

1 AN ACT

2 RELATING TO COMPLIANCE WITH THE FEDERAL REAL ID ACT OF 2005;
3 PROVIDING TWO TIERS OF DRIVING DOCUMENTS AND IDENTIFICATION
4 CARDS; CREATING DRIVER'S LICENSES AND IDENTIFICATION CARDS
5 THAT MEET THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF
6 2005; REQUIRING PROOF OF LAWFUL STATUS IN THE UNITED STATES
7 FOR APPLICANTS TO OBTAIN DRIVER'S LICENSES OR IDENTIFICATION
8 CARDS THAT MEET THE REQUIREMENTS OF THE FEDERAL REAL ID ACT
9 OF 2005; CREATING DRIVING AUTHORIZATION CARDS THAT DO NOT
10 MEET THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005;
11 LIMITING THE VALIDITY PERIOD OF CERTAIN DRIVER'S LICENSES AND
12 IDENTIFICATION CARDS; REQUIRING A PHOTOGRAPH AND FINGERPRINTS
13 FROM CERTAIN APPLICANTS FOR DRIVING AUTHORIZATION CARDS AND
14 CERTAIN IDENTIFICATION CARDS; PROVIDING FOR THE EXCHANGE OF
15 DRIVER'S LICENSES AND IDENTIFICATION CARDS; RAISING THE AGE
16 FOR ANNUAL RENEWALS OF DRIVER'S LICENSES; INCREASING
17 PENALTIES AND IMPOSING NEW PENALTIES.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

22 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

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

1 B. "dealer", except as specifically excluded,
2 means any person who sells or solicits or advertises the sale
3 of new or used motor vehicles, manufactured homes or trailers
4 subject to registration in this state; "dealer" does not
5 include:

6 (1) receivers, trustees, administrators,
7 executors, guardians or other persons appointed by or acting
8 under judgment, decree or order of any court;

9 (2) public officers while performing their
10 duties as such officers;

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

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

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

20 C. "declared gross weight" means the maximum gross
21 vehicle weight or gross combination vehicle weight at which a
22 vehicle or combination will be operated during the
23 registration period, as declared by the registrant for
24 registration and fee purposes; the vehicle or combination
25 shall have only one declared gross weight for all operating

1 considerations;

2 D. "department" means the taxation and revenue
3 department, the secretary of taxation and revenue or any
4 employee of the department exercising authority lawfully
5 delegated to that employee by the secretary;

6 E. "designated accessible parking space for
7 persons with significant mobility limitation" means any
8 space, including an access aisle, that is marked and reserved
9 for the parking of a passenger vehicle that carries
10 registration plates or a parking placard with the
11 international symbol of access issued in accordance with
12 Section 66-3-16 NMSA 1978 and that is designated by a
13 conspicuously posted sign bearing the international symbol of
14 access and, if the parking space is paved, by a clearly
15 visible depiction of this symbol painted in blue on the
16 pavement of the space;

17 F. "director" means the secretary;

18 G. "disqualification" means a prohibition against
19 driving a commercial motor vehicle;

20 H. "distinguishing number" means the number
21 assigned by the department to a vehicle whose identifying
22 number has been destroyed or obliterated or the number
23 assigned by the department to a vehicle that has never had an
24 identifying number;

25 I. "distributor" means a person who distributes or

1 sells new or used motor vehicles to dealers and who is not a
2 manufacturer;

3 J. "division", without further specification,
4 "division of motor vehicles" or "motor vehicle division"
5 means the department;

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

12 L. "driver's license" means a license or a class
13 of license issued by a state or other jurisdiction pertaining
14 to the authorizing of persons to operate motor vehicles and
15 that meets federal requirements to be accepted by federal
16 agencies for official federal purposes;

17 M. "driveaway-towaway operation" means an
18 operation in which any motor vehicle, new or used, is the
19 item being transported when one set or more of wheels of any
20 such motor vehicle is on the roadway during the course of
21 transportation, whether or not the motor vehicle furnishes
22 the motive power; and

23 N. "driving authorization card" means a card
24 issued or recognized under the laws of New Mexico pertaining
25 to the authorizing of persons to operate motor vehicles and

1 not intended to be accepted by federal agencies for official
2 federal purposes."

3 SECTION 2. Section 66-1-4.10 NMSA 1978 (being Laws
4 1990, Chapter 120, Section 11) is amended to read:

5 "66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle
6 Code:

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

9 B. "law enforcement agency designated by the
10 division" means the law enforcement agency indicated on the
11 dismantler's notification form as the appropriate agency for
12 the receipt of the appropriate copy of that form;

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

16 D. "license", without modification, means any
17 license, permit or driving authorization card recognized
18 under the laws of New Mexico pertaining to the authorizing of
19 persons to operate motor vehicles;

20 E. "lien" or "encumbrance" means every chattel
21 mortgage, conditional sales contract, lease, purchase lease,
22 sales lease, contract, security interest under the Uniform
23 Commercial Code or other instrument in writing having the
24 effect of a mortgage or lien or encumbrance upon, or intended
25 to hold, the title to any vehicle in the former owner,

1 possessor or grantor; and

2 F. "local authorities" means every county,
3 municipality and any local board or body having authority to
4 enact laws relating to traffic under the constitution and
5 laws of this state."

6 SECTION 3. Section 66-5-9 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 231, as amended) is amended to read:

8 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
9 PROVISIONAL LICENSE, INSTRUCTION PERMIT OR DRIVING
10 AUTHORIZATION CARD OR RENEWAL.--

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

24 B. An application shall contain the applicant's
25 full legal name; date of birth; sex; and current New Mexico

1 residence address and shall briefly describe the applicant
2 and indicate whether the applicant has previously been
3 licensed as a driver and, if so, when and by what state or
4 country and whether any such license has ever been suspended
5 or revoked or whether an application has ever been refused
6 and, if so, the date of and reason for the suspension,
7 revocation or refusal. The secretary shall establish by
8 regulation documents that may be accepted as evidence of the
9 residency of the applicant. A person applying for or
10 renewing a driver's license shall provide documentation
11 required by the federal government of the applicant's
12 identity, date of birth, social security number, if
13 applicable, address of current residence and lawful status.
14 For an applicant for a driver's license or a renewal of a
15 driver's license, the department shall verify the applicant's
16 lawful status and social security number, if applicable,
17 through a method approved by the federal government.

18 C. Pursuant to the federal REAL ID Act of 2005,
19 the secretary shall establish a written, defined exception
20 process to allow a person to demonstrate the person's
21 identity, age and lawful status. The process shall allow a
22 person to use a certified letter of enrollment or a valid
23 identification card issued by a federally recognized Indian
24 nation, tribe or pueblo to demonstrate the person's identity
25 or age or to demonstrate the person's lawful status, if

1 applicable.

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

4 E. An applicant shall indicate whether the
5 applicant is applying for a driver's license or a driving
6 authorization card. The department shall issue a driving
7 authorization card to an applicant who is otherwise eligible
8 for a driver's license but who does not provide proof of
9 lawful status and who affirmatively acknowledges that the
10 applicant understands that a driving authorization card is
11 not valid for federal purposes. An applicant who does not
12 provide proof of lawful status shall only apply for a driving
13 authorization card. Except as otherwise provided in the
14 Motor Vehicle Code, the department may treat driving
15 authorization cards as driver's licenses.

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

1 status; provided that if that date cannot be determined by
2 the department and the applicant is not a legal permanent
3 resident, the license shall expire one year after the
4 effective date of the license.

5 G. An application for a driving authorization card
6 shall include proof of the applicant's identity and age as
7 shown by:

8 (1) a social security number or an
9 individual tax identification number;

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

17 (3) a valid New Mexico license or
18 identification card;

19 (4) a certified letter of enrollment or a
20 valid identification card issued by a federally recognized
21 Indian nation, tribe or pueblo; or

22 (5) a document that the secretary has
23 authorized.

24 H. An applicant shall indicate whether the
25 applicant has been convicted of driving while under the

1 influence of intoxicating liquor or drugs in this state or in
2 any other jurisdiction. Failure to disclose any such
3 conviction prevents the issuance of a driver's license,
4 driving authorization card, provisional license, temporary
5 license or instruction permit for a period of one year if the
6 failure to disclose is discovered by the department prior to
7 issuance. If the nondisclosure is discovered by the
8 department subsequent to issuance, the department shall
9 revoke the driver's license, driving authorization card,
10 provisional license, temporary license or instruction permit
11 for a period of one year. Intentional and willful failure to
12 disclose, as required in this subsection, is a misdemeanor.

13 I. An applicant under eighteen years of age who is
14 making an application for a first New Mexico driver's license
15 or driving authorization card shall submit evidence that the
16 applicant has:

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

24 (2) had a provisional license for at least
25 the twelve-month period immediately preceding the date of the

1 application for the driver's license or driving authorization
2 card; provided that thirty days shall be added to the twelve-
3 month period for each adjudication or conviction of a traffic
4 violation committed during the time the person was driving
5 with a provisional license;

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

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

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

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

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

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

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

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

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

19 "66-5-15. LICENSES ISSUED TO APPLICANTS.--

20 A. The department shall, upon payment of the
21 required fee, issue to every qualified applicant a license as
22 applied for. The license shall bear the applicant's full
23 legal name; date of birth; sex; current New Mexico residence
24 address; full-face or front-view digital photograph; a unique
25 license number; a date of issuance; an expiration date; a

1 brief description of the licensee; and the signature of the
2 licensee. A license shall not be valid unless it bears the
3 signature of the licensee.

4 B. The department shall ensure that driver's
5 licenses and driving authorization cards are distinguishable
6 in color or design.

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

14 D. A driving authorization card shall bear the
15 statement: "NOT FOR FEDERAL PURPOSES".

16 SECTION 5. Section 66-5-19 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 241, as amended) is amended to read:

18 "66-5-19. RESTRICTED LICENSES.--

19 A. The division, upon issuing a license, may,
20 whenever good cause appears, impose restrictions, including
21 the shortening of the licensure period suitable to the
22 licensee's driving ability with respect to the type of or
23 special mechanical control devices required on a motor
24 vehicle that the licensee may operate or such other
25 restrictions applicable to the licensee as the division

1 determines to be appropriate to ensure the safe operation of
2 a motor vehicle by the licensee.

3 B. At age seventy-nine and thereafter, the
4 applicant shall renew the applicant's license on a yearly
5 basis at no cost to the applicant.

6 C. The division may either issue a special
7 restricted license or may set forth such restrictions upon
8 the usual license form.

9 D. The division may issue a restricted license or
10 a restricted provisional license for driving during daylight
11 hours only to some visually impaired persons who fail the
12 usual eyesight test. The health standards advisory board
13 created pursuant to the provisions of Section 66-5-6 NMSA
14 1978 shall evaluate the extent of the visual impairment and
15 the impairment's effect on the driving ability of the
16 applicant and, based on the board's recommendations, the
17 director may issue a restricted license under the following
18 conditions:

19 (1) the applicant has no record of moving
20 violations;

21 (2) the necessity of the license is shown to
22 the satisfaction of the director; and

23 (3) the applicant satisfies the provisions
24 of Section 66-5-206 NMSA 1978 relating to proof of financial
25 responsibility.

1 E. The division may, upon receiving satisfactory
2 evidence of any violation of the restrictions of the license,
3 suspend the license, but the licensee is entitled to a
4 hearing as upon a suspension under Sections 66-5-1.1 through
5 66-5-47 NMSA 1978 and as provided in the Administrative
6 Hearings Office Act.

7 F. It is a misdemeanor for any person to operate a
8 motor vehicle in any manner in violation of the restrictions
9 imposed in a restricted license issued to the person."

10 SECTION 6. Section 66-5-21 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,
12 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended
13 to read:

14 "66-5-21. EXPIRATION OF LICENSE--LIMITED ISSUANCE
15 PERIOD--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE
16 PERIOD--RENEWAL.--

17 A. Except as provided in Subsections B through I
18 of this section, Section 66-5-19 NMSA 1978 and Section
19 66-5-67 NMSA 1978, all licenses shall be issued for a period
20 of four years, and each license shall expire thirty days
21 after the applicant's birthday in the fourth year after the
22 effective date of the license or shall expire thirty days
23 after the applicant's seventy-ninth birthday. A license
24 issued pursuant to Section 66-5-19 NMSA 1978 shall expire
25 thirty days after the applicant's birthday in the year in

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

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

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

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

21 (3) will not reach the age of seventy-nine
22 during the last four years of the eight-year license period
23 or reach the age of twenty-one during any year within the
24 term of the license.

25 C. A driver's license issued pursuant to the

1 provisions of Subsection B of this section shall expire eight
2 years after the effective date of the license.

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

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

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

13 (2) thirty days after the applicant's
14 seventy-ninth birthday;

15 (3) thirty days after the applicant's
16 birthday in the fourth year after the effective date of the
17 license or eight years after the effective date of the
18 license if the applicant opted for a period of eight years
19 pursuant to Subsection B of this section; or

20 (4) the expiration date of the applicant's
21 lawful status; provided that if that date cannot be
22 determined by the department and the applicant is not a legal
23 permanent resident, the driver's license shall expire one
24 year after the effective date of the license.

25 F. A driving authorization card issued to an

1 applicant who provides proof of lawful status shall expire on
2 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; or

8 (3) thirty days after the applicant's
9 birthday in the fourth year after the effective date of the
10 license.

11 G. A driving authorization card issued to an
12 applicant who does not provide proof of lawful status shall
13 expire on the earliest 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-ninth birthday; or

19 (3) two years after the effective date of
20 the driving authorization card.

21 H. A driving authorization card that is valid for
22 two years issued pursuant to Subsection G of this section
23 shall, upon renewal and for subsequent renewals, be valid for
24 four years.

25 I. The secretary shall adopt regulations providing

1 for the proration of driver's license fees, driving
2 authorization card fees and commercial driver's license fees
3 due to shortened licensure periods permitted pursuant to
4 Subsection A of Section 66-5-19 NMSA 1978 and for licensure
5 periods authorized pursuant to the provisions of this
6 section."

7 SECTION 7. Section 66-5-37 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 259, as amended) is amended to read:

9 "66-5-37. UNLAWFUL USE OF LICENSE.--

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

11 (1) display or cause or permit to be
12 displayed or have in the person's possession any canceled,
13 revoked or suspended driver's license or permit, commercial
14 driver's license or permit or driving authorization card;

15 (2) lend the person's driver's license or
16 permit, commercial driver's license or permit or driving
17 authorization card to any other person or knowingly permit
18 the use of the person's license, permit or driving
19 authorization card by another;

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

24 (4) display or represent as one's own any
25 driver's license or permit, commercial driver's license or

1 permit or driving authorization card not issued to the
2 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 (1) fail or refuse to surrender to the
9 division upon its lawful demand any driver's license or
10 permit, commercial driver's license or permit or driving
11 authorization card that has been suspended, revoked or
12 canceled;

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

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

21 SECTION 8. Section 66-5-47 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 269, as amended) is amended to read:

23 "66-5-47. PHOTOGRAPHS.--The department shall reproduce
24 the likeness of drivers, subject to the following conditions:

25 A. photographs or other reproductions of the

1 likeness of all persons shall be a full-face or front-view
2 digital photograph; and

3 B. photographs or other reproductions of the
4 likeness of all persons under the age of twenty-one years
5 shall have a printed legend, indicating that the person is
6 under twenty-one, which shall be displayed in such manner as
7 to be easily read by any person inspecting the license."

8 SECTION 9. Section 66-5-401 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 328, as amended) is amended to read:

10 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

11 A. A person who does not have a valid New Mexico
12 driver's license or driving authorization card may be issued
13 an identification card by the department. An application for
14 an identification card or renewal of an identification card
15 shall be made upon a form furnished by the department. An
16 application for an identification card shall contain the
17 applicant's full legal name; date of birth; sex; and current
18 New Mexico residence address and shall briefly describe the
19 applicant. The secretary shall establish by rule documents
20 that may be accepted as evidence of the residency of the
21 applicant. The department shall establish two distinct
22 identification cards as provided in Section 66-5-405 NMSA
23 1978: an identification card that meets federal requirements
24 to be accepted by federal agencies for official federal
25 purposes and an identification card not intended to be

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

1 an identification card.

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

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

1 federal agencies for official federal purposes is not valid
2 for federal purposes. An applicant who does not provide
3 proof of lawful status shall only apply for an identification
4 card not intended to be accepted by federal agencies for
5 official federal purposes. For an application for an
6 identification card not intended to be accepted by federal
7 agencies for official federal purposes, the secretary shall
8 accept as proof of the applicant's identity and age:

9 (1) a social security number or an
10 individual tax identification number;

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

18 (3) a valid New Mexico license or
19 identification card;

20 (4) a certified letter of enrollment or a
21 valid identification card issued by a federally recognized
22 Indian nation, tribe or pueblo; or

23 (5) a document that the secretary has
24 authorized.

25 D. The secretary may adopt rules providing for the

1 proration of fees due to shortened validity periods
2 authorized pursuant to the provision of this section.

3 E. Within the forms prescribed by the department
4 for identification card applications, a space shall be
5 provided to show whether the applicant is a donor as provided
6 in the Jonathan Spradling Revised Uniform Anatomical Gift
7 Act. A person applying for an identification card may
8 indicate that person's status on the space provided on the
9 application. The donor status indicated by the applicant
10 shall be displayed on the identification card. The form and
11 identification card shall be signed by the donor in the
12 presence of a witness who shall also sign the form in the
13 donor's presence."

14 SECTION 10. Section 66-5-402 NMSA 1978 (being Laws
15 1978, Chapter 35, Section 329, as amended) is amended to
16 read:

17 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--
18 The department may issue an identification card only to a
19 person who is a New Mexico resident and who does not have a
20 valid New Mexico license."

21 SECTION 11. Section 66-5-403 NMSA 1978 (being Laws
22 1973, Chapter 269, Section 3, as amended by Laws 2010,
23 Chapter 42, Section 3 and by Laws 2010, Chapter 70, Section
24 3) is amended to read:

25 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--

1 DURATION--RENEWAL.--

2 A. Except as provided in Subsections B through G
3 of this section, every identification card shall be issued
4 for a period not to exceed four years and shall expire on the
5 last day of the month of the identified person's birth in the
6 fourth year after the effective date of the identification
7 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
21 eight years, provided that the applicant pays the amount
22 required for an identification card issued for a term of
23 eight years. An identification card issued pursuant to the
24 provisions of this subsection shall expire eight years after
25 the effective date of the identification card. The

1 identification card may be renewed within ninety days prior
2 to its expiration.

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

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

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

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

24 F. An identification card not intended to be
25 accepted by federal agencies for official federal purposes

1 issued to an applicant who does not provide proof of lawful
2 status shall expire two years after the effective date of the
3 identification card.

4 G. An identification card that is valid for two
5 years issued pursuant to Subsection F of this section shall,
6 upon renewal and for subsequent renewals, be valid for four
7 years."

8 SECTION 12. Section 66-5-405 NMSA 1978 (being Laws
9 1978, Chapter 35, Section 332, as amended) is amended to
10 read:

11 "66-5-405. CONTENTS OF CARD.--

12 A. An identification card shall bear the
13 applicant's full legal name; date of birth; sex; current New
14 Mexico residence address; full-face or front-view digital
15 photograph of the identification card holder; a unique
16 identification card number; a date of issuance; an expiration
17 date; a brief description of the identification card holder
18 and the signature of the holder, and the identification card
19 shall indicate donor status. All identification cards of
20 persons under the age of twenty-one years shall have a
21 printed legend indicating that the person is under twenty-
22 one.

23 B. An identification card not intended to be
24 accepted by federal agencies for official federal purposes
25 shall bear the statement:

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"STATE OF NEW MEXICO IDENTIFICATION

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. NOT FOR FEDERAL PURPOSES."

C. An identification card that meets federal requirements to be accepted by federal agencies for official federal purposes shall be distinguishable in color or design from an identification card not intended to be accepted by federal agencies for official federal purposes and shall bear the statement:

"STATE OF NEW MEXICO IDENTIFICATION

CARD NO. _____

This card is provided 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."

D. An identification card that meets federal requirements to be accepted by federal agencies for official federal purposes issued to a foreign national with lawful status who fails to prove that the foreign national's lawful

1 status will not expire prior to the date on which the
2 identification card applied for would expire but for the
3 person being a foreign national shall clearly indicate on its
4 face and in the machine readable zone that it is temporary
5 and shall bear the word "TEMPORARY".

6 SECTION 13. Section 66-5-409 NMSA 1978 (being Laws
7 1991, Chapter 160, Section 13) is amended to read:

8 "66-5-409. UNLAWFUL USE OF IDENTIFICATION CARD.--

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

10 (1) use or possess an altered, forged or
11 fictitious identification card;

12 (2) alter or forge an identification card or
13 make a fictitious identification card;

14 (3) lend the person's identification card to
15 any other person or to knowingly permit the use of the
16 person's identification card by another;

17 (4) display or represent as one's own any
18 identification card not issued to the person; or

19 (5) make or permit any unlawful use of the
20 identification card issued to, or received or obtained by,
21 the person.

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

23 (1) knowingly or willfully provide a false
24 or fictitious name or document in any application for an
25 identification card or knowingly make a false statement or

1 conceal a material fact or otherwise commit a fraud in any
2 such application; or

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

5 C. For the purposes of this section,
6 "identification card" means an identification card issued by
7 the department pursuant to Section 66-5-401 or 66-5-404 NMSA
8 1978."

9 SECTION 14. Section 66-8-1.1 NMSA 1978 (being Laws
10 2007, Chapter 319, Section 65) is amended to read:

11 "66-8-1.1. FRAUD RELATED TO THE ISSUANCE OF DOCUMENTS
12 BY THE DEPARTMENT--PENALTIES.--

13 A. It is a felony for a department employee or
14 private retail agent or other contractor of the department
15 to:

16 (1) knowingly issue an identification card,
17 driver's license, driving authorization card, vehicle or
18 vessel registration or vehicle or vessel title to a person
19 who is not lawfully entitled to issuance of that document;

20 (2) knowingly accept and use fraudulent
21 documents as a basis for issuing an identification card,
22 driver's license, driving authorization card, vehicle or
23 vessel registration or vehicle or vessel title;

24 (3) knowingly alter a record of an
25 identification card, driver's license, driving authorization

1 card, vehicle or vessel registration or vehicle or vessel
2 title without legal justification; or

3 (4) solicit or accept, directly or
4 indirectly, anything of value with the intent to influence a
5 decision or action on an identification card, a driver's
6 license, a driving authorization card, a vehicle or vessel
7 registration or a vehicle or vessel title.

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

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

13 "PHOTOGRAPH--FINGERPRINTS.--

14 A. The taxation and revenue department shall take
15 a full-face or front-view photograph and the fingerprints of
16 an applicant for a driving authorization card or an
17 identification card not intended to be accepted by federal
18 agencies for official federal purposes who does not provide
19 proof of lawful status and who does not possess a valid New
20 Mexico license or identification card. The taxation and
21 revenue department is authorized to submit fingerprint data
22 to the department of public safety and obtain the criminal
23 history record of an applicant from the department of public
24 safety. The department of public safety is authorized to
25 submit the fingerprint data to the federal bureau of

1 investigation to conduct a background check of the
2 applicant's criminal history pursuant to the federal bureau
3 of investigation appropriation in Title 42 of Public Law
4 92-544.

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

13 (1) applicant has an outstanding valid
14 criminal arrest warrant; or

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

21 C. An applicant ineligible for a driving
22 authorization card or identification card not intended to be
23 accepted by federal agencies for official federal purposes
24 pursuant to Subsection B of this section shall become
25 eligible upon submission of satisfactory evidence that the

1 basis for ineligibility has been resolved."

2 SECTION 16. A new section of the Motor Vehicle Code is
3 enacted to read:

4 "ISSUANCE OF DOCUMENTS THAT MEET FEDERAL REQUIREMENTS TO
5 BE ACCEPTED BY FEDERAL AGENCIES FOR OFFICIAL FEDERAL
6 PURPOSES--REIMBURSEMENT.--

7 A. No later than six months from the effective
8 date of this 2016 act, the department shall establish and
9 begin to issue to qualified applicants licenses and
10 identification cards that meet federal requirements to be
11 accepted by federal agencies for official federal purposes.
12 The department shall adopt the general design marking known
13 as gold star pursuant to the *Department of Homeland Security*
14 *REAL ID Security Plan Guidance Handbook* to implement the
15 provisions of this subsection.

16 B. Provided that a person whose license or
17 identification card expires on or after July 1, 2020 provides
18 the required documentation and qualifies for the license or
19 identification card issued pursuant to Subsection A of this
20 section, the 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

1 identification card issued pursuant to Subsection A of this
2 section.

3 C. The secretary shall adopt rules providing for
4 the proration of a:

5 (1) refund for the remaining period that a
6 person's license or identification card would have been
7 valid; or

8 (2) credit for the remaining period that a
9 person's license or identification card would have been valid
10 toward the cost of a new license or identification card."

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