

HOUSE BILL 20

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO IDENTIFICATION; REQUIRING THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT TO INCLUDE NATIVE AMERICAN DESIGNATIONS ON DRIVER'S LICENSES AND IDENTIFICATION CARDS WHEN REQUESTED BY NATIVE AMERICAN APPLICANTS WHO SUBMIT SUFFICIENT DOCUMENTATION.

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

SECTION 1. Section 66-5-10 NMSA 1978 (being Laws 1978, Chapter 35, Section 232, as amended) is amended to read:

"66-5-10. APPLICATION FOR LICENSE--INFORMATION--TRANSFER
TO LICENSE.--

A. Within the forms prescribed by the department for applications and licenses of drivers of motor vehicles, a space shall be provided to show whether the applicant is a donor as provided in the Jonathan Spradling Revised Uniform

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Anatomical Gift Act. Anyone applying for a license may, if the applicant desires, indicate the applicant's donor status on the space provided on the application, and this information, if given by an applicant, shall be shown upon the license issued. The form and driver's license shall be signed by the donor in the presence of a witness who shall also sign the form in the donor's presence. The department shall, as soon as practicable, include the following donor statement on the application form:

"I, _____, hereby make an

(Name of applicant/donor)

anatomical gift effective upon my death. A medical evaluation at the time of my death shall determine the organs and tissues suitable for donation.

(Signature of donor)

(Signature of parent or guardian is required if the donor is under fifteen years of age.)".

B. The department shall mark the donor status on each person's driver's license record and shall retain each application form or its image of a person who wishes to be a donor. The department shall create and maintain a statewide donor registry and shall provide on-line computer terminal

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1 access to the donor registry to organ procurement organizations
2 and procurement organizations, as defined in the Jonathan
3 Spradling Revised Uniform Anatomical Gift Act. Authorized
4 hospital or organ and tissue donor program personnel,
5 immediately prior to or after a donor's death, may request
6 verification of the donor's status from the department and may
7 obtain a copy of the application from the department.

8 C. An applicant for a driver's license may request
9 a distinguishing mark in a form determined by the department to
10 appear on the driver's license that designates the applicant as
11 Native American; provided that the distinguishing mark does not
12 designate a specific Indian nation, tribe or pueblo or include
13 personal information submitted in the application to prove the
14 applicant's membership in a federally recognized Indian nation,
15 tribe or pueblo.

16 D. An application that requests a distinguishing
17 mark on the driver's license designating the applicant as
18 Native American shall include:

19 (1) an enhanced tribal card;
20 (2) a tribal identification card;
21 (3) a tribal certificate of Indian blood; or
22 (4) a tribal or bureau of Indian affairs
23 affidavit of birth."

24 SECTION 2. Section 66-5-401 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 328, as amended) is amended to read:

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1 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

2 A. A person who does not have a valid New Mexico
3 driver's license may be issued an identification card by the
4 department. An application for an identification card or
5 renewal of an identification card shall be made upon a form
6 furnished by the department.

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

9 (1) a REAL ID-compliant identification card;
10 and

11 (2) a standard identification card.

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

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

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

23 F. A person applying for or renewing a REAL ID-
24 compliant identification card shall provide documentation
25 required by the federal government of the applicant's identity;

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1 date of birth; social security number, if applicable; address
2 of current residence; and lawful status. The department shall
3 verify the applicant's lawful status and social security
4 number, if applicable, through a method approved by the federal
5 government. Pursuant to the federal REAL ID Act of 2005, the
6 secretary shall establish a written, defined exception process
7 to allow a person to demonstrate the person's identity, age and
8 lawful status. The process shall allow a person to use a
9 certified letter of enrollment or a valid identification card
10 issued by a federally recognized Indian nation, tribe or pueblo
11 to demonstrate the person's identity or age or to demonstrate
12 the person's lawful status, if applicable. A person with
13 lawful status may apply for a REAL ID-compliant identification
14 card or a standard identification card. Every application for
15 an identification card shall be signed by the applicant or the
16 applicant's parent or guardian. The secretary may, for good
17 cause, revoke or deny the issuance of an identification card.

18 G. An application by a foreign national with lawful
19 status for a REAL ID-compliant identification card shall
20 contain the unique identifying number and expiration date, if
21 applicable, of the foreign national's valid passport, valid
22 visa, employment authorization card issued under the
23 applicant's approved deferred action status or other arrival-
24 departure record or document issued by the federal government
25 that conveys lawful status. The department may issue to an

1 eligible foreign national applicant a REAL ID-compliant
2 identification card that is valid for a period not to exceed
3 the duration of the applicant's lawful status; provided that if
4 that date cannot be determined by the department and the
5 applicant is not a legal permanent resident, the identification
6 card shall expire one year after the effective date of the
7 identification card.

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

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

20 J. Within the forms prescribed by the department
21 for identification card applications, a space shall be provided
22 to show whether the applicant is a donor as provided in the
23 Jonathan Spradling Revised Uniform Anatomical Gift Act. A
24 person applying for an identification card may indicate that
25 person's status on the space provided on the application. The

1 donor status indicated by the applicant shall be displayed on
2 the identification card. The form and identification card
3 shall be signed by the donor in the presence of a witness who
4 shall also sign the form in the donor's presence.

5 K. An applicant for an identification card may
6 request a distinguishing mark in a form determined by the
7 department to appear on the identification card that designates
8 the applicant as Native American; provided that the
9 distinguishing mark does not identify a specific Indian nation,
10 tribe or pueblo or include personal information submitted in
11 the application to prove the applicant's membership in a
12 federally recognized Indian nation, tribe or pueblo.

13 L. An application that requests a distinguishing
14 mark on an identification card designating the applicant as
15 Native American shall include:

16 (1) an enhanced tribal card;
17 (2) a tribal identification card;
18 (3) a tribal certificate of Indian blood; or
19 (4) a tribal or bureau of Indian affairs
20 affidavit of birth."

21 **SECTION 3. EFFECTIVE DATE.--**The effective date of the
22 provisions of this act is October 1, 2026.