

MVD Procedural Quick Update

#60

RE: Surrender of Prior License – Hole Punch
Effective date: Immediate

Date: April 21, 2008
To: All MVD
From: Mac Lewis, MVD Policy and Procedures Manager

[This is the latest in a series of procedural updates. These updates deal with specific MVD procedures and practices. Managers and Supervisors should consistently distribute the updates to all personnel and integrate them into regular information and training sessions.]

Effective immediately, every prior license or ID, whether in-state or out-of-state and including CDL and foreign licenses, when surrendered for a new, renewal or replacement New Mexico license or ID, is to have one hole punched through the license. The hole should be carefully punched so as not to destroy or make illegible any information (including expiry date) or the customer's photo. Return the hole-punched card to the customer with his or her new license or ID.

Section 66-5-2 NMSA 1978 provides that, unless expressly exempted, "no person shall drive any motor vehicle, neighborhood electric car or moped upon a highway in this state unless the person (1) holds a valid license issued under the provisions of the Motor Vehicle Code; and (2) has surrendered to the division any other license previously issued to the person by this state or by another state or country"

It has been the practice for some time to return foreign licenses, without hole punch or other indication that the license is no longer valid, with the foreign applicant's New Mexico license. MVD's Legal Services Bureau has determined, however, that such practice is not consistent with the statutory requirement that every prior license be surrendered.

Section 66-5-4 NMSA 1978 provides that, "a person who is at least fifteen years of age and who has in immediate possession a valid driver's license issued to the person in the person's home state or country may drive a motor vehicle in this state, except that the person shall obtain a license upon becoming a resident and before the person is employed for compensation by another for the purpose of driving a motor vehicle."

In part because statute sets no time limit on "becoming a resident," a foreign visitor, who is here temporarily, and will return to his home country within a period of months, or even a year or more, is not required to obtain a New Mexico license.

MVD agents, when accepting a foreign license in support of any application for a New Mexico driver's license, must, before processing the license application, confirm that the customer understands that his foreign license must be surrendered and will be returned to him with a hole punched in it to indicate that it is no longer valid. If any customer is unwilling to surrender his prior license on those terms, do not proceed to issue a New Mexico license.

If the foreign license holder insists that he does not want to give up his home-country license, but does need an official New Mexico identification document, inform him that he may apply for an identification card, and that he can keep his foreign license and have a New Mexico ID.

Field office managers and supervisors should refer any comments or questions regarding this Procedural Quick Update to their Bureau Chiefs, with cc to mac.lewis@state.nm.us. Others are encouraged to direct comments or questions directly to Mac Lewis, MVD Policy and Procedure Manager, at mac.lewis@state.nm.us.
