

These are amendments to 18.19.5.12 and 18.19.5.13 NMAC.

18.19.5.12 **[ALIENS] FOREIGN NATIONALS APPLYING FOR DRIVER'S LICENSES:**

A. [For purposes of applying for and issuing a driver's license, other than a commercial driver's license, the motor vehicle division will consider to be residents those individuals who are not citizens of the United States but who are living in New Mexico. As a means of identifying such individuals, the division will accept passports, visas issued by the United States or the following cards issued by the United States immigration and naturalization service: I-551 "resident alien" card; I-151 "alien registration receipt" card; I-688 "temporary resident" card; I-688A "employment authorization" card; or I-688B "employment authorization" card or the document entitled "matricula consular" issued by the Mexican consulate.] Persons who are not citizens of the United States (foreign nationals) and who are ineligible for a social security number may apply for a driver's license, other than a commercial driver's license, by providing proof of identity, proof they are living in New Mexico and proof they are in the United States legally or in compliance with United States immigration and naturalization service (INS) regulations.

B. [Within thirty days of the date the division is authorized by law to do so, the number of the passport, visa, card or matricula consular may be accepted in lieu of the social security number when the alien does not have a social security account number.] Examples of acceptable proof of the applicant's identity include but are not limited to:

- (1) valid passport issued by country of citizenship,
- (2) valid documentation issued by INS such as, I-551 "resident alien" card, I-151 "alien registration receipt" card, I-688 "temporary resident" card, or I-797 "notice of action" or
- (3) matricula consular issued by the Mexican consulate in Albuquerque

C. [Any New Mexico driver's license issued to an alien will contain an expiration date not later than the expiration of the visa or card issued by the United States immigration and naturalization service or the expiration date, if any, of the matricula consular issued by the Mexican consulate.] Examples of acceptable proof that the applicant is living in New Mexico include but are not limited to:

- (1) documents such as utility bills, rental agreements, current student identification cards, and employment payroll receipts, or
- (2) matricula consular issued by the Mexican consulate in Albuquerque.

D. Examples of acceptable documents proving the applicant is in the United States legally or in compliance with INS regulations include but are not limited to:

- (1) valid passport issued by country of citizenship, a visa issued by the United States, and valid documentation issued by INS showing legal status, or
- (2) INS document titled I-797 "notice of action".

E. In lieu of a social security number the motor vehicle division will use the applicant's unique identifying number in the document evidencing immigration status.

F. The motor vehicle division may require foreign nationals applying for a driver's license to provide a certified copy of their driving record with an English language translation of the certified copy from the jurisdiction where the foreign national is currently or was previously licensed.

G. Section 18.19.5.12 NMAC becomes effective within thirty days of the effective date of the provisions of Section 66-5-9(B) NMSA 1978.

[18.19.5.12 NMAC - N, 6/29/01; A, 6/14/02]

18.19.5.13 **FOREIGN NATIONALS MAY APPLY FOR LICENSURE:** The motor vehicle division will consider persons who are not citizens of the United States but who meet the requirements of Section 18.19.5.12 NMAC as residents of this state for purposes of requiring and issuing driver's licenses, other than commercial driver's licenses.

[18.19.5.13 NMAC - N, 6/14/02]