

The following appear under Section 66-5-9 NMSA 1978:

18.19.5.12 - PROOF OF IDENTIFICATION NUMBER, IDENTITY, AND AGE FOR UNITED STATES CITIZEN, UNITED STATES NATIONAL OR PERMANENT RESIDENT ALIEN

A. A United States citizen, United States national or permanent resident alien applying for a REAL ID Act of 2005 compliant New Mexico identification card, driving permit, provisional driver's license, or driver's license, other than a commercial driver's license, must provide documentary proof of their identification number, identity, age, lawful status and New Mexico residency.

B. To establish identity and age, and lawful status, the applicant must present at least one of the following documents:

- (1) a valid, unexpired United States passport;
- (2) a valid, unexpired United States passport card;
- (3) a valid foreign passport with I-551 stamp;
- (4) a certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's place of birth;
- (5) a consular report of birth abroad issued by the U.S. department of state, form FS-240, DS-1350 or FS-545;
- (6) a valid, unexpired permanent resident card (form I-551) issued by the U.S. department of homeland security (DHS) or immigration and naturalization service;
- (7) a certificate of naturalization issued by DHS, form N-550 or form N-570;
- (8) a certificate of citizenship, form N-560 or form N-561, issued by DHS;
- (9) other documents as DHS may designate by notice published in the federal register; or
- (10) other documents as allowed by an approved DHS exception process.

C. Along with the identity document listed above, an applicant must also present his or her social security administration (SSA) account number card. If a SSA account card is not available, the person shall present one the following documents, provided that the document bears the applicant's social security number:

- (1) a W-2 form;
- (2) a SSA-1099 form;
- (3) a non-SSA-1099 form; or
- (4) a pay stub with the applicant's name and social security number on it.

[18.19.5.12 NMAC - N, 6/29/01; A, 6/14/02; A, 6/30/03; A, 10/1/07; A, 7/31/09; A, 11/15/2016]

18.19.5.14 - PROOF OF IDENTIFICATION NUMBER, IDENTITY, AGE, AND LAWFUL STATUS FOR LAWFUL UNITED STATES RESIDENTS

A. A person who is legally in the United States but not a United States citizen, United States national or permanent resident alien may apply for a REAL ID Act of 2005 compliant New Mexico identification card, driving permit, provisional driver's license, or driver's license, other than a commercial driver's license, and must provide documentary proof of their identification number, identity, age, lawful status and New Mexico residency.

B. To establish identity and age, the applicant must present one of the following documents:

- (1) an unexpired employment authorization document issued by U.S.

department of homeland security (DHS), form I-766 or form I-688B, verified by the systematic alien verification for entitlements system (SAVE);

(2) an unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States, verified by SAVE. This document can be used to satisfy both the identity and age requirement, and identification number requirement for a Real ID compliant credential.

(3) REAL ID Act of 2005 driver's license or identification card issued in compliance with the standards established by this part.

C. If the identity document submitted is from one listed in Paragraph (3) of Subsection B of 18.19.5.14 NMAC, then to establish legal or lawful presence in the United States, the applicant must present one of the following documents issued by the U.S. federal government verified through SAVE:

(1) an unexpired immigrant or nonimmigrant visa status for admission into the United States;

(2) a pending or approved application for asylum in the United States;

(3) admission into the United States as a refugee;

(4) a pending or approved application for temporary protected status in the United States;

(5) approved deferred action status;

(6) a pending application for adjustment of status to legal permanent resident or conditional resident;

(7) conditional permanent resident alien status; or

(8) other documents as DHS may designate by notice published in the federal register.

D. An applicant must also present documentary evidence of their identification number from one of the following documents:

(1) if, eligible for social security number, his or her social security administration (SSA) account number card. If a social security administration account card is not available, the person shall present one the following documents, provided that the document bears the applicant's social security number:

(a) a W-2 form;

(b) a SSA-1099 form;

(c) a non-SSA-1099 form;

(d) a pay stub with the applicant's name and social security number on it; or.

(2) an unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States, verified by SAVE. This document can be used to satisfy both the identity and age requirement, and identification number requirement for a Real ID compliant credential.

[18.19.5.14 NMAC - N, 11/15/2016]

18.19.5.15 - PROOF OF IDENTIFICATION NUMBER, IDENTITY, AND AGE FOR A DRIVING AUTHORIZATION CARD OR IDENTIFICATION CARD THAT IS NOT ACCEPTABLE FOR FEDERAL PURPOSES

A. Applicants for a New Mexico driving authorization card or identification card that is not acceptable for federal purposes must provide documentary proof of their identification

number, identity, age and residency.

B. An applicant who cannot establish lawful status and who does not hold a current, valid New Mexico driver's license or identification card must also submit fingerprints for a background check, as provided in 19.18.5.17 NMAC.

C. An applicant who chooses to provide a social security number must present his or her social security administration (SSA) account number card. If a SSA account card is not available, the person shall present one of the following documents, provided that the document bears the applicant's social security number:

- (1) a W-2 form;
- (2) a SSA-1099 form;
- (3) a non-SSA-1099 form; or
- (4) a pay stub with the applicant's name and social security number on it.

D. Applicants can use the following documents to provide documentary proof of their identification number or documentary proof of their identity, but one document cannot be used for proof of both their identification number and identity:

- (1) a passport or passport card from the applicant's country of citizenship if verified through systematic alien verification for entitlements system (SAVE);
- (2) a certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's place of birth;
- (3) a consular report of birth abroad issued by the U.S. department of state, form FS-240, DS-1350 or FS-545;
- (4) an unexpired employment authorization document issued by the U.S. department of homeland security, form I-766 or form I-688B, verified by SAVE;
- (5) an identification card issued by the consulate of Mexico in El Paso, Texas, or Albuquerque, New Mexico, or such other foreign consulate with which the New Mexico motor vehicle division has established a reliable method of verifying the authenticity of the identification card;
- (6) an individual tax identification number;
- (7) a certified letter of enrollment issued by a federally recognized Indian nation, tribe or pueblo;
- (8) a valid identification card issued by a federally recognized Indian nation, tribe or pueblo;
- (9) certified copy of foreign birth certificate issued by the applicant's place of birth, provided that if the document is not in English, a certified copy of the foreign birth with a notarized English translation;
- (10) affidavit of Indian birth;
- (11) a state issued driver's license, a driver's license issued by a territory of the United States, or by jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
- (12) a state government-issued photo identification card, or a photo identification card issued by a territory of the United States, or by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
- (13) a state government-issued photo learner's permit, or a photo learner's permit issued by a territory of the United States, or by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
- (14) an American Indian or Alaskan proof of Indian blood, certificate of degree

of Indian blood, federal Indian census card or tribal membership card;

(15) a photo identification card issued by the United States military, United States coast guard or New Mexico national guard;

(16) an identification document issued by the United States veterans administration, so long as it is accompanied by a United States veterans administration medical center identification card;

(17) a valid United States active duty/retiree/reservist military identification card (DOD ID DD-2);

(18) a United States, state, or local government-issued photo ID, issued based on name, social security number and date of birth;

(19) N560 certificate of citizenship if verified in SAVE;

(20) N550 certificate of naturalization if verified in SAVE;

(21) a valid permanent resident card issued by the United States government if verified in SAVE;

(22) a valid I-551 resident alien card issued since 1997 if verified in SAVE; or

(23) a valid New Mexico license or identification card;

(24) a court order for name change, gender change, adoption or divorce, as long as it includes the legal name, date of birth and court seal;

(25) a New Mexico correction department photo identification card, or a photo identification card issued by the federal bureau of prisons, that includes the name, date of birth and documentation that the card has not expired within the past year;

(26) a social security card;

(27) a medical insurance card or documentation of medical insurance coverage of eligibility that contains an identification number;

(28) military discharge/separation papers (DD 214);

(29) selective service card.

[18.19.5.15 NMAC - N, 11/15/2016]

18.19.5.16 - PROOF OF NEW MEXICO RESIDENCY

A. All applicants for a REAL ID Act of 2005 compliant New Mexico identification card, driving permit, provisional driver's license, or driver's license, other than a commercial driver's license, and all applicants for a driving authorization card or identification card not acceptable for federal purposes must provide documentary evidence demonstrating New Mexico residency.

B. Applicants must provide two of the following documents, showing the applicant's name and a New Mexico residential address for the applicant, as proof that the applicant lives in New Mexico.

(1) a current real property rental agreement or purchase agreement;

(2) a utility bill dated within 60 days, such as water, gas, electric, waste, telephone, cable or satellite bill, but not a bill for a cell phone;

(3) an insurance bill, card or binder, dated within the past 6 months;

(4) a bank or credit card statement dated within 60 days;

(5) an employment pay stub that contains the applicant's name and address, dated within 60 days;

(6) a current, local property tax statement or mortgage documents;

(7) a document from an education institution, such as a transcript, report card

or enrollment confirmation, provided it is dated within 60 days;

(8) original documents from a city, county, state, tribal or federal government organization attesting to the fact that the applicant is a New Mexico resident;

(9) a New Mexico medical assistance card with address on card, letter from issuing agency that came with card showing name and address, or profile printout from issuing agency;

(10) a New Mexico public assistance card with address on card, letter from issuing agency that came with card showing name and address, or profile printout from issuing agency;

(11) documents indicating membership in a New Mexico religious organization, provided that the applicant is less than 18 years of age; or

(12) documents indicating membership in a New Mexico sports organization, provided that the applicant is less than 18 years of age;

(13) if the applicant is less than 18 years of age, an affidavit from the applicant's parent or guardian stating that the applicant lives with that person, as long as the affidavit is accompanied by the parent/guardian's New Mexico driver's license, the parent/guardian's New Mexico identification card, or two proofs of New Mexico residency of the parent/guardian.

C. Applicants for an identification card not acceptable for federal purposes who are homeless or in temporary lodging and unable to provide two of the documents identified in Subsection B of 18.19.5.16 NMAC may provide an affidavit in the manner required by the department from a representative of a New Mexico governmental entity, not-for-profit organization, assisted care facility/home, adult assisted living facility/home, homeless shelter, transitional service provider, or group/half way house attesting to the address where the applicant resides or receives services *in lieu of* the documents required in Subsection B of 18.19.5.16 NMAC.

[18.19.5.16 NMAC - N, 11/15/2016]

The following appears under Section 66-5-15.2 NMSA 1978:

18.19.5.17 - FINGERPRINTS AND CRIMINAL HISTORY SCREENING

A. Authority; use of criminal history information: The taxation and revenue department (TRD) is authorized to obtain the criminal history records of applicants for driving authorization cards and TRD is authorized to obtain criminal history records of applicants for identification cards that are not acceptable for federal agencies for federal purposes, provided that the applicant does not possess a valid New Mexico license or identification card and that the applicant does not provide proof of lawful status.

B. Procedure for applicants:

(1) If an applicant otherwise meets the application and eligibility requirements, then TRD shall take a full-face or front-view photograph and fingerprints of the applicant and shall submit the same to the New Mexico department of public safety (DPS) for the purpose of obtaining a current criminal history screening through the national crime information center as well as a criminal history screening through the records of DPS.

(2) An applicant shall provide to TRD a criminal background screening request, fingerprints, and supporting documentation including an authorization for release of

information to TRD in accordance with the procedures of DPS.

(3) DPS will review state records and also transmit the fingerprints to the federal bureau of investigation for a national screening. The results of the screening will be transmitted to TRD for review.

(4) Applicants and licensees shall bear any costs associated with ordering or conducting criminal history screening. Fees are determined by and payable to TRD. TRD shall timely submit the fees to DPS. Fees cannot be waived by TRD.

(5) TRD shall comply with applicable confidentiality requirements of the DPS and the federal bureau of investigation regarding the handling and dissemination of criminal history information.

C. TRD review of criminal history information:

(1) TRD shall review the results and shall not issue a driving authorization card if the results show that the applicant has an outstanding criminal arrest warrant for a felony or a misdemeanor charge in any state or country or if the results show that the applicant's fingerprints are associated with any name, date of birth or social security number other than those provided when the person applied for the driving authorization card.

(2) TRD shall notify the person if the application is denied, including the reason for the denial, and the person's right to a hearing.

(3) TRD shall destroy the results of the screening after it has completed its review and issued the driving authorization card, or one year from the date of the denial, whichever occurs sooner.

D. Evidence of eligibility: A person whose application for a driving authorization has been denied shall become eligible upon submitting evidence that the basis for ineligibility was resolved. Such evidence may include:

(1) documents that demonstrate that the criminal arrest warrant was quashed, withdrawn, or resolved;

(2) documents that demonstrate that there is not a conflict with the name, date of birth or social security number; or

(3) other documents as approved by the director of the motor vehicle division.

[18.19.5.17 NMAC - N, 11/15/2016]

The following appears under Section 66-5-21 NMSA 1978:

18.19.5.9 - PRORATING OF DRIVER'S LICENSE FEES

A. The fees imposed for the issuance of a driver's license or commercial driver's license may be prorated if the licensure period is shortened pursuant to Section 66-5-19 NMSA 1978. Fees shall be prorated on an annual basis. In no case shall the fee be less than the prorated fee for one full year.

B. A person whose license or identification card expires on or after July 1, 2020 may apply for a license or identification card acceptable for federal purposes upon submission of all required documents. The person shall receive a new license or identification card that contains the same expiration date as the one previously issued. The person shall receive credit for the period remaining on the license or identification card toward the cost of the new license or identification card.

[18.19.5.9 NMAC - N, 10/31/05; A, 11/15/2016]