

## INTRODUCTION

Providing undocumented immigrants access to driver's licenses has become a focus of many immigrants' rights organizations and of communities that recognize the important role immigrant residents play as part of these communities. Progressive proponents of providing access to driver's licenses to all immigrants believe that doing so could improve public safety and could likely create a positive economic impact, both for families and the state's economy as a whole.

Licensing of drivers makes roads and towns much safer by ensuring that drivers understand the "rules of the road" and are able to safely operate a vehicle. It also helps ensure that drivers feel comfortable reporting accidents. In fact, a recent [Stanford University study](#) found a 10 percent decrease in hit-and-run accidents after California implemented a law expanding access to driver's licenses ([2013 California Assembly Bill 60 / Chapter 524](#)). Providing access to licenses decreases the uninsured rate in states and thus potentially [lowers average insurance premiums](#) for everyone. Expanding access to driver's licenses also supports [broader access to employment](#) for immigrants while simultaneously protecting this group from additional economic hardships (e.g., being cited for driving while unlicensed can result in vehicle impoundment and costly fines).

Regulation of driver's licenses is a state-level responsibility, making this policy area one in which progressive state legislators can have immense impact. Progressive state leaders are already advocating for access to driver's licenses for all residents, regardless of immigration status, because they understand that adopting policies that give all residents the opportunity to succeed makes their towns and roads safer and helps the economy to prosper. Currently, 12 states and Washington, D.C., allow undocumented immigrants to obtain driver's licenses.

## MESSAGING

### Topline Message

Broader access to driver's licenses would improve public safety for everyone and could likely have a positive economic impact for families and the entire state. For immigrants, the opportunity to become licensed drivers could have a significant positive impact on their access to employment and their inclusion in the larger community.

### Talking Points

- Policies that give all residents the opportunity to succeed make communities safer and help the economy to prosper.
- Ensuring that all drivers can apply for a license will ensure that drivers are tested, trained, insured, and accountable for their driving record. This improves road safety for everyone.
- Expanding access to driver's licenses ensures that drivers feel comfortable reporting accidents and could reduce the number of hit-and-run incidents. When drivers are not

comfortable reporting accidents, this causes delays in emergency assistance, causes an increase in insurance premiums, and leaves victims with significant out-of-pocket expenses. In California, expanding access to driver's licenses decreased the rate of hit-and-run incidents. ([Proceedings of the National Academy of Sciences; Stanford University](#))

- Providing undocumented immigrants with the opportunity to become licensed drivers can be transformative—immigrants can have better access to employment and can drive their children to school and medical appointments and safely take care of other daily necessities.
- Empirical studies document the many benefits of ensuring that all drivers can be trained, tested, insured, and accountable for their driving records. ([National Immigration Law Center](#))
- Broadening access to driver's licenses encourages more drivers to obtain insurance, thereby resulting in lower insurance costs for all. ([National Immigration Law Center](#))

### Key Facts and Data

- A 10 percent decrease in hit-and-run accidents after California's law expanding access to driver's licenses ([2013 California Assembly Bill 60 / Chapter 524](#)) saved \$3.5 million in out-of-pocket expenses, and transferred \$17 million in costs to at-fault drivers. ([Stanford University](#))
- A 2017 report by the Office of New York City Comptroller concluded that driver's license fees would generate up to \$9.6 million in revenue, with \$1.3 million going to the Metropolitan Transportation Authority. The report also stated that wide access to driver's licenses would boost auto sales by 2.7 percent, with resulting increases in registration and title fees, vehicle use taxes, and gasoline sales taxes. These revenues would offset program costs. ([National Immigration Law Center](#))
- The percentage of uninsured motorists is consistently higher in states that do not provide driver's licenses to undocumented immigrants. ([Latino Policy Institute](#))
- The average cost of auto insurance is lower in states where driver's licenses are available to undocumented immigrants. ([Latino Policy Institute](#))
- Poverty rates tend to decline at a faster rate in states that provide driver's licenses to undocumented immigrants. ([Latino Policy Institute](#))

## POLICY OPTIONS

When designing driver's license legislation, there are several key decision points to consider:

- Documentation Requirements
- Data Reporting to the Federal Government
- Protection Against Discrimination
- Magnitude of Applicants
- Costs and Revenues

## Documentation Requirements

States have varying documentation requirements for obtaining a driver's license. In general, states require applicants to submit proof of state residency as well as identification documents. Delaware and Maryland also require applicants to submit copies of state tax returns filed in prior years. Utah and Delaware impose an additional fingerprint requirement for certain applicants. These stricter requirements pose barriers for some otherwise eligible drivers and undermine the purpose of these laws.

Other states have shown greater flexibility in accepting forms of identification. For example, in Illinois, a person who has resided in the state for a specified amount of time but is ineligible for a social security number and is unable to prove lawful presence can apply for a temporary visitor's driver's license using a valid foreign passport or consular identification document from their country of citizenship ([2013 Illinois Public Act 97-1157](#)). Moreover, several states have seen local offices set conflicting requirements, causing an even slower process. Having stricter eligibility standards or implementing requirements without uniformity across agencies and branches increases the barriers immigrants face in applying for a license.

## Reporting Data to the Federal Government

Since the Trump administration announced that it would prioritize virtually all undocumented immigrants for deportation, concerns have grown over how the federal government can access state-level data. The concern is particularly heightened in the context of driver's license databases, which are routinely used for law enforcement purposes.

Many new state laws and local ordinances include some confidentiality protections for this data. [Nevada Rev. Stat § 481.063\(10\) \(2016\)](#) prohibits the Department of Motor Vehicles from sharing any data from the program with any federal, state, or local government entity or individual for the purpose of enforcing immigration laws.

## Protections Against Discrimination

Immigrants need reassurance that applying for, or possessing, this new form of ID cannot be used as a basis for arresting or punishing them. Colorado ([Colorado Rev. Stat § 42-2 \[2016\]](#)) and California have inserted these clauses into the laws themselves to help protect immigrants from discrimination based on the type of license presented. [California Vehicle Code § 12801.9 \(2016\)](#) prohibits discriminatory behavior against the new form of ID by stating that "it is a violation of law to discriminate against a person because he or she holds or presents a license issued under this section."

States can also provide citizens and lawfully residing immigrants with the option to choose a license that is not compliant with the REAL ID Act, which is available regardless of immigration status. This would help reinforce the message that no inferences about an individual's status should be made based on the type of license an individual presents. For

example, in Vermont a driver privilege card that is not compliant with the REAL ID Act is available to anyone that is a Vermont resident, a citizen, a U.S. national or permanent resident alien, or an undocumented immigrant, so long as the individual is able to provide reliable proof of Vermont residence, date of birth, and place of birth, and the individual satisfies all other requirements for obtaining the license ([2013 Vermont Senate Bill 38 / Act 74](#)).

### Applicant Estimates

The number of potential applicants affects [staffing and facility needs, license processing and issuance, and expected costs and revenue](#). Therefore, states need to carefully analyze the demand in similar states before determining available funding and administrative resources. These estimates should take into consideration that not all interested applicants will apply immediately. For example, California estimated that only 38 percent of likely applicants would apply in year one, 50 percent in year two, and 12 percent in year three. Connecticut, on the other hand, estimated that 55 percent would likely apply in year one, 30 percent in year two, and 15 percent in year three.

Colorado originally estimated that approximately 50 percent would apply for the licenses, but the true number significantly exceeded this estimate. This miscalculation caused months of delays in appointments, since only five of the state's 56 licensing centers offer appointments.

### Costs and Revenues

Projected costs and revenues depend on a number of factors, particularly the applicant estimates (new applicants and expected renewal rates) and the necessary staffing and technology resources to support the state's license processing and issuance capacities. [Planning for startup costs](#) is especially important to ensure that implementing agencies have sufficient resources to implement the program before it begins to earn revenue. Overall, states varied widely in their projections of costs and revenues for these programs. [While California estimated a need for 822 new hires, New Mexico, Utah, and Vermont did not hire any new employees when they implemented the program.](#)

## ADDITIONAL RESOURCES

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California Department of Motor Vehicles

[Fatal Crash Rates for Suspended/Revoked and Unlicensed Drivers](#)

Gonzalez, D., Margulies, P., Tirado-Alcaraz, J.A. Latino Policy Institute at Roger Williams University

[A Legal and Policy Analysis of Driver's Licenses for Undocumented Rhode Islanders](#)

Hainmueller, J., Leuders, H., Lawrence, D. Proceedings of the National Academy of Sciences.  
(Stanford University study cited in the policy brief)

[Providing Driver's Licenses to Unauthorized Immigrants in California Improves Traffic Safety](#)

National Conference of State Legislatures

[States Offering Driver's Licenses to Immigrants](#)

National Immigration Law Center

[Toolkit: Access to Driver's Licenses](#)

Pew Charitable Trusts

[Deciding Who Drives](#)

[Impacts of Licensing Unauthorized Immigrants](#)