

**New Mexico Register / Volume XXVII, Issue 17 / September 15, 2016****NOTICE OF HEARING AND PROPOSED RULES**

The New Mexico Taxation and Revenue Department proposes to amend the following rules:

**Motor Vehicle Code**

18.19.5.6 NMAC <i>(Objective)</i>	Section 66-5-9 NMSA 1978
18.19.5.9 NMAC <i>(Prorating of Driver's License Fees)</i>	Section 66-5-9 NMSA 1978
18.19.5.12 NMAC <i>(Proof of Identification Number, Identity, and Age for United States Citizen, United States National or Permanent Resident Alien)</i>	Section 66-5-9 NMSA 1978

The New Mexico Taxation and Revenue Department proposes to adopt the following rules:

**Motor Vehicle Code**

18.19.5.14 NMAC <i>(Proof of Identification Number, Identity, Age, and Lawful Status for Lawful United States Residents)</i>	Section 66-5-9 NMSA 1978
18.19.5.15 NMAC <i>(Proof of Identification Number, Identity, and Age for a Driving Authorization Card or Identification Card that is Not Acceptable for Federal Purposes)</i>	Section 66-5-9 NMSA 1978
18.19.5.16 NMAC <i>(Proof of New Mexico Residency)</i>	Section 66-5-9 NMSA 1978
18.19.5.17 NMAC <i>(Fingerprints and Criminal History Screening)</i>	Section 66-5-15.2 NMSA 1978

The proposals were placed on file in the Office of the Secretary on September 15, 2016. Pursuant to Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act, the final of the proposals, if filed, will be filed as required by law on or about November 15, 2016.

A public hearing will be held on the proposals on Tuesday, October 18, 2016, at 9:30 a.m. in the ACD Classroom on the first floor of the Manual Lujan Building, 1200 St. Francis Drive, Santa Fe, New Mexico. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Patricia Herrera at [patricia.herrera1@state.nm.us](mailto:patricia.herrera1@state.nm.us). The Taxation and Revenue Department will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least ten calendar days prior to the scheduled hearing.

Accessible copies of the proposals are available upon request; contact the Tax Policy Office at [policy.office@state.nm.us](mailto:policy.office@state.nm.us). Comments on the proposals are invited. Comments may be made in person at the hearing or in writing. Written comments on the proposals should be submitted to the Taxation and Revenue Department, Director of Tax Policy, Post Office Box 630, Santa Fe, New Mexico 87504-0630 or by email to [policy.office@state.nm.us](mailto:policy.office@state.nm.us) on or before October 18, 2016.

**18.19.5.6            OBJECTIVE:** The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Motor Vehicle Code, including compliance with regulations for the REAL ID Act of 2005, Title 6 C.F.R. Chapter 1, Section 37.

[3/15/96; 18.19.5.6 NMAC - Rn, 18 NMAC 19.5.6, 9/14/00; A, xx/xx/2016]

**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, xx/xx/2016]

**18.19.5.12 [PROOF OF IDENTIFICATION NUMBER, IDENTITY AND RESIDENCY:**

**A.** Applicants for a 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 and residency.

**B.** A person applying for a driver's license or identification card that was lost can use a New Mexico enhanced driver's license photo from the motor vehicle division (MVD) database as proof of identity and identification number, subject to MVD's ability to verify the applicant's social security number or other identification number used to obtain the driver's license or identification card, as sufficient proof to issue a replacement driver's license or identification card.

**C.** Any applicant eligible for a social security number must produce their social security card in order to provide evidence of the identification number. An applicant who cannot provide the social security card must provide two of the following documents:

- (1)** a United States, state, or local government issued medical card through which the social security number can be verified;
- (2)** a statement from a federally regulated financial institution through which the social security number can be verified; or
- (3)** any document in Subsection F of this section, as long as the document can be used to verify the social security number and is not used for proof of both identification number and identity.

**D.** In order to prove identification number, a foreign national who is unable to obtain a social security number must produce documentary proof of a matrícula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso or a valid passport issued by their country of citizenship. A foreign national may produce an individual tax identification number (ITIN) so long as it is accompanied by a matrícula consular card or a valid passport. The applicant's ITIN card or the applicant's letter from the IRS issuing the ITIN is sufficient proof of the ITIN.

**E.** Applicants must produce one of the following documents as proof of identity.

- (1)** original birth certificate issued by a state or territory of the United States;
- (2)** certified copy of birth certificate issued by a state or territory of the United States;
- (3)** an original or certified copy of a foreign birth certificate with a notarized English translation;
- (4)** original official copy of an FS545 or FS1350 form certifying birth abroad and translated into English;
- (5)** affidavit of Indian birth;
- (6)** N560 certificate of citizenship;
- (7)** N550 certificate of naturalization;
- (8)** a valid permanent resident card issued by the United States government;
- (9)** a valid I-551 resident alien card issued since 1997;
- (10)** 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;
- (11)** a marriage certificate issued by a state or a territory of the United States; or
- (12)** any document contained in Subsection F of this section, as long as the document is not used for proof of both identification number and identity.

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

- (1)** 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;
- (2)** 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; however, the MVD photo identification document card issued by MVD pursuant to Subsection J of this section may not be used to satisfy this proof of identification number requirement;
- (3)** 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;
- (4)** a matrícula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;
- (5)** a valid passport issued by country of citizenship;

- ~~(6) an American Indian or Alaskan proof of Indian blood, certificate of degree of Indian blood, federal Indian census card or tribal membership card;~~
- ~~(7) a photo identification card issued by the United States military, United States coast guard or New Mexico national guard;~~
- ~~(8) an identification document issued by the United States veterans administration, so long as it is accompanied by a United States veterans administration medical center ID card;~~
- ~~(9) a valid United States active duty/retiree/reservist military identification card (DOD ID DD 2); or~~
- ~~(10) a United States, state, or local government issued photo ID, issued based on name, social security number and date of birth.~~

**C.** Applicants eighteen years of age or older must provide two of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:

- ~~(1) a real property rental agreement or purchase agreement;~~
- ~~(2) a utility bill, such as water, gas, electric, waste, telephone, cable or satellite bill, but not a bill for a cell phone;~~
- ~~(3) an insurance bill;~~
- ~~(4) a bank statement;~~
- ~~(5) an employment pay stub that contains the applicant's name and address;~~
- ~~(6) a local property tax statement or mortgage documents;~~
- ~~(7) proof of a minor child enrolled in a New Mexico public, private, or tribal school;~~
- ~~(8) a current, valid motor vehicle registration;~~
- ~~(9) original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;~~
- ~~(10) original documents from a city, county, state, tribal or federal government organization attesting to the fact that the applicant is a New Mexico resident;~~
- ~~(11) a New Mexico medical assistance card; or~~
- ~~(12) a New Mexico public assistance card.~~

**H.** Applicants less than eighteen years of age applying for an identification card must provide one of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:

- ~~(1) proof that the child is enrolled in a New Mexico public, private, or tribal school;~~
- ~~(2) a bank statement;~~
- ~~(3) 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;~~
- ~~(4) original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;~~
- ~~(5) original documents from a city, county, state, tribal or federal government organization attesting to the fact that the applicant is a New Mexico resident;~~
- ~~(6) documents from membership in a New Mexico religious organization; or~~
- ~~(7) documents from membership in a New Mexico sports organization.~~

**I.** MVD may require foreign nationals or first time applicants from another state, to provide a certified copy of their driving record with an English language translation, if applicable, from the jurisdiction where the applicant is currently or was previously licensed.

**J.** Applicants who are unable to meet the requirements for a New Mexico identification card, driving permit, provisional driver's license, or driver's license, may apply for an MVD photo identification document card. The MVD photo identification document card issued by MVD does not necessarily meet federal identification requirements. This card will be clearly identified on the card as a restricted card that cannot be used for certain purposes. The identification document cannot be used to apply for a New Mexico identification card, driving permit, provisional driver's license or driver's license. An applicant for the MVD photo identification document card must provide two documentary proofs of their identity and one documentary proof of residency.

**(1)** Applicants must produce two forms of documentation with their name and date of birth or with their name and social security number. Two documents with name and date of birth or two documents with name and social security number are acceptable. Any two of the following documents containing the name and date of birth or name and social security number are acceptable to prove identity:

- ~~(a) a state issued driver's license, a driver's license issued by a territory of the United States, or a license issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;~~

~~(b) a state issued identification card, an identification card issued by a territory of the United States, or an identification card issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;~~

~~(c) a state issued photo learner's permit, a photo learner's permit issued by a territory of the United States, or a photo learner's permit issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;~~

~~(d) an original or certified copy of the birth certificate issued by a United States state or territory of the United States;~~

~~(e) an affidavit of Indian birth;~~

~~(f) a current passport issued by the United States;~~

~~(g) a valid passport issued by country of citizenship;~~

~~(h) an I-94 form presented without a passport if it contains the applicant's photo;~~

~~(i) American Indian or Alaskan proof of Indian blood, certificate of degree of Indian blood, federal Indian census card or tribal membership card or physical address certification letter from the pueblo's governor's office or planning department;~~

~~(j) N550 United States certificate of naturalization;~~

~~(k) a certificate of citizenship (N560);~~

~~(l) a resident alien card (I-551, AR-3, AR3A, AR-103) that contains the applicant's photo;~~

~~(m) FS545 or FS1350 United States certificate of birth abroad;~~

~~(n) a military identification card that includes the applicant's photo;~~

~~(o) a United States veterans administration card that includes the applicant's photo, so long as it is accompanied by a United States veterans administration medical center identification card;~~

~~(p) a medical card that includes the applicant's photo;~~

~~(q) a military dependent identification card that includes the applicant's photo;~~

~~(r) a government issued photo identification card;~~

~~(s) a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;~~

~~(t) a New Mexico corrections department photo identification card with name, date of birth and documentation that the card has not expired within the past year;~~

~~(u) an infant baptismal certificate;~~

~~(v) a social security card;~~

~~(w) a bank card, debit card, or credit card that contains the applicant's photo;~~

~~(x) a high school, GED, college, trade school, or university transcript, certificate, or diploma;~~

~~(y) an employee identification badge that contains the applicant's photo;~~

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

~~(aa) military discharge/separation papers (DD-214);~~

~~(bb) selective service card;~~

~~(cc) proof of eligibility for and receipt of welfare benefits;~~

~~(dd) medical records;~~

~~(ee) documentation from a federal, state, or local correctional facility; or~~

~~(ff) a social security administration benefits award letter containing the social security number.~~

~~(2) Applicants must provide one or more of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:~~

~~(a) a real property rental agreement or purchase agreement;~~

~~(b) a utility bill, such as a gas, electric, waste, water, cable, satellite bill, or telephone bill but not a bill for a cell phone;~~

~~(c) an insurance bill, such as automobile, home or health;~~

~~(d) a federally regulated financial institution document, such as a bank statement, excluding checks;~~

~~(e) an employment pay stub with name and address;~~

~~(f) a local property tax statement with name and address;~~

~~(g) proof of a minor child enrolled in a New Mexico public, private, or tribal school;~~

~~(h) a current, valid motor vehicle registration;~~

~~(i) original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;~~

~~(j) original documents from a city, county, state, tribal, or federal government or social service organization attesting to the fact that the applicant is a New Mexico resident;~~  
~~(k) a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;~~  
~~(l) documentation of eligibility and proof that the applicant is currently receiving services from a 501(c)(3) organization, as defined by the Internal Revenue Code; or~~  
~~(m) other documents as approved by the MVD director.]~~

**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 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.

[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, xx/xx/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.  
**(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. Along with the identity document listed above, an applicant must also present 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:

(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.

[18.19.5.14 NMAC - N, xx/xx/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 does not currently hold a 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 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 not 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 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.

[18.19.5.15 NMAC - N, xx/xx/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 and 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 60 days;

(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 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 New Mexico community organization attesting to the fact that the applicant is a New Mexico resident, provided it is dated within 60 days;

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

(10) 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;

(11) 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;

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

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

[18.19.5.16 NMAC - N, xx/xx/2016]

#### **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. TRD is further authorized to exchange fingerprint data directly with the federal bureau of investigation and the New Mexico department of public safety (DPS).

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 to DPS and the federal bureau of investigation a request for a current criminal history screening through the national crime information center.

**(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 by when the person applied for the driving authorization card.

**(2)** TRD shall notify the person if the application is denied and the reason for the denial.

**(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 or 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, xx/xx/2016]

**18.19.5.18 through 18.19.5.29 [RESERVED]**