

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE LABOR AND HUMAN RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 103

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

AN ACT

RELATING TO DRIVER'S LICENSES; REQUIRING A SOCIAL SECURITY
NUMBER FROM ELIGIBLE APPLICANTS; LIMITING THE ISSUANCE OF
DRIVER'S LICENSES AND IDENTIFICATION CARDS; LIMITING THE
DURATION OF DRIVER'S LICENSES AND IDENTIFICATION CARDS OF
FOREIGN NATIONALS; DECLARING AN EMERGENCY.

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

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

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

A. An application for an instruction permit,
provisional license or driver's license shall be made upon a
form furnished by the department. An application shall be
accompanied by the proper fee. For permits, provisional

.189287.2

underscored material = new
[bracketed material] = delete

1 licenses or driver's licenses other than those issued pursuant
2 to the New Mexico Commercial Driver's License Act, submission
3 of a complete application with payment of the fee entitles the
4 applicant to not more than three attempts to pass the
5 examination within a period of six months from the date of
6 application.

7 B. An application shall contain the full legal
8 name; social security number [~~or individual tax identification~~
9 ~~number~~], except for an applicant ineligible for a social
10 security number; date of birth; sex; and New Mexico residence
11 address of the applicant and briefly describe the applicant and
12 indicate whether the applicant has previously been licensed as
13 a driver and, if so, when and by what state or country and
14 whether any such license has ever been suspended or revoked or
15 whether an application has ever been refused and, if so, the
16 date of and reason for the suspension, revocation or refusal.
17 [~~For foreign nationals applying for driver's licenses, the~~
18 ~~secretary shall accept the individual taxpayer identification~~
19 ~~number as a substitute for a social security number regardless~~
20 ~~of immigration status. The secretary is authorized to~~
21 ~~establish by regulation other documents that may be accepted as~~
22 ~~a substitute for a social security number or an individual tax~~
23 ~~identification number.]~~

24 C. In addition to the requirements of Subsection B
25 of this section, an application by a foreign national shall

1 contain the unique identifying number of the foreign national's
2 valid passport, valid visa or other arrival-departure record or
3 document issued by the federal department of homeland security
4 and the expiration date of the foreign national's authorized
5 period of admission or extension of stay as demonstrated on the
6 foreign national's valid passport, valid visa or arrival-
7 departure record or other document issued by the federal
8 government. The department may issue to an eligible foreign
9 national applicant a driver's license that is valid only for
10 the duration of the foreign national's authorized period of
11 admission or extension of stay.

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

25 ~~[D.]~~ E. An applicant under eighteen years of age

.189287.2

1 who is making an application for a first New Mexico driver's
2 license shall submit evidence that the applicant has:

3 (1) successfully completed a driver education
4 course approved by the bureau that included a DWI prevention
5 and education component. The bureau may accept verification of
6 driver education course completion from another state if the
7 driver education course substantially meets the requirements of
8 the bureau for a course offered in New Mexico;

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

15 (3) complied with restrictions on that
16 license;

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

19 (5) not been adjudicated for an offense
20 involving the use of alcohol or drugs during the twelve-month
21 period immediately preceding the date of the application for
22 the driver's license and that there are no pending
23 adjudications alleging an offense involving the use of alcohol
24 or drugs at the time of application.

25 [~~E.~~] F. An applicant eighteen years of age or over,

1 but under twenty-five years of age, who is making an
2 application to be granted a first New Mexico driver's license
3 shall submit evidence with the application that the applicant
4 has successfully completed a bureau-approved DWI prevention and
5 education program.

6 ~~[F.]~~ G. An applicant twenty-five years of age or
7 over who has been convicted of driving under the influence of
8 intoxicating liquor or drugs and who is making an application
9 to be granted a first New Mexico driver's license shall submit
10 evidence with the application that the applicant has
11 successfully completed a bureau-approved DWI prevention and
12 education program.

13 ~~[G.]~~ H. Whenever an application is received from a
14 person previously licensed in another jurisdiction, the
15 department may request a copy of the driver's record from the
16 other jurisdiction. When received, the driver's record may
17 become a part of the driver's record in this state with the
18 same effect as though entered on the driver's record in this
19 state in the original instance.

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

23 ~~[I.]~~ J. This section does not apply to driver's
24 licenses issued pursuant to the New Mexico Commercial Driver's
25 License Act.

.189287.2

1 K. The secretary shall promulgate rules necessary
2 to implement and enforce the provisions of this section."

3 SECTION 2. Section 66-5-15 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 237, as amended) is amended to read:

5 "66-5-15. LICENSES ISSUED TO APPLICANTS.--The department
6 shall, upon payment of the required fee, issue to every
7 qualified applicant a driver's license as applied for. The
8 license shall bear the full legal name, date of birth, current
9 New Mexico physical or mailing address, a full face or front-
10 view photograph of the license holder and a brief description
11 of the licensee and the signature of the licensee. A license
12 shall not be valid unless it bears the signature of the
13 licensee."

14 SECTION 3. Section 66-5-21 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,
16 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended
17 to read:

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

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

1 date of the license or shall expire thirty days after the
2 applicant's seventy-fifth birthday. A license issued pursuant
3 to Section 66-5-19 NMSA 1978 shall expire thirty days after the
4 applicant's birthday in the year in which the license expires.
5 Each license is renewable within ninety days prior to its
6 expiration or at an earlier date approved by the department.
7 The fee for the license shall be as provided in Section 66-5-44
8 NMSA 1978. The department may provide for renewal by mail or
9 telephonic or electronic means of a driver's license issued
10 pursuant to the provisions of this subsection, pursuant to
11 regulations adopted by the department that ensure adequate
12 security measures to safeguard personal information that is
13 obtained in the issuance of a driver's license. The department
14 may require an examination upon renewal of the driver's
15 license.

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

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

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

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

.189287.2

1 the license.

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

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

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

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

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

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

23 (4) the date of the foreign national's
24 termination of authorized period of admission or extension of
25 stay as demonstrated on the foreign national's valid passport,

.189287.2

1 valid visa or arrival-departure record or other document issued
2 by the federal government.

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

9 SECTION 4. Section 66-5-401 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 328, as amended) is amended to read:

11 "66-5-401. IDENTIFICATION CARDS.--

12 A. A person who does not have a valid New Mexico
13 driver's license may be issued an identification card by the
14 department certified by the applicant as to true name, correct
15 age and other identifying data as the department may require.
16 An application for an identification card shall be made upon a
17 form furnished by the department. An application shall contain
18 the applicant's full legal name; social security number, except
19 for applicants ineligible for a social security number; date of
20 birth; sex; and New Mexico residence address. Every
21 application for an identification card shall be signed by the
22 applicant or the applicant's parent or guardian. The secretary
23 may, for good cause, revoke or deny the issuance of an
24 identification card.

25 B. In addition to the requirements of Subsection A

.189287.2

1 of this section, an application by a foreign national shall
2 contain the unique identifying number of the foreign national's
3 valid passport, valid visa or other arrival-departure record or
4 document issued by the federal department of homeland security
5 and the expiration date of the foreign national's authorized
6 period of admission or extension of stay as demonstrated on the
7 foreign national's valid passport, valid visa or arrival-
8 departure record or other document issued by the federal
9 government. The department may issue to an eligible foreign
10 national applicant an identification card that is valid only
11 for the duration of the foreign national's authorized period of
12 admission or extension of stay.

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

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

.189287.2

1 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--

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

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

13 SECTION 6. Section 66-5-403 NMSA 1978 (being Laws 1973,
 14 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,
 15 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended
 16 to read:

17 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
 18 RENEWAL.--

19 A. Except as provided in Subsection B, [~~or~~] C or D
 20 of this section, every identification card shall be issued for
 21 a period not to exceed four years and shall expire on the last
 22 day of the month of the identified person's birth in the fourth
 23 year after the effective date of the identification card.

24 B. An identification card may be renewed within
 25 ninety days prior to its expiration or at an earlier date

.189287.2

1 approved by the department. An identification card may be
2 renewed by mail or telephonic or electronic means pursuant to
3 regulations adopted by the department. The regulations shall
4 ensure adequate security measures to safeguard personal
5 information that is obtained in the issuance of an
6 identification card.

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

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

18 (1) the last day of the month of the
19 identified person's birthday in the fourth year after the
20 effective date of the identification card or on the eighth year
21 after the effective date of the identification card if the
22 applicant opted for a period of eight years pursuant to
23 Subsection C of this section; or

24 (2) the date of the foreign national's
25 termination of authorized period of admission or extension of

1 stay as demonstrated on the foreign national's valid passport,
 2 valid visa or arrival-departure record or other document issued
 3 by the federal government."

4 SECTION 7. Section 66-5-405 NMSA 1978 (being Laws 1978,
 5 Chapter 35, Section 332, as amended) is amended to read:

6 "66-5-405. CONTENTS OF CARD.--The identification card
 7 shall contain the registrant's full legal name, date of birth
 8 and sex and adequately describe the registrant and bear [~~his~~]
 9 the registrant's picture that shall show a full face or front
 10 view for all registrants and indicate donor status. All
 11 identification cards of persons under the age of twenty-one
 12 years shall have a printed legend indicating that the person is
 13 under twenty-one. The identification card shall bear the
 14 following statement:

15 "STATE OF NEW MEXICO IDENTIFICATION

16 CARD NO. _____

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

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

24 "66-8-1.1. FRAUD [~~IN OBTAINING DOCUMENTS ISSUED~~] RELATED
 25 TO THE ISSUANCE OF DOCUMENTS BY THE DIVISION--[~~PENALTY~~]

.189287.2

1 PENALTIES.--

2 A. It is a felony for a ~~[person]~~ department
3 employee or contractor to:

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

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

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

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

20 B. It is a felony for an applicant to knowingly or
21 willfully provide a false or fraudulent document required
22 pursuant to Section 66-5-9 NMSA 1978.

23 C. It is a felony for a person to:

24 (1) receive or obtain an instruction permit,
25 driver's license or provisional license and then transfer the

1 instruction permit, driver's license or provisional license to
2 another person in exchange for anything of value; or

3 (2) induce or solicit another person, or
4 conspire with another person, to violate Subsection A or B of
5 this section.

6 D. A person convicted of violating Subsection A of
7 this section is guilty of a third degree felony and shall be
8 sentenced pursuant to the provisions of Section 31-18-15 NMSA
9 1978.

10 ~~[B-]~~ E. A person convicted of violating Subsection
11 B or C of this section is guilty of a fourth degree felony and
12 shall be sentenced pursuant to the provisions of Section
13 31-18-15 NMSA 1978."

14 **SECTION 9. SEVERABILITY.**--If any part or application of
15 this act is held invalid, the remainder or its application to
16 other situations or persons shall not be affected.

17 **SECTION 10. EMERGENCY.**--It is necessary for the public
18 peace, health and safety that this act take effect immediately.