           D. "department" means the taxation and revenue

1 department, the secretary of taxation and revenue or any  
2 employee of the department exercising authority lawfully  
3 delegated to that employee by the secretary;

4 E. "designated accessible parking space for persons  
5 with significant mobility limitation" means any space,  
6 including an access aisle, that is marked and reserved for the  
7 parking of a passenger vehicle that carries registration plates  
8 or a parking placard with the international symbol of access  
9 issued in accordance with Section 66-3-16 NMSA 1978 and that is  
10 designated by a conspicuously posted sign bearing the  
11 international symbol of access and, if the parking space is  
12 paved, by a clearly visible depiction of this symbol painted in  
13 blue on the pavement of the space;

14 F. "director" means the secretary;

15 G. "disqualification" means a prohibition against  
16 driving a commercial motor vehicle;

17 H. "distinguishing number" means the number  
18 assigned by the department to a vehicle whose identifying  
19 number has been destroyed or obliterated or the number assigned  
20 by the department to a vehicle that has never had an  
21 identifying number;

22 I. "distributor" means a person who distributes or  
23 sells new or used motor vehicles to dealers and who is not a  
24 manufacturer;

25 J. "division", without further specification,

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1 "division of motor vehicles" or "motor vehicle division" means  
2 the department;

3 K. "driveaway-towaway operation" means an operation  
4 in which any motor vehicle, new or used, is the item being  
5 transported when one set or more of wheels of any such motor  
6 vehicle is on the roadway during the course of transportation,  
7 whether or not the motor vehicle furnishes the motive power;

8 [~~K.~~] L. "driver" means every person who drives or  
9 is in actual physical control of a motor vehicle, including a  
10 motorcycle, upon a highway, who is exercising control over or  
11 steering a vehicle being towed by a motor vehicle or who  
12 operates or is in actual physical control of an off-highway  
13 motor vehicle; and

14 [~~L.~~] ~~"driver's license" means a license or a class~~  
15 ~~of license issued by a state or other jurisdiction pertaining~~  
16 ~~to the authorizing of persons to operate motor vehicles and~~  
17 ~~that meets federal requirements to be accepted by federal~~  
18 ~~agencies for official federal purposes;~~

19 ~~M. "driveaway-towaway operation" means an operation~~  
20 ~~in which any motor vehicle, new or used, is the item being~~  
21 ~~transported when one set or more of wheels of any such motor~~  
22 ~~vehicle is on the roadway during the course of transportation,~~  
23 ~~whether or not the motor vehicle furnishes the motive power;~~  
24 ~~and~~

25 ~~N. "driving authorization card" means a card issued~~

1 ~~or recognized under the laws of New Mexico pertaining to the~~  
2 ~~authorizing of persons to operate motor vehicles and not~~  
3 ~~intended to be accepted by federal agencies for official~~  
4 ~~federal purposes;]~~

5 M. "driver's license" means any license, permit or  
6 driving authorization card issued by a state or other  
7 jurisdiction recognized under the laws of New Mexico pertaining  
8 to the authorizing of persons to operate motor vehicles and  
9 includes a REAL ID-compliant driver's license and a standard  
10 driver's license."

11 SECTION 2. Section 66-1-4.9 NMSA 1978 (being Laws 1990,  
12 Chapter 120, Section 10, as amended) is amended to read:

13 "66-1-4.9. DEFINITIONS.--As used in the Motor Vehicle  
14 Code:

15 A. "identification card" means a document issued by  
16 the department or the motor vehicle administration of a state  
17 or other jurisdiction recognized under the laws of New Mexico  
18 that identifies the holder and includes a REAL ID-compliant  
19 identification card and a standard identification card;

20 [A.] B. "implement of husbandry" means every  
21 vehicle that is designed for agricultural purposes and  
22 exclusively used by the owner in the conduct of agricultural  
23 operations;

24 [B.] C. "international registration plan" means the  
25 registration reciprocity agreement among the contiguous states

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1 of the United States, the District of Columbia and provinces of  
2 Canada providing for payment of apportionable fees on the basis  
3 of total distance operated in all jurisdictions. The  
4 international registration plan is a method of registering  
5 fleets of vehicles that travel in two or more member  
6 jurisdictions and complies with the federal Intermodal Surface  
7 Transportation ~~and~~ Efficiency Act of 1991;

8 ~~[G.]~~ D. "intersection" means:

9 (1) the area embraced within the prolongation  
10 or connection of the lateral curb lines or, if none, then the  
11 lateral boundary lines of the roadways of two highways that  
12 join one another at, or approximately at, right angles, or the  
13 area within which vehicles traveling upon different highways  
14 joining at any other angle may come in conflict; and

15 (2) where a highway includes two roadways  
16 thirty feet or more apart, every crossing of each roadway of  
17 that divided highway by an intersecting highway shall be  
18 regarded as a separate intersection; in the event that the  
19 intersecting highway also includes two roadways thirty feet or  
20 more apart, every crossing of two roadways of those highways  
21 shall be regarded as a separate intersection;

22 ~~[D.]~~ E. "inventory", when referring to a vehicle  
23 dealer, means a vehicle held for sale or lease in the ordinary  
24 course of business, the cost of which is used in calculating  
25 the dealer's cost of goods sold for federal income tax

1 purposes; and

2 [E-] F. "jurisdiction", without modification, means  
3 "state".

4 SECTION 3. Section 66-1-4.10 NMSA 1978 (being Laws 1990,  
5 Chapter 120, Section 11, as amended) is amended to read:

6 "66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle  
7 Code:

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

10 B. "law enforcement agency designated by the  
11 division" means the law enforcement agency indicated on the  
12 dismantler's notification form as the appropriate agency for  
13 the receipt of the appropriate copy of that form;

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

17 D. "license", without modification, means any  
18 license, permit or driving authorization card issued by a state  
19 or other jurisdiction recognized under the laws of New Mexico  
20 pertaining to the authorizing of persons to operate motor  
21 vehicles and includes a REAL ID-compliant driver's license and  
22 a standard driver's license;

23 E. "lien" or "encumbrance" means every chattel  
24 mortgage, conditional sales contract, lease, purchase lease,  
25 sales lease, contract, security interest under the Uniform

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1 Commercial Code or other instrument in writing having the  
2 effect of a mortgage or lien or encumbrance upon, or intended  
3 to hold, the title to any vehicle in the former owner,  
4 possessor or grantor; and

5 F. "local authorities" means every county,  
6 municipality and any local board or body having authority to  
7 enact laws relating to traffic under the constitution and laws  
8 of this state."

9 SECTION 4. Section 66-1-4.15 NMSA 1978 (being Laws 1990,  
10 Chapter 120, Section 16, as amended) is amended to read:

11 "66-1-4.15. DEFINITIONS.--As used in the Motor Vehicle  
12 Code:

13 A. "railroad" means a carrier of persons or  
14 property upon cars operated upon stationary rails;

15 B. "railroad sign or signal" means any sign, signal  
16 or device erected by authority of a public body or official or  
17 by a railroad and intended to give notice of the presence of  
18 railroad tracks or the approach of a railroad train;

19 C. "railroad train" means a steam engine, electric  
20 or other motor, with or without cars coupled thereto, operated  
21 upon rails;

22 D. "REAL ID-compliant driver's license" means a  
23 license or a class of license issued by a state or other  
24 jurisdiction pertaining to the authorizing of persons to  
25 operate motor vehicles and that meets federal requirements to

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1 be accepted by federal agencies for official federal purposes;

2 E. "REAL ID-compliant identification card" means an  
3 identification card that meets federal requirements to be  
4 accepted by federal agencies for official federal purposes;

5 ~~[D.]~~ F. "reconstructed vehicle" means any vehicle  
6 assembled or constructed largely by means of essential parts,  
7 new or used, derived from other vehicles or ~~[which]~~ that, if  
8 originally otherwise assembled or constructed, has been  
9 materially altered by the removal of essential parts, new or  
10 used;

11 ~~[E.]~~ G. "recreational travel trailer" means a  
12 camping body designed to be drawn by another vehicle;

13 ~~[F.]~~ H. "recreational vehicle" means a vehicle with  
14 a camping body that has its own motive power, is affixed to or  
15 is drawn by another vehicle and includes motor homes, travel  
16 trailers and truck campers;

17 ~~[G.]~~ I. "registration" means registration  
18 certificates and registration plates issued under the laws of  
19 New Mexico pertaining to the registration of vehicles;

20 ~~[H.]~~ J. "registration number" means the number  
21 assigned upon registration by the division to the owner of a  
22 vehicle or motor vehicle required to be registered by the Motor  
23 Vehicle Code;

24 ~~[I.]~~ K. "registration plate" means the plate,  
25 marker, sticker or tag assigned by the division for the

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1 identification of the registered vehicle;

2 [J-] L. "residence district" means the territory  
3 contiguous to and including a highway not comprising a business  
4 district when the property on the highway for a distance of  
5 three hundred feet or more is in the main improved with  
6 residences or residences and buildings in use for business;

7 [K-] M. "revocation" means that the driver's  
8 license and privilege to drive a motor vehicle on the public  
9 highways are terminated and shall not be renewed or restored,  
10 except that an application for a new license may be presented  
11 to and acted upon by the division after the expiration of at  
12 least one year after date of revocation;

13 [L-] N. "right of way" means the privilege of the  
14 immediate use of the roadway;

15 [M-] O. "road tractor" means every motor vehicle  
16 designed and used primarily for drawing other vehicles and  
17 constructed not to carry a significant load on the road  
18 tractor, either independently or as any part of the weight of a  
19 vehicle or load drawn; and

20 [N-] P. "roadway" means that portion of a street or  
21 highway improved, designed or ordinarily used for vehicular  
22 travel, exclusive of the berm or shoulder; when a highway  
23 includes two or more separate roadways, the term "roadway"  
24 refers to each roadway separately but not to all of the  
25 roadways collectively."

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1           SECTION 5. Section 66-1-4.16 NMSA 1978 (being Laws 1990,  
2 Chapter 120, Section 17, as amended) is amended to read:

3           "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle  
4 Code:

5           A. "safety glazing materials" means glazing  
6 materials constructed, treated or combined with other materials  
7 to reduce substantially, in comparison with ordinary sheet  
8 glass or plate glass, the likelihood of injury to persons by  
9 objects from exterior sources or by these safety glazing  
10 materials when they are cracked and broken;

11           B. "safety zone" means the area or space that is  
12 officially set apart within a highway for the exclusive use of  
13 pedestrians and that is protected or is so marked or indicated  
14 by adequate signs as to be plainly visible at all times while  
15 set apart as a safety zone;

16           C. "salvage vehicle" means a vehicle:

17           (1) other than a nonrepairable vehicle, of a  
18 type subject to registration that has been wrecked, destroyed  
19 or damaged excluding, pursuant to rules issued by the  
20 department, hail damage, to the extent that the owner, leasing  
21 company, financial institution or the insurance company that  
22 insured or is responsible for repair of the vehicle considers  
23 it uneconomical to repair the vehicle and that is subsequently  
24 not repaired by or for the person who owned the vehicle at the  
25 time of the event resulting in damage; or

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1 (2) that was determined to be uneconomical to  
2 repair and for which a total loss payment is made by an  
3 insurer, whether or not the vehicle is subsequently repaired,  
4 if, prior to or upon making payment to the claimant, the  
5 insurer obtained the agreement of the claimant to the amount of  
6 the total loss settlement and informed the claimant that,  
7 pursuant to rules of the department, the title must be branded  
8 and submitted to the department for issuance of a salvage  
9 certificate of title for the vehicle;

10 D. "school bus" means a commercial motor vehicle  
11 used to transport preprimary, primary or secondary school  
12 students from home to school, from school to home or to and  
13 from school-sponsored events, but not including a vehicle:

14 (1) operated by a common carrier, subject to  
15 and meeting all requirements of the public regulation  
16 commission but not used exclusively for the transportation of  
17 students;

18 (2) operated solely by a government-owned  
19 transit authority, if the transit authority meets all safety  
20 requirements of the public regulation commission but is not  
21 used exclusively for the transportation of students;

22 (3) operated as a per capita feeder as  
23 provided in Section 22-16-6 NMSA 1978; or

24 (4) that is a minimum six-passenger, full-  
25 size, extended-length, sport utility vehicle operated by a

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1 school district employee pursuant to Subsection D of Section  
2 22-16-4 NMSA 1978;

3 E. "seal" means the official seal of the taxation  
4 and revenue department as designated by the secretary;

5 F. "secretary" means the secretary of taxation and  
6 revenue, and, except for the purposes of Sections 66-2-3 and  
7 66-2-12 NMSA 1978, also includes the deputy secretary and any  
8 division director delegated by the secretary;

9 G. "semitrailer" means a vehicle without motive  
10 power, other than a pole trailer, designed for carrying persons  
11 or property and for being drawn by a motor vehicle and so  
12 constructed that some significant part of its weight and that  
13 of its load rests upon or is carried by another vehicle;

14 H. "sidewalk" means a portion of street between the  
15 curb lines, or the lateral lines of a roadway, and the adjacent  
16 property lines, intended for the use of pedestrians;

17 I. "slow-moving vehicle" means a vehicle that is  
18 ordinarily moved, operated or driven at a speed less than  
19 twenty-five miles per hour;

20 J. "solid tire" means every tire of rubber or other  
21 resilient material that does not depend upon compressed air for  
22 the support of the load;

23 K. "special mobile equipment" means a vehicle not  
24 designed or used primarily for the transportation of persons or  
25 property and incidentally operated or moved over the highways,

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1 including but not limited to farm tractors, road construction  
2 or maintenance machinery, ditch-digging apparatus, well-boring  
3 apparatus and concrete mixers;

4 L. "specially constructed vehicle" means a vehicle  
5 of a type required to be registered under the Motor Vehicle  
6 Code not originally constructed under a distinctive name, make,  
7 model or type by a generally recognized manufacturer of  
8 vehicles and not materially altered from its original  
9 construction;

10 M. "standard driver's license" means a license or a  
11 class of license issued by a state or other jurisdiction  
12 recognized by the laws of New Mexico that authorizes the holder  
13 to operate motor vehicles and is not guaranteed to be accepted  
14 by federal agencies for official federal purposes;

15 N. "standard identification card" means an  
16 identification card that is not guaranteed to be accepted by  
17 federal agencies for official federal purposes;

18 [~~M.~~] O. "state" means a state, territory or  
19 possession of the United States, the District of Columbia or  
20 any state of the Republic of Mexico or the Federal District of  
21 Mexico or a province of the Dominion of Canada;

22 [~~N.~~] P. "state highway" means a public highway that  
23 has been designated as a state highway by the legislature, the  
24 state transportation commission or the secretary of  
25 transportation;

1           [~~Q~~] Q. "stop", when required, means complete  
2 cessation from movement;

3           [~~P~~] R. "stop, stopping or standing", when  
4 prohibited, means any stopping or standing of a vehicle,  
5 whether occupied or not, except when necessary to avoid  
6 conflict with other traffic or in compliance with the  
7 directions of a police officer or traffic-control sign or  
8 signal;

9           [~~Q~~] S. "street" or "highway" means a way or place  
10 generally open to the use of the public as a matter of right  
11 for the purpose of vehicular travel, even though it may be  
12 temporarily closed or restricted for the purpose of  
13 construction, maintenance, repair or reconstruction;

14           [~~R~~] T. "subsequent offender" means a person who  
15 was previously a first offender and who again, under state law,  
16 federal law or a municipal ordinance or a tribal law, has been  
17 adjudicated guilty of the charge of driving a motor vehicle  
18 while under the influence of intoxicating liquor or any drug  
19 that rendered the person incapable of safely driving a motor  
20 vehicle, regardless of whether the person's sentence was  
21 suspended or deferred; and

22           [~~S~~] U. "suspension" means that a person's driver's  
23 license and privilege to drive a motor vehicle on the public  
24 highways are temporarily withdrawn."

25           **SECTION 6.** Section 66-5-9 NMSA 1978 (being Laws 1978,

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

2 "66-5-9. APPLICATION FOR LICENSE [~~TEMPORARY LICENSE,~~  
3 ~~PROVISIONAL LICENSE, INSTRUCTION PERMIT OR DRIVING~~  
4 ~~AUTHORIZATION CARD~~] OR RENEWAL.--

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

18 B. An application for a REAL ID-compliant driver's  
19 license, an instruction permit or provisional license, or  
20 renewal of a REAL ID-compliant driver's license, instruction  
21 permit or provisional license shall contain the applicant's  
22 full legal name; date of birth; sex; and current New Mexico  
23 residence address and shall briefly describe the applicant and  
24 indicate whether the applicant has previously been licensed as  
25 a driver and, if so, when and by what state or country and

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1 whether any such license has ever been suspended or revoked or  
2 whether an application has ever been refused and, if so, the  
3 date of and reason for the suspension, revocation or refusal.

4 C. An application for a standard driver's license  
5 or a renewal of a standard driver's license shall contain the  
6 applicant's full name; date of birth; sex; and New Mexico  
7 residence address of the applicant and briefly describe the  
8 applicant and indicate whether the applicant has previously  
9 been licensed as a driver and, if so, when and by what state or  
10 country and whether any such license has ever been suspended or  
11 revoked or whether an application has ever been refused and, if  
12 so, the date of and reason for the suspension, revocation or  
13 refusal.

14 D. A valid license shall satisfy the department's  
15 identity, age and New Mexico residency requirements for the  
16 issuance or renewal of a standard driver's license to an  
17 applicant.

18 E. The secretary shall establish by regulation  
19 documents that may be accepted as evidence of the residency of  
20 the applicant. A person applying for or renewing a REAL ID-  
21 compliant driver's license shall provide documentation required  
22 by the federal government of the applicant's identity; date of  
23 birth; social security number, if applicable; address of  
24 current residence; and lawful status. For an applicant for a  
25 REAL ID-compliant driver's license or a renewal of a REAL ID-

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1 compliant driver's license, the department shall verify the  
2 applicant's lawful status and social security number, if  
3 applicable, through a method approved by the federal  
4 government.

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

14 ~~[D.]~~ G. A person with lawful status may apply for a  
15 REAL ID-compliant driver's license or a ~~[driving authorization~~  
16 ~~card]~~ standard driver's license.

17 ~~[E.]~~ H. An applicant shall indicate whether the  
18 applicant is applying for a REAL ID-compliant driver's license  
19 or a ~~[driving authorization card]~~ standard driver's license.  
20 The department shall issue a ~~[driving authorization card]~~  
21 standard driver's license to an applicant who is otherwise  
22 eligible for a REAL ID-compliant driver's license but who does  
23 not provide proof of lawful status and who affirmatively  
24 acknowledges that the applicant understands that a ~~[driving~~  
25 ~~authorization card is]~~ standard driver's license may not be

1 valid for federal purposes. An applicant who does not provide  
2 proof of lawful status shall only apply for a [~~driving~~  
3 ~~authorization card~~] standard driver's license. Except as  
4 otherwise provided in the Motor Vehicle Code, the department  
5 [~~may~~] shall treat driving authorization cards and standard  
6 driver's licenses as REAL ID-compliant driver's licenses.

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

21 [~~G.~~] J. An application for a [~~driving authorization~~  
22 ~~card~~] standard driver's license shall include proof of the  
23 applicant's identity and age. [~~as shown by:~~

24 (1) ~~a social security number or an individual~~  
25 ~~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) ~~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) ~~a document that the secretary has~~  
13 ~~authorized.~~

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

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

3 ~~[F.]~~ L. An applicant under eighteen years of age  
4 who is making an application for a first New Mexico driver's  
5 license ~~[or driving authorization card]~~ shall submit evidence  
6 that the applicant has:

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

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

20 (3) complied with restrictions on that  
21 license;

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

24 (5) not been adjudicated for an offense  
25 involving the use of alcohol or drugs during the twelve-month

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1 period immediately preceding the date of the application for  
2 the driver's license [~~or driving authorization card~~] and that  
3 there are no pending adjudications alleging an offense  
4 involving the use of alcohol or drugs at the time of  
5 application.

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

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

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

1           ~~[M.]~~ P. Whenever the department receives a request  
2 for a driver's record from another licensing jurisdiction, the  
3 record shall be forwarded without charge.

4           ~~[N.]~~ Q. This section does not apply to licenses  
5 issued pursuant to the New Mexico Commercial Driver's License  
6 Act."

7           **SECTION 7.** Section 66-5-15 NMSA 1978 (being Laws 1978,  
8 Chapter 35, Section 237, as amended) is amended to read:

9           "66-5-15. LICENSES ISSUED TO APPLICANTS.--

10           A. The department shall, upon payment of the  
11 required fee, issue to every qualified applicant a license as  
12 applied for. Except as provided in Subsection B of this  
13 section, the license shall bear the applicant's full legal  
14 name; date of birth; sex; current New Mexico residence address;  
15 full-face or front-view digital photograph; a unique license  
16 number; a date of issuance; an expiration date; a brief  
17 description of the licensee; ~~[and]~~ the signature of the  
18 licensee; and the licensee's organ donor status. A license  
19 shall not be valid unless it bears the signature of the  
20 licensee.

21           B. A standard driver's license shall bear the  
22 applicant's full name; date of birth; sex; current New Mexico  
23 residence address; full-face or front-view digital photograph;  
24 a unique license number; a date of issuance; an expiration  
25 date; a brief description of the licensee; the signature of the

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1 licensee; and the licensee's organ donor status.

2 [B-] C. The department shall ensure that REAL ID-  
3 compliant driver's licenses and [driving authorization cards]  
4 standard driver's licenses are distinguishable in color or  
5 design but only to the extent that a standard driver's license  
6 shall bear the statement: "NOT INTENDED FOR FEDERAL PURPOSES"  
7 and a REAL ID-compliant driver's license shall include a gold  
8 star pursuant to Section 66-5-15.3 NMSA 1978.

9 [G-] D. A REAL ID-compliant driver's license issued  
10 to a foreign national who fails to prove that the foreign  
11 national's lawful status will not expire prior to the date on  
12 which the license applied for would expire but for the person  
13 being a foreign national shall clearly indicate on its face and  
14 in the machine readable zone that it is temporary and shall  
15 bear the word "TEMPORARY".

16 [~~D. A driving authorization card shall bear the~~  
17 ~~statement: "NOT FOR FEDERAL PURPOSES".]~~"

18 SECTION 8. Section 66-5-21 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 243, as amended) is amended to read:

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

23 A. Except as provided in Subsections B through [H]  
24 H of this section [~~Section~~] and Sections 66-5-19 [~~NMSA 1978~~]  
25 and [~~Section~~] 66-5-67 NMSA 1978, all licenses shall be issued

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1 for a period of four years, and each license shall expire  
2 [~~thirty days after the applicant's birthday in the fourth year~~]  
3 four years after the effective date of the license or shall  
4 expire thirty days after the applicant's seventy-ninth  
5 birthday. A license issued pursuant to Section 66-5-19 NMSA  
6 1978 shall expire thirty days after the applicant's birthday in  
7 the year in which the license expires. Each license is  
8 renewable within ninety days prior to its expiration or at an  
9 earlier date approved by the department. The fee for the  
10 license shall be as provided in Section 66-5-44 NMSA 1978. The  
11 department may provide for renewal by mail or telephonic or  
12 electronic means of a license issued pursuant to the provisions  
13 of this subsection, pursuant to regulations adopted by the  
14 department that ensure adequate security measures to safeguard  
15 personal information that is obtained in the issuance of a  
16 license, except the department shall not renew by mail or  
17 telephonic or electronic means a license if prohibited by  
18 federal law. The department may require an examination upon  
19 renewal of the license.

20 B. Except as provided in Subsection E of this  
21 section, at the option of an applicant, a REAL ID-compliant  
22 driver's license may be issued for a period of eight years,  
23 provided that the applicant:

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

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

3 (3) will not reach the age of seventy-nine  
4 during the last four years of the eight-year REAL ID-compliant  
5 driver's license period or reach the age of twenty-one during  
6 any year within the term of the license.

7 C. A REAL ID-compliant driver's license issued  
8 pursuant to the provisions of Subsection B of this section  
9 shall expire eight years after the effective date of the  
10 license.

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

16 E. A REAL ID-compliant driver's license issued to a  
17 foreign national shall expire on the earliest of:

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

21 (2) thirty days after the applicant's seventy-  
22 ninth birthday;

23 (3) [~~thirty days after the applicant's~~  
24 ~~birthday in the fourth year]~~ four years after the effective  
25 date of the license or eight years after the effective date of

1 the license if the applicant opted for a period of eight years  
2 pursuant to Subsection B of this section; or

3 (4) the expiration date of the applicant's  
4 lawful status; provided that if that date cannot be determined  
5 by the department and the applicant is not a legal permanent  
6 resident, the REAL ID-compliant driver's license shall expire  
7 one year after the effective date of the license.

8 F. A [~~driving authorization card~~] standard driver's  
9 license issued to an applicant [~~who provides proof of lawful~~  
10 ~~status~~] shall 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) [~~thirty days after the applicant's~~  
17 ~~birthday in the fourth year~~] four years after the effective  
18 date of the license.

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

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

25 (2) ~~thirty days after the applicant's~~

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1 ~~seventy-ninth birthday; or~~

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

4 ~~H. A driving authorization card that is valid for~~  
5 ~~two years issued pursuant to Subsection G of this section~~  
6 ~~shall, upon renewal and for subsequent renewals, be valid for~~  
7 ~~four years.]~~

8 G. At the option of an applicant, a standard  
9 driver's license may be issued for a period of eight years;  
10 provided that the applicant:

11 (1) pays the amount required for a standard  
12 driver's license issued for a term of eight years;

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

15 (3) will not reach the age of seventy-nine  
16 during the last four years of the eight-year standard driver's  
17 license period or reach the age of twenty-one during any year  
18 within the term of the license.

19 ~~[F.]~~ H. The secretary shall adopt regulations  
20 providing for the proration of driver's license fees [~~driving~~  
21 ~~authorization card fees and commercial driver's license fees]~~  
22 due to shortened licensure periods permitted pursuant to  
23 Subsection A of Section 66-5-19 NMSA 1978 and for licensure  
24 periods authorized pursuant to the provisions of this section."

25 **SECTION 9.** Section 66-5-37 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 259, as amended) is amended to read:

2 "66-5-37. UNLAWFUL USE OF LICENSE.--

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

4 (1) display or cause or permit to be displayed  
5 or have in the person's possession any canceled, revoked or  
6 suspended driver's license [~~or permit, commercial driver's~~  
7 ~~license or permit or driving authorization card~~];

8 (2) lend the person's driver's license [~~or~~  
9 ~~permit, commercial driver's license or permit or driving~~  
10 ~~authorization card~~] to any other person or knowingly permit the  
11 use of the person's license [~~permit or driving authorization~~  
12 ~~card~~] by another;

13 (3) permit any unlawful use of the driver's  
14 license [~~or permit, commercial driver's license or permit or~~  
15 ~~driving authorization card~~] issued to, or received by, the  
16 person;

17 (4) display or represent as one's own any  
18 driver's license [~~or permit, commercial driver's license or~~  
19 ~~permit or driving authorization card~~] not issued to the person;  
20 or

21 (5) do any other act forbidden or fail to  
22 perform any other act required by Sections 66-5-1.1 through  
23 66-5-47 NMSA 1978 or the provisions of the New Mexico  
24 Commercial Driver's License Act.

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

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1 (1) fail or refuse to surrender to the  
2 division upon its lawful demand any driver's license [~~or~~  
3 ~~permit, commercial driver's license or permit or driving~~  
4 ~~authorization card~~] that has been suspended, revoked or  
5 canceled;

6 (2) knowingly or willfully provide a false or  
7 fictitious name or document in any application for a driver's  
8 license [~~or permit or commercial driver's license or permit or~~  
9 ~~driving authorization card~~] or knowingly make a false statement  
10 or knowingly conceal a material fact or otherwise commit a  
11 fraud in any such application; or

12 (3) induce or solicit another person or  
13 conspire with another person to violate this subsection."

14 SECTION 10. Section 66-5-401 NMSA 1978 (being Laws 1978,  
15 Chapter 35, Section 328, as amended) is amended to read:

16 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

17 A. A person who does not have a valid New Mexico  
18 driver's license [~~or driving authorization card~~] may be issued  
19 an identification card by the department. An application for  
20 an identification card or renewal of an identification card  
21 shall be made upon a form furnished by the department.

22 B. The department shall establish two distinct  
23 identification cards as provided in Section 66-5-405 NMSA 1978:

24 (1) a REAL ID-compliant identification card;

25 and

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1                   (2) a standard identification card.

2                   C. An application for [an] a REAL ID-compliant  
3 identification card shall contain the applicant's full legal  
4 name; date of birth; sex; and current New Mexico residence  
5 address and shall briefly describe the applicant.

6                   D. An application for a standard identification  
7 card shall bear the applicant's full name; date of birth; sex;  
8 and current New Mexico residence address and shall briefly  
9 describe the applicant.

10                  E. The secretary shall establish by rule documents  
11 that may be accepted as evidence of the residency of the  
12 applicant. [~~The department shall establish two distinct~~  
13 ~~identification cards as provided in Section 66-5-405 NMSA 1978:~~  
14 ~~an identification card that meets federal requirements to be~~  
15 ~~accepted by federal agencies for official federal purposes and~~  
16 ~~an identification card not intended to be accepted by federal~~  
17 ~~agencies for official federal purposes.]~~

18                  F. A person applying for or renewing [an] a REAL  
19 ID-compliant identification card [that meets federal  
20 requirements to be accepted by federal agencies for official  
21 federal purposes] shall provide documentation required by the  
22 federal government of the applicant's identity; date of birth;  
23 social security number, if applicable; address of current  
24 residence; and lawful status. The department shall verify the  
25 applicant's lawful status and social security number, if

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

19 ~~[B.]~~ G. An application by a foreign national with  
20 lawful status for ~~[an]~~ a REAL ID-compliant identification card  
21 ~~[that meets federal requirements to be accepted by federal~~  
22 ~~agencies for official federal purposes]~~ shall contain the  
23 unique identifying number and expiration date, if applicable,  
24 of the foreign national's valid passport, valid visa,  
25 employment authorization card issued under the applicant's

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

12 [~~G.~~] H. The department shall issue [~~an~~] a standard  
13 identification card [~~not intended to be accepted by federal~~  
14 ~~agencies for official federal purposes]~~ to an applicant who is  
15 otherwise eligible but who does not provide proof of lawful  
16 status and who affirmatively acknowledges that the applicant  
17 understands that [~~an~~] a standard identification card [~~not~~  
18 ~~intended to be accepted by federal agencies for official~~  
19 ~~federal purposes is]~~ may not be valid for federal purposes. An  
20 applicant who does not provide proof of lawful status shall  
21 only apply for [~~an~~] a standard identification card [~~not~~  
22 ~~intended to be accepted by federal agencies for official~~  
23 ~~federal purposes. For]~~. An application for [~~an~~] a standard  
24 identification card [~~not intended to be accepted by federal~~  
25 ~~agencies for official federal purposes, the secretary]~~ shall

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1 [accept as] include proof of the applicant's identity and age.

2 [~~(1)~~] ~~a social security number or an individual~~  
3 ~~tax identification number;~~

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

10 [~~(3)~~] ~~a valid New Mexico license or~~  
11 ~~identification card;~~

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

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

17 ~~D.]~~ I. The secretary may adopt rules providing for  
18 the proration of fees due to shortened validity periods  
19 authorized pursuant to the [~~provision~~] provisions of this  
20 section.

21 [~~E.]~~ J. Within the forms prescribed by the  
22 department for identification card applications, a space shall  
23 be provided to show whether the applicant is a donor as  
24 provided in the Jonathan Spradling Revised Uniform Anatomical  
25 Gift Act. A person applying for an identification card may

1 indicate that person's status on the space provided on the  
 2 application. The donor status indicated by the applicant shall  
 3 be displayed on the identification card. The form and  
 4 identification card shall be signed by the donor in the  
 5 presence of a witness who shall also sign the form in the  
 6 donor's presence."

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

9 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--  
 10 RENEWAL.--

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

17 B. An identification card may be renewed within  
 18 ninety days prior to its expiration or at an earlier date  
 19 approved by the department. An identification card may be  
 20 renewed by mail or telephonic or electronic means pursuant to  
 21 regulations adopted by the department, except the department  
 22 shall not renew by mail or telephonic or electronic means [~~an~~  
 23 a REAL ID-compliant identification card [~~that meets federal~~  
 24 ~~requirements to be accepted by federal agencies for official~~  
 25 ~~federal purposes~~] if prohibited by federal law. The

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1 regulations shall ensure adequate security measures to  
2 safeguard personal information that is obtained in the issuance  
3 of an identification card.

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

12 D. [~~An~~] A REAL ID-compliant identification card  
13 [~~that meets federal requirements to be accepted by federal~~  
14 ~~agencies for official federal purposes]~~ issued to a foreign  
15 national with lawful status shall expire on the earlier of:

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

22 (2) the expiration date of the applicant's  
23 lawful status; provided that if that date cannot be determined  
24 by the department and the applicant is not a legal permanent  
25 resident, the identification card shall expire one year after

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1 the effective date of the identification card.

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

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

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

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

19 "66-5-405. CONTENTS OF CARD.--

20 A. ~~[An] A REAL ID-compliant~~ identification card  
 21 shall bear the applicant's full legal name; date of birth; sex;  
 22 current New Mexico residence address; full-face or front-view  
 23 digital photograph of the identification card holder; a unique  
 24 identification card number; a date of issuance; an expiration  
 25 date; a brief description of the identification card holder;

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1 and the signature of the holder, and the identification card  
2 shall indicate donor status.

3 B. A standard identification card shall bear the  
4 applicant's full name; date of birth; sex; current New Mexico  
5 residence address; full-face or front-view digital photograph  
6 of the identification card holder; a unique identification card  
7 number; a date of issuance; an expiration date; a brief  
8 description of the identification card holder; and the  
9 signature of the holder, and the identification card shall  
10 indicate donor status.

11 C. A valid license or identification card shall  
12 satisfy the identity, age and New Mexico residency requirements  
13 for the issuance of a standard identification card to an  
14 applicant.

15 D. All identification cards of persons under the  
16 age of twenty-one years shall have a printed legend indicating  
17 that the person is under twenty-one.

18 ~~[B.]~~ E. [An] A standard identification card [not  
19 intended to be accepted by federal agencies for official  
20 federal purposes] shall not include a gold star pursuant to  
21 Section 66-5-15.3 NMSA 1978 and shall bear the statement:

22 "STATE OF NEW MEXICO IDENTIFICATION

23 CARD NO. \_\_\_\_\_

24 This card is provided solely for the purpose of establishing  
25 that the bearer described on the card was not the holder of a

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1 New Mexico driver's license as of the date of issuance of this  
 2 card. This identification card is not a license. ISSUED FOR  
 3 IDENTIFICATION PURPOSES ONLY. NOT INTENDED FOR FEDERAL  
 4 PURPOSES."

5 ~~[G.—An]~~ F. A REAL ID-compliant identification card  
 6 ~~[that meets federal requirements to be accepted by federal~~  
 7 ~~agencies for official federal purposes]~~ shall be  
 8 distinguishable in color or design from ~~[an]~~ a standard  
 9 identification card ~~[not intended to be accepted by federal~~  
 10 ~~agencies for official federal purposes and]~~ but only to the  
 11 extent that a standard identification card shall bear the  
 12 statement: "NOT INTENDED FOR FEDERAL PURPOSES", and a REAL ID-  
 13 compliant identification card shall include a gold star  
 14 pursuant to Section 66-5-15.3 NMSA 1978.

15 G. A REAL ID-compliant identification card shall  
 16 bear the statement:

17 "STATE OF NEW MEXICO IDENTIFICATION

18 CARD NO. \_\_\_\_\_

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

24 ~~[D.—An]~~ H. A REAL ID-compliant identification card  
 25 ~~[that meets federal requirements to be accepted by federal~~

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1 ~~agencies for official federal purposes~~] issued to a foreign  
2 national with lawful status who fails to prove that the foreign  
3 national's lawful status will not expire prior to the date on  
4 which the identification card applied for would expire but for  
5 the person being a foreign national shall clearly indicate on  
6 its face and in the machine readable zone that it is temporary  
7 and shall bear the word "TEMPORARY"."

8           **SECTION 13.** Section 66-8-111.1 NMSA 1978 (being Laws  
9 1984, Chapter 72, Section 7, as amended) is amended to read:

10           "66-8-111.1. LAW ENFORCEMENT OFFICER AGENT FOR  
11 DEPARTMENT--WRITTEN NOTICE OF REVOCATION AND RIGHT TO  
12 HEARING.--

13           A. On behalf of the department, a law enforcement  
14 officer requesting a chemical test or directing the  
15 administration of a chemical test pursuant to Section 66-8-107  
16 NMSA 1978 shall serve immediate written notice of revocation  
17 and of right to a hearing before the administrative hearings  
18 office pursuant to the Implied Consent Act on a person who:

19                   (1) refuses to permit chemical testing [~~or on~~  
20 ~~a person who~~]; or

21                   (2) submits to a chemical test the results of  
22 which indicate an alcohol concentration in the person's blood  
23 or breath of:

24                           (a) eight one hundredths or more if the  
25 person is twenty-one years of age or older;



1                   (b) four one hundredths or more if the  
2 person is driving a commercial motor vehicle; or

3                   (c) two one hundredths or more if the  
4 person is less than twenty-one years of age. [~~Upon serving]~~

5                   B. The written notice of revocation [~~the law~~  
6 ~~enforcement officer shall take the license or permit of the~~  
7 ~~driver, if any, and issue a~~] and of a right to a hearing served  
8 on the driver shall be a temporary license valid for twenty  
9 days or, if the driver requests a hearing pursuant to Section  
10 66-8-112 NMSA 1978, valid until the date the administrative  
11 hearings office issues the order following that hearing;  
12 provided that a written notice of revocation and right to a  
13 hearing shall not be a temporary license [~~shall not be issued~~  
14 ~~to~~] for a driver without [~~a valid license or permit~~] any  
15 otherwise valid driving privileges in this state.

16                   C. The law enforcement officer shall send [~~the~~  
17 ~~person's driver's license~~] to the department [~~along with~~] the  
18 signed statement required pursuant to Section 66-8-111 NMSA  
19 1978."

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

22                   "[NEW MATERIAL] DRIVER'S LICENSES AND IDENTIFICATION  
23 CARDS--ACCEPTANCE.--"

24                   A. A standard driver's license or identification  
25 card shall be accepted by every state and local public agency

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1 and every public accommodation for all of the purposes for  
2 which such public agency or public accommodation would accept a  
3 REAL ID-compliant driver's license or identification card.

4 B. It is unlawful for a public accommodation to  
5 refuse to accept a standard driver's license or identification  
6 card for any purpose for which it would accept a REAL ID-  
7 compliant driver's license or identification card. A person  
8 harmed by a violation of this subsection may maintain an action  
9 for damages or appropriate injunctive or declaratory relief to  
10 redress the violation in a district court of the judicial  
11 district in which the violation occurred or in which the  
12 plaintiff or defendant resides or the defendant may be found.

13 C. As used in this section, "public accommodation"  
14 means any establishment that provides or offers its services,  
15 facilities, accommodations or goods to the public, but does not  
16 mean a bona fide private club or other place or establishment  
17 that is by its nature and use distinctly private."

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

20 "[NEW MATERIAL] VALIDITY--DRIVING AUTHORIZATION CARDS.--A  
21 driving authorization card issued by the taxation and revenue  
22 department shall be treated by the state and its subdivisions  
23 as a standard driver's license and shall be valid until the  
24 card expires."

25 SECTION 16. DELAYED REPEAL.--Section 15 of this act is

1 repealed effective July 1, 2022.

2 SECTION 17. REPEAL.--Section 66-5-15.2 NMSA 1978 (being  
3 Laws 2016, Chapter 79, Section 15) is repealed.

4 SECTION 18. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is October 1, 2019.

underscoring material = new  
~~[bracketed material]~~ = delete