

1 AN ACT

2 RELATING TO DRIVER'S LICENSES; RENAMING DRIVER'S LICENSES AND
3 DRIVING AUTHORIZATION CARDS; CHANGING THE VALIDITY PERIODS OF
4 SOME DRIVER'S LICENSES AND IDENTIFICATION CARDS; REMOVING THE
5 FINGERPRINTING REQUIREMENT FOR ISSUANCE OF CERTAIN DRIVER'S
6 LICENSES AND IDENTIFICATION CARDS; CHANGING PROCEDURES FOR
7 THE ISSUANCE OF TEMPORARY LICENSES; AMENDING, REPEALING AND
8 ENACTING SECTIONS OF THE NMSA 1978.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
12 Chapter 120, Section 5, as amended) is amended to read:

13 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
14 Code:

15 A. "day" means calendar day, unless otherwise
16 provided in the Motor Vehicle Code;

17 B. "dealer", except as specifically excluded,
18 means any person who sells or solicits or advertises the sale
19 of new or used motor vehicles, manufactured homes or trailers
20 subject to registration in this state; "dealer" does not
21 include:

22 (1) receivers, trustees, administrators,
23 executors, guardians or other persons appointed by or acting
24 under judgment, decree or order of any court;

25 (2) public officers while performing their

1 duties as such officers;

2 (3) persons making casual sales of their own
3 vehicles;

4 (4) finance companies, banks and other
5 lending institutions making sales of repossessed vehicles; or

6 (5) licensed brokers under the Manufactured
7 Housing Act who, for a fee, commission or other valuable
8 consideration, engage in brokerage activities related to the
9 sale, exchange or lease purchase of pre-owned manufactured
10 homes on a site installed for a consumer;

11 C. "declared gross weight" means the maximum gross
12 vehicle weight or gross combination vehicle weight at which a
13 vehicle or combination will be operated during the
14 registration period, as declared by the registrant for
15 registration and fee purposes; the vehicle or combination
16 shall have only one declared gross weight for all operating
17 considerations;

18 D. "department" means the taxation and revenue
19 department, the secretary of taxation and revenue or any
20 employee of the department exercising authority lawfully
21 delegated to that employee by the secretary;

22 E. "designated accessible parking space for
23 persons with significant mobility limitation" means any
24 space, including an access aisle, that is marked and reserved
25 for the parking of a passenger vehicle that carries

1 registration plates or a parking placard with the
2 international symbol of access issued in accordance with
3 Section 66-3-16 NMSA 1978 and that is designated by a
4 conspicuously posted sign bearing the international symbol of
5 access and, if the parking space is paved, by a clearly
6 visible depiction of this symbol painted in blue on the
7 pavement of the space;

8 F. "director" means the secretary;

9 G. "disqualification" means a prohibition against
10 driving a commercial motor vehicle;

11 H. "distinguishing number" means the number
12 assigned by the department to a vehicle whose identifying
13 number has been destroyed or obliterated or the number
14 assigned by the department to a vehicle that has never had an
15 identifying number;

16 I. "distributor" means a person who distributes or
17 sells new or used motor vehicles to dealers and who is not a
18 manufacturer;

19 J. "division", without further specification,
20 "division of motor vehicles" or "motor vehicle division"
21 means the department;

22 K. "driveaway-towaway operation" means an
23 operation in which any motor vehicle, new or used, is the
24 item being transported when one set or more of wheels of any
25 such motor vehicle is on the roadway during the course of

1 transportation, whether or not the motor vehicle furnishes
2 the motive power;

3 L. "driver" means every person who drives or is in
4 actual physical control of a motor vehicle, including a
5 motorcycle, upon a highway, who is exercising control over or
6 steering a vehicle being towed by a motor vehicle or who
7 operates or is in actual physical control of an off-highway
8 motor vehicle; and

9 M. "driver's license" means any license, permit or
10 driving authorization card issued by a state or other
11 jurisdiction recognized under the laws of New Mexico
12 pertaining to the authorizing of persons to operate motor
13 vehicles and includes a REAL ID-compliant driver's license
14 and a standard driver's license."

15 SECTION 2. Section 66-1-4.9 NMSA 1978 (being Laws 1990,
16 Chapter 120, Section 10, as amended) is amended to read:

17 "66-1-4.9. DEFINITIONS.--As used in the Motor Vehicle
18 Code:

19 A. "identification card" means a document issued
20 by the department or the motor vehicle administration of a
21 state or other jurisdiction recognized under the laws of
22 New Mexico that identifies the holder and includes a REAL
23 ID-compliant identification card and a standard
24 identification card;

25 B. "implement of husbandry" means every vehicle

1 that is designed for agricultural purposes and exclusively
2 used by the owner in the conduct of agricultural operations;

3 C. "international registration plan" means the
4 registration reciprocity agreement among the contiguous
5 states of the United States, the District of Columbia and
6 provinces of Canada providing for payment of apportionable
7 fees on the basis of total distance operated in all
8 jurisdictions. The international registration plan is a
9 method of registering fleets of vehicles that travel in two
10 or more member jurisdictions and complies with the federal
11 Intermodal Surface Transportation Efficiency Act of 1991;

12 D. "intersection" means:

13 (1) the area embraced within the
14 prolongation or connection of the lateral curb lines or, if
15 none, then the lateral boundary lines of the roadways of two
16 highways that join one another at, or approximately at, right
17 angles, or the area within which vehicles traveling upon
18 different highways joining at any other angle may come in
19 conflict; and

20 (2) where a highway includes two roadways
21 thirty feet or more apart, every crossing of each roadway of
22 that divided highway by an intersecting highway shall be
23 regarded as a separate intersection; in the event that the
24 intersecting highway also includes two roadways thirty feet
25 or more apart, every crossing of two roadways of those

1 highways shall be regarded as a separate intersection;

2 E. "inventory", when referring to a vehicle
3 dealer, means a vehicle held for sale or lease in the
4 ordinary course of business, the cost of which is used in
5 calculating the dealer's cost of goods sold for federal
6 income tax purposes; and

7 F. "jurisdiction", without modification, means
8 "state".

9 SECTION 3. Section 66-1-4.10 NMSA 1978 (being
10 Laws 1990, Chapter 120, Section 11, as amended) is amended to
11 read:

12 "66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle
13 Code:

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

16 B. "law enforcement agency designated by the
17 division" means the law enforcement agency indicated on the
18 dismantler's notification form as the appropriate agency for
19 the receipt of the appropriate copy of that form;

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

23 D. "license", without modification, means any
24 license, permit or driving authorization card issued by a
25 state or other jurisdiction recognized under the laws of

1 New Mexico pertaining to the authorizing of persons to
2 operate motor vehicles and includes a REAL ID-compliant
3 driver's license and a standard driver's license;

4 E. "lien" or "encumbrance" means every chattel
5 mortgage, conditional sales contract, lease, purchase lease,
6 sales lease, contract, security interest under the Uniform
7 Commercial Code or other instrument in writing having the
8 effect of a mortgage or lien or encumbrance upon, or intended
9 to hold, the title to any vehicle in the former owner,
10 possessor or grantor; and

11 F. "local authorities" means every county,
12 municipality and any local board or body having authority to
13 enact laws relating to traffic under the constitution and
14 laws of this state."

15 SECTION 4. Section 66-1-4.15 NMSA 1978 (being
16 Laws 1990, Chapter 120, Section 16, as amended) is amended to
17 read:

18 "66-1-4.15. DEFINITIONS.--As used in the Motor Vehicle
19 Code:

20 A. "railroad" means a carrier of persons or
21 property upon cars operated upon stationary rails;

22 B. "railroad sign or signal" means any sign,
23 signal or device erected by authority of a public body or
24 official or by a railroad and intended to give notice of the
25 presence of railroad tracks or the approach of a railroad

1 train;

2 C. "railroad train" means a steam engine, electric
3 or other motor, with or without cars coupled thereto,
4 operated upon rails;

5 D. "REAL ID-compliant driver's license" means a
6 license or a class of license issued by a state or other
7 jurisdiction pertaining to the authorizing of persons to
8 operate motor vehicles and that meets federal requirements to
9 be accepted by federal agencies for official federal
10 purposes;

11 E. "REAL ID-compliant identification card" means
12 an identification card that meets federal requirements to be
13 accepted by federal agencies for official federal purposes;

14 F. "reconstructed vehicle" means any vehicle
15 assembled or constructed largely by means of essential parts,
16 new or used, derived from other vehicles or that, if
17 originally otherwise assembled or constructed, has been
18 materially altered by the removal of essential parts, new or
19 used;

20 G. "recreational travel trailer" means a camping
21 body designed to be drawn by another vehicle;

22 H. "recreational vehicle" means a vehicle with a
23 camping body that has its own motive power, is affixed to or
24 is drawn by another vehicle and includes motor homes, travel
25 trailers and truck campers;

1 I. "registration" means registration certificates
2 and registration plates issued under the laws of New Mexico
3 pertaining to the registration of vehicles;

4 J. "registration number" means the number assigned
5 upon registration by the division to the owner of a vehicle
6 or motor vehicle required to be registered by the Motor
7 Vehicle Code;

8 K. "registration plate" means the plate, marker,
9 sticker or tag assigned by the division for the
10 identification of the registered vehicle;

11 L. "residence district" means the territory
12 contiguous to and including a highway not comprising a
13 business district when the property on the highway for a
14 distance of three hundred feet or more is in the main
15 improved with residences or residences and buildings in use
16 for business;

17 M. "revocation" means that the driver's license
18 and privilege to drive a motor vehicle on the public highways
19 are terminated and shall not be renewed or restored, except
20 that an application for a new license may be presented to and
21 acted upon by the division after the expiration of at least
22 one year after date of revocation;

23 N. "right of way" means the privilege of the
24 immediate use of the roadway;

25 O. "road tractor" means every motor vehicle

1 designed and used primarily for drawing other vehicles and
2 constructed not to carry a significant load on the road
3 tractor, either independently or as any part of the weight of
4 a vehicle or load drawn; and

5 P. "roadway" means that portion of a street or
6 highway improved, designed or ordinarily used for vehicular
7 travel, exclusive of the berm or shoulder; when a highway
8 includes two or more separate roadways, the term "roadway"
9 refers to each roadway separately but not to all of the
10 roadways collectively."

11 SECTION 5. Section 66-1-4.16 NMSA 1978 (being
12 Laws 1990, Chapter 120, Section 17, as amended) is amended to
13 read:

14 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
15 Code:

16 A. "safety glazing materials" means glazing
17 materials constructed, treated or combined with other
18 materials to reduce substantially, in comparison with
19 ordinary sheet glass or plate glass, the likelihood of injury
20 to persons by objects from exterior sources or by these
21 safety glazing materials when they are cracked and broken;

22 B. "safety zone" means the area or space that is
23 officially set apart within a highway for the exclusive use
24 of pedestrians and that is protected or is so marked or
25 indicated by adequate signs as to be plainly visible at all

1 times while set apart as a safety zone;

2 C. "salvage vehicle" means a vehicle:

3 (1) other than a nonrepairable vehicle, of a
4 type subject to registration that has been wrecked, destroyed
5 or damaged excluding, pursuant to rules issued by the
6 department, hail damage, to the extent that the owner,
7 leasing company, financial institution or the insurance
8 company that insured or is responsible for repair of the
9 vehicle considers it uneconomical to repair the vehicle and
10 that is subsequently not repaired by or for the person who
11 owned the vehicle at the time of the event resulting in
12 damage; or

13 (2) that was determined to be uneconomical
14 to repair and for which a total loss payment is made by an
15 insurer, whether or not the vehicle is subsequently repaired,
16 if, prior to or upon making payment to the claimant, the
17 insurer obtained the agreement of the claimant to the amount
18 of the total loss settlement and informed the claimant that,
19 pursuant to rules of the department, the title must be
20 branded and submitted to the department for issuance of a
21 salvage certificate of title for the vehicle;

22 D. "school bus" means a commercial motor vehicle
23 used to transport preprimary, primary or secondary school
24 students from home to school, from school to home or to and
25 from school-sponsored events, but not including a vehicle:

1 (1) operated by a common carrier, subject to
2 and meeting all requirements of the public regulation
3 commission but not used exclusively for the transportation of
4 students;

5 (2) operated solely by a government-owned
6 transit authority, if the transit authority meets all safety
7 requirements of the public regulation commission but is not
8 used exclusively for the transportation of students;

9 (3) operated as a per capita feeder as
10 provided in Section 22-16-6 NMSA 1978; or

11 (4) that is a minimum six-passenger,
12 full-size, extended-length, sport utility vehicle operated by
13 a school district employee pursuant to Subsection D of
14 Section 22-16-4 NMSA 1978;

15 E. "seal" means the official seal of the taxation
16 and revenue department as designated by the secretary;

17 F. "secretary" means the secretary of taxation and
18 revenue, and, except for the purposes of Sections 66-2-3 and
19 66-2-12 NMSA 1978, also includes the deputy secretary and any
20 division director delegated by the secretary;

21 G. "semitrailer" means a vehicle without motive
22 power, other than a pole trailer, designed for carrying
23 persons or property and for being drawn by a motor vehicle
24 and so constructed that some significant part of its weight
25 and that of its load rests upon or is carried by another

1 vehicle;

2 H. "sidewalk" means a portion of street between
3 the curb lines, or the lateral lines of a roadway, and the
4 adjacent property lines, intended for the use of pedestrians;

5 I. "slow-moving vehicle" means a vehicle that is
6 ordinarily moved, operated or driven at a speed less than
7 twenty-five miles per hour;

8 J. "solid tire" means every tire of rubber or
9 other resilient material that does not depend upon compressed
10 air for the support of the load;

11 K. "special mobile equipment" means a vehicle not
12 designed or used primarily for the transportation of persons
13 or property and incidentally operated or moved over the
14 highways, including but not limited to farm tractors, road
15 construction or maintenance machinery, ditch-digging
16 apparatus, well-boring apparatus and concrete mixers;

17 L. "specially constructed vehicle" means a vehicle
18 of a type required to be registered under the Motor Vehicle
19 Code not originally constructed under a distinctive name,
20 make, model or type by a generally recognized manufacturer of
21 vehicles and not materially altered from its original
22 construction;

23 M. "standard driver's license" means a license or
24 a class of license issued by a state or other jurisdiction
25 recognized by the laws of New Mexico that authorizes the

1 holder to operate motor vehicles and is not guaranteed to be
2 accepted by federal agencies for official federal purposes;

3 N. "standard identification card" means an
4 identification card that is not guaranteed to be accepted by
5 federal agencies for official federal purposes;

6 O. "state" means a state, territory or possession
7 of the United States, the District of Columbia or any state
8 of the Republic of Mexico or the Federal District of Mexico
9 or a province of the Dominion of Canada;

10 P. "state highway" means a public highway that has
11 been designated as a state highway by the legislature, the
12 state transportation commission or the secretary of
13 transportation;

14 Q. "stop", when required, means complete cessation
15 from movement;

16 R. "stop, stopping or standing", when prohibited,
17 means any stopping or standing of a vehicle, whether occupied
18 or not, except when necessary to avoid conflict with other
19 traffic or in compliance with the directions of a police
20 officer or traffic-control sign or signal;

21 S. "street" or "highway" means a way or place
22 generally open to the use of the public as a matter of right
23 for the purpose of vehicular travel, even though it may be
24 temporarily closed or restricted for the purpose of
25 construction, maintenance, repair or reconstruction;

1 T. "subsequent offender" means a person who was
2 previously a first offender and who again, under state law,
3 federal law or a municipal ordinance or a tribal law, has
4 been adjudicated guilty of the charge of driving a motor
5 vehicle while under the influence of intoxicating liquor or
6 any drug that rendered the person incapable of safely driving
7 a motor vehicle, regardless of whether the person's sentence
8 was suspended or deferred; and

9 U. "suspension" means that a person's driver's
10 license and privilege to drive a motor vehicle on the public
11 highways are temporarily withdrawn."

12 SECTION 6. Section 66-5-9 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 231, as amended) is amended to read:

14 "66-5-9. APPLICATION FOR LICENSE OR RENEWAL.--

15 A. An application for a license or a renewal of a
16 license shall be made upon a form furnished by the
17 department. An application shall be accompanied by the
18 proper fee. For licenses other than those issued pursuant to
19 the New Mexico Commercial Driver's License Act, submission of
20 a complete application with payment of the fee entitles the
21 applicant to not more than three attempts to pass the
22 examination within a period of six months from the date of
23 application.

24 B. An application for a REAL ID-compliant driver's
25 license, an instruction permit or provisional license, or

1 renewal of a REAL ID-compliant driver's license, instruction
2 permit or provisional license shall contain the applicant's
3 full legal name; date of birth; sex; and current New Mexico
4 residence address and shall briefly describe the applicant
5 and indicate whether the applicant has previously been
6 licensed as a driver and, if so, when and by what state or
7 country and whether any such license has ever been suspended
8 or revoked or whether an application has ever been refused
9 and, if so, the date of and reason for the suspension,
10 revocation or refusal.

11 C. An application for a standard driver's license
12 or a renewal of a standard driver's license shall contain the
13 applicant's full name; date of birth; sex; and New Mexico
14 residence address of the applicant and briefly describe the
15 applicant and indicate whether the applicant has previously
16 been licensed as a driver and, if so, when and by what state
17 or country and whether any such license has ever been
18 suspended or revoked or whether an application has ever been
19 refused and, if so, the date of and reason for the
20 suspension, revocation or refusal.

21 D. A valid license shall satisfy the department's
22 identity, age and New Mexico residency requirements for the
23 issuance or renewal of a standard driver's license to an
24 applicant.

25 E. The secretary shall establish by regulation

1 documents that may be accepted as evidence of the residency
2 of the applicant. A person applying for or renewing a REAL
3 ID-compliant driver's license shall provide documentation
4 required by the federal government of the applicant's
5 identity; date of birth; social security number, if
6 applicable; address of current residence; and lawful status.
7 For an applicant for a REAL ID-compliant driver's license or
8 a renewal of a REAL ID-compliant driver's license, the
9 department shall verify the applicant's lawful status and
10 social security number, if applicable, through a method
11 approved by the federal government.

12 F. Pursuant to the federal REAL ID Act of 2005,
13 the secretary shall establish a written, defined exception
14 process to allow a person to demonstrate the person's
15 identity, age and lawful status. The process shall allow a
16 person to use a certified letter of enrollment or a valid
17 identification card issued by a federally recognized Indian
18 nation, tribe or pueblo to demonstrate the person's identity
19 or age or to demonstrate the person's lawful status, if
20 applicable.

21 G. A person with lawful status may apply for a
22 REAL ID-compliant driver's license or a standard driver's
23 license.

24 H. An applicant shall indicate whether the
25 applicant is applying for a REAL ID-compliant driver's

1 license or a standard driver's license. The department shall
2 issue a standard driver's license to an applicant who is
3 otherwise eligible for a REAL ID-compliant driver's license
4 but who does not provide proof of lawful status and who
5 affirmatively acknowledges that the applicant understands
6 that a standard driver's license may not be valid for federal
7 purposes. An applicant who does not provide proof of lawful
8 status shall only apply for a standard driver's license.
9 Except as otherwise provided in the Motor Vehicle Code, the
10 department shall treat driving authorization cards and
11 standard driver's licenses as REAL ID-compliant driver's
12 licenses.

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

1 resident, the license shall expire one year after the
2 effective date of the license.

3 J. An application for a standard driver's license
4 shall include proof of the applicant's identity and age.

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

16 L. An applicant under eighteen years of age who is
17 making an application for a first New Mexico driver's license
18 shall submit evidence that the applicant has:

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

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

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

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

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

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

24 N. An applicant twenty-five years of age or over
25 who has been convicted of driving under the influence of

1 intoxicating liquor or drugs and who is making an application
2 to be granted a first New Mexico driver's license shall
3 submit evidence with the application that the applicant has
4 successfully completed a bureau-approved DWI prevention and
5 education program.

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

13 P. Whenever the department receives a request for
14 a driver's record from another licensing jurisdiction, the
15 record shall be forwarded without charge.

16 Q. This section does not apply to licenses issued
17 pursuant to the New Mexico Commercial Driver's License Act."

18 SECTION 7. 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 license as
23 applied for. Except as provided in Subsection B of this
24 section, the license shall bear the applicant's full legal
25 name; date of birth; sex; current New Mexico residence

1 address; full-face or front-view digital photograph; a unique
2 license number; a date of issuance; an expiration date; a
3 brief description of the licensee; the signature of the
4 licensee; and the licensee's organ donor status. A license
5 shall not be valid unless it bears the signature of the
6 licensee.

7 B. A standard driver's license shall bear the
8 applicant's full name; date of birth; sex; current New Mexico
9 residence address; full-face or front-view digital
10 photograph; a unique license number; a date of issuance; an
11 expiration date; a brief description of the licensee; the
12 signature of the licensee; and the licensee's organ donor
13 status.

14 C. The department shall ensure that REAL
15 ID-compliant driver's licenses and standard driver's licenses
16 are distinguishable in color or design but only to the extent
17 that a standard driver's license shall bear the statement:
18 "NOT INTENDED FOR FEDERAL PURPOSES" and a REAL ID-compliant
19 driver's license shall include a gold star pursuant to
20 Section 66-5-15.3 NMSA 1978.

21 D. A REAL ID-compliant driver's license issued to
22 a foreign national who fails to prove that the foreign
23 national's lawful status will not expire prior to the date on
24 which the license applied for would expire but for the person
25 being a foreign national shall clearly indicate on its face

1 and in the machine readable zone that it is temporary and
2 shall bear the word "TEMPORARY".

3 SECTION 8. Section 66-5-21 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 243, as amended) is amended to read:

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

8 A. Except as provided in Subsections B through H
9 of this section and Sections 66-5-19 and 66-5-67 NMSA 1978,
10 all licenses shall be issued for a period of four years, and
11 each license shall expire four years after the effective date
12 of the license or shall expire thirty days after the
13 applicant's seventy-ninth birthday. A license issued
14 pursuant to Section 66-5-19 NMSA 1978 shall expire thirty
15 days after the applicant's birthday in the year in which the
16 license expires. Each license is renewable within ninety
17 days prior to its expiration or at an earlier date approved
18 by the department. The fee for the license shall be as
19 provided in Section 66-5-44 NMSA 1978. The department may
20 provide for renewal by mail or telephonic or electronic means
21 of a license issued pursuant to the provisions of this
22 subsection, pursuant to regulations adopted by the department
23 that ensure adequate security measures to safeguard personal
24 information that is obtained in the issuance of a license,
25 except the department shall not renew by mail or telephonic

1 or electronic means a license if prohibited by federal law.
2 The department may require an examination upon renewal of the
3 license.

4 B. Except as provided in Subsection E of this
5 section, at the option of an applicant, a REAL ID-compliant
6 driver's license may be issued for a period of eight years,
7 provided that the applicant:

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

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

13 (3) will not reach the age of seventy-nine
14 during the last four years of the eight-year REAL
15 ID-compliant driver's license period or reach the age of
16 twenty-one during any year within the term of the license.

17 C. A REAL ID-compliant driver's license issued
18 pursuant to the provisions of Subsection B of this section
19 shall expire eight years after the effective date of the
20 license.

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

1 E. A REAL ID-compliant driver's license issued to
2 a foreign national shall expire on the earliest of:

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

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

8 (3) four years after the effective date of
9 the license or eight years after the effective date of the
10 license if the applicant opted for a period of eight years
11 pursuant to Subsection B of this section; or

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

18 F. A standard driver's license issued to an
19 applicant shall expire on the earliest of:

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

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

25 (3) four years after the effective date of

1 the license.

2 G. At the option of an applicant, a standard
3 driver's license may be issued for a period of eight years;
4 provided that the applicant:

5 (1) pays the amount required for a standard
6 driver's license issued for a term of eight years;

7 (2) otherwise qualifies for a four-year
8 standard driver's license; and

9 (3) will not reach the age of seventy-nine
10 during the last four years of the eight-year standard
11 driver's license period or reach the age of twenty-one during
12 any year within the term of the license.

13 H. The secretary shall adopt regulations providing
14 for the proration of driver's license fees due to shortened
15 licensure periods permitted pursuant to Subsection A of
16 Section 66-5-19 NMSA 1978 and for licensure periods
17 authorized pursuant to the provisions of this section."

18 SECTION 9. Section 66-5-37 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 259, as amended) is amended to read:

20 "66-5-37. UNLAWFUL USE OF LICENSE.--

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

22 (1) display or cause or permit to be
23 displayed or have in the person's possession any canceled,
24 revoked or suspended driver's license;

25 (2) lend the person's driver's license to

1 any other person or knowingly permit the use of the person's
2 license by another;

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

5 (4) display or represent as one's own any
6 driver's license not issued to the person; or

7 (5) do any other act forbidden or fail to
8 perform any other act required by Sections 66-5-1.1 through
9 66-5-47 NMSA 1978 or the provisions of the New Mexico
10 Commercial Driver's License Act.

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

12 (1) fail or refuse to surrender to the
13 division upon its lawful demand any driver's license that has
14 been suspended, revoked or canceled;

15 (2) knowingly or willfully provide a false
16 or fictitious name or document in any application for a
17 driver's license or knowingly make a false statement or
18 knowingly conceal a material fact or otherwise commit a fraud
19 in any such application; or

20 (3) induce or solicit another person or
21 conspire with another person to violate this subsection."

22 SECTION 10. Section 66-5-401 NMSA 1978 (being
23 Laws 1978, Chapter 35, Section 328, as amended) is amended to
24 read:

25 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

1 A. A person who does not have a valid New Mexico
2 driver's license may be issued an identification card by the
3 department. An application for an identification card or
4 renewal of an identification card shall be made upon a form
5 furnished by the department.

6 B. The department shall establish two distinct
7 identification cards as provided in Section 66-5-405
8 NMSA 1978:

9 (1) a REAL ID-compliant identification card;
10 and

11 (2) a standard identification card.

12 C. An application for a REAL ID-compliant
13 identification card shall contain the applicant's full legal
14 name; date of birth; sex; and current New Mexico residence
15 address and shall briefly describe the applicant.

16 D. An application for a standard identification
17 card shall bear the applicant's full name; date of birth;
18 sex; and current New Mexico residence address and shall
19 briefly describe the applicant.

20 E. The secretary shall establish by rule documents
21 that may be accepted as evidence of the residency of the
22 applicant.

23 F. A person applying for or renewing a REAL
24 ID-compliant identification card shall provide documentation
25 required by the federal government of the applicant's

1 identity; date of birth; social security number, if
2 applicable; address of current residence; and lawful status.
3 The department shall verify the applicant's lawful status and
4 social security number, if applicable, through a method
5 approved by the federal government. Pursuant to the federal
6 REAL ID Act of 2005, the secretary shall establish a written,
7 defined exception process to allow a person to demonstrate
8 the person's identity, age and lawful status. The process
9 shall allow a person to use a certified letter of enrollment
10 or a valid identification card issued by a federally
11 recognized Indian nation, tribe or pueblo to demonstrate the
12 person's identity or age or to demonstrate the person's
13 lawful status, if applicable. A person with lawful status
14 may apply for a REAL ID-compliant identification card or a
15 standard identification card. Every application for an
16 identification card shall be signed by the applicant or the
17 applicant's parent or guardian. The secretary may, for good
18 cause, revoke or deny the issuance of an identification card.

19 G. An application by a foreign national with
20 lawful status for a REAL ID-compliant identification card
21 shall contain the unique identifying number and expiration
22 date, if applicable, of the foreign national's valid
23 passport, valid visa, employment authorization card issued
24 under the applicant's approved deferred action status or
25 other arrival-departure record or document issued by the

1 federal government that conveys lawful status. The
2 department may issue to an eligible foreign national
3 applicant a REAL ID-compliant identification card that is
4 valid for a period not to exceed the duration of the
5 applicant's lawful status; provided that if that date cannot
6 be determined by the department and the applicant is not a
7 legal permanent resident, the identification card shall
8 expire one year after the effective date of the
9 identification card.

10 H. The department shall issue a standard
11 identification card to an applicant who is otherwise eligible
12 but who does not provide proof of lawful status and who
13 affirmatively acknowledges that the applicant understands
14 that a standard identification card may not be valid for
15 federal purposes. An applicant who does not provide proof of
16 lawful status shall only apply for a standard identification
17 card. An application for a standard identification card
18 shall include proof of the applicant's identity and age.

19 I. The secretary may adopt rules providing for the
20 proration of fees due to shortened validity periods
21 authorized pursuant to the provisions of this section.

22 J. Within the forms prescribed by the department
23 for identification card applications, a space shall be
24 provided to show whether the applicant is a donor as provided
25 in the Jonathan Spradling Revised Uniform Anatomical Gift

1 Act. A person applying for an identification card may
2 indicate that person's status on the space provided on the
3 application. The donor status indicated by the applicant
4 shall be displayed on the identification card. The form and
5 identification card shall be signed by the donor in the
6 presence of a witness who shall also sign the form in the
7 donor's presence."

8 SECTION 11. Section 66-5-403 NMSA 1978 (being
9 Laws 1973, Chapter 269, Section 3, as amended) is amended to
10 read:

11 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--
12 DURATION--RENEWAL.--

13 A. Except as provided in Subsections B through E
14 of this section, every identification card shall be issued
15 for a period not to exceed four years and shall expire four
16 years after the effective date of the identification card.

17 B. An identification card may be renewed within
18 ninety days prior to its expiration or at an earlier date
19 approved by the department. An identification card may be
20 renewed by mail or telephonic or electronic means pursuant to
21 regulations adopted by the department, except the department
22 shall not renew by mail or telephonic or electronic means a
23 REAL ID-compliant identification card if prohibited by
24 federal law. The regulations shall ensure adequate security
25 measures to safeguard personal information that is obtained

1 in the issuance of an identification card.

2 C. At the option of the applicant for an
3 identification card, a card may be issued for a period of
4 eight years, provided that the applicant pays the amount
5 required for an identification card issued for a term of
6 eight years. An identification card issued pursuant to the
7 provisions of this subsection shall expire eight years after
8 the effective date of the identification card.

9 D. A REAL ID-compliant identification card issued
10 to a foreign national with lawful status shall expire on the
11 earlier of:

12 (1) four years after the effective date of
13 the identification card or eight years after the effective
14 date of the identification card if the applicant opted for a
15 period of eight years pursuant to Subsection C of this
16 section; or

17 (2) the expiration date of the applicant's
18 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 E. A standard identification card shall expire
23 four years after the effective date of the identification
24 card."

25 SECTION 12. Section 66-5-405 NMSA 1978 (being

1 Laws 1978, Chapter 35, Section 332, as amended) is amended to
2 read:

3 "66-5-405. CONTENTS OF CARD.--

4 A. A REAL ID-compliant identification card shall
5 bear the applicant's full legal name; date of birth; sex;
6 current New Mexico residence address; full-face or front-view
7 digital photograph of the identification card holder; a
8 unique identification card number; a date of issuance; an
9 expiration date; a brief description of the identification
10 card holder; and the signature of the holder, and the
11 identification card shall indicate donor status.

12 B. A standard identification card shall bear the
13 applicant's full name; date of birth; sex; current New Mexico
14 residence address; full-face or front-view digital photograph
15 of the identification card holder; a unique identification
16 card number; a date of issuance; an expiration date; a brief
17 description of the identification card holder; and the
18 signature of the holder, and the identification card shall
19 indicate donor status.

20 C. A valid license or identification card shall
21 satisfy the identity, age and New Mexico residency
22 requirements for the issuance of a standard identification
23 card to an applicant.

24 D. All identification cards of persons under the
25 age of twenty-one years shall have a printed legend

1 indicating that the person is under twenty-one.

2 E. A standard identification card shall not
3 include a gold star pursuant to Section 66-5-15.3 NMSA 1978
4 and shall bear the statement:

5 "STATE OF NEW MEXICO IDENTIFICATION

6 CARD NO. _____

7 This card is provided solely for the purpose of establishing
8 that the bearer described on the card was not the holder of a
9 New Mexico driver's license as of the date of issuance of
10 this card. This identification card is not a license.

11 ISSUED FOR IDENTIFICATION PURPOSES ONLY. NOT INTENDED FOR
12 FEDERAL PURPOSES."

13 F. A REAL ID-compliant identification card shall
14 be distinguishable in color or design from a standard
15 identification card but only to the extent that a standard
16 identification card shall bear the statement: "NOT INTENDED
17 FOR FEDERAL PURPOSES", and a REAL ID-compliant identification
18 card shall include a gold star pursuant to Section 66-5-15.3
19 NMSA 1978.

20 G. A REAL ID-compliant identification card shall
21 bear the statement:

22 "STATE OF NEW MEXICO IDENTIFICATION

23 CARD NO. _____

24 This card is provided for the purpose of establishing that
25 the bearer described on the card was not the holder of a

1 New Mexico driver's license as of the date of issuance of
2 this card. This identification card is not a license.
3 ISSUED FOR IDENTIFICATION PURPOSES ONLY.".

4 H. A REAL ID-compliant identification card issued
5 to a foreign national with lawful status who fails to prove
6 that the foreign national's lawful status will not expire
7 prior to the date on which the identification card applied
8 for would expire but for the person being a foreign national
9 shall clearly indicate on its face and in the machine
10 readable zone that it is temporary and shall bear the word
11 "TEMPORARY".

12 SECTION 13. Section 66-8-111.1 NMSA 1978 (being
13 Laws 1984, Chapter 72, Section 7, as amended) is amended to
14 read:

15 "66-8-111.1. LAW ENFORCEMENT OFFICER AGENT FOR
16 DEPARTMENT--WRITTEN NOTICE OF REVOCATION AND RIGHT TO
17 HEARING.--

18 A. On behalf of the department, a law enforcement
19 officer requesting a chemical test or directing the
20 administration of a chemical test pursuant to
21 Section 66-8-107 NMSA 1978 shall serve immediate written
22 notice of revocation and of right to a hearing before the
23 administrative hearings office pursuant to the Implied
24 Consent Act on a person who:

25 (1) refuses to permit chemical testing; or

1 (2) submits to a chemical test the results
2 of which indicate an alcohol concentration in the person's
3 blood or breath of:

4 (a) eight one hundredths or more if the
5 person is twenty-one years of age or older;

6 (b) four one hundredths or more if the
7 person is driving a commercial motor vehicle; or

8 (c) two one hundredths or more if the
9 person is less than twenty-one years of age.

10 B. The written notice of revocation and of a right
11 to a hearing served on the driver shall be a temporary
12 license valid for twenty days or, if the driver requests a
13 hearing pursuant to Section 66-8-112 NMSA 1978, valid until
14 the date the administrative hearings office issues the order
15 following that hearing; provided that a written notice of
16 revocation and right to a hearing shall not be a temporary
17 license for a driver without any otherwise valid driving
18 privileges in this state.

19 C. The law enforcement officer shall send to the
20 department the signed statement required pursuant to
21 Section 66-8-111 NMSA 1978."

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

24 "DRIVER'S LICENSES AND IDENTIFICATION CARDS--
25 ACCEPTANCE.--

1 A. A standard driver's license or identification
2 card shall be accepted by every state and local public agency
3 and every public accommodation for all of the purposes for
4 which such public agency or public accommodation would accept
5 a REAL ID-compliant driver's license or identification card.

6 B. It is unlawful for a public accommodation to
7 refuse to accept a standard driver's license or
8 identification card for any purpose for which it would accept
9 a REAL ID-compliant driver's license or identification card.

10 A person harmed by a violation of this subsection may
11 maintain an action for damages or appropriate injunctive or
12 declaratory relief to redress the violation in a district
13 court of the judicial district in which the violation
14 occurred or in which the plaintiff or defendant resides or
15 the defendant may be found.

16 C. As used in this section, "public accommodation"
17 means any establishment that provides or offers its services,
18 facilities, accommodations or goods to the public, but does
19 not mean a bona fide private club or other place or
20 establishment that is by its nature and use distinctly
21 private."

22 SECTION 15. A new section of the Motor Vehicle Code is
23 enacted to read:

24 "VALIDITY--DRIVING AUTHORIZATION CARDS.--A driving
25 authorization card issued by the taxation and revenue

1 department shall be treated by the state and its subdivisions
2 as a standard driver's license and shall be valid until the
3 card expires."

4 SECTION 16. DELAYED REPEAL.--Section 15 of this act is
5 repealed effective July 1, 2022.

6 SECTION 17. REPEAL.--Section 66-5-15.2 NMSA 1978
7 (being Laws 2016, Chapter 79, Section 15) is repealed.

8 SECTION 18. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is October 1, 2019. _____

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