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HOUSE BILL 127

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

D. Wonda Johnson

AN ACT

RELATING TO IDENTIFICATION CARDS; ENABLING UNACCOMPANIED HOMELESS YOUTH TO RECEIVE IDENTIFICATION CARDS; REMOVING FEE REQUIREMENTS FOR ISSUANCE OF IDENTIFICATION CARDS TO CERTAIN INDIVIDUALS.

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

SECTION 1. Section 66-5-401 NMSA 1978 (being Laws 1978, Chapter 35, Section 328, as amended) is amended to read:

"66-5-401. IDENTIFICATION CARDS--APPLICATION--HOMELESS LIAISON.--

A. A person who does not have a valid New Mexico driver's license may be issued an identification card by the department. An application for an identification card or renewal of an identification card shall be made upon a form furnished by the department.

1 B. The department shall establish two distinct
2 identification cards as provided in Section 66-5-405 NMSA 1978:

3 (1) a REAL ID-compliant identification card;
4 and

5 (2) a standard identification card.

6 C. An application for a REAL ID-compliant
7 identification card shall contain the applicant's full legal
8 name; date of birth; sex; and current New Mexico residence
9 address and shall briefly describe the applicant.

10 D. An application for a standard identification
11 card shall bear the applicant's full name; date of birth; sex;
12 and current New Mexico residence address and shall briefly
13 describe the applicant.

14 E. The secretary shall establish by rule documents
15 that may be accepted as evidence of the residency of the
16 applicant.

17 F. A person applying for or renewing a REAL ID-
18 compliant identification card shall provide documentation
19 required by the federal government of the applicant's identity;
20 date of birth; social security number, if applicable; address
21 of current residence; and lawful status. The department shall
22 verify the applicant's lawful status and social security
23 number, if applicable, through a method approved by the federal
24 government. Pursuant to the federal REAL ID Act of 2005, the
25 secretary shall establish a written, defined exception process

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1 to allow a person to demonstrate the person's identity, age and
2 lawful status. The process shall allow a person to use a
3 certified letter of enrollment or a valid identification card
4 issued by a federally recognized Indian nation, tribe or pueblo
5 to demonstrate the person's identity or age or to demonstrate
6 the person's lawful status, if applicable. A person with
7 lawful status may apply for a REAL ID-compliant identification
8 card or a standard identification card. Every application for
9 an identification card shall be signed by the applicant or the
10 applicant's parent or guardian. The secretary may, for good
11 cause, revoke or deny the issuance of an identification card.

12 G. An application by a foreign national with lawful
13 status for a REAL ID-compliant identification card shall
14 contain the unique identifying number and expiration date, if
15 applicable, of the foreign national's valid passport, valid
16 visa, employment authorization card issued under the
17 applicant's approved deferred action status or other arrival-
18 departure record or document issued by the federal government
19 that conveys lawful status. The department may issue to an
20 eligible foreign national applicant a REAL ID-compliant
21 identification card that is valid for a period not to exceed
22 the duration of the applicant's lawful status; provided that if
23 that date cannot be determined by the department and the
24 applicant is not a legal permanent resident, the identification
25 card shall expire one year after the effective date of the

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1 identification card.

2 H. The department shall issue a standard
3 identification card to an applicant who is otherwise eligible
4 but who does not provide proof of lawful status and who
5 affirmatively acknowledges that the applicant understands that
6 a standard identification card may not be valid for federal
7 purposes. An applicant who does not provide proof of lawful
8 status shall only apply for a standard identification card. An
9 application for a standard identification card shall include
10 proof of the applicant's identity and age.

11 I. The secretary may adopt rules providing for the
12 proration of fees due to shortened validity periods authorized
13 pursuant to the provisions of this section.

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

24 K. Unaccompanied homeless youth shall be permitted
25 to apply for and receive a REAL ID-compliant identification

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1 card or a standard identification card without the signature of
2 an adult.

3 L. Every division office where identification cards
4 are issued shall designate a supervisory-level staff member to
5 serve as the homeless liaison, who shall be responsible for
6 maintaining awareness of current state rules and policies
7 regarding access to identification cards for homeless
8 individuals and unaccompanied homeless youth and for ensuring
9 that all other office staff who process applications and attend
10 the public are trained on access to identification cards for
11 homeless individuals and unaccompanied homeless youth.

12 M. As used in this section:

13 (1) "homeless individual" means an individual:

14 (a) who lacks a fixed, regular and
15 adequate nighttime residence, including individuals who are:
16 1) sharing the housing of other persons due to loss of housing,
17 economic hardship or a similar reason; 2) living in motels,
18 hotels, trailer parks or camping grounds due to the lack of
19 alternative adequate accommodations; 3) living in emergency or
20 transitional shelters; 4) sleeping in public or private places
21 not designed for or ordinarily used as regular sleeping
22 accommodations for human beings; or 5) living in cars, parks,
23 public spaces, abandoned buildings, substandard housing, bus or
24 train stations or similar settings; and

25 (b) whose homelessness can be verified

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1 through an attestation, that shall not be required to be
2 notarized, of one of the following: 1) a public or private
3 governmental or nonprofit agency that provides services to
4 homeless individuals; 2) a local educational agency homeless
5 liaison, school counselor or school nurse; 3) a social worker
6 licensed to practice in New Mexico; or 4) the homeless
7 individual; and

8 (2) "unaccompanied homeless youth" means an
9 individual who:

10 (a) is not in the physical custody of a
11 parent or legal guardian;

12 (b) is aged twenty-five years or
13 younger; and

14 (c) lacks a fixed, regular and adequate
15 nighttime residence, including individuals who are: 1) sharing
16 the housing of other persons due to loss of housing, economic
17 hardship or a similar reason; 2) living in motels, hotels,
18 trailer parks or camping grounds due to the lack of alternative
19 adequate accommodations; 3) living in emergency or transitional
20 shelters; 4) sleeping in public or private places not designed
21 for or ordinarily used as regular sleeping accommodations for
22 human beings; or 5) living in cars, parks, public spaces,
23 abandoned buildings, substandard housing, bus or train stations
24 or similar settings."

25 SECTION 2. Section 66-5-408 NMSA 1978 (being Laws 1978,

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1 Chapter 35, Section 335, as amended) is amended to read:

2 "66-5-408. FEES.--

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

11 B. The department with the approval of the governor
12 may increase the amount of the identification card fee by an
13 amount not to exceed three dollars (\$3.00) for the purpose of
14 implementing an enhanced licensing system; provided that for an
15 identification card issued for an eight-year period, the amount
16 of the fee shall be twice the amount charged for other
17 identification cards. The additional amounts collected
18 pursuant to this subsection are appropriated to the department
19 to defray the expense of the new system of licensing and for
20 use as set forth in the provisions of Subsection F of Section
21 66-6-13 NMSA 1978. Unexpended and unencumbered balances from
22 fees collected pursuant to the provisions of this subsection at
23 the end of any fiscal year shall not revert to the general fund
24 but shall be expended by the department in fiscal year 2010 and
25 subsequent fiscal years.

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1 C. As used in this section, "homeless individual"
2 means an individual:

3 (1) who lacks a fixed, regular and adequate
4 nighttime residence, including individuals who are:

5 (a) sharing the housing of other persons
6 due to loss of housing, economic hardship or a similar reason;

7 (b) living in motels, hotels, trailer
8 parks or camping grounds due to the lack of alternative
9 adequate accommodations;

10 (c) living in emergency or transitional
11 shelters;

12 (d) sleeping in public or private places
13 not designed for or ordinarily used as regular sleeping
14 accommodations for human beings; or

15 (e) living in cars, parks, public
16 spaces, abandoned buildings, substandard housing, bus or train
17 stations or similar settings; and

18 (2) whose homelessness can be verified through
19 an attestation, that shall not be required to be notarized, of
20 one of the following:

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

24 (b) a local educational agency homeless
25 liaison, school counselor or school nurse;

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(c) a social worker licensed to practice
in New Mexico; or
(d) the homeless individual."