

Civil Rights Groups Sue MVD for Denying Non-REAL ID Licenses & ID Cards to Eligible New Mexicans

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Body

The American Civil Liberties Union of New Mexico issued the following news release:

Today, civil rights groups and homeless advocates filed a class action lawsuit against the New Mexico Taxation and Revenue Department (TRD) and the Motor Vehicles Division (MVD) on behalf of New **Mexicans** who were illegally denied Driver's Authorizations **Cards** (DACs) and non-REAL **ID** identification **cards**, charging that the state has failed to fully and correctly implement its two-tiered driver's license law.

The requirement of unnecessary documentation for DAC's and non-federally compliant **ID cards** has caused chaos at local MVDs and major confusion and frustration for applicants across New Mexico. The lawsuit challenges MVD's onerous and illegal regulations governing the issuance of non-REAL **ID** licenses and identification **cards**, including the illegal practices of requiring proof of identification number and not providing adequate due process to applicants who are denied.

The lead plaintiff, Santa Fe's former Mayor David Coss, was denied a DAC four times at his local MVD because he lost his social security **card**, which is not a requirement under the law. Coss, whose long-held driver's license has since expired, was also not provided an adequate process to appeal the denial.

"A driver's license and **ID card** are not luxuries," said Coss at Monday's press conference. "I'm the primary childcare provider to my toddler grandchildren, and I drive them around town. I'm also the guardian of my 86-year-old father who suffered a stroke last year. I need my license to carry out my daily responsibilities. I followed the law and took my paperwork into MVD before my license expired but was turned away every time. I know I'm not the only New Mexican dealing with this nightmare."

Individual plaintiffs denied licenses and **ID cards** are joined by organizational plaintiffs, New Mexico Coalition to End Homelessness and Somos Un Pueblo Unido (Somos) in the lawsuit. David Urias of Freedman, Boyd, Hollander Goldberg Urias & Ward, P.A. is the lead counsel on the legal team that includes attorneys from Somos, ACLU-NM, and the New Mexico Center on Law and Poverty.

The plaintiffs include senior citizen, immigrant, and homeless individuals who need a license or **ID** to go to work or school, obtain housing, medical care or other necessities, but were illegally denied an MVD credential without written notice detailing the reasons for the denial or information about how to appeal it.

"It is quite common for people to lose their **ID** and other paperwork when they become homeless," said Hank Hughes, Executive Director of New Mexico Coalition to End Homelessness. "Getting a new **ID** is essential for them as they get back on their feet. You cannot rent an apartment or even a motel room without an **ID**. We are asking MVD to follow the law and make it possible for people to replace lost or stolen **IDs** quickly."

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In 2016, Republican and Democratic legislators came together and created a two-tiered driver's license system that gives New **Mexicans** the choice to opt in or out of the federal REAL **ID** Act. According to the law, the state must provide a REAL **ID**-compliant license or **ID card** to eligible residents who want it and can meet the federal government's onerous requirements. An alternative non-REAL **ID** license or **ID card** for otherwise eligible applicants who do not meet the federal requirements or simply do not want a REAL **ID**, must also be made available.

"REAL **ID** was a **bad idea** from day one," said Peter Simonson, Executive Director of ACLU-NM. "The Legislature understood just how difficult getting a REAL **ID** license would be for many New **Mexicans**. That is why legislators worked hard to ensure people had an alternative, especially vulnerable New **Mexicans** like people experiencing homelessness, Native Americans, undocumented immigrants, senior citizens and people living in rural communities. Unfortunately, the current governor's administration is not honoring the spirit of this 2016 bipartisan fix."

"After a protracted six-year battle on driver's licenses, the New Mexico Legislature voted to create an alternative to the REAL **ID** Act for all New **Mexicans**, not just immigrants," said Marcela Diaz, Executive Director of Somos Un Pueblo Unido. "For over a year, we worked with allied groups throughout the state to educate the public about its rights and advocate for a better process at MVD. Everyone has done their job except this administration. Our goal with this lawsuit is to help resolve these issues quickly for all New **Mexicans**."

"An identification **card** is a basic necessity to function in everyday life, but the MVD is illegally requiring unnecessary and overly burdensome documentation that most folks simply cannot come up with. The harm caused by the illegal requirements is compounded by the MVD's failure to provide a way for New **Mexicans** to challenge an erroneous denial of driver's license or **ID card**," said Sovereign Hager, Supervising Attorney at the New Mexico Center on Law and Poverty. "The MVD should follow the law rather than wrecking the lives of people who need an **ID** to drive, support their families, and find housing."

The defendants in the lawsuit are the TRD, acting Cabinet Secretary John Monforte, MVD and acting director Alicia Ortiz.

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