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HOUSE BILL 78

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO DRIVER'S LICENSES; REQUIRING A SOCIAL SECURITY
NUMBER TO OBTAIN A DRIVER'S LICENSE.

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
to the New Mexico Commercial Driver's License Act, submission
of a complete application with payment of the fee entitles the

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1 applicant to not more than three attempts to pass the
2 examination within a period of six months from the date of
3 application.

4 B. An application shall contain the full name,
5 social security number [~~or individual tax identification~~
6 ~~number~~], date of birth, sex and New Mexico residence address of
7 the applicant and briefly describe the applicant and indicate
8 whether the applicant has previously been licensed as a driver
9 and, if so, when and by what state or country and whether any
10 such license has ever been suspended or revoked or whether an
11 application has ever been refused and, if so, the date of and
12 reason for the suspension, revocation or refusal. [~~For foreign~~
13 ~~nationals applying for driver's licenses the secretary shall~~
14 ~~accept the individual taxpayer identification number as a~~
15 ~~substitute for a social security number regardless of~~
16 ~~immigration status. The secretary is authorized to establish~~
17 ~~by regulation other documents that may be accepted as a~~
18 ~~substitute for a social security number or an individual tax~~
19 ~~identification number.]~~

20 C. An applicant shall indicate whether [~~he~~] the
21 applicant has been convicted of driving while under the
22 influence of intoxicating liquor or drugs in this state or in
23 any other jurisdiction. Failure to disclose any such
24 conviction prevents the issuance of a driver's license,
25 provisional license, temporary license or instruction permit

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1 for a period of one year if the failure to disclose is
2 discovered by the department prior to issuance. If the
3 nondisclosure is discovered by the department subsequent to
4 issuance, the department shall revoke the driver's license,
5 provisional license, temporary license or instruction permit
6 for a period of one year. Intentional and willful failure to
7 disclose, as required in this subsection, is a misdemeanor.

8 D. An applicant [~~less than~~] who is under eighteen
9 years of age and who is making an application to be granted
10 [~~his~~] a first New Mexico driver's license shall submit evidence
11 that [~~he~~] the applicant has:

12 (1) successfully completed a driver education
13 course that included a DWI prevention and education program
14 approved by the bureau or offered by a public school. The
15 bureau may accept verification of driver education course
16 completion from another state if the driver education course
17 substantially meets the requirements of the bureau for a course
18 offered in New Mexico;

19 (2) had a provisional license for the twelve-
20 month period immediately preceding the date of the application
21 for the driver's license;

22 (3) complied with restrictions on that
23 license;

24 (4) not been convicted of a traffic violation
25 committed during the ninety days prior to applying for a

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1 driver's license;

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

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

10 E. An applicant who is eighteen years of age [~~and~~]
11 or over, but [~~less than~~] under twenty-five years of age, who is
12 making an application to be granted [~~his~~] a first New Mexico
13 driver's license shall submit evidence with [~~his~~] the
14 application that [~~he~~] the applicant has successfully completed
15 a bureau-approved DWI prevention and education program.

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

23 G. Whenever an application is received from a
24 person previously licensed in another jurisdiction, the
25 department may request a copy of the driver's record from the

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1 other jurisdiction. When received, the driver's record may
2 become a part of the driver's record in this state with the
3 same effect as though entered on the driver's record in this
4 state in the original instance.

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

8 I. This section does not apply to driver's licenses
9 issued pursuant to the New Mexico Commercial Driver's License
10 Act."