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HOUSE BILL 192

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO DRIVER'S LICENSES; LIMITING ISSUANCE OF DRIVER'S
LICENSES AND IDENTIFICATION CARDS TO THOSE FOREIGN NATIONALS
WITH LAWFUL STATUS; REDUCING THE VALIDITY PERIOD OF DRIVER'S
LICENSES AND IDENTIFICATION CARDS FOR FOREIGN NATIONALS TO
THEIR AUTHORIZED PERIOD OF ADMISSION; PROVIDING FOR
CANCELLATION OF CERTAIN DRIVER'S LICENSES; PROVIDING PENALTIES;
DECLARING AN EMERGENCY.

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

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

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

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

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1 B. "law enforcement agency designated by the
2 division" means the law enforcement agency indicated on the
3 dismantler's notification form as the appropriate agency for
4 the receipt of the appropriate copy of that form;

5 C. "lawful status" means the legal right to be
6 present in the United States, as shown by valid documentary
7 evidence that a person:

8 (1) is a citizen or national of the United
9 States;

10 (2) is an alien lawfully admitted for
11 permanent or temporary residence in the United States;

12 (3) has conditional permanent resident status
13 in the United States;

14 (4) has an approved application for asylum in
15 the United States or has entered into the United States in
16 refugee status;

17 (5) has a valid, unexpired nonimmigrant visa
18 or nonimmigrant visa status for entry into the United States;

19 (6) has a pending application for asylum in
20 the United States;

21 (7) has a pending or approved application for
22 temporary protected status in the United States;

23 (8) has approved deferred action status; or

24 (9) has a pending application for adjustment
25 of status to that of an alien lawfully admitted for permanent

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1 residence in the United States or conditional permanent
2 resident status in the United States;

3 ~~[G.]~~ D. "license", without modification, means any
4 license, temporary instruction permit or temporary license
5 issued or recognized under the laws of New Mexico pertaining to
6 the licensing of persons to operate motor vehicles;

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

14 ~~[E.]~~ F. "local authorities" means every county,
15 municipality and any local board or body having authority to
16 enact laws relating to traffic under the constitution and laws
17 of this state."

18 **SECTION 2.** Section 66-5-9 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 231, as amended) is amended to read:

20 "66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,
21 PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

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

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

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

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1 lawful status shall contain the unique identifying number of
2 the foreign national's valid passport, valid visa or
3 arrival-departure record or other documents issued by the
4 federal government and the expiration date, if one exists, of
5 the foreign national's authorized period of admission or
6 extension of stay as demonstrated on the foreign national's
7 valid passport, valid visa or arrival-departure record or other
8 document issued by the federal government. The department may
9 issue to an eligible foreign national applicant with lawful
10 status a driver's license that is valid for a period no longer
11 than the duration of the foreign national's authorized period
12 of admission or extension of stay and that shall state that it
13 is term limited.

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

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1 disclose, as required in this subsection, is a misdemeanor.

2 [~~D-~~] E. An applicant under eighteen years of age
3 who is making an application for a first New Mexico driver's
4 license shall submit evidence that the applicant has:

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

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

17 (3) complied with restrictions on that
18 license;

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

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

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1 or drugs at the time of application.

2 [~~E.~~] F. An applicant eighteen years of age or over,
3 but under twenty-five years of age, who is making an
4 application to be granted a first New Mexico driver's license
5 shall submit evidence with the application that the applicant
6 has successfully completed a bureau-approved DWI prevention and
7 education program.

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

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

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

25 [~~I.~~] J. This section does not apply to driver's

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1 licenses issued pursuant to the New Mexico Commercial Driver's
2 License Act.

3 K. The secretary shall promulgate rules necessary
4 to implement and enforce the provisions of this 2014 act."

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

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

17 SECTION 4. Section 66-5-21 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,
19 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended
20 to read:

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

24 A. Except as provided in Subsection B [~~or~~], D or E
25 of this section, Section 66-5-19 NMSA 1978 [~~and~~] or Section

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1 66-5-67 NMSA 1978, all driver's licenses shall be issued for a
2 period of four years, and each license shall expire thirty days
3 after the applicant's birthday in the fourth year after the
4 effective date of the license or shall expire thirty days after
5 the applicant's seventy-fifth birthday. A license issued
6 pursuant to Section 66-5-19 NMSA 1978 shall expire thirty days
7 after the applicant's birthday in the year in which the license
8 expires. Each license is renewable within ninety days prior to
9 its expiration or at an earlier date approved by the
10 department. The fee for the license shall be as provided in
11 Section 66-5-44 NMSA 1978. The department may provide for
12 renewal by mail or telephonic or electronic means of a driver's
13 license issued pursuant to the provisions of this subsection,
14 pursuant to regulations adopted by the department that ensure
15 adequate security measures to safeguard personal information
16 that is obtained in the issuance of a driver's license. The
17 department may require an examination upon renewal of the
18 driver's license.

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

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

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

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1 (3) will not reach the age of seventy-five
2 during the last four years of the eight-year license period or
3 reach the age of twenty-one during any year within the term of
4 the license.

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

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

14 E. A driver's license issued to a foreign national
15 with lawful status shall expire on the earlier of:

16 (1) thirty days after the applicant's
17 twenty-first birthday if issued prior to the applicant's
18 twenty-first birthday;

19 (2) thirty days after the applicant's
20 seventy-fifth birthday;

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

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1 (4) the date, if one exists, of the foreign
2 national's termination of authorized period of admission or
3 extension of stay as demonstrated on the foreign national's
4 valid passport, valid visa or arrival-departure record or other
5 document issued by the federal government; provided that if
6 that date cannot be determined by the department, the driver's
7 license shall expire one year after the effective date of the
8 license.

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

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

17 "66-5-37. UNLAWFUL USE OF LICENSE.--

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

19 [~~A.~~] (1) display or cause or permit to be
20 displayed or have in [~~his~~] the person's possession any
21 canceled, revoked or suspended driver's license or permit or
22 commercial driver's license or permit;

23 [~~B.~~] (2) lend [~~his~~] the person's driver's
24 license or permit or commercial driver's license or permit to
25 any other person or knowingly permit the use of [~~his~~] the

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1 person's license or permit by another;

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

5 [~~G.~~] (4) display or represent as one's own any
6 driver's license or permit or commercial driver's license or
7 permit not issued to [~~him~~] the person;

8 [~~D.~~] (5) fail or refuse to surrender to the
9 division upon its lawful demand any driver's license or permit
10 or commercial driver's license or permit [~~which~~] that has been
11 suspended, revoked or canceled; or

12 (6) do any other act forbidden or fail to
13 perform any other act required by Sections 66-5-1.1 through
14 66-5-47 NMSA 1978 or the provisions of the New Mexico
15 Commercial Driver's License Act.

16 [~~E.—use~~] B. It is a felony for any person to:

17 (1) knowingly or willfully provide a false or
18 fictitious name in any application for a driver's license or
19 permit or commercial driver's license or permit or knowingly
20 make a false statement or knowingly conceal a material fact or
21 otherwise commit a fraud in any such application;

22 [~~F.—permit any unlawful use of the driver's license~~
23 ~~or permit or commercial driver's license or permit issued to~~
24 ~~him; or~~

25 ~~G. do any act forbidden or fail to perform any act~~

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1 ~~required by Sections 66-5-1 through 66-5-47 NMSA 1978 or the~~
2 ~~provisions of the New Mexico Commercial Driver's License Act]~~
3 or

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

6 SECTION 6. Section 66-5-401 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 328, as amended) is amended to read:

8 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

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

22 B. In addition to the requirements of Subsection A
23 of this section, an application by a foreign national with
24 lawful status shall contain the unique identifying number of
25 the foreign national's valid passport, valid visa or other

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1 arrival-departure record or document issued by the federal
2 government and the expiration date, if one exists, of the
3 foreign national's authorized period of admission or extension
4 of stay as demonstrated on the foreign national's valid
5 passport, valid visa or arrival-departure record or other
6 document issued by the federal government. The department may
7 issue to an eligible foreign national applicant with lawful
8 status an identification card that is valid only for the
9 duration of the foreign national's authorized period of
10 admission or extension of stay and that shall state that it is
11 term limited, if it is term limited.

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

23 SECTION 7. Section 66-5-402 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 329, as amended) is amended to read:

25 "66-5-402. PERSONS ELIGIBLE FOR IDENTIFICATION CARDS.--

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

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

12 SECTION 8. Section 66-5-403 NMSA 1978 (being Laws 1973,
13 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,
14 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended
15 to read:

16 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--
17 RENEWAL.--

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

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

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

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

15 D. An identification card issued to a foreign
16 national with lawful status shall expire on the earlier of:

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

23 (2) the date, if one exists, of the foreign
24 national's termination of authorized period of admission or
25 extension of stay as demonstrated on the foreign national's

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1 valid passport, valid visa or arrival-departure record or other
2 document issued by the federal government; provided that if
3 that date cannot be determined by the department and the
4 foreign national is not a permanent resident, the
5 identification card shall expire one year after the effective
6 date of the identification card."

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

9 "66-5-405. CONTENTS OF CARD.--The identification card
10 shall ~~[adequately describe the registrant and bear his picture~~
11 ~~that shall show a full face or front view for all registrants~~
12 ~~and]~~ bear the full legal name, date of birth, sex, current New
13 Mexico physical address, a full-face or front-view digital
14 photograph of the identification card holder, a unique
15 identification card number, a date of issuance, an expiration
16 date, a brief description of the identification card holder and
17 a signature of the holder, and the identification card shall
18 indicate donor status. All identification cards of persons
19 under the age of twenty-one years shall have a printed legend
20 indicating that the person is under twenty-one. The
21 identification card shall bear the following statement:

22 "STATE OF NEW MEXICO IDENTIFICATION
23 CARD NO. _____

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

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

4 SECTION 10. Section 66-5-409 NMSA 1978 (being Laws 1991,
5 Chapter 160, Section 13) is amended to read:

6 "66-5-409. UNLAWFUL USE OF IDENTIFICATION CARD.--

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

8 (1) use or possess an altered, forged or
9 fictitious identification card;

10 (2) alter or forge an identification card or
11 make a fictitious identification card;

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

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

17 (5) ~~[use]~~ make or permit any unlawful use of
18 the identification card issued to, or received or obtained by,
19 the person.

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

21 (1) knowingly or willfully provide a false or
22 fictitious name in any application for an identification card
23 or knowingly make a false statement or conceal a material fact
24 or otherwise commit a fraud in any such application; or

25 [~~(6) make or permit any unlawful use of the~~

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1 ~~identification card issued to the person]~~

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

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

8 SECTION 11. Section 66-8-1.1 NMSA 1978 (being Laws 2007,
9 Chapter 319, Section 65) is amended to read:

10 "66-8-1.1. FRAUD [~~IN OBTAINING DOCUMENTS ISSUED~~] RELATED
11 TO THE ISSUANCE OF DOCUMENTS BY THE DIVISION--PENALTY.--

12 A. It is a felony for a [~~person~~] department
13 employee or private retail agent or other contractor of the
14 division to:

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

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

23 (3) knowingly alter a record of an
24 identification card, driver's license, vehicle or vessel
25 registration or vehicle or vessel title without legal

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1 justification; or

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

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

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

12 "[NEW MATERIAL] MANDATORY CANCELLATION OF DRIVER'S LICENSE
13 ISSUED TO A PERSON WITHOUT A SOCIAL SECURITY NUMBER.--

14 A. The secretary shall have the authority to modify
15 department rules as necessary to cancel state-issued
16 instruction permits, driver's licenses and provisional licenses
17 as provided in this section.

18 B. The department shall identify any person who was
19 issued an instruction permit, a driver's license or a
20 provisional license prior to the effective date of this 2014
21 act without the person providing the person's social security
22 number. The department shall provide written notice to the
23 person that the instruction permit, driver's license or
24 provisional license will be canceled no later than December 31,
25 2014 if the person fails to submit the person's social security

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1 number or submit a new application pursuant to Section 66-5-9
2 NMSA 1978.

3 C. Thirty days prior to the cancellation of the
4 instruction permit, driver's license or provisional license,
5 the department shall provide written notice to the person that
6 the instruction permit, driver's license or provisional license
7 will be canceled if the person's social security number or new
8 application, pursuant to Section 66-5-9 NMSA 1978, is not
9 submitted within thirty days.

10 D. Upon cancellation, the department shall notify
11 the person in writing of the cancellation of that person's
12 instruction permit, driver's license or provisional license.
13 Within twenty days of receiving notice of cancellation, a
14 person may request that the department rescind the order of
15 cancellation and afford the person an opportunity to show that
16 the person has submitted the person's social security number
17 and proof of the person's identity and proof of New Mexico
18 residency pursuant to Section 66-5-9 NMSA 1978.

19 E. Within twenty days upon receipt of a request to
20 rescind the order of cancellation, the department shall provide
21 the person who made the request with an opportunity to show
22 that the person has submitted that person's social security
23 number and proof of the person's identity and proof of New
24 Mexico residency, pursuant to Section 66-5-9 NMSA 1978, in the
25 county in which the person resides unless the department and

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1 the person agree to another county. The secretary or the
2 secretary's duly authorized agent may administer oaths. Upon a
3 showing that the person has provided a social security number
4 and proof of the person's identity and proof of New Mexico
5 residency, the department shall reinstate the instruction
6 permit, driver's license or provisional license for a period
7 pursuant to Section 66-5-21 NMSA 1978.

8 F. Issuance of a written notice pursuant to
9 Subsection A of this section shall not affect the right of a
10 person to renew a driver's license at the expiration of its
11 term pursuant to Section 66-5-21 NMSA 1978; provided, however,
12 that renewal of a license shall not relieve a licensee of the
13 obligation to respond to that notice or preclude the department
14 from canceling a license for failure to respond to that notice
15 pursuant to this section.

16 G. Upon cancellation of a person's instruction
17 permit, driver's license or provisional license, the department
18 shall reimburse to the person the amount of the fee paid for
19 the instruction permit, driver's license or provisional license
20 prorated for the remaining period that the instruction permit,
21 driver's license or provisional license would have been valid
22 but for its cancellation."

23 SECTION 13. SEVERABILITY.--If any part or application of
24 this act is held invalid, the remainder or its application to
25 other situations or persons shall not be affected.

.195702.1

underscoring material = new
~~[bracketed material] = delete~~

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SECTION 14. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect immediately.