

SENATE FLOOR SUBSTITUTE FOR
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 427

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO THE MOTOR VEHICLE CODE; ALLOWING VALID OR RECENTLY
EXPIRED NEW MEXICO LICENSES AND IDENTIFICATION CARDS TO SATISFY
THE IDENTIFICATION NUMBER, IDENTITY, AGE AND RESIDENCY
REQUIREMENTS TO RECEIVE A DRIVING AUTHORIZATION CARD OR A NON-
REAL ID IDENTIFICATION CARD; CHANGING THE VALIDITY PERIOD FOR
CERTAIN DRIVING AUTHORIZATION CARDS AND IDENTIFICATION CARDS;
ALLOWING A PERSON'S MEDICARE CARD TO SATISFY THE IDENTITY
NUMBER REQUIREMENT TO RECEIVE A LICENSE OR IDENTIFICATION CARD.

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, INSTRUCTION PERMIT OR DRIVING
AUTHORIZATION CARD OR RENEWAL.--

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

14 B. An application shall contain the applicant's
15 full legal name; date of birth; sex; and current New Mexico
16 residence address and shall briefly describe the applicant and
17 indicate whether the applicant has previously been licensed as
18 a driver and, if so, when and by what state or country and
19 whether any such license has ever been suspended or revoked or
20 whether an application has ever been refused and, if so, the
21 date of and reason for the suspension, revocation or refusal.
22 The secretary shall establish by regulation documents that may
23 be accepted as evidence of the residency of the applicant. A
24 person applying for or renewing a driver's license shall
25 provide documentation required by the federal government of the

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1 applicant's identity, date of birth, social security number, if
2 applicable, address of current residence and lawful status.
3 For an applicant for a driver's license or a renewal of a
4 driver's license, the department shall verify the applicant's
5 lawful status and social security number, if applicable,
6 through a method approved by the federal government.

7 C. Pursuant to the federal REAL ID Act of 2005, the
8 secretary shall establish a written, defined exception process
9 to allow a person to demonstrate the person's identity, age and
10 lawful status. The process shall allow a person to use:

11 (1) a certified letter of enrollment or a
12 valid identification card issued by a federally recognized
13 Indian nation, tribe or pueblo to demonstrate the person's
14 identity or age or to demonstrate the person's lawful status,
15 if applicable; and

16 (2) a medicare card to demonstrate the
17 person's identity number.

18 D. A person with lawful status may apply for a
19 driver's license or a driving authorization card.

20 E. An applicant shall indicate whether the
21 applicant is applying for a driver's license or a driving
22 authorization card. The department shall issue a driving
23 authorization card to an applicant who is otherwise eligible
24 for a driver's license but who does not provide proof of lawful
25 status and who affirmatively acknowledges that the applicant

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1 understands that a driving authorization card is not valid for
2 federal purposes. An applicant who does not provide proof of
3 lawful status shall only apply for a driving authorization
4 card. Except as otherwise provided in the Motor Vehicle Code,
5 the department may treat driving authorization cards as
6 driver's licenses.

7 F. An application by a foreign national with lawful
8 status for a driver's license shall contain the unique
9 identifying number and expiration date, if applicable, of the
10 foreign national's valid passport, valid visa, employment
11 authorization card issued under the applicant's approved
12 deferred action status or other arrival-departure record or
13 document issued by the federal government that conveys lawful
14 status. The department may issue to an eligible foreign
15 national applicant a driver's license that is valid for a
16 period not to exceed the duration of the applicant's lawful
17 status; provided that if that date cannot be determined by the
18 department and the applicant is not a legal permanent resident,
19 the license shall expire one year after the effective date of
20 the license.

21 G. Except as provided in Subsection H of this
22 section, an application for a driving authorization card shall
23 include proof of the applicant's identity and age as shown by:

24 (1) a social security number, a medicare card
25 or an individual tax identification number;

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1 (2) a passport from the applicant's country of
 2 citizenship or an identification card, issued by the consulate
 3 of Mexico in Albuquerque, New Mexico, the consulate general of
 4 Mexico in El Paso, Texas, or such other foreign consulate with
 5 which the department has established a reliable method of
 6 verifying the authenticity of the identification card;

7 ~~[(3) a valid New Mexico license or~~
 8 ~~identification card;~~

9 ~~(4)]~~ (3) a certified letter of enrollment or a
 10 valid identification card issued by a federally recognized
 11 Indian nation, tribe or pueblo; or

12 ~~[(5)]~~ (4) a document that the secretary has
 13 authorized.

14 H. An applicant who provides a New Mexico license
 15 that is valid or has been expired for one year or less or a New
 16 Mexico identification card that is valid or has been expired
 17 for one year or less shall be deemed to have satisfied the
 18 requirement that an applicant provide proof of the applicant's
 19 identity number, identity, age and New Mexico residency for the
 20 applicant to be issued a driving authorization card.

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

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

10 ~~[F.]~~ J. An applicant under eighteen years of age
11 who is making an application for a first New Mexico driver's
12 license or driving authorization card shall submit evidence
13 that the applicant has:

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

20 (2) had a provisional license for at least the
21 twelve-month period immediately preceding the date of the
22 application for the driver's license or driving authorization
23 card; provided that thirty days shall be added to the twelve-
24 month period for each adjudication or conviction of a traffic
25 violation committed during the time the person was driving with

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1 a provisional license;

2 (3) complied with restrictions on that
3 license;

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

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

13 [~~J.~~] K. An applicant eighteen years of age or over,
14 but under twenty-five years of age, who is making an
15 application to be granted a first New Mexico driver's license
16 or driving authorization card shall submit evidence with the
17 application that the applicant has successfully completed a
18 bureau-approved DWI prevention and education program.

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

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1 ~~[L-]~~ M. Whenever an application is received from a
2 person previously licensed in another jurisdiction, the
3 department may request a copy of the driver's record from the
4 other jurisdiction. When received, the driver's record may
5 become a part of the driver's record in this state with the
6 same effect as though entered on the driver's record in this
7 state in the original instance.

8 ~~[M-]~~ N. Whenever the department receives a request
9 for a driver's record from another licensing jurisdiction, the
10 record shall be forwarded without charge.

11 ~~[N-]~~ O. This section does not apply to licenses
12 issued pursuant to the New Mexico Commercial Driver's License
13 Act."

14 **SECTION 2.** Section 66-5-15.2 NMSA 1978 (being Laws 2016,
15 Chapter 79, Section 15) is amended to read:

16 "66-5-15.2. PHOTOGRAPH--FINGERPRINTS.--

17 A. The taxation and revenue department shall take a
18 full-face or front-view photograph and the fingerprints of an
19 applicant for a driving authorization card or an identification
20 card not intended to be accepted by federal agencies for
21 official federal purposes who does not provide proof of lawful
22 status ~~[and]~~ or who does not possess a ~~[valid]~~ New Mexico
23 license or identification card that is valid or has been
24 expired for one year or less. The taxation and revenue
25 department is authorized to submit fingerprint data to the

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1 department of public safety and obtain the criminal history
2 record of an applicant from the department of public safety.
3 The department of public safety is authorized to submit the
4 fingerprint data to the federal bureau of investigation to
5 conduct a background check of the applicant's criminal history
6 pursuant to the federal bureau of investigation appropriation
7 in Title 42 of Public Law 92-544.

8 B. An applicant is ineligible for a driving
9 authorization card or identification card not intended to be
10 accepted by federal agencies for official federal purposes and
11 shall not be issued a driving authorization card or
12 identification card not intended to be accepted by federal
13 agencies for official federal purposes if information provided
14 pursuant to Subsection A of this section reveals that the:

15 (1) applicant has an outstanding valid
16 criminal arrest warrant; or

17 (2) applicant's fingerprints are associated
18 with any name, date of birth or social security number other
19 than those provided by the applicant in the application for a
20 driving authorization card or identification card not intended
21 to be accepted by federal agencies for official federal
22 purposes.

23 C. An applicant ineligible for a driving
24 authorization card or identification card not intended to be
25 accepted by federal agencies for official federal purposes

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1 pursuant to Subsection B of this section shall become eligible
2 upon submission of satisfactory evidence that the basis for
3 ineligibility has been resolved."

4 SECTION 3. Section 66-5-21 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 243, as amended) is amended to read:

6 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
7 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD--
8 RENEWAL.--

9 A. Except as provided in Subsections B through [±]
10 H of this section, Section 66-5-19 NMSA 1978 and Section
11 66-5-67 NMSA 1978, all licenses shall be issued for a period of
12 four years, and each license shall expire thirty days after the
13 applicant's birthday in the fourth year after the effective
14 date of the license or shall expire thirty days after the
15 applicant's seventy-ninth birthday. A license issued pursuant
16 to Section 66-5-19 NMSA 1978 shall expire thirty days after the
17 applicant's birthday in the year in which the license expires.
18 Each license is renewable within ninety days prior to its
19 expiration or at an earlier date approved by the department.
20 The fee for the license shall be as provided in Section 66-5-44
21 NMSA 1978. The department may provide for renewal by mail or
22 telephonic or electronic means of a license issued pursuant to
23 the provisions of this subsection, pursuant to regulations
24 adopted by the department that ensure adequate security
25 measures to safeguard personal information that is obtained in

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1 the issuance of a license, except the department shall not
2 renew by mail or telephonic or electronic means a license if
3 prohibited by federal law. The department may require an
4 examination upon renewal of the license.

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

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

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

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

16 C. A driver's license issued pursuant to the
17 provisions of Subsection B of this section shall expire eight
18 years after the effective date of the license.

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

24 E. A driver's license issued to a foreign national
25 shall expire on the earliest of:

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

4 (2) thirty days after the applicant's seventy-
5 ninth birthday;

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

11 (4) the expiration date of the applicant's
12 lawful status; provided that if that date cannot be determined
13 by the department and the applicant is not a legal permanent
14 resident, the driver's license shall expire one year after the
15 effective date of the license.

16 F. A driving authorization card issued to an
17 applicant who provides proof of lawful status shall expire on
18 the earliest of:

19 (1) thirty days after the applicant's twenty-
20 first birthday, if issued prior to the applicant's twenty-first
21 birthday;

22 (2) thirty days after the applicant's seventy-
23 ninth birthday; or

24 (3) ~~[thirty days after the applicant's~~
25 ~~birthday in the fourth year]~~ four years after the effective

1 date of the license.

2 G. A driving authorization card issued to an
3 applicant who does not provide proof of lawful status but does
4 possess a New Mexico license or identification card that is
5 valid or has been expired for one year or less shall expire on
6 the earliest of:

7 (1) thirty days after the applicant's twenty-
8 first birthday, if issued prior to the applicant's twenty-first
9 birthday;

10 (2) thirty days after the applicant's seventy-
11 ninth birthday; or

12 (3) four years after the effective date of the
13 driving authorization card.

14 [~~G.~~] H. A driving authorization card issued to an
15 applicant who does not provide proof of lawful status and does
16 not possess a New Mexico license or identification card that is
17 valid or has been expired for one year or less shall expire on
18 the earliest of:

19 (1) thirty days after the applicant's twenty-
20 first birthday, if issued prior to the applicant's twenty-first
21 birthday;

22 (2) thirty days after the applicant's seventy-
23 ninth birthday; or

24 (3) two years after the effective date of the
25 driving authorization card.

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1 ~~[H. A driving authorization card that is valid for~~
2 ~~two years issued pursuant to Subsection G of this section~~
3 ~~shall, upon renewal and for subsequent renewals, be valid for~~
4 ~~four years.]~~

5 I. The secretary shall adopt regulations providing
6 for the proration of driver's license fees, driving
7 authorization card fees and commercial driver's license fees
8 due to shortened licensure periods permitted pursuant to
9 Subsection A of Section 66-5-19 NMSA 1978 and for licensure
10 periods authorized pursuant to the 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 or driving authorization card may be issued an
16 identification card by the department. An application for an
17 identification card or renewal of an identification card shall
18 be made upon a form furnished by the department. An
19 application for an identification card shall contain the
20 applicant's full legal name; date of birth; sex; and current
21 New Mexico residence address and shall briefly describe the
22 applicant. The secretary shall establish by rule documents
23 that may be accepted as evidence of the residency of the
24 applicant. The department shall establish two distinct
25 identification cards as provided in Section 66-5-405 NMSA 1978:

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1 an identification card that meets federal requirements to be
2 accepted by federal agencies for official federal purposes and
3 an identification card not intended to be accepted by federal
4 agencies for official federal purposes. A person applying for
5 or renewing an identification card that meets federal
6 requirements to be accepted by federal agencies for official
7 federal purposes shall provide documentation required by the
8 federal government of the applicant's identity, date of birth,
9 social security number, if applicable, address of current
10 residence and lawful status. The department shall verify the
11 applicant's lawful status and social security number, if
12 applicable, through a method approved by the federal
13 government. Pursuant to the federal REAL ID Act of 2005, the
14 secretary shall establish a written, defined exception process
15 to allow a person to demonstrate the person's identity, age and
16 lawful status. The process shall allow a person to use a
17 certified letter of enrollment or a valid identification card
18 issued by a federally recognized Indian nation, tribe or pueblo
19 to demonstrate the person's identity or age or to demonstrate
20 the person's lawful status, if applicable, and shall allow a
21 person to use a medicare card to demonstrate the person's
22 identity number. A person with lawful status may apply for an
23 identification card that meets federal requirements to be
24 accepted by federal agencies for official federal purposes or
25 an identification card not intended to be accepted by federal

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1 agencies for official federal purposes. Every application for
2 an identification card shall be signed by the applicant or the
3 applicant's parent or guardian. The secretary may, for good
4 cause, revoke or deny the issuance of an identification card.

5 B. An application by a foreign national with lawful
6 status for an identification card that meets federal
7 requirements to be accepted by federal agencies for official
8 federal purposes shall contain the unique identifying number
9 and expiration date, if applicable, of the foreign national's
10 valid passport, valid visa, employment authorization card
11 issued under the applicant's approved deferred action status or
12 other arrival-departure record or document issued by the
13 federal government that conveys lawful status. The department
14 may issue to an eligible foreign national applicant an
15 identification card that meets federal requirements to be
16 accepted by federal agencies for official federal purposes that
17 is valid for a period not to exceed the duration of the
18 applicant's lawful status; provided that if that date cannot be
19 determined by the department and the applicant is not a legal
20 permanent resident, the identification card shall expire one
21 year after the effective date of the identification card.

22 C. The department shall issue an identification
23 card not intended to be accepted by federal agencies for
24 official federal purposes to an applicant who is otherwise
25 eligible but who does not provide proof of lawful status and

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1 who affirmatively acknowledges that the applicant understands
 2 that an identification card not intended to be accepted by
 3 federal agencies for official federal purposes is not valid for
 4 federal purposes. An applicant who does not provide proof of
 5 lawful status shall only apply for an identification card not
 6 intended to be accepted by federal agencies for official
 7 federal purposes. Except as provided in Subsection D of this
 8 section, for an application for an identification card not
 9 intended to be accepted by federal agencies for official
 10 federal purposes, the secretary shall accept as proof of the
 11 applicant's identity and age:

12 (1) a social security number, a medicare card
 13 or an individual tax identification number;

14 (2) a passport from the applicant's country of
 15 citizenship or an identification card, issued by the consulate
 16 of Mexico in Albuquerque, New Mexico, the consulate general of
 17 Mexico in El Paso, Texas, or such other foreign consulate with
 18 which the department has established a reliable method of
 19 verifying the authenticity of the identification card;

20 ~~[(3) a valid New Mexico license or~~
 21 ~~identification card;~~

22 ~~(4)]~~ (3) a certified letter of enrollment or a
 23 valid identification card issued by a federally recognized
 24 Indian nation, tribe or pueblo; or

25 ~~[(5)]~~ (4) a document that the secretary has

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1 authorized.

2 D. An applicant who provides a New Mexico license
3 that is valid or has been expired for one year or less or a New
4 Mexico identification card that is valid or has been expired
5 for one year or less shall be deemed to have satisfied the
6 requirement that an applicant provide proof of the applicant's
7 identity number, identity, age and New Mexico residency for the
8 applicant to be issued an identification card not intended to
9 be accepted by federal agencies for official federal purposes.

10 [~~D-~~] E. The secretary may adopt rules providing for
11 the proration of fees due to shortened validity periods
12 authorized pursuant to the provision of this section.

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

24 **SECTION 5.** Section 66-5-403 NMSA 1978 (being Laws 1973,
25 Chapter 269, Section 3, as amended) is amended to read:

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1 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
2 RENEWAL.--

3 A. Except as provided in Subsections B through G of
4 this section, every identification card shall be issued for a
5 period not to exceed four years and shall expire on the last
6 day of the month of the identified person's birth in the fourth
7 year after the effective date of the identification card.

8 B. An identification card may be renewed within
9 ninety days prior to its expiration or at an earlier date
10 approved by the department. An identification card may be
11 renewed by mail or telephonic or electronic means pursuant to
12 regulations adopted by the department, except the department
13 shall not renew by mail or telephonic or electronic means an
14 identification card that meets federal requirements to be
15 accepted by federal agencies for official federal purposes if
16 prohibited by federal law. The regulations shall ensure
17 adequate security measures to safeguard personal information
18 that is obtained in the issuance of an identification card.

19 C. At the option of the applicant for an
20 identification card, a card may be issued for a period of eight
21 years; provided that the applicant pays the amount required for
22 an identification card issued for a term of eight years. An
23 identification card issued pursuant to the provisions of this
24 subsection shall expire eight years after the effective date of
25 the identification card. The identification card may be

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1 renewed within ninety days prior to its expiration.

2 D. An identification card that meets federal
3 requirements to be accepted by federal agencies for official
4 federal purposes issued to a foreign national with lawful
5 status shall expire on the earlier of:

6 (1) ~~[the last day of the month of the~~
7 ~~applicant's birth in the fourth year]~~ four years after the
8 effective date of the identification card or eight years after
9 the effective date of the identification card if the applicant
10 opted for a period of eight years pursuant to Subsection C of
11 this section; or

12 (2) the expiration date of the applicant's
13 lawful status; provided that if that date cannot be determined
14 by the department and the applicant is not a legal permanent
15 resident, the identification card shall expire one year after
16 the effective date of the identification card.

17 E. An identification card not intended to be
18 accepted by federal agencies for official federal purposes
19 issued to an applicant who provides proof of lawful status
20 shall expire ~~[on the last day of the month of the applicant's~~
21 ~~birth in the fourth year]~~ four years after the effective date
22 of the identification card.

23 F. An identification card not intended to be
24 accepted by federal agencies for official federal purposes
25 issued to an applicant who does not provide proof of lawful

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1 status but does possess a New Mexico license or identification
 2 card that is valid or has been expired for one year or less
 3 shall expire on the earliest of:

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

7 (2) thirty days after the applicant's seventy-
 8 ninth birthday; or

9 (3) four years after the effective date of the
 10 identification card.

11 ~~[F.]~~ G. An identification card not intended to be
 12 accepted by federal agencies for official federal purposes
 13 issued to an applicant who does not provide proof of lawful
 14 status and does not possess a New Mexico license or
 15 identification card that is valid or has been expired for one
 16 year or less shall expire two years after the effective date of
 17 the identification card.

18 ~~[G. An identification card that is valid for two~~
 19 ~~years issued pursuant to Subsection F of this section shall,~~
 20 ~~upon renewal and for subsequent renewals, be valid for four~~
 21 ~~years.]"~~