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SENATE BILL 821

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO DRIVER'S LICENSES; ENACTING A HOMELAND SECURITY MEASURE; REQUIRING PROOF OF UNITED STATES CITIZENSHIP OR LEGAL RESIDENCY FOR INSTRUCTIONAL PERMITS, PROVISIONAL LICENSES AND DRIVER'S LICENSES; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 66-5-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 231, as amended) is amended to read:

"66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE, PROVISIONAL LICENSE OR INSTRUCTION PERMIT. --

A. An application for an instruction permit, provisional license or driver's license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee. For permits, provisional licenses or driver's licenses other than those issued pursuant

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1 to the New Mexico Commercial Driver's License Act, submission
2 of a complete application with payment of the fee entitles the
3 applicant to not more than three attempts to pass the
4 examination within a period of six months from the date of
5 application.

6 B. An application shall contain the full name,
7 social security number or individual tax identification number,
8 date of birth, sex and New Mexico residence address of the
9 applicant and briefly describe the applicant and indicate
10 whether the applicant has previously been licensed as a driver
11 and, if so, when and by what state or country and whether any
12 such license has ever been suspended or revoked or whether an
13 application has ever been refused and, if so, the date of and
14 reason for the suspension, revocation or refusal. For foreign
15 nationals ~~[applying for driver's licenses]~~ who are legal
16 residents of the United States the secretary shall accept the
17 individual taxpayer identification number as a substitute for a
18 social security number ~~[regardless of immigration status]~~. An
19 applicant shall provide with the application either an original
20 or certified copy of documentation establishing that the
21 applicant is a citizen of the United States or documentation
22 issued by the federal government establishing that the
23 applicant is a legal resident of the United States.
24 Notwithstanding the provisions of Section 66-5-21 NMSA 1978,
25 the valid driver's license of a foreign national shall expire

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1 on the date that the foreign national's legal residency in the
2 United States expires. The secretary is authorized to
3 establish by regulation other documents that may be accepted as
4 a substitute for a social security number or an individual tax
5 identification number.

6 C. An applicant shall indicate whether [~~he~~] the
7 applicant has been convicted of driving while under the
8 influence of intoxicating liquor or drugs in this state or in
9 any other jurisdiction. Failure to disclose any such
10 conviction prevents the issuance of a driver's license,
11 provisional license, temporary license or instruction permit
12 for a period of one year if the failure to disclose is
13 discovered by the department prior to issuance. If the
14 nondisclosure is discovered by the department subsequent to
15 issuance, the department shall revoke the driver's license,
16 provisional license, temporary license or instruction permit
17 for a period of one year. Intentional and willful failure to
18 disclose, as required in this subsection, is a misdemeanor.

19 D. An applicant less than eighteen years of age who
20 is making an application to be granted [~~his~~] a first New Mexico
21 driver's license shall submit evidence that [~~he~~] the applicant
22 has:

23 (1) successfully completed a driver education
24 course that included a DWI prevention and education program
25 approved by the bureau or offered by a public school. The

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1 bureau may accept verification of driver education course
2 completion from another state if the driver education course
3 substantially meets the requirements of the bureau for a course
4 offered in New Mexico;

5 (2) had a provisional license for the twelve-
6 month period immediately preceding the date of the application
7 for the driver's license;

8 (3) complied with restrictions on that
9 license;

10 (4) not been convicted of a traffic violation
11 committed during the ninety days prior to applying for a
12 driver's license;

13 (5) not been cited for a traffic violation
14 that is pending at the time of [~~his~~] the application; and

15 (6) not been adjudicated for an offense
16 involving the use of alcohol or drugs during the twelve-month
17 period immediately preceding the date of the application for
18 the driver's license and that there are no pending
19 adjudications alleging an offense involving the use of alcohol
20 or drugs at the time of [~~his~~] the application.

21 E. An applicant eighteen years of age and over, but
22 less than twenty-five years of age, who is making an
23 application to be granted [~~his~~] a first New Mexico driver's
24 license shall submit evidence with [~~his~~] the application that
25 [~~he~~] the applicant has successfully completed a bureau-approved

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1 DWI prevention and education program

2 F. An applicant twenty-five years of age and over
3 who has been convicted of driving under the influence of
4 intoxicating liquor or drugs, and who is making an application
5 to be granted [~~his~~] a first New Mexico driver's license, shall
6 submit evidence with [~~his~~] the application that [~~he~~] the
7 applicant has successfully completed a bureau-approved DWI
8 prevention and education program.

9 G. Whenever application is received from a person
10 previously licensed in another jurisdiction, the department may
11 request a copy of the driver's record from the other
12 jurisdiction. When received, the driver's record may become a
13 part of the driver's record in this state with the same effect
14 as though entered on the driver's record in this state in the
15 original instance.

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

19 I. This section does not apply to driver's licenses
20 issued pursuant to the New Mexico Commercial Driver's License
21 Act. "