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

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;

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

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

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

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

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

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

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

D. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

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

F. "director" means the secretary;

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

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

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

J. "division", without further specification, "division of motor vehicles" or "motor vehicle division" means the department;

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

L. "driver" means every person who drives or is in
actual physical control of a motor vehicle, including a
motorcycle, upon a highway, who is exercising control over or
steering a vehicle being towed by a motor vehicle or who
operates or is in actual physical control of an off-highway
motor vehicle; and

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

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

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

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

B. "implement of husbandry" means every vehicle
that is designed for agricultural purposes and exclusively used by the owner in the conduct of agricultural operations;

C. "international registration plan" means the registration reciprocity agreement among the contiguous states of the United States, the District of Columbia and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions. The international registration plan is a method of registering fleets of vehicles that travel in two or more member jurisdictions and complies with the federal Intermodal Surface Transportation Efficiency Act of 1991;

D. "intersection" means:

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

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

E. "inventory", when referring to a vehicle
dealer, means a vehicle held for sale or lease in the
ordinary course of business, the cost of which is used in
calculating the dealer's cost of goods sold for federal
income tax purposes; and

F. "jurisdiction", without modification, means
"state".

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

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

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

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

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

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

E. "lien" or "encumbrance" means every chattel
mortgage, conditional sales contract, lease, purchase lease,
sales lease, contract, security interest under the Uniform
Commercial Code or other instrument in writing having the
effect of a mortgage or lien or encumbrance upon, or intended
to hold, the title to any vehicle in the former owner,
possessor or grantor; and

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

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

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

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

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

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

D. "REAL ID-compliant driver's license" means a license or a class of license issued by a state or other jurisdiction pertaining to the authorizing of persons to operate motor vehicles and that meets federal requirements to be accepted by federal agencies for official federal purposes;

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

F. "reconstructed vehicle" means any vehicle assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or that, if originally otherwise assembled or constructed, has been materially altered by the removal of essential parts, new or used;

G. "recreational travel trailer" means a camping body designed to be drawn by another vehicle;

H. "recreational vehicle" means a vehicle with a camping body that has its own motive power, is affixed to or is drawn by another vehicle and includes motor homes, travel trailers and truck campers;
I. "registration" means registration certificates and registration plates issued under the laws of New Mexico pertaining to the registration of vehicles;

J. "registration number" means the number assigned upon registration by the division to the owner of a vehicle or motor vehicle required to be registered by the Motor Vehicle Code;

K. "registration plate" means the plate, marker, sticker or tag assigned by the division for the identification of the registered vehicle;

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

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

N. "right of way" means the privilege of the immediate use of the roadway;

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

P. "roadway" means that portion of a street or
highway improved, designed or ordinarily used for vehicular
tavel, exclusive of the berm or shoulder; when a highway
includes two or more separate roadways, the term "roadway"
refers to each roadway separately but not to all of the
roadways collectively."

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

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

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

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

C. "salvage vehicle" means a vehicle:

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

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

D. "school bus" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events, but not including a vehicle:
(1) operated by a common carrier, subject to and meeting all requirements of the public regulation commission but not used exclusively for the transportation of students;

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

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

(4) that is a minimum six-passenger, full-size, extended-length, sport utility vehicle operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA 1978;

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

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

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

    H. "sidewalk" means a portion of street between
    the curb lines, or the lateral lines of a roadway, and the
    adjacent property lines, intended for the use of pedestrians;
    I. "slow-moving vehicle" means a vehicle that is
    ordinarily moved, operated or driven at a speed less than
    twenty-five miles per hour;
    J. "solid tire" means every tire of rubber or
    other resilient material that does not depend upon compressed
    air for the support of the load;
    K. "special mobile equipment" means a vehicle not
    designed or used primarily for the transportation of persons
    or property and incidentally operated or moved over the
    highways, including but not limited to farm tractors, road
    construction or maintenance machinery, ditch-digging
    apparatus, well-boring apparatus and concrete mixers;
    L. "specially constructed vehicle" means a vehicle
    of a type required to be registered under the Motor Vehicle
    Code not originally constructed under a distinctive name,
    make, model or type by a generally recognized manufacturer of
    vehicles and not materially altered from its original
    construction;
    M. "standard driver's license" means a license or
    a class of license issued by a state or other jurisdiction
    recognized by the laws of New Mexico that authorizes the
holder to operate motor vehicles and is not guaranteed to be
accepted by federal agencies for official federal purposes;

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

O. "state" means a state, territory or possession
of the United States, the District of Columbia or any state
of the Republic of Mexico or the Federal District of Mexico
or a province of the Dominion of Canada;

P. "state highway" means a public highway that has
been designated as a state highway by the legislature, the
state transportation commission or the secretary of
transportation;

Q. "stop", when required, means complete cessation
from movement;

R. "stop, stopping or standing", when prohibited,
means any stopping or standing of a vehicle, whether occupied
or not, except when necessary to avoid conflict with other
traffic or in compliance with the directions of a police
officer or traffic-control sign or signal;

S. "street" or "highway" means a way or place
generally open to the use of the public as a matter of right
for the purpose of vehicular travel, even though it may be
temporarily closed or restricted for the purpose of
construction, maintenance, repair or reconstruction;
T. "subsequent offender" means a person who was previously a first offender and who again, under state law, federal law or a municipal ordinance or a tribal law, has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug that rendered the person incapable of safely driving a motor vehicle, regardless of whether the person's sentence was suspended or deferred; and

U. "suspension" means that a person's driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn."

SECTION 6. 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 OR RENEWAL.--

A. An application for a license or a renewal of a license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee. For licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act, submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

B. An application for a REAL ID-compliant driver's license, an instruction permit or provisional license, or
renewal of a REAL ID-compliant driver's license, instruction permit or provisional license shall contain the applicant's full legal name; date of birth; sex; and current New Mexico residence address and shall briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal.

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

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

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

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

G. A person with lawful status may apply for a REAL ID-compliant driver's license or a standard driver's license.

H. An applicant shall indicate whether the applicant is applying for a REAL ID-compliant driver's
license or a standard driver's license. The department shall issue a standard driver's license to an applicant who is otherwise eligible for a REAL ID-compliant driver's license but who does not provide proof of lawful status and who affirmatively acknowledges that the applicant understands that a standard driver's license may not be valid for federal purposes. An applicant who does not provide proof of lawful status shall only apply for a standard driver's license. Except as otherwise provided in the Motor Vehicle Code, the department shall treat driving authorization cards and standard driver's licenses as REAL ID-compliant driver's licenses.

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

J. An application for a standard driver's license
shall include proof of the applicant's identity and age.

K. An applicant shall indicate whether the
applicant has been convicted of driving while under the
influence of intoxicating liquor or drugs in this state or in
any other jurisdiction. Failure to disclose any such
conviction prevents the issuance of a license for a period of
one year if the failure to disclose is discovered by the
department prior to issuance. If the nondisclosure is
discovered by the department subsequent to issuance, the
department shall revoke the license for a period of one year.
Intentional and willful failure to disclose, as required in
this subsection, is a misdemeanor.

L. An applicant under eighteen years of age who is
making an application for a first New Mexico driver's license
shall submit evidence that the applicant has:

(1) successfully completed a driver
education course approved by the bureau that included a DWI
prevention and education component. The bureau may accept
verification of driver education course completion from
another state if the driver education course substantially
meets the requirements of the bureau for a course offered in
New Mexico;
(2) had a provisional license for at least the twelve-month period immediately preceding the date of the application for the driver's license; provided that thirty days shall be added to the twelve-month period for each adjudication or conviction of a traffic violation committed during the time the person was driving with a provisional license;

(3) complied with restrictions on that license;

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

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

M. An applicant eighteen years of age or over, but under twenty-five years of age, who is making an application to be granted a first New Mexico driver's license shall submit evidence with the application that the applicant has successfully completed a bureau-approved DWI prevention and education program.

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

O. Whenever an application is received from a
person previously licensed in another jurisdiction, the
department may request a copy of the driver's record from the
other jurisdiction. When received, the driver's record may
become a part of the driver's record in this state with the
same effect as though entered on the driver's record in this
state in the original instance.

P. Whenever the department receives a request for
a driver's record from another licensing jurisdiction, the
record shall be forwarded without charge.

Q. This section does not apply to licenses issued
pursuant to the New Mexico Commercial Driver's License Act."

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

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

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

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

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

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

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

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

A. Except as provided in Subsections B through H
of this section and Sections 66-5-19 and 66-5-67 NMSA 1978,
all licenses shall be issued for a period of four years, and
each license shall expire four years after the effective date
of the license or shall expire thirty days after the
applicant's seventy-ninth birthday. A license issued
pursuant to Section 66-5-19 NMSA 1978 shall expire thirty
days after the applicant's birthday in the year in which the
license expires. Each license is renewable within ninety
days prior to its expiration or at an earlier date approved
by the department. The fee for the license shall be as
provided in Section 66-5-44 NMSA 1978. The department may
provide for renewal by mail or telephonic or electronic means
of a license issued pursuant to the provisions of this
subsection, pursuant to regulations adopted by the department
that ensure adequate security measures to safeguard personal
information that is obtained in the issuance of a license,
except the department shall not renew by mail or telephonic
or electronic means a license if prohibited by federal law.
The department may require an examination upon renewal of the license.

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

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

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

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

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

D. A license issued prior to an applicant's twenty-first birthday shall expire thirty days after the applicant's twenty-first birthday. A license issued prior to an applicant's twenty-first birthday may be issued for a period of up to five years.
E. A REAL ID-compliant driver's license issued to a foreign national shall expire on the earliest of:

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

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

(3) four years after the effective date of the license or eight years after the effective date of the license if the applicant opted for a period of eight years pursuant to Subsection B of this section; or

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

F. A standard driver's license issued to an applicant shall expire on the earliest of:

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

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

(3) four years after the effective date of
the license.

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

(1) pays the amount required for a standard driver's license issued for a term of eight years;
(2) otherwise qualifies for a four-year standard driver's license; and
(3) will not reach the age of seventy-nine during the last four years of the eight-year standard driver's license period or reach the age of twenty-one during any year within the term of the license.

H. The secretary shall adopt regulations providing for the proration of driver's license fees due to shortened licensure periods permitted pursuant to Subsection A of Section 66-5-19 NMSA 1978 and for licensure periods authorized pursuant to the provisions of this section."

SECTION 9. Section 66-5-37 NMSA 1978 (being Laws 1978, Chapter 35, Section 259, as amended) is amended to read:

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

A. It is a misdemeanor for any person to:

(1) display or cause or permit to be displayed or have in the person's possession any canceled, revoked or suspended driver's license;
(2) lend the person's driver's license to
any other person or knowingly permit the use of the person's license by another;

(3) permit any unlawful use of the driver's license issued to, or received by, the person;

(4) display or represent as one's own any driver's license not issued to the person; or

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

B. It is a felony for any person to:

(1) fail or refuse to surrender to the division upon its lawful demand any driver's license that has been suspended, revoked or canceled;

(2) knowingly or willfully provide a false or fictitious name or document in any application for a driver's license or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application; or

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

SECTION 10. 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 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.

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

(1) a REAL ID-compliant identification card;

and

(2) a standard identification card.

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

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

E. The secretary shall establish by rule documents that may be accepted as evidence of the residency of the applicant.

F. A person applying for or renewing a REAL ID-compliant identification card shall provide documentation required by the federal government of the applicant's
identity; date of birth; social security number, if applicable; address of current residence; and lawful status. The department shall verify the applicant's lawful status and social security number, if applicable, through a method approved by the federal government. Pursuant to the federal REAL ID Act of 2005, the secretary shall establish a written, defined exception process to allow a person to demonstrate the person's identity, age and lawful status. The process shall allow a person to use a certified letter of enrollment or a valid identification card issued by a federally recognized Indian nation, tribe or pueblo to demonstrate the person's identity or age or to demonstrate the person's lawful status, if applicable. A person with lawful status may apply for a REAL ID-compliant identification card or a standard identification card. Every application for an identification card shall be signed by the applicant or the applicant's parent or guardian. The secretary may, for good cause, revoke or deny the issuance of an identification card.

G. An application by a foreign national with lawful status for a REAL ID-compliant identification card shall contain the unique identifying number and expiration date, if applicable, of the foreign national's valid passport, valid visa, employment authorization card issued under the applicant's approved deferred action status or other arrival-departure record or document issued by the
federal government that conveys lawful status. The department may issue to an eligible foreign national applicant a REAL ID-compliant identification card that is valid for a period not to exceed the duration of the applicant's lawful status; provided that if that date cannot be determined by the department and the applicant is not a legal permanent resident, the identification card shall expire one year after the effective date of the identification card.

H. The department shall issue a standard identification card to an applicant who is otherwise eligible but who does not provide proof of lawful status and who affirmatively acknowledges that the applicant understands that a standard identification card may not be valid for federal purposes. An applicant who does not provide proof of lawful status shall only apply for a standard identification card. An application for a standard identification card shall include proof of the applicant's identity and age.

I. The secretary may adopt rules providing for the proration of fees due to shortened validity periods authorized pursuant to the provisions of this section.

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

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

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

A. Except as provided in Subsections B through E of this section, every identification card shall be issued for a period not to exceed four years and shall expire four years after the effective date of the identification card.

B. An identification card may be renewed within ninety days prior to its expiration or at an earlier date approved by the department. An identification card may be renewed by mail or telephonic or electronic means pursuant to regulations adopted by the department, except the department shall not renew by mail or telephonic or electronic means a REAL ID-compliant identification card if prohibited by federal law. The regulations shall ensure adequate security measures to safeguard personal information that is obtained
in the issuance of an identification card.

C. At the option of the applicant for an identification card, a card may be issued for a period of eight years, provided that the applicant pays the amount required for an identification card issued for a term of eight years. An identification card issued pursuant to the provisions of this subsection shall expire eight years after the effective date of the identification card.

D. A REAL ID-compliant identification card issued to a foreign national with lawful status shall expire on the earlier of:

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

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

E. A standard identification card shall expire four years after the effective date of the identification card.

SECTION 12. Section 66-5-405 NMSA 1978 (being
laws 1978, chapter 35, section 332, as amended) is amended to
read:

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

A. A REAL ID-compliant identification card shall bear the applicant's full legal name; date of birth; sex; current New Mexico residence address; full-face or front-view digital photograph of the identification card holder; a unique identification card number; a date of issuance; an expiration date; a brief description of the identification card holder; and the signature of the holder, and the identification card shall indicate donor status.

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

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

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

E. A standard identification card shall not include a gold star pursuant to Section 66-5-15.3 NMSA 1978 and shall bear the statement:

"STATE OF NEW MEXICO IDENTIFICATION CARD NO.__________

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

F. A REAL ID-compliant identification card shall be distinguishable in color or design from a standard identification card but only to the extent that a standard identification card shall bear the statement: "NOT INTENDED FOR FEDERAL PURPOSES", and a REAL ID-compliant identification card shall include a gold star pursuant to Section 66-5-15.3 NMSA 1978.

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

"STATE OF NEW MEXICO IDENTIFICATION CARD NO.____________________

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

H. A REAL ID-compliant identification card issued to a foreign national with lawful status who fails to prove that the foreign national's lawful status will not expire prior to the date on which the identification card applied for would expire but for the person being a foreign national shall clearly indicate on its face and in the machine readable zone that it is temporary and shall bear the word "TEMPORARY".

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

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

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

(1) refuses to permit chemical testing; or
(2) submits to a chemical test the results of which indicate an alcohol concentration in the person's blood or breath of:

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

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

(c) two one hundredths or more if the person is less than twenty-one years of age.

B. The written notice of revocation and of a right to a hearing served on the driver shall be a temporary license valid for twenty days or, if the driver requests a hearing pursuant to Section 66-8-112 NMSA 1978, valid until the date the administrative hearings office issues the order following that hearing; provided that a written notice of revocation and right to a hearing shall not be a temporary license for a driver without any otherwise valid driving privileges in this state.

C. The law enforcement officer shall send to the department the signed statement required pursuant to Section 66-8-111 NMSA 1978."

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

"DRIVER'S LICENSES AND IDENTIFICATION CARDS--ACCEPTANCE.--"
A. A standard driver's license or identification card shall be accepted by every state and local public agency and every public accommodation for all of the purposes for which such public agency or public accommodation would accept a REAL ID-compliant driver's license or identification card.

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

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

SECTION 15. A new section of the Motor Vehicle Code is enacted to read:
"VALIDITY--DRIVING AUTHORIZATION CARDS.--A driving authorization card issued by the taxation and revenue
department shall be treated by the state and its subdivisions as a standard driver's license and shall be valid until the card expires."

SECTION 16. DELAYED REPEAL.--Section 15 of this act is repealed effective July 1, 2022.

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

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