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SENATE BILL 518

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

INTRODUCED BY

John C. Ryan

AN ACT

RELATING TO DRIVER'S LICENSES; REQUIRING A SOCIAL SECURITY NUMBER FROM ELIGIBLE APPLICANTS; LIMITING THE ISSUANCE OF DRIVER'S LICENSES AND IDENTIFICATION CARDS; LIMITING THE DURATION OF DRIVER'S LICENSES AND IDENTIFICATION CARDS OF FOREIGN NATIONALS; PROVIDING FOR THE CANCELLATION OF A DRIVER'S LICENSE ISSUED TO A PERSON WITHOUT A SOCIAL SECURITY NUMBER.

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

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1 accompanied by the proper fee. For permits, provisional
2 licenses or driver's licenses other than those issued pursuant
3 to the New Mexico Commercial Driver's License Act, submission
4 of a complete application with payment of the fee entitles the
5 applicant to not more than three attempts to pass the
6 examination within a period of six months from the date of
7 application.

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

25 C. In addition to the requirements of Subsection B

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1 of this section, an application by a foreign national shall
2 contain the unique identifying number of the foreign national's
3 valid passport, valid visa or other arrival-departure record or
4 document issued by the federal department of homeland security
5 and the expiration date of the foreign national's authorized
6 period of admission or extension of stay as demonstrated on the
7 foreign national's valid passport, valid visa or other arrival-
8 departure record or document issued by the federal department
9 of homeland security. The department may issue to an eligible
10 foreign national applicant a driver's license only valid for
11 the duration of the foreign national's authorized period of
12 admission or extension of stay.

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

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

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

12 (2) had a provisional license for the twelve-
13 month period immediately preceding the date of the application
14 for the driver's license;

15 (3) complied with restrictions on that
16 license;

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

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

22 (6) not been adjudicated for an offense
23 involving the use of alcohol or drugs during the twelve-month
24 period immediately preceding the date of the application for
25 the driver's license and that there are no pending

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1 adjudications alleging an offense involving the use of alcohol
2 or drugs at the time of [~~his~~] the application.

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

9 [~~F.~~] G. An applicant who is twenty-five years of
10 age [~~and~~] or over, who has been convicted of driving under the
11 influence of intoxicating liquor or drugs and who is making an
12 application to be granted [~~his~~] a first New Mexico driver's
13 license, shall submit evidence with [~~his~~] the application that
14 [~~he~~] the applicant has successfully completed a bureau-approved
15 DWI prevention and education program.

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

23 [~~H.~~] I. Whenever the department receives a request
24 for a driver's record from another licensing jurisdiction, the
25 record shall be forwarded without charge.

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1 ~~[F.]~~ J. This section does not apply to driver's
2 licenses issued pursuant to the New Mexico Commercial Driver's
3 License Act."

4 **SECTION 2.** Section 66-5-21 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,
6 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended
7 to read:

8 "66-5-21. EXPIRATION OF LICENSE--FOUR-YEAR ISSUANCE
9 PERIOD--EIGHT-YEAR ISSUANCE PERIOD--LIMITED ISSUANCE
10 PERIOD--RENEWAL.--

11 A. Except as provided in Subsection B ~~[or]~~, D or E
12 of this section, Section 66-5-19 NMSA 1978 and Section 66-5-67
13 NMSA 1978, all driver's licenses shall be issued for a period
14 of four years, and each license shall expire thirty days after
15 the applicant's birthday in the fourth year after the effective
16 date of the license or shall expire thirty days after the
17 applicant's seventy-fifth birthday. A license issued pursuant
18 to Section 66-5-19 NMSA 1978 shall expire thirty days after the
19 applicant's birthday in the year in which the license expires.
20 Each license is renewable within ninety days prior to its
21 expiration or at an earlier date approved by the department.
22 The fee for the license shall be as provided in Section 66-5-44
23 NMSA 1978. The department may provide for renewal by mail or
24 telephonic or electronic means of a driver's license issued
25 pursuant to the provisions of this subsection, pursuant to

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1 regulations adopted by the department that ensure adequate
2 security measures to safeguard personal information that is
3 obtained in the issuance of a driver's license. The department
4 may require an examination upon renewal of the driver's
5 license.

6 B. At the option of an applicant, a driver's
7 license may be issued for a period of eight years, provided
8 that the applicant:

9 (1) pays the amount required for a driver's
10 license issued for a term of eight years;

11 (2) otherwise qualifies for a four-year
12 driver's license; and

13 (3) will not reach the age of seventy-five
14 during the last four years of the eight-year license period or
15 reach the age of twenty-one during any year within the term of
16 the license.

17 C. A driver's license issued pursuant to the
18 provisions of Subsection B of this section shall expire thirty
19 days after the applicant's birthday in the eighth year after
20 the effective date of the license.

21 D. A driver's license issued prior to an
22 applicant's twenty-first birthday shall expire thirty days
23 after the applicant's twenty-first birthday. A driver's
24 license issued prior to an applicant's twenty-first birthday
25 may be issued for a period of up to five years.

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1 E. A driver's license issued to a foreign national
2 shall expire on the earlier of:

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

6 (2) thirty days after the applicant's seventy-
7 fifth birthday;

8 (3) thirty days after the applicant's birthday
9 on the fourth year after the effective date of the license or
10 on the eighth year after the effective date of the license if
11 the applicant opted for a period of eight years pursuant to
12 Subsection B of this section; or

13 (4) the date of the foreign national's
14 termination of authorized period of admission or extension of
15 stay as demonstrated on the foreign national's valid passport,
16 valid visa or other arrival-departure record or document issued
17 by the federal department of homeland security.

18 ~~[E.]~~ F. The director may adopt regulations
19 providing for the proration of driver's license fees and
20 commercial driver's license fees due to shortened licensure
21 periods permitted pursuant to Subsection A of Section 66-5-19
22 NMSA 1978 or for licensure periods authorized pursuant to the
23 provisions of this section."

24 SECTION 3. [NEW MATERIAL] MANDATORY CANCELLATION OF
25 DRIVER'S LICENSE ISSUED TO A PERSON WITHOUT A SOCIAL SECURITY

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1 NUMBER.--

2 A. The motor vehicle division of the taxation and
3 revenue department shall identify any person who was issued an
4 instruction permit, driver's license or provisional license
5 without providing the person's social security number and shall
6 provide the person with written notice and request to submit
7 the person's social security number within thirty days. A
8 person who receives that notice and request shall submit that
9 person's social security number or a request for hearing to the
10 motor vehicle division within thirty days in a manner
11 prescribed by the division. The division shall cancel the
12 instruction permit, driver's license or provisional license of
13 a person without preliminary hearing upon a showing by the
14 division's records that the person failed to submit the
15 person's social security number or request a hearing in
16 accordance with this subsection.

17 B. The motor vehicle division shall immediately
18 notify the person in writing of the cancellation of that
19 person's instruction permit, driver's license or provisional
20 license. Within twenty days of receiving a notice of
21 cancellation, a person may request that the division rescind
22 the order of cancellation and afford the person an opportunity
23 for a hearing to submit that person's social security number or
24 proof of ineligibility for a social security number and proof
25 of that person's authorized period of admission or extension of

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1 stay pursuant to Subsection C of Section 66-5-9 NMSA 1978.

2 C. Upon receipt of a request to rescind a
3 cancellation order, the motor vehicle division shall rescind
4 the order and afford the person an opportunity for a hearing.
5 The hearing shall be held as early as practicable but within
6 twenty days after the receipt of the request in the county in
7 which the person resides unless the division and the person
8 agree that the hearing may be held in some other county. The
9 director of the division or the director's duly authorized
10 agent may administer oaths. Pursuant to the hearing, the
11 division shall either correct the division's information
12 pertaining to the person's social security number, cancel the
13 person's driver's license or issue a driver's license for a
14 period of time pursuant to Subsection E of Section 66-5-21 NMSA
15 1978.

16 SECTION 4. Section 66-5-401 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 328, as amended) is amended to read:

18 "66-5-401. IDENTIFICATION CARDS.--

19 A. A person who does not have a valid New Mexico
20 driver's license may be issued an identification card by the
21 department certified by the applicant as to true name, correct
22 age and other identifying data as the department may require.
23 An application for an identification card shall be made upon a
24 form furnished by the department. An application shall contain
25 the applicant's full name; social security number, except for

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1 applicants ineligible for a social security number; date of
2 birth; sex; and New Mexico residence address. Every
3 application for an identification card shall be signed by the
4 applicant or the applicant's parent or guardian. The secretary
5 may, for good cause, revoke or deny the issuance of an
6 identification card.

7 B. In addition to the requirements of Subsection A
8 of this section, an application by a foreign national shall
9 contain the unique identifying number of the foreign national's
10 valid passport, valid visa or other arrival-departure record or
11 document issued by the federal department of homeland security
12 and the expiration date of the foreign national's authorized
13 period of admission or extension of stay as demonstrated on the
14 foreign national's valid passport, valid visa or other arrival-
15 departure record or document issued by the federal department
16 of homeland security. The department may issue to an eligible
17 foreign national applicant an identification card only valid
18 for the duration of the foreign national's authorized period of
19 admission or extension of stay.

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

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

6 SECTION 5. Section 66-5-402 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 329, as amended) is amended to read:

8 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--
9 The department shall issue an identification card only to [A.]
10 a person who is a New Mexico resident and who does not have a
11 valid New Mexico driver's license and only upon the furnishing
12 of a birth certificate or its certified copy, [~~a certificate of~~
13 ~~baptism~~] a valid passport or other evidence that the department
14 deems sufficient as documentary evidence of the age and
15 identity of the person [or

16 ~~B. a person over age sixty-five who is a New Mexico~~
17 ~~resident and who is surrendering a valid New Mexico driver's~~
18 ~~license, which license shall be sufficient documentary evidence~~
19 ~~of the age and identity of the person]."~~

20 SECTION 6. Section 66-5-403 NMSA 1978 (being Laws 1973,
21 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,
22 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended
23 to read:

24 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--
25 DURATION--RENEWAL.--

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1 A. Except as provided in Subsection B, ~~[or]~~ C or D
2 of this section, every identification card shall be issued for
3 a period not to exceed four years and shall expire on the last
4 day of the month of the identified person's birth in the fourth
5 year after the effective date of the identification card.

6 B. An identification card may be renewed within
7 ninety days prior to its expiration or at an earlier date
8 approved by the department. An identification card may be
9 renewed by mail or telephonic or electronic means pursuant to
10 regulations adopted by the department. The regulations shall
11 ensure adequate security measures to safeguard personal
12 information that is obtained in the issuance of an
13 identification card.

14 C. At the option of the applicant for an
15 identification card, a card may be issued for a period of eight
16 years, provided that the applicant pays the amount required for
17 an identification card issued for a term of eight years. An
18 identification card issued pursuant to the provisions of this
19 subsection shall expire on the last day of the month of the
20 applicant's birth in the eighth year after the effective date
21 of the identification card. The identification card may be
22 renewed within ninety days prior to its expiration.

23 D. An identification card issued to a foreign
24 national shall expire on the earlier of:

25 (1) the last day of the month of the

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1 identified person's birthday in the fourth year after the
2 effective date of the identification card or on the eighth year
3 after the effective date of the identification card if the
4 applicant opted for a period of eight years pursuant to
5 Subsection C of this section; or

6 (2) the date of the foreign national's
7 termination of authorized period of admission or extension of
8 stay as demonstrated on the foreign national's valid passport,
9 valid visa or other arrival-departure record or document issued
10 by the federal department of homeland security."

11 SECTION 7. Section 66-5-405 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 332, as amended) is amended to read:

13 "66-5-405. CONTENTS OF CARD.--The identification card
14 shall contain the registrant's full legal name, date of birth,
15 gender and adequately describe the registrant and bear [~~his~~]
16 the registrant's picture that shall show a full face or front
17 view for all registrants and indicate donor status. All
18 identification cards of persons under the age of twenty-one
19 years shall have a printed legend indicating that the person is
20 under twenty-one. The identification card shall bear the
21 following 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".

4 SECTION 8. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2011.

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