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HOUSE BILL 132

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Paul A. Pacheco

AN ACT

RELATING TO DRIVER'S LICENSES; LIMITING ISSUANCE OF DRIVER'S
LICENSES AND IDENTIFICATION CARDS TO THOSE FOREIGN NATIONALS
WITH AN AUTHORIZED PERIOD OF ADMISSION; REDUCING THE VALIDITY
PERIOD OF DRIVER'S LICENSES AND IDENTIFICATION CARDS FOR
FOREIGN NATIONALS TO THEIR AUTHORIZED PERIOD OF ADMISSION;
PROVIDING PENALTIES; DECLARING AN EMERGENCY.

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 legal
9 name, social security number, [~~or individual tax~~
10 ~~identification~~] except for an applicant ineligible for a social
11 security number, date of birth, sex and New Mexico residence
12 address of the applicant and briefly describe the applicant and
13 indicate whether the applicant has previously been licensed as
14 a driver and, if so, when and by what state or country and
15 whether any such license has ever been suspended or revoked or
16 whether an application has ever been refused and, if so, the
17 date of and reason for the suspension, revocation or refusal.
18 [~~For foreign nationals applying for driver's licenses, the~~
19 ~~secretary shall accept the individual taxpayer identification~~
20 ~~number as a substitute for a social security number regardless~~
21 ~~of immigration status. The secretary is authorized to~~
22 ~~establish by regulation other documents that may be accepted as~~
23 ~~a 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 arrival-departure record issued
4 by the federal government and the expiration date of the
5 foreign national's authorized period of admission or extension
6 of stay as demonstrated on the foreign national's valid
7 passport, valid visa or arrival-departure record issued by the
8 federal government. The department may issue to an eligible
9 foreign national applicant a driver's license that is valid for
10 a period no longer than the duration of the foreign national's
11 authorized period of admission or extension of stay and that
12 shall state that it is term limited.

13 ~~[G-]~~ D. An applicant shall indicate whether the
14 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 under eighteen years of age
2 who is making an application for a first New Mexico driver's
3 license shall submit evidence that the applicant has:

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

10 (2) had a provisional license for at least the
11 twelve-month period immediately preceding the date of the
12 application for the driver's license; provided that thirty days
13 shall be added to the twelve-month period for each adjudication
14 or conviction of a traffic violation committed during the time
15 the person was driving with a provisional license;

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

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

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

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

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

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

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

24 ~~[I-]~~ J. This section does not apply to driver's
25 licenses issued pursuant to the New Mexico Commercial Driver's

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1 License Act.

2 K. The secretary shall promulgate rules necessary
3 to implement and enforce the provisions of this section."

4 SECTION 2. Section 66-5-15 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 237, as amended) is amended to read:

6 "66-5-15. LICENSES ISSUED TO APPLICANTS.--The department
7 shall, upon payment of the required fee, issue to every
8 qualified applicant a driver's license as applied for. The
9 license shall bear the full legal name, date of birth, sex,
10 current New Mexico physical [~~or mailing~~] address, a full-face
11 or front-view digital photograph of the license holder, [~~and~~] a
12 unique driver's license number, a date of issuance, an
13 expiration date, a brief description of the licensee and the
14 signature of the licensee. A license shall not be valid unless
15 it bears the signature of the licensee."

16 SECTION 3. Section 66-5-21 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,
18 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended
19 to read:

20 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
21 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--
22 RENEWAL.--

23 A. Except as provided in Subsection B [~~or~~], D or E
24 of this section, Section 66-5-19 NMSA 1978 and Section 66-5-67
25 NMSA 1978, all driver's licenses shall be issued for a period

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1 of four years, and each license shall expire thirty days after
2 the applicant's birthday in the fourth year after the effective
3 date of the license or shall expire thirty days after the
4 applicant's seventy-fifth birthday. A license issued pursuant
5 to Section 66-5-19 NMSA 1978 shall expire thirty days after the
6 applicant's birthday in the year in which the license expires.
7 Each license is renewable within ninety days prior to its
8 expiration or at an earlier date approved by the department.
9 The fee for the license shall be as provided in Section 66-5-44
10 NMSA 1978. The department may provide for renewal by mail or
11 telephonic or electronic means of a driver's license issued
12 pursuant to the provisions of this subsection, pursuant to
13 regulations adopted by the department that ensure adequate
14 security measures to safeguard personal information that is
15 obtained in the issuance of a driver's license. The department
16 may require an examination upon renewal of the driver's
17 license.

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

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

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

25 (3) will not reach the age of seventy-five

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1 during the last four years of the eight-year license period or
2 reach the age of twenty-one during any year within the term of
3 the license.

4 C. A driver's license issued pursuant to the
5 provisions of Subsection B of this section shall expire thirty
6 days after the applicant's birthday in the eighth year after
7 the effective date of the license.

8 D. A driver's license issued prior to an
9 applicant's twenty-first birthday shall expire thirty days
10 after the applicant's twenty-first birthday. A driver's
11 license issued prior to an applicant's twenty-first birthday
12 may be issued for a period of up to five years.

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

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

18 (2) thirty days after the applicant's
19 seventy-fifth birthday;

20 (3) thirty days after the applicant's birthday
21 on the fourth year after the effective date of the license or
22 on the eighth year after the effective date of the license if
23 the applicant opted for a period of eight years pursuant to
24 Subsection B of this section; or

25 (4) the date of the foreign national's

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1 termination of authorized period of admission or extension of
2 stay as demonstrated on the foreign national's valid passport,
3 valid visa or arrival-departure record issued by the federal
4 government.

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

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

13 "66-5-401. IDENTIFICATION CARDS--APPLICATION--

14 A. A person who does not have a valid New Mexico
15 driver's license may be issued an identification card by the
16 department certified by the applicant as to true name, correct
17 age and other identifying data as the department may require.
18 An application for an identification card shall be made upon a
19 form furnished by the department. An application shall contain
20 the applicant's full legal name; social security number, except
21 for applicants ineligible for a social security number; date of
22 birth; sex; and New Mexico physical address. Every application
23 for an identification card shall be signed by the applicant or
24 the applicant's parent or guardian. The secretary may, for
25 good cause, revoke or deny the issuance of an identification

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1 card.

2 B. In addition to the requirements of Subsection A
3 of this section, an application by a foreign national shall
4 contain the unique identifying number of the foreign national's
5 valid passport, valid visa or other arrival-departure record
6 issued by the federal government and the expiration date of the
7 foreign national's authorized period of admission or extension
8 of stay as demonstrated on the foreign national's valid
9 passport, valid visa or arrival-departure record issued by the
10 federal government. The department may issue to an eligible
11 foreign national applicant an identification card that is valid
12 only for the duration of the foreign national's authorized
13 period of admission or extension of stay and that shall state
14 that it is term limited.

15 [~~B-~~] C. Within the forms prescribed by the
16 department for identification card applications, a space shall
17 be provided to show whether the applicant is a donor as
18 provided in the Jonathan Spradling Revised Uniform Anatomical
19 Gift Act. A person applying for an identification card may
20 indicate that person's status on the space provided on the
21 application. The donor status indicated by the applicant shall
22 be displayed on the identification card. The form and
23 identification card shall be signed by the donor in the
24 presence of a witness who shall also sign the form in the
25 donor's presence."

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

3 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--
4 The department shall issue an identification card only to [~~A.~~]
5 a person who is a New Mexico resident and who does not have a
6 valid New Mexico driver's license and only upon the furnishing
7 of a birth certificate or its certified copy, [~~a certificate of~~
8 ~~baptism~~] a valid passport or other evidence that the department
9 deems sufficient as documentary evidence of the age and
10 identity of the person [~~or~~

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

15 SECTION 6. Section 66-5-403 NMSA 1978 (being Laws 1973,
16 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,
17 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended
18 to read:

19 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
20 RENEWAL.--

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

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

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

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

20 (1) the last day of the month of the
21 identified person's birthday in the fourth year after the
22 effective date of the identification card or on the eighth year
23 after the effective date of the identification card if the
24 applicant opted for a period of eight years pursuant to
25 Subsection C of this section; or

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1 (2) the date of the foreign national's
2 termination of authorized period of admission or extension of
3 stay as demonstrated on the foreign national's valid passport,
4 valid visa or arrival-departure record issued by the federal
5 government."

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

8 "66-5-405. CONTENTS OF CARD.--The identification card
9 shall ~~[adequately describe the registrant and bear his picture~~
10 ~~that shall show a full face or front view for all registrants~~
11 ~~and]~~ bear the full legal name, date of birth, sex, current New
12 Mexico physical address, a full-face or front-view digital
13 photograph of the identification card holder, a unique
14 identification card number, a date of issuance, an expiration
15 date, a brief description of the identification card holder and
16 a signature of the holder, and the identification card shall
17 indicate donor status. All identification cards of persons
18 under the age of twenty-one years shall have a printed legend
19 indicating that the person is under twenty-one. The
20 identification card shall bear the following statement:

21 "STATE OF NEW MEXICO IDENTIFICATION

22 CARD NO. _____

23 This card is provided solely for the purpose of establishing
24 that the bearer described on the card was not the holder of a
25 New Mexico driver's license as of the date of issuance of this

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1 card. This identification card is not a license. ISSUED FOR
2 IDENTIFICATION PURPOSES ONLY".

3 SECTION 8. Section 66-8-1.1 NMSA 1978 (being Laws 2007,
4 Chapter 319, Section 65) is amended to read:

5 "66-8-1.1. FRAUD [~~IN OBTAINING DOCUMENTS ISSUED~~] RELATED
6 TO THE ISSUANCE OF DOCUMENTS BY THE DIVISION--[PENALTY]
7 PENALTIES.--

8 A. It is a felony for a [~~person~~] department
9 employee or private retail agent or other contractor of the
10 division to:

11 (1) knowingly issue an identification card,
12 driver's license, vehicle or vessel registration or vehicle or
13 vessel title to a person who is not lawfully entitled to
14 issuance of that document;

15 (2) knowingly accept and use fraudulent
16 documents as a basis for issuing an identification card,
17 driver's license, vehicle or vessel registration or vehicle or
18 vessel title;

19 (3) knowingly alter a record of an
20 identification card, driver's license, vehicle or vessel
21 registration or vehicle or vessel title without legal
22 justification; or

23 (4) solicit or accept, directly or indirectly,
24 anything of value with the intent to influence a decision or
25 action on an identification card, a driver's license, a vehicle

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1 or vessel registration or a vehicle or vessel title.

2 B. It is a felony for an applicant to knowingly or
3 willfully provide a false or fraudulent document required
4 pursuant to Section 66-5-9 NMSA 1978.

5 C. It is a felony for a person to:

6 (1) receive or obtain an identification card,
7 instruction permit, driver's license or provisional license and
8 then transfer the identification card, instruction permit,
9 driver's license or provisional license to another person who
10 is not lawfully entitled to issuance of that document; or

11 (2) induce or solicit another person, or
12 conspire with another person, to violate Subsection A or B of
13 this section.

14 D. A person convicted of violating Subsection A of
15 this section is guilty of a third degree felony and shall be
16 sentenced pursuant to the provisions of Section 31-18-15 NMSA
17 1978.

18 [~~B.~~] E. A person convicted of violating Subsection
19 B or C of this section is guilty of a fourth degree felony and
20 shall be sentenced pursuant to the provisions of Section
21 31-18-15 NMSA 1978."

22 SECTION 9. SEVERABILITY.--If any part or application of
23 this act is held invalid, the remainder or its application to
24 other situations or persons shall not be affected.

25 SECTION 10. EMERGENCY.--It is necessary for the public

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1 peace, health and safety that this act take effect immediately.

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