



TRD-MVD Confidential Address Program (CAP) Procedures



Background

HB 216 (2007) created new Section 40-13-11 NMSA 1978 in the Family Violence Protection Act, as follows:

40-13-11. Substitute address.

- A. A victim of domestic abuse, or the victim's representative pursuant to Section 31-26-3 NMSA 1978, who has good reason to believe that the victim's safety is at risk may apply to the secretary of state for the use of the secretary of state as a substitute address. The application shall be on a form provided by the secretary of state and shall include:
 - (1) a statement that the secretary of state is acting as an agent of the victim for purposes of the forwarding of mail;
 - (2) a mailing address for forwarding received mail and a telephone number where the victim can be contacted by the secretary of state;
 - (3) payment of a seventy-five-dollar (\$75.00) application fee, which may be waived if the applicant is indigent; and
 - (4) the signature of the victim or the victim's representative.
- B. The secretary of state shall maintain a confidential record of applications for a substitute address and forward any mail received on behalf of a victim of domestic abuse to the new mailing address provided on the application.

In response to this legislation, the Secretary of State (SOS) has established the Confidential Address Program or CAP. Information about CAP is available on the Secretary of State's web site at <http://www.sos.state.nm.us/sos-CAP.html>.

In an April 2007 press release, Governor Richardson said this about HB 216:

"This law will allow victims of domestic violence or a representative to create a substitute address for them if there is a good reason to believe the victim's safety is at risk. The address will remain confidential and guarded from databases to ensure further safety of victims. These addresses can be used by the victim when interacting with any public agency, like school districts or the Motor Vehicle Department. This helps ensure that an abuser is unable to track a victim through these agencies."

Purpose of MVD's Confidential Address Program (CAP) Procedures

The Motor Vehicle Division (MVD) of the New Mexico Taxation and Revenue Department (TRD), working within the context of the Motor Vehicle Code and applicable regulations, has established the following procedures to facilitate use of the Secretary of State's Confidential Address Program (CAP) card by CAP participants who apply for new or replacement drivers' licenses, permits and identification cards.

MVD Confidential Address Program (CAP) Procedures

1. CAP Coordinator

A Confidential Address Program (CAP) Coordinator, the "CAP Coordinator" will be designated by MVD. The CAP Coordinator will be an individual with specific training or experience in handling sensitive and highly confidential identity documents and situations, and will be the primary individual authorized to receive and secure a CAP Participant's Physical Address and proof of New Mexico residency.

Backup staff will be designated, with the authority to act in place of the CAP Coordinator as may be necessary, and will include the Director of MVD.

2. CAP Card

The CAP Card, issued by the Secretary of State's Confidential Address Program, will serve as a CAP Participant's entry document for initial processing by the MVD CAP Coordinator.

3. CAP Supplement to Driver Application Form

For use by CAP Participants, MVD will create a special CAP Supplement to its standard Driver Application form for driver's licenses, identification cards and permits. This special supplement form and a non-controlled pdf version of the Driver Application form (MVD-10229) will be available on the Internet, at MVD field offices (with posting on the MVD intranet) and on the New Mexico Domestic Violence Leadership Commission (NMDVLC) web site.

The CAP Supplement will include the Participant's statement of his or her actual physical residence address. The Participant's signature on the CAP Supplement, affirming under penalty of perjury all statements on the supplement and the non-address responses provided on the Driver Application, will take the place of the Applicant's signature on the Application.

The Participant will also complete the Driver Application, except for the Participant's address information and signature, which shall be left blank for completion by the CAP Coordinator. If applicable, however, the Participant will sign the organ donor authorization on the Driver Application.

4. Other Driver Application requirements

- A. If the CAP Participant does not have a current New Mexico driver's license, permit or identification card, or if the Participant has a driver's license, permit or identification card that has expired more than 30 days prior to the application, the Participant will be required to provide original documents for proof of identification number and identity and two proofs of residency as required by Regulation 18.19.5.12 NMAC.
- B. If the Participant has a current New Mexico commercial or non-commercial driver's license, permit or identification card or has had a non-commercial driver's license, permit or identification card that has not been expired for more than 30 days prior to the application, then the Participant will only be required to provide two proofs of residency with the application.
- C. However, if the Participant is applying for renewal of a Commercial Driver's License, the Participant must provide (as with any other CDL renewal) all required proofs of

identification number, identity and New Mexico residency, as well as proof of lawful presence in the United States.

5. Application to CAP Coordinator

The CAP Participant will deliver or mail notarized copies of the application and proofs of identification number and identity, together with original proof of residency documents to the MVD CAP Coordinator, along with the CAP card provided by the Secretary of State. A copy of the CAP card is an acceptable substitute for submittal of the actual CAP card. The MVD Coordinator will return to the Participant only the original documents submitted.

6. Verification of CAP Participation and Application Evaluation

The MVD CAP Coordinator will contact the Secretary of State's Confidential Address Program to verify that the Participant applicant is a member in good standing in the CAP. The MVD CAP Coordinator will evaluate the application and determine if the Participant has submitted all required documents and meets requirements for proof of identification number, identity and proof of residency to be eligible to obtain the driver's license, permit or identification card.

7. CAP Participant File and Documents to TRD Vault

Upon receipt of the Driver Application, CAP Supplement and all required supporting documents as described above, and after verifying the applicant's CAP participation, the MVD CAP Coordinator will create a file for the Participant and will assure that all residency and other required documents submitted are placed, with a copy of the Participant's CAP card, in the CAP Participant's file in the TRD vault.

Only the Participant's CAP card (if the original card is submitted to the CAP Coordinator) will be returned to the CAP Participant.

The CAP Participant's file name will be the last four digits of the Participant's Social Security number (or for those foreign nationals who are not eligible for a Social Security number the last four digits of the document accepted as proof of identification number), followed by the Participant's last name, first name, middle initial and date of birth.

8. Address Terms

The following address terms will be used for the Confidential Address Program (CAP):

A. Substitute Address = mailing address in MVD databases (MVD 2.0 and Sessions)

The address maintained by the Secretary of State and included on each CAP card as the official mailing address for a CAP Participant. This address will be entered in the MVD databases as the Participant's official MVD mailing address. Mail sent by MVD to this address will be considered timely sent to the Participant.

B. False Address = residence address in MVD database (MVD 2.0 and Sessions)

The false address will be the address shown in the MVD databases as the CAP Participant's physical residence address. The False Address will be the physical address of the County Sheriff of the county in which the Participant resides.

C. Physical Address = actual address; kept in TRD vault only, not in MVD databases

The current, actual residence address of the CAP Participant will be provided by the Participant-Applicant to the MVD CAP Coordinator on the CAP Supplement to the Driver Application. If the applicant moves, he or she will be required to notify the CAP Coordinator of the new physical residence address. The Participant's Physical Address will remain secured in the TRD vault with TRD staff access limited to the CAP Coordinator and designated backup staff, and will be provided only to law enforcement in accordance with these procedures.

Note: The False (residence) Address will normally be the address printed on a CAP Participant's driver's license, permit or ID. However the Participant (like any other MVD customer) may choose to have the Substitute (mailing) Address printed on the card.

9. Confirmation Letter to CAP Participant/Applicant

If the participant meets all of the requirements specified above to obtain a driver's license, permit or identification card, the MVD CAP Coordinator will write a letter to the Participant at the Substitute (mailing) Address conditionally approving the Participant's application for a confidential address driver's license, identification card or permit, and directing the Participant to go to a specific MVD (State or County-Municipal, not PRA) field office to complete the application process.

The CAP Coordinator will email the letter with a copy of the driver application to the Office Manager at the designated field office, and a copy of the letter and application will be placed in the Participant's file in the TRD vault.

The letter will indicate that:

- The participant has been approved to complete the application process for a driver's license, permit or identification card.
- The participant must go to the specified field office, taking all required documentation (per the chart below), to complete the application process.
- Issuance of the license, permit or ID is not guaranteed, but is still subject to routine background and facial recognition checks.
- The DL or ID will be for four years, not eight years.
- The Substitute (mailing) Address and False (residence) Address are to be used to issue the driver's license or identification card and entered into the MVD driver system.
- All MVD communications will be sent to the Participant using the Substitute Address. Mail sent by MVD to this address will be considered timely sent to the Participant.
- If the Participant changes his or her physical address, the CAP Coordinator must be notified within 10 days (in accordance with state law) or the driver's license, permit or identification card will be cancelled, and the Participant will be notified by mail at the Substitute Address.
- Participant must notify the MVD CAP Coordinator in writing within 10 working days if the Participant cancels participation in the CAP, moves from New Mexico, changes his or her physical address within New Mexico or is removed from the CAP by the Secretary of State.
- If the Participant's current physical address changes, the new physical address will be placed in the Participant's file in the TRD vault.

- If a Participant is no longer a member in good standing in the CAP, his or her driver's license, identification card or permit will be cancelled. Any notification related to this process will be sent to the Participant at the Substitute Address.

10. Application at MVD Field Office

The letter referenced above must be taken by the Participant within 30 days, together with the conditionally approved application and all required documents, to the designated field office for completion of the driver's license, permit or ID card application process.

The Participant will also be required to present his or her CAP card for verification of the Participant's signature.

11. Request from Law Enforcement for Physical (actual) Address

If MVD receives a request from law enforcement for the actual physical address of a CAP Participant, MVD will require that the request be made in writing by the chief or head of the law enforcement agency requesting the information before releasing the information.

If a CAP Participant notifies the MVD CAP Coordinator, in writing on the CAP Supplement to the Driver Application form, that the Participant is the victim of domestic abuse inflicted by the chief or head of any law enforcement agency, MVD will place that information with the Participant's records in the TRD vault.

If a request is made by a law enforcement chief or head who has been so designated in the records of the Participant, MVD will notify the Chief of the New Mexico State Police or if the Chief of the New Mexico State Police is himself so designated, the Secretary of the New Mexico Department of Public Safety, of the request for information.

The decision to release the information can then only be made by the Chief of the New Mexico State Police or the Secretary of the Department of Public Safety.

12. License or ID Renewal or Replacement

In order to renew his or her driver's license, or to obtain a replacement for a lost license, CAP Participant will be required to demonstrate current participation in the Secretary of State's Confidential Address Program.

The Participant/Applicant will be required to present both a new CAP Coordinator letter and a current CAP card to renew his or her license, permit or ID at the MVD field office.

13. Change of Physical (actual) Address

In the event that a CAP Participant's Physical (actual) Address changes, in addition to the required address change notification to the Cap Coordinator, two proofs of New Mexico residency at the new address must be presented to the CAP Coordinator.

14. Follow-up Audit and Investigative Hold

The CAP Coordinator will periodically audit the records of CAP driver's license, permit and ID holders to assure that Participants remain current members in good standing with the Secretary of State's Confidential Address Program.

If upon follow-up by the CAP Coordinator to confirm appropriate and timely issuance of the participant's license, permit or ID, or to confirm continuing CAP participation, the CAP Coordinator is unable to confirm the Participant's compliance and continuing CAP eligibility, the CAP Coordinator may place an "Investigative Hold" on the Participant's driver record.

If it is confirmed that a Participant is no longer a CAP Participant in good standing, MVD will take steps to cancel the driver's license, permit or identification card.

15. Application Documents Chart

Each document listed in the chart below must be submitted, as an original (O), copy (C) or notarized copy (NC), to the CAP Coordinator (CC) and/or the MVD field office as indicated.

| <u>Document</u> | <u>CAP Coordinator (CC)</u> | <u>MVD Field Office</u> |
|---------------------------------|-----------------------------|-------------------------|
| Proof of Identification Number | NC | O |
| Proof of Identity | NC | O |
| Proof of New Mexico Residency | O | Letter from CC |
| Driver License Application | O | Letter from CC |
| Copy of CC-approved Application | | C |
| CAP Supplement, signed | O | Letter from CC |
| CAP card | NC or O | O |

Note: