

## Statement in opposition to HB 1231

Representative Cynthia Davis has recently introduced in the 2010 session of the current Missouri General Assembly HB 1231 which purports to restrict the testing process for a Missouri motor vehicle operator's license to a written test in the English language only. Further, the proposed bill prohibits the provision of or the use of any translator in the process of taking any part of the operator's license exam.

As a member of the Missouri Bar who has practiced for more than ten years representing immigrants in the States of Missouri and Illinois and as a member of the American Immigration Lawyers Association, I strongly urge the Missouri Legislature to carefully consider the implications of HB 1231 and reject HB 1231 for the following reasons:

At the outset, it should be clear that HB 1231 has *nothing whatsoever to do with undocumented aliens* unlawfully present in the State of Missouri. The Missouri Legislature should be aware that since the passage in 2008 of HB 1549, the purported Missouri "Illegal Alien" Bill and since the Missouri Department of Revenue has implemented its policies enforcing HB 1549's prohibition of driver's licenses to undocumented aliens, it has become impossible for an undocumented person to apply for or receive a Missouri Operator's License. Consequently, regardless of what any person's feelings may be as to undocumented aliens, that consideration has no relevance to HB 1231.

Representative Davis' HB 1231 can only be directed at those persons who are lawful residents of the State of Missouri but who are functionally illiterate in the English language and unable to read and write the English language. HB 1231 would add the following text to Section 302.170.1 R.S.Mo.:

**Examinations conducted under the authority of this section shall only be administered in the English language so that the applicant can demonstrate his or her ability to read the English language sufficiently to understand highway traffic signs and safety warnings. The director shall neither supply nor permit the use of language interpreters in connection with the written and driving tests required under this section.**

- HB 1231 purports to impose an English only requirement for licensing of ordinary motor vehicle operator licenses because it assumes a causal link between functional literacy in the English language and the ability to "understand highway traffic signs and safety warnings". It further assumes that a person who cannot read and/or write in the English language sufficiently to take a written exam in the English language cannot understand or follow normal highway traffic signs and safety warnings. However, Representative Davis offers no explanation of this connection, no statistics, no studies or any other evidence supporting this assumption. Quite to the contrary, in fact, common experience demonstrates that one can understand traffic signs and safety warnings, even small phrases in English without being able to read and/or write English sufficiently to take a written exam in English.

- Many other states with much more ethnically diverse populations than the State of Missouri and higher proportions of lawfully present, newly arrived immigrants have considered the question of English only driver's license tests and have rejected the concept. These states have generally implemented testing procedures that allow the applicant to take a written test in their native language or in English with the help of a translator. In order to assure that these applicants are able to "understand highway traffic signs and safety warnings" they implement a part of the test where the applicant views a sign, warning or short traffic related phrase and then must explain its meaning in their native language with the use of a translator. These states have concluded that "***fluency in the English language sufficient to take and pass a written exam in English is not indicative of the applicant's ability to drive safely on the public roadways***". There really does not exist any good research or data suggesting otherwise. (Robert Hagge, Research Analysis, California Department of Motor Vehicles, Research and Development Branch).
- Considering public school students of Limited English Proficiency (LEP) as a proxy for populations of LEP persons in general, as far back as 2005 research conducted by Institute of Public Policy, University of Missouri, has shown a substantial growth of immigration population in the State of Missouri and much of this growth has been in rural counties. (See attached, Sita Sengsavanh, ***Missouri's Growing Immigrant Population and Implications for School Districts***, Report No. 31-2005, July 2005. See also attached, Sita Sengsavanh, ***Keeping up with Missouri's Growing LEP Population***, Report No. 33-2005, July 2005).
- With opportunities to obtain an operator's license restricted from individuals insufficiently fluent in the English language to take and pass an English language written test, such individuals will be left with public transportation to get to and from schools, employment, shopping and to carry out every other basic activity of living. However, according to the Missouri Department of Transportation, transportation in "small urban areas struggle to maintain service levels and do not provide service to their entire urban areas. Weekend and evening service is limited. Missouri's small urban areas are Springfield, St. Joseph, Columbia, Jefferson City and Joplin." Worse yet "Access to public transportation is limited in rural areas. Because there are fewer mobility options for residents without access to automobiles, rural public transportation needs are growing. Few rural systems offer service to employment, schools, volunteer activities or community events. Better access to medical and nutritional services is especially important to certain segments of the population like the elderly and persons with disabilities." (MODOT, [http://www.modot.mo.gov/plansandprojects/long-range\\_plan/transit.htm](http://www.modot.mo.gov/plansandprojects/long-range_plan/transit.htm)). Therefore, it is clear that the result of HB 1231 will be that many lawful rural Missouri residents will be cut out of basic participation in economic and social life of the communities where they live.
- Missouri cannot afford to have a growing segment of its rural population restricted from participation in the economic life of rural Missouri. Missouri's overall state

unemployment rate, according to the Bureau of Labor Statistics, in December 2009 was 9.6%. ([http://data.bls.gov/PDQ/servlet/SurveyOutputServlet?data\\_tool=latest\\_numbers&series\\_id=LASST29000003](http://data.bls.gov/PDQ/servlet/SurveyOutputServlet?data_tool=latest_numbers&series_id=LASST29000003)). Historically, the unemployment picture has been worse in rural counties than the state average. For example month by month data from the above link shows that statewide unemployment in Missouri fluctuated between 5.5 and 7.1% through the year of 2008. However, for the entire year of 2008, the unemployment rate in Franklin County, Missouri stood at 7.5%, in Warren County, Missouri at 7.5% and in Washington County, Missouri at 10.2%. (<ftp://ftp.bls.gov/pub/special.requests/la/laucnty08.txt>). Missouri, as a state, cannot afford to erect artificial barriers to any population segment's participation in the labor force and economic activity of the state. Rural areas in Missouri, where non-English fluent persons are most vulnerable due to lack of public transportation, can afford such artificial barriers as HB 1231 even less.

- Overall, HB 1231 offers absolutely nothing to overall safety of our public roadways and will inflict substantial harm to one of our most vulnerable populations and to the State of Missouri Generally. The Missouri Legislature should speak clearly and loudly against HB 1231.