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SENATE BILL 216

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Craig W. Brandt

AN ACT

RELATING TO COMPLIANCE WITH THE FEDERAL ID ACT OF 2005;
CREATING DRIVER'S LICENSES AND IDENTIFICATION CARDS THAT MEET
THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005; REQUIRING
PROOF OF LAWFUL STATUS IN THE UNITED STATES FOR APPLICANTS TO
OBTAIN DRIVER'S LICENSES OR IDENTIFICATION CARDS THAT MEET THE
REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005; LIMITING THE
VALIDITY PERIOD OF CERTAIN DRIVER'S LICENSES AND IDENTIFICATION
CARDS; PROVIDING FOR THE EXCHANGE AND CANCELLATION OF CERTAIN
DRIVER'S LICENSES AND IDENTIFICATION CARDS; INCREASING
PENALTIES AND IMPOSING NEW PENALTIES; DECLARING AN EMERGENCY.

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

SECTION 1. Section 66-1-4.10 NMSA 1978 (being Laws 1990,
Chapter 120, Section 11) is amended to read:

"66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle

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1 Code:

2 A. "laned roadway" means a roadway that is divided
3 into two or more clearly marked lanes for vehicular traffic;

4 B. "law enforcement agency designated by the
5 division" means the law enforcement agency indicated on the
6 dismantler's notification form as the appropriate agency for
7 the receipt of the appropriate copy of that form;

8 C. "lawful status" means the legal right to be
9 present in the United States, as that phrase is used in the
10 federal REAL ID Act of 2005;

11 [~~E-~~] D. "license", without modification, means any
12 license, temporary instruction permit or temporary license
13 issued or recognized under the laws of New Mexico pertaining to
14 the licensing of persons to operate motor vehicles;

15 [~~D-~~] E. "lien" or "encumbrance" means every chattel
16 mortgage, conditional sales contract, lease, purchase lease,
17 sales lease, contract, security interest under the Uniform
18 Commercial Code or other instrument in writing having the
19 effect of a mortgage or lien or encumbrance upon, or intended
20 to hold, the title to any vehicle in the former owner,
21 possessor or grantor; and

22 [~~E-~~] F. "local authorities" means every county,
23 municipality and any local board or body having authority to
24 enact laws relating to traffic under the constitution and laws
25 of this state."

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1 SECTION 2. Section 66-5-9 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 231, as amended) is amended to read:

3 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
4 PROVISIONAL LICENSE OR INSTRUCTION PERMIT OR RENEWAL.--

5 A. An application for an instruction permit,
6 provisional license or driver's license or a renewal of an
7 instruction permit, provisional license or driver's license
8 shall be made upon a form furnished by the department. An
9 application shall be accompanied by the proper fee. For
10 permits, provisional licenses or driver's licenses other than
11 those issued pursuant to the New Mexico Commercial Driver's
12 License Act, submission of a complete application with payment
13 of the fee entitles the applicant to not more than three
14 attempts to pass the examination within a period of six months
15 from the date of application.

16 B. An application shall contain the applicant's
17 full legal name; social security number, [~~or individual tax~~
18 ~~identification~~] except for an applicant ineligible for a social
19 security number; date of birth; sex; and current New Mexico
20 residence address [~~of the applicant~~] and shall briefly describe
21 the applicant and indicate whether the applicant has previously
22 been licensed as a driver and, if so, when and by what state or
23 country and whether any such license has ever been suspended or
24 revoked or whether an application has ever been refused and, if
25 so, the date of and reason for the suspension, revocation or

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1 refusal. [~~For foreign nationals applying for driver's~~
2 ~~licenses, the secretary shall accept the individual taxpayer~~
3 ~~identification number as a substitute for a social security~~
4 ~~number regardless of immigration status.~~] The secretary [~~is~~
5 ~~authorized to~~] shall establish by regulation [~~other~~] documents
6 that may be accepted as [~~a substitute for a social security~~
7 ~~number or an individual tax identification number~~] evidence of
8 the residency of the applicant. A person applying for or
9 renewing a license shall provide documentation required by the
10 federal government of the applicant's identity, date of birth,
11 social security number, if applicable, address of current
12 residence and lawful status. The department shall verify the
13 applicant's lawful status and social security number, if
14 applicable, through a method approved by the federal
15 government.

16 C. An application by a foreign national with lawful
17 status shall contain the unique identifying number and
18 expiration date, if applicable, of the foreign national's valid
19 passport, valid visa, employment authorization card issued
20 under the applicant's approved deferred action status or other
21 arrival-departure record or document issued by the federal
22 government that conveys lawful status. The department may
23 issue to an eligible foreign national applicant a license that
24 is valid only for the duration of the applicant's lawful
25 status; provided that if that date cannot be determined by the

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1 department and the applicant is not a legal permanent resident,
2 the license shall expire one year after the effective date of
3 the license.

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

17 ~~[D-]~~ E. An applicant under eighteen years of age
18 who is making an application for a first New Mexico driver's
19 license shall submit evidence that the applicant has:

20 (1) successfully completed a driver education
21 course approved by the bureau that included a DWI prevention
22 and education component. The bureau may accept verification of
23 driver education course completion from another state if the
24 driver education course substantially meets the requirements of
25 the bureau for a course offered in New Mexico;

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

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

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

11 (5) not been adjudicated for an offense
12 involving the use of alcohol or drugs during the twelve-month
13 period immediately preceding the date of the application for
14 the driver's license and that there are no pending
15 adjudications alleging an offense involving the use of alcohol
16 or drugs at the time of application.

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

23 ~~[F-]~~ G. An applicant twenty-five years of age or
24 over who has been convicted of driving under the influence of
25 intoxicating liquor or drugs and who is making an application

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1 to be granted a first New Mexico driver's license shall submit
2 evidence with the application that the applicant has
3 successfully completed a bureau-approved DWI prevention and
4 education program.

5 ~~[G.]~~ H. Whenever an application is received from a
6 person previously licensed in another jurisdiction, the
7 department may request a copy of the driver's record from the
8 other jurisdiction. When received, the driver's record may
9 become a part of the driver's record in this state with the
10 same effect as though entered on the driver's record in this
11 state in the original instance.

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

15 ~~[I.]~~ J. This section does not apply to ~~[driver's]~~
16 licenses issued pursuant to the New Mexico Commercial Driver's
17 License Act."

18 **SECTION 3.** Section 66-5-15 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 237, as amended) is amended to read:

20 "66-5-15. LICENSES ISSUED TO APPLICANTS.--

21 A. The department shall, upon payment of the
22 required fee, issue to every qualified applicant a ~~[driver's]~~
23 license as applied for. ~~[The license]~~ All licenses shall bear
24 the full legal name, date of birth, sex, current New Mexico
25 ~~[physical or mailing]~~ residence address, a full-face or front-

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1 view digital photograph of the license holder, [~~and~~] a unique
2 license number, a date of issuance, an expiration date, a brief
3 description of the licensee and the signature of the licensee.
4 A license shall not be valid unless it bears the signature of
5 the licensee.

6 B. If a license is issued to a foreign national who
7 fails to prove that the foreign national's lawful status will
8 not expire prior to the date on which the license applied for
9 would expire but for the person being a foreign national, the
10 license shall clearly indicate on its face and in the machine
11 readable zone that it is temporary and shall bear the word
12 "TEMPORARY"."

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

17 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
18 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--
19 RENEWAL.--

20 A. Except as provided in [~~Subsection B or D~~]
21 Subsections B through F of this section, Section 66-5-19 NMSA
22 1978 and Section 66-5-67 NMSA 1978, all driver's licenses shall
23 be issued for a period of four years, and each license shall
24 expire thirty days after the applicant's birthday in the fourth
25 year after the effective date of the license or shall expire

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1 thirty days after the applicant's seventy-fifth birthday. A
2 license issued pursuant to Section 66-5-19 NMSA 1978 shall
3 expire thirty days after the applicant's birthday in the year
4 in which the license expires. Each license is renewable within
5 ninety days prior to its expiration or at an earlier date
6 approved by the department. The fee for the license shall be
7 as provided in Section 66-5-44 NMSA 1978. The department may
8 provide for renewal by mail or telephonic or electronic means
9 of a [~~driver's~~] license issued pursuant to the provisions of
10 this subsection, pursuant to regulations adopted by the
11 department that ensure adequate security measures to safeguard
12 personal information that is obtained in the issuance of a
13 [~~driver's~~] license, except the department shall not renew by
14 mail or telephonic or electronic means a license if prohibited
15 by state or federal law or regulation. The department may
16 require an examination upon renewal of the [~~driver's~~] license.

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

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

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

24 (3) will not reach the age of seventy-five
25 during the last four years of the eight-year license period or

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1 reach the age of twenty-one during any year within the term of
2 the license.

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

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

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

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

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

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

24 (4) the expiration date of the applicant's
25 lawful status; provided that if that date cannot be determined

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1 by the department and the applicant is not a legal permanent
2 resident, the license shall expire one year after the effective
3 date of the license.

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

10 SECTION 5. Section 66-5-37 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 259, as amended) is amended to read:

12 "66-5-37. UNLAWFUL USE OF LICENSE.--

13 A. It is a misdemeanor for any person to:

14 ~~[A.]~~ (1) display or cause or permit to be
15 displayed or have in ~~[his]~~ the person's possession any
16 canceled, revoked or suspended driver's license or permit or
17 commercial driver's license or permit;

18 ~~[B.]~~ (2) lend ~~[his]~~ the person's driver's
19 license or permit or commercial driver's license or permit to
20 any other person or knowingly permit the use of ~~[his]~~ the
21 person's license or permit by another;

22 (3) permit any unlawful use of the driver's
23 license or permit or commercial driver's license or permit
24 issued to, or received by, the person;

25 ~~[G.]~~ (4) display or represent as one's own any

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1 driver's license or permit or commercial driver's license or
2 permit not issued to ~~[him]~~ the person; or

3 (5) do any other act forbidden or fail to
4 perform any other act required by Sections 66-5-1.1 through
5 66-5-47 NMSA 1978 or the provisions of the New Mexico
6 Commercial Driver's License Act.

7 B. It is a felony for any person to:

8 ~~[D.]~~ (1) fail or refuse to surrender to the
9 division upon its lawful demand any driver's license or permit
10 or commercial driver's license or permit ~~[which]~~ that has been
11 suspended, revoked or canceled;

12 ~~[E.—use]~~ (2) knowingly or willfully provide a
13 false or fictitious name or document in any application for a
14 driver's license or permit or commercial driver's license or
15 permit or knowingly make a false statement or knowingly conceal
16 a material fact or otherwise commit a fraud in any such
17 application;

18 ~~[F.—permit any unlawful use of the driver's license~~
19 ~~or permit or commercial driver's license or permit issued to~~
20 ~~him; or~~

21 ~~G. do any act forbidden or fail to perform any act~~
22 ~~required by Sections 66-5-1 through 66-5-47 NMSA 1978 or the~~
23 ~~provisions of the New Mexico Commercial Driver's License Act]~~
24 or

25 (3) induce or solicit another person or

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1 conspire with another person to violate this subsection."

2 SECTION 6. Section 66-5-47 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 269, as amended) is amended to read:

4 "66-5-47. PHOTOGRAPHS--~~[EVIDENCE OF APPLICANT'S AGE].--~~
5 ~~[A.]~~ The department shall reproduce the likeness of drivers,
6 subject to the following conditions:

7 ~~[(1)]~~ A. photographs or other reproductions of the
8 likeness of all persons shall ~~[show]~~ be a ~~[full face]~~ full-face
9 or ~~[front view]~~ front-view digital photograph; and

10 ~~[(2)]~~ B. photographs or other reproductions of the
11 likeness of all persons under the age of twenty-one years shall
12 have a printed legend, indicating that the person is under
13 twenty-one, which shall be displayed in such manner as to be
14 easily read by any person inspecting the license.

15 ~~[B. Each applicant for an initial license or a~~
16 ~~replacement license shall produce evidence of the applicant's~~
17 ~~age. Proof of an applicant's age shall be a birth certificate,~~
18 ~~certified copy of a birth certificate, a church record~~
19 ~~purporting to show the date of birth and baptism, an~~
20 ~~acknowledged copy of the church record, a valid passport or~~
21 ~~other evidence which the secretary deems sufficient. The date~~
22 ~~of birth shown on any driver's license or any instruction~~
23 ~~permit issued by the department shall coincide with the date of~~
24 ~~birth shown on the proof of applicant's age.]"~~

25 SECTION 7. Section 66-5-401 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 328, as amended) is amended to read:

2 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

3 A. A person who does not have a valid New Mexico
4 driver's license may be issued an identification card by the
5 department [~~certified by the applicant as to true name, correct~~
6 ~~age and other identifying data as the department may require~~].
7 An application for an identification card or renewal of an
8 identification card shall be made upon a form furnished by the
9 department. An application shall contain the applicant's full
10 legal name; social security number, except for an applicant
11 ineligible for a social security number; date of birth; sex;
12 and current New Mexico residence address and shall briefly
13 describe the applicant. The secretary shall establish by
14 regulation documents that may be accepted as evidence of the
15 residency of the applicant. A person applying for or renewing
16 an identification card shall provide documentation required by
17 the federal government of the applicant's identity, date of
18 birth, social security number, if applicable, address of
19 current residence and lawful status. The department shall
20 verify the applicant's lawful status and social security
21 number, if applicable, through a method approved by the federal
22 government. Every application for an identification card shall
23 be signed by the applicant or the applicant's parent or
24 guardian. The secretary may, for good cause, revoke or deny
25 the issuance of an identification card.

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1 B. An application by a foreign national for an
2 identification card shall contain the unique identifying number
3 and expiration date, if applicable, of the foreign national's
4 valid passport, valid visa, employment authorization card
5 issued under the applicant's approved deferred action status or
6 other arrival-departure record or document issued by the
7 federal government that conveys lawful status. The department
8 may issue to an eligible foreign national applicant an
9 identification card that is valid only for the duration of the
10 applicant's lawful status; provided that if that date cannot be
11 determined by the department and the applicant is not a legal
12 permanent resident, the identification card shall expire one
13 year after the effective date of the identification card.

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

25 **SECTION 8.** Section 66-5-402 NMSA 1978 (being Laws 1978,
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1 Chapter 35, Section 329, as amended) is amended to read:

2 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--

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

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

14 SECTION 9. Section 66-5-403 NMSA 1978 (being Laws 1973,
15 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,
16 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended
17 to read:

18 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
19 RENEWAL.--

20 A. Except as provided in [~~Subsection B or C~~]
21 Subsections B through D of this section, every identification
22 card shall be issued for a period not to exceed four years and
23 shall expire on the last day of the month of the identified
24 person's birth in the fourth year after the effective date of
25 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, except the department
6 shall not renew by mail or telephonic or electronic means an
7 identification card if prohibited by state or federal law or
8 regulation. The regulations shall ensure adequate security
9 measures to safeguard personal information that is obtained in
10 the issuance of an identification card.

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

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

22 (1) the last day of the month of the
23 applicant's birth in the fourth year after the effective date
24 of the identification card or in the eighth year after the
25 effective date of the identification card if the applicant

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1 opted for a period of eight years pursuant to Subsection C of
2 this section; or

3 (2) the expiration date of the applicant's
4 lawful status; provided that if that date cannot be determined
5 by the department and the applicant is not a legal permanent
6 resident, the identification card shall expire one year after
7 the effective date of the identification card."

8 SECTION 10. Section 66-5-405 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 332, as amended) is amended to read:

10 "66-5-405. CONTENTS OF CARD.--~~[The]~~

11 A. All identification [card] cards shall
12 [adequately describe the registrant and bear his picture that
13 shall show a full face or front view for all registrants and]
14 bear the full legal name, date of birth, sex, current New
15 Mexico residence address, a full-face or front-view digital
16 photograph of the identification card holder, a unique
17 identification card number, a date of issuance, an expiration
18 date, a brief description of the identification card holder and
19 the signature of the holder, and the identification card shall
20 indicate donor status. All identification cards of persons
21 under the age of twenty-one years shall have a printed legend
22 indicating that the person is under twenty-one.

23 B. [The] An identification card shall bear the
24 [following] statement:

25 "STATE OF NEW MEXICO IDENTIFICATION

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CARD NO. _____

This card is provided solely for the purpose of establishing that the bearer described on the card was not the holder of a New Mexico driver's license as of the date of issuance of this card. This identification card is not a license. ISSUED FOR IDENTIFICATION PURPOSES ONLY".

C. An identification card issued to a foreign national who fails to prove that the foreign national's lawful status will not expire prior to the date on which the identification card applied for would expire but for the person being a foreign national shall clearly indicate on its face and in the machine readable zone that it is temporary and shall bear the word "TEMPORARY".

SECTION 11. Section 66-5-409 NMSA 1978 (being Laws 1991, Chapter 160, Section 13) is amended to read:

"66-5-409. UNLAWFUL USE OF IDENTIFICATION CARD.--

A. It is a misdemeanor for any person to:

- (1) use or possess an altered, forged or fictitious identification card;
- (2) alter or forge an identification card or make a fictitious identification card;
- (3) lend the person's identification card to any other person or to knowingly permit the use of the person's identification card by another;
- (4) display or represent as one's own any

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1 identification card not issued to the person; or

2 (5) ~~[use]~~ make or permit any unlawful use of
3 the identification card issued to, or received or obtained by,
4 the person.

5 B. It is a felony for any person to:

6 (1) knowingly or willfully provide a false or
7 fictitious name or document in any application for an
8 identification card or knowingly make a false statement or
9 conceal a material fact or otherwise commit a fraud in any such
10 application; or

11 ~~[(6) make or permit any unlawful use of the~~
12 ~~identification card issued to the person]~~

13 (2) induce or solicit another person, or
14 conspire with another person, to violate this subsection.

15 ~~[B-]~~ C. For the purposes of this section,
16 "identification card" means an identification card issued by
17 the department pursuant to Section 66-5-401 or 66-5-404 NMSA
18 1978."

19 SECTION 12. Section 66-8-1.1 NMSA 1978 (being Laws 2007,
20 Chapter 319, Section 65) is amended to read:

21 "66-8-1.1. FRAUD ~~[IN OBTAINING DOCUMENTS ISSUED]~~ RELATED
22 TO THE ISSUANCE OF DOCUMENTS BY THE [DIVISION] DEPARTMENT--
23 [PENALTY] PENALTIES.--

24 A. It is a felony for a ~~[person]~~ department
25 employee or private retail agent or other contractor of the

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1 department to:

2 (1) knowingly issue an identification card,
3 driver's license, vehicle or vessel registration or vehicle or
4 vessel title to a person who is not lawfully entitled to
5 issuance of that document;

6 (2) knowingly accept and use fraudulent
7 documents as a basis for issuing an identification card,
8 driver's license, vehicle or vessel registration or vehicle or
9 vessel title;

10 (3) knowingly alter a record of an
11 identification card, driver's license, vehicle or vessel
12 registration or vehicle or vessel title without legal
13 justification; or

14 (4) solicit or accept, directly or indirectly,
15 anything of value with the intent to influence a decision or
16 action on an identification card, a driver's license, a vehicle
17 or vessel registration or a vehicle or vessel title.

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

21 SECTION 13. A new section of the Motor Vehicle Code is
22 enacted to read:

23 "[NEW MATERIAL] MANDATORY CANCELLATION OF LICENSES AND
24 IDENTIFICATION CARDS ISSUED TO PERSONS WITHOUT LAWFUL STATUS.--

25 A. The secretary may modify department rules as

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1 necessary to cancel licenses and identification cards as
2 provided in this section; provided that the process of
3 cancellation of a person's license or identification card
4 includes due process protections.

5 B. The department shall identify any person who was
6 issued a license or identification card prior to the effective
7 date of this 2016 act and who did not provide proof of the
8 person's lawful status. The department shall provide written
9 notice to the person that the license or identification card
10 will be canceled no later than December 31, 2016 if the person
11 fails to submit proof of the person's lawful status or submit a
12 new application pursuant to Section 66-5-9 or 66-5-401 NMSA
13 1978.

14 C. Thirty days prior to the cancellation of the
15 license or identification card, the department shall provide
16 written notice to the person that the license or identification
17 card will be canceled if proof of the person's lawful status or
18 new application, pursuant to Section 66-5-9 or 66-5-401 NMSA
19 1978, is not submitted within thirty days.

20 D. Upon cancellation, the department shall notify
21 the person in writing of the cancellation of that person's
22 license or identification card. Within twenty days of
23 receiving notice of cancellation, a person may request that the
24 department rescind the order of cancellation and afford the
25 person an opportunity to show proof of the person's lawful

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1 status, identity and New Mexico residency pursuant to Section
2 66-5-9 or 66-5-401 NMSA 1978.

3 E. Within twenty days of receipt of a request to
4 rescind the order of cancellation, the department shall provide
5 the person who made the request with an opportunity to show
6 that the person has submitted proof of the person's lawful
7 status, identity and New Mexico residency, pursuant to Section
8 66-5-9 or 66-5-401 NMSA 1978. The secretary or the secretary's
9 duly authorized agent may administer oaths. Upon a showing
10 that the person has provided proof of the person's lawful
11 status, identity and New Mexico residency, the department shall
12 reinstate the license or identification card for a period
13 pursuant to Section 66-5-21 or 66-5-403 NMSA 1978.

14 F. Issuance of a written notice pursuant to
15 Subsection A of this section shall not affect the right of a
16 person to renew a license or identification card at the
17 expiration of its term pursuant to Section 66-5-21 or 66-5-403
18 NMSA 1978; provided, however, that renewal of a license or
19 identification card shall not relieve a person of the
20 obligation to respond to that notice or preclude the department
21 from canceling a license or identification card for failure to
22 respond to that notice pursuant to this section.

23 G. Upon cancellation of a person's license or
24 identification card, the department shall reimburse to the
25 person the amount of the fee paid for the license or

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1 identification card prorated for the remaining period that the
2 license or identification card would have been valid but for
3 its cancellation."

4 SECTION 14. A new section of the Motor Vehicle Code is
5 enacted to read:

6 "[NEW MATERIAL] ISSUANCE OF DOCUMENTS THAT MEET FEDERAL
7 REQUIREMENTS TO BE ACCEPTED BY FEDERAL AGENCIES FOR OFFICIAL
8 FEDERAL PURPOSES--REIMBURSEMENT.--

9 A. On or before six months from the effective date
10 of this 2016 act, the department shall establish and issue to
11 qualified applicants licenses and identification cards that
12 meet federal requirements to be accepted by federal agencies
13 for official federal purposes. The department shall adopt the
14 general design marking known as gold star pursuant to the
15 *Department of Homeland Security REAL ID Security Plan Guidance*
16 *Handbook* to implement the provisions of this subsection.

17 B. Provided that a person provides the required
18 documentation and qualifies for the license or identification
19 card issued pursuant to Subsection A of this section, the
20 person may:

21 (1) exchange that person's valid New
22 Mexico-issued license or identification card for a license or
23 identification card issued pursuant to Subsection A of this
24 section with an identical expiration date at no cost; or

25 (2) apply for a new license or identification

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1 card issued pursuant to Subsection A of this section.

2 C. The secretary shall adopt regulations providing
3 for the proration of a credit for the remaining period that a
4 person's license or identification card would have been valid
5 toward the cost of a new license or identification card."

6 SECTION 15. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect immediately.

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