Senior Supplement

Real ID

New Mexico began issuing driver's licenses and identification cards that comply with the federal Real ID Act of 2005 (Act) as of November 14, 2016 (Real ID Driver's License).

To issue a Real ID driver's license, the Motor Vehicle Department (MVD) requires you to provide a birth certificate or passport along with a social security card and two proofs of residency documents. The name on all your documents must match. If the name on your birth certificate does not match the name on your Social Security card or current drivers' license, the MVD requires proof of a name change in order to issue a Real ID in your current name.

Name Change Due to Marriage

If your last name changed due to a marriage, you must provide your marriage certificate to MVD along with your other documents.   If your maiden name on your marriage certificate matches the name on your birth certificate, the MVD will issue a new license in your current married name. If there is any difference in your first or maiden last name on your birth certificate and marriage certificate you will have to take additional steps before you can get your license.

Name Change by Court Order

If your first and/or last name on your birth certificate differs from the name on your Social Security Card, and the difference is not related to a marriage, you must show that you have had a legal name change to explain the difference. A legal name change is a legal process that results in an order that is signed by a judge. MVD will not issue a Real ID in this circumstance until you provide a copy of the name change court order.

Valid Passport

If you have a valid Passport, you will be able to obtain your Real ID drivers' license without having to show a birth certificate or marriage certificate.

Process for a Legal Name Change

If you need a legal name change to obtain a Real ID, you must complete and file a Petition to Change Name in the District Court in the county where you live. After you file the Petition, you must publish a Notice to Change Name in the local newspaper once a week for 2 weeks, and then file an Affidavit of Publication. The court will hold a hearing and, in most cases, at the end of the hearing the judge will sign a Name Change Order. The Name Change Order can then be used to obtain a new drivers' license.

No Birth Certificate or Record of Birth

If you do not have a birth certificate at all, the MVD requires a Letter of No Record from the Bureau of Vital Statistics.

After you obtain the letter of No Record from the Bureau, take it to the MVD and the MVD will instruct you on the steps to obtain your license.

You can also contact the Bureau of Vital Statistics to request a delayed birth certificate. You should contact Vital Records for the list of documents needed to have a delayed birth certificate issued.

Driver Authorization Card

If you cannot get a Real ID drivers' license you need to request a Driver Authorization Card. The Driver Authorization Card will allow you to continue driving while you deal with any name change or other issue regarding your license. This card will only be given to you if your current license has NOT yet expired.

Frequently Asked Questions:

Q. My name on my birth certificate is the Spanish version of the name I use. Do I need to go through a name change proceeding?

A. No, you will not need to go through a name change proceeding. The MVD and the local courts have Affidavits to Declare a Name that can be signed to show that Jose Garcia is also known as John Garcia for example. If the name on your birth certificate is the Spanish version of the current name you are using, please contact the MVD and/or local court house to obtain the affidavit to declare your name.

Q. All my identity documentation shows my married name. Do I need to legally change my name to get my drivers' license?

A. No, you will not need to legally change your name. The MVD requires the birth certificate and marriage certificate. As long as the name on the birth certificate and the marriage certificate match, the MVD will issue a drivers' license in your married name.

Q. The name on my birth certificate is misspelled. Do I need to obtain a name change?

A. Yes, if the name on your birth certificate is misspelled you will have to go through the name change proceeding in your local court. The Bureau of Vital Statistics only corrects the birth certificate for misspellings within seven (7) years of the applicant's birth.

Q. My birth certificate shows a first and middle name, but I have always just gone by my middle name. Do I need to obtain a name change?

A. Yes, you will need to obtain a name change if you do not want to use your given first name. If you do not obtain a name change, your drivers' license will be issued in the first and middle name as it appears on your birth certificate. The Bureau of Vital Statistics will only change the order of your first and middle name if you make a request within seven (7) years of your birth.

Q. My birth certificate shows the wrong date of birth. What do I have to do to correct it?

A. You will have to find documents that show your actual date of birth. These documents should include a birth record from the hospital or some kind of birth documentation from a midwife or doctor. If no such documents exist, you may not be able to change the date of birth on your birth certificate. If you have documents to show that your date of birth is different, you should obtain an attorney and file a petition to change your date of birth. If a judge orders the change, you will present the order to the Bureau of Vital Statistics to get your birth certificate amended.

Resources:

Motor Vehicle Department (MVD):
1-888-683-4636

New Mexico Bureau of Vital Records:
1-866-534-0051

New Mexico Court Forms:
https://seconddistrictcourt.nmcourts.gov/forms.aspx

This program is a joint project of the New Mexico Aging & Long-Term Services Department and the New Mexico State Bar Foundation