

FINDING COMMON GROUND: A BALANCED APPROACH TO LICENSING IMMIGRANT DRIVERS IN NEW MEXICO

Background

In 2003, community and faith groups, victims' rights advocates, and law enforcement officials came together to promote a law allowing all residents of New Mexico, regardless of immigration status, to apply for a driver's license. Since then, thousands of immigrants who live, work and pay taxes in New Mexico have successfully applied, taking required written and road exams, registering their vehicles, purchasing auto insurance, and establishing a driving record available to all law enforcement officials.

Governor Susana Martinez pushed for repealing this law during the last legislative session. Citing the disastrous public safety consequences of an outright repeal, the Senate passed a tough but reasonable compromise bill that would have created more rigorous residency requirements and punished anyone involved in document fraud. Unfortunately, the Governor refused to compromise, and no agreement was reached. The Governor has since said that she will push for repeal again during the special session on redistricting in September.

Summary of Senate Driver's License Compromise Bill

Strengthens identity and residency requirements

Requires foreign nationals without social security numbers to provide:

- An Individual Tax Identification Number (ITIN) issued by the IRS (an ITIN is issued to people ineligible for SSN's only if they prove their identity and file their federal income taxes)
- Proof of identity in the form of a valid passport or Mexican Consular ID card from Albuquerque or El Paso, the authenticity of which is reliably verifiable by MVD.
- Two proofs of residency in New Mexico for at least six consecutive months. This makes it harder for out-of-state applicants to claim they are residents.
- A notarized declaration that all documents provided to MVD are genuine and accurate
- Two fingerprint cards or the equivalent electronic fingerprints making immigrants more identifiable and traceable by all law enforcement officials.

Requires re-verification of documents and more frequent renewals

- Current licenses for immigrants without SSN's would be cancelled in two years, unless they go to their local MVD and re-apply under new procedures and requirements. This is a more reasonable, thorough and cost effective approach to re-verify residency documents than the Governor's current 30-day re-verification program.
- Drivers' licenses for immigrants without SSN's would be renewed every two years, whereas currently their licenses are issued for four or eight years.

Creates additional deterrents and punishment for fraud

- Establishes a 3rd degree felony for knowingly issuing a license to an ineligible applicant (currently it's a lesser 4th degree felony).
- Establishes new 4th degree felonies for: providing documents that are not genuine or accurate; receiving and then transferring a driver's license, permit, or provisional license to another person; inducing or soliciting another person or conspiring with another person to use documents that are not genuine or accurate.

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