

HOUSE BILL 389

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO IDENTIFICATION CARDS; REMOVING THE FEE REQUIREMENT FOR ISSUANCE OF AN IDENTIFICATION CARD TO A HOMELESS INDIVIDUAL.

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

SECTION 1. Section 66-5-408 NMSA 1978 (being Laws 1978, Chapter 35, Section 335, as amended) is amended to read:

"66-5-408. FEES.--

.225063.1AIC March 1, 2023 (3:17pm)

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A. Upon application for an identification card with a four-year term, there shall be paid to the department a fee of five dollars (\$5.00). Upon application for an identification card with an eight-year term, there shall be paid to the department a fee of ten dollars (\$10.00). A fee shall not be charged to an applicant for an identification card if the applicant is at least seventy-five years of age or a homeless individual.

B. The department with the approval of the governor may increase the amount of the identification card fee by an amount not to exceed three dollars (\$3.00) for the purpose of implementing an enhanced licensing system; provided that for an identification card issued for an eight-year period, the amount of the fee shall be twice the amount charged for other identification cards. The additional amounts collected pursuant to this subsection are appropriated to the department to defray the expense of the new system of licensing and for use as set forth in the provisions of Subsection F of Section 66-6-13 NMSA 1978. Unexpended and unencumbered balances from fees collected pursuant to the provisions of this subsection at the end of any fiscal year shall not revert to the general fund but shall be expended by the department in fiscal year 2010 and subsequent fiscal years.

HTRC→~~C. As used in this section, "homeless individual" means, pursuant to the federal McKinney-Vento Homeless Assistance Act, an individual:~~

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~~(1) who lacks a fixed, regular and adequate nighttime residence;~~

~~(2) with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or camping ground;~~

~~(3) who lives in a supervised publicly or privately operated shelter designated to provide a temporary living arrangement, including a hotel or motel paid for by a federal, state or local government program for low-income individuals or by a charitable organization, congregate shelter or transitional housing;~~

~~(4) who resides in a shelter or place not meant for human habitation and who is exiting an institution where the individual temporarily resided;~~

~~(5) who will imminently lose the individual's housing, has no subsequent residence identified and lacks the resources or support network needed to obtain other permanent housing. For the purposes of this paragraph, "housing" includes housing that the individual owns, rents or lives in without paying rent or is sharing with others and rooms in hotels or motels not paid for by federal, state or local government programs for low-income individuals or by charitable organizations and is evidenced by:~~

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~~(a) a court order resulting from an eviction action that notifies the individual that the individual must leave within fourteen days;~~

~~(b) the individual having a primary nighttime residence that is a room in a hotel or motel and where the individual lacks the resources necessary to reside there for more than fourteen days; or~~

~~(c) credible evidence indicating that the owner or renter of the housing will not allow the individual to stay for more than fourteen days or an oral statement from the individual;~~

~~(6) who is an unaccompanied minor who:~~

~~(a) has experienced a long-term period without living independently in permanent housing;~~

~~(b) has experienced persistent instability as measured by frequent moves over the period; and~~

~~(c) can be expected to continue in such status for an extended period of time because of a chronic disability, chronic physical health or mental health condition, substance addiction, history of domestic violence or childhood abuse or multiple barriers to employment; or~~

~~(7) who is experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking or other dangerous, traumatic or life-threatening conditions related to~~

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~~the violence against the individual or a family member in the individual's current housing situation, including where the health and safety of children are jeopardized, and:~~

~~(a) has no other safe residence; and~~

~~(b) lacks the resources to obtain other safe permanent housing."~~←HTRC

HTRC→C. As used in this section, "homeless individual" means an individual:

(1) who lacks a fixed, regular and adequate nighttime residence, including an individual who:

(a) lives in the housing of another person due to that individual's loss of housing, economic hardship or other reason related to that individual's lack of a fixed residence;

(b) lives in a motel, hotel, trailer park or camping ground due to the lack of alternative adequate accommodations;

(c) lives in an emergency or transitional shelter;

(d) sleeps in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

(e) lives in an automobile, a park, a public space, an abandoned building, substandard housing,

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a bus station, a train station or a similar setting; and

(2) whose homelessness can be verified through an attestation, which shall not be required to be notarized, by one of the following:

(a) a public or private governmental or nonprofit agency that provides services to homeless individuals;

(b) a local education agency homeless liaison, school counselor or school nurse;

(c) a social worker licensed in the state; or

(d) the homeless individual." ← HTRC