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**DRIVER SAFETY AND THE ROLE OF MINNESOTA'S
DRIVER'S LICENSE POLICY**

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HACER

HACER's mission is to provide the Minnesota Latino community the ability to create and control information about itself in order to affect critical institutional decision-making and public policy. General support for HACER is provided by the Center for Urban and Regional Affairs (CURA) and Minnesota-based philanthropic organizations.

Executive Director: Claudia Fuentes

HACER
330 HHH Center,
301 19th Avenue South
Minneapolis, Minnesota 55455
(612) 624-3326
www.hacer-mn.org

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Project Advisors

Claudia Fuentes, HACER, Executive Director

Vic Rosenthal, Jewish Community Action

Jorge Saavedra, Centro Legal

Research

Tatiana Achcar, HACER, Research Assistant

Jared A. Erdmann, HACER, Research Director

Elisabeth Golub, HACER, Intern

Technical Assistance

Lynn Blewett, State Health Access Data Assistance Center (SHADAC)

William J. Craig, Center for Urban and Regional Affairs (CURA)

Kim McCoy, State Health Access Data Assistance Center (SHADAC)

Data Assistance

Patrick Butler, CentsPerMileNow

Dave Fenner, Ramsey County Sheriff's Office

Craig Hagensick, State Court Administrator's Office

Linda Kochevar, Hennepin County Corrections Department

Nancy Myers, Minnesota Department of Commerce

Marcy Podkopacz, Hennepin County, Fourth Judicial District Court of Minnesota

Alan Rodgers, Minnesota Department of Public Safety, Office of Traffic Safety

Barbara Ronningen, Minnesota State Demographer's Office

Wendy Thomas, Minnesota Population Center

Focus Groups

John M. Harrington, Chief of Police, Saint Paul Police Department

Officer Paul Schnell, Saint Paul Police Department

Officer Pete Bravo, Saint Paul Police Department

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Executive Summary

This report, *Driver Safety and the Role of Minnesota's Driver's License Policy*, quantifies the number of unlicensed drivers in two of Minnesota's most populated counties, Hennepin and Ramsey. It places the contentious debate over the undocumented, unlicensed driver in the context of an unlicensed driver problem. By using factual information about traffic violations and incarcerations involving Hispanic/Latino and Non-Hispanic drivers, the report demonstrates to what extent Minnesota driver's license policy has exacerbated the number of unlicensed drivers, presumably by prohibiting undocumented immigrants from getting a license. Analyses suggest important implications of Minnesota driver's license policy on driver safety and on Hispanic/Latino drivers.

Methods

Qualitative research included three focus groups with police officers from the Saint Paul Police Department. Quantitative research consisted of descriptive and expected-outcome analyses of traffic and jail data in Hennepin and Ramsey Counties. Analyses compared the traffic violations of Hispanic/Latino drivers to the violations of Non-Hispanic drivers in 2003. They drew similar comparisons of drivers jailed and charged under driver's license statutes in 2001, 2002, and 2003.

The *US Census Spanish Surname List 1990* developed by Word and Perkins (1996) enabled HACER to identify Hispanic/Latino surnames in the traffic and jail data. This list placed over 25,000 names into five categories: heavily, generally, moderately, occasionally and rarely Hispanic. HACER's estimates of the number of Hispanic/Latino drivers were conservative in that they only included names that matched the heavily Hispanic category.

In this report, "unlicensed drivers" refers to all drivers ticketed in Hennepin and Ramsey Counties under *Minnesota Statutes*, sections 171.02, 171.03(6), 171.05, 171.08, 171.22, and 171.24. (See Figure 1, p.28 for statute descriptions.) Unlicensed drivers who "did not have a license at all" refer to drivers that were charged specifically under *Minnesota Statutes*, section 171.02.

FINDINGS:

Unlicensed Drivers

- Unlicensed drivers accounted for 13% (45,190) of the 345,417 tickets issued in Hennepin and Ramsey Counties in 2003.
- Of the 45,190 unlicensed drivers, 63% drove with cancelled, suspended and revoked licenses. An additional, 20% did not have a license at all. (See Figure 1, p.28.)

Unlicensed, Hispanic/Latino Drivers

- Hispanic/Latino drivers accounted for 7.6% (26,144) of the 345,417 traffic tickets issued in Hennepin and Ramsey Counties. They accounted for 4.6% of the driving age population in the two counties according to the 2000 Census.
- Of the 26,144 tickets issued to Hispanic/Latino drivers, 1 of every 4 (6472) involved unlicensed drivers.
- Of the 6472 tickets issued to unlicensed Hispanic/Latino drivers, 53% did not have a license at all. (See Figure 3, p.30.)
- If Hispanic/Latino drivers were ticketed for not having a license at all at the same rate that they were ticketed for traffic violations in general (7.6%), a total of 695 tickets would have been issued to Hispanic/Latino drivers for this violation. Instead, the actual number of tickets was 3,415—five times more than expected. (See Figure 2, p.29.)

Unlicensed Drivers in Jail

- Of the unlicensed drivers who were jailed in Hennepin County between January 1, 2001 and December 31, 2003, 29% were Hispanic/Latino drivers.
- Of the 1785 Hispanic/Latino unlicensed drivers who were jailed over this period, 83% (1481) did not have a license at all. Of the 4359 Non-Hispanic unlicensed drivers who were jailed, 27% (1174) did not have a license at all. (See Figures 5, 6, and 7, pp. 31-32)
- In Ramsey County very few drivers were jailed under driver's license statutes most likely due to limited jail capacity and overall discouragement about incarcerating drivers.

Driving Behavior and Implications on Driver Safety

- Non-Hispanic drivers were 2 times more likely than Hispanic/Latino drivers to be ticketed for speeding. Speeding was the top contributing factor to fatal crashes in Minnesota in 2003 (Minnesota Department of Public Safety, 2003b, p.21).
- The only traffic violation for which Hispanic/Latino drivers were overwhelmingly more likely to be ticketed than Non-Hispanic drivers was not having a license at all. The odds were much closer to Non-Hispanic drivers for all other traffic violations.
- Hispanic/Latino drivers were 13%, 22% and 54% more likely than Non-Hispanic drivers to be ticketed for moving violations (other than speeding), DUIs, and driving an uninsured vehicle, respectively.
- It was not obvious whether or not Hispanic/Latino or Non-Hispanic drivers were the safer drivers. (See Figure 4, p. 30.)

Focus Groups with Police Officers

- Officers' overall perceptions of unlicensed drivers were that they tended to be low-income, uneducated, habitual offenders of all races/ethnicities.
- Officers identified serious loopholes in the driver's license system that enabled unlicensed drivers to drive virtually uninhibited and undetected. First, unlicensed drivers who habitually offend tended not

to face serious consequences, especially once they went to court. Second, they tended to “hide” from law enforcement by driving vehicles that were registered and insured through an owner with a valid driver’s license and insurance. Third, owners were not held accountable for allowing unlicensed drivers to drive their vehicles.

ISSUES RELATED TO UNLICENSED DRIVERS

Uninsured Drivers: New Mexico and Utah successfully reduced their numbers of uninsured drivers by a combination of allowing undocumented immigrants to drive legally and developing electronic databases to cross reference driver’s licenses and vehicle registrations with insurance records (Hunter, 2004; Jones, 2003; Rojas, 2004). In light of this, literature suggests that driving performance of uninsured drivers resembles the driving performance of insured drivers (Butler, 2004; Insurance Research Council, 1984).

Car Accidents and Unlicensed Drivers: At a minimum, Rodgers (2004) found that 1 out of every 20 crashes in Minnesota in 2002 involved drivers who did not have a valid driver’s license. The validity of the driver’s license could not be determined in 1 out of every 4 crashes in Minnesota. (See Figure 11, p.36.) Possible reasons for this were that the crash was a hit-and-run or “the computer system was down” at the time of the crash.

Undocumented Workers: The Urban Institute estimates that Minnesota has between 75,000 and 100,000 undocumented immigrants (Passel et al., 2004). On a national level, most undocumented immigrants are Hispanic/Latino. Mexicans make up 57% of undocumented immigrants and 23% are from other Latin American countries (Passel et al., 2004). They tend to work in growth industries such as food processing, construction, hospitality and healthcare (Ronningen, 2001). Currently, undocumented immigrants in Minnesota can obtain an individual tax identification number (ITIN) to pay taxes (Internal Revenue Service, 2005) but they cannot drive to work legally.

Driving to Work: According to the 2000 Census, 73% of Non-Citizens (including undocumented immigrants) in Minnesota got to work by car, truck or van (Ruggles et al. 2004). Hispanic/Latino workers were between 2 and 4 times as likely as Non-Hispanic workers to carpool to work (US Census Bureau, 2003). (See Figures 8, 9, and 10, pp. 34-35.)

Auto Insurance Premiums: Driver’s license and insurance laws (e.g. financial responsibility, compulsory, or notice laws) affect auto insurance premiums; however, the extent to which they affect them is extremely difficult to measure. The calculation of premiums depends on too many factors to be able to say that one change in policy will in fact cause an increase or decrease in premiums.

DRIVER SAFETY IMPLICATIONS

Whether or not Minnesota roads were less safe as a result of a relatively small number of undocumented, unlicensed drivers was not at all obvious. Speeding was the top contributing factor to fatal crashes in Minnesota in 2003 (Minnesota Department of Public Safety, 2004b, p.21), but Hispanic/Latino drivers were half as likely as other drivers to be ticketed for speeding. Chemical impairment and moving violations other than speeding were contributing factors to fatal crashes in Minnesota in 2003 (Minnesota Department of Public Safety, 2004b, p.21). Hispanic/Latino drivers were slightly more likely than other drivers to drive under the influence (DUI) and to be ticketed for moving violations other than speeding.

The fact that unlicensed drivers could drive uninhibited and undetected by means of loopholes in the driver's license system suggested that the system was not optimizing law enforcement mechanisms to address the unlicensed driver problem. Prohibiting undocumented immigrants from driving legally in spite of the loopholes in the system exacerbated the problem by adding to the already large pool of unlicensed drivers, not to mention the pool of uninsured drivers. One implication is that driver's license policy did not optimize driver safety because it was not backed up by optimal law enforcement mechanisms to keep drivers, who should not have been on the road in the first place, from driving.

Current driver's license policy, as it related to undocumented immigrants, may have had little to no implications on driver safety. Undocumented, unlicensed drivers, who were aware of the loopholes in the system and who were good drivers, drove virtually undetected just like habitual offenders did and posed no more risk to driver safety than other drivers. If they were unaware of the loopholes and drove, they still posed no more risk than other drivers per se but were probably more likely to get caught either because officers ran their plates or because they violated another traffic law. Thus, by restricting eligibility for a driver's license based on a factor, i.e., legal status, that has nothing to do with driving performance, the policy just guaranteed that an overwhelmingly disproportionate number of Hispanic/Latino drivers were ticketed, jailed, and possibly even deported for not having a license.

POLICY IMPLICATIONS AND RECOMMENDATIONS

Driver's license policy in large part is intended to ensure the competency and safety of drivers. Currently, it restricts at-risk drivers, drivers under the age of 15 and individuals who are not legal residents of Minnesota from getting a license. As the research suggested, driver's license policy prevented undocumented immigrants from getting a license but did not stop them from driving. If these immigrants drove and were not savvy enough to know the loopholes in the system, some of them got caught. Although our analyses did not specifically identify undocumented, unlicensed drivers, the data showed at a minimum that driver's license policy resulted in 2720 (i.e. $3415-695 = 2720$) additional tickets and about 300 additional incarcerations just in 2003, presumably by not allowing

undocumented immigrants to drive legally. The additional 2720 tickets represented 10% of all tickets issued to Hispanic/Latino drivers.

Police officers' observations shed light on an important dynamic of driver's license policy. By maintaining restrictive eligibility requirements for driver's licenses without addressing existing loopholes in the driver's license system, the policy enables habitual offenders to keep offending, encourages undocumented immigrants to drive within the same loopholes as habitual offenders, and consequently makes the unlicensed driver problem worse for everyone. Just closing the loopholes could make driving undetected more difficult and could mean harsher penalties for unlicensed drivers, but it invariably overlooks the principal reason why Minnesota's driver's license policy disproportionately affects Hispanic/Latino drivers, i.e. the fact that many of them cannot get a license or insurance in the first place because of a factor that has nothing to do with their ability to drive.

An optimal driver's license policy restricts driver's licenses based on factors that pose excessive risks to driver safety. For instance, underage, inexperienced driving has been shown to be a contributing factor to crash deaths (Minnesota Department of Public Safety, 2004b, p.4). Also, characteristics of at-risk drivers have been shown to contribute to crashes (Minnesota Department of Public Safety, 2005). Legal status has not been shown to be a contributing factor to fatal crashes in Minnesota. In sum, an optimal driver's license policy attempts to keep the most unsafe drivers from driving in the first place; meanwhile, it enables law enforcement to focus its time and resources on the drivers that pose the greatest risks to the safety of other drivers i.e. speeders, "distracted" drivers, chemically impaired drivers, and drivers that commit other moving violations (Minnesota Department of Public Safety, 2004b, p.21).

Below are specific recommendations:

Unlicensed Drivers

- Repeat offenders, e.g. drivers who drive after revocation (DAR), after suspension (DAS), or after cancellation (DAC) should receive penalties—other than fines—that are harsher than the penalties for drivers charged with not having a license at all, statute 171.02. Officers gave examples such as: jail time, community service, or the car becomes property of the state. By just increasing fines with the number of offenses, current policy penalizes repeat offenders the same as first-time offenders.
- Ensure officers can easily identify unlicensed drivers on the road by closing the loopholes which enable these drivers to "hide" on the road. For instance, license plates could stay with the person, not the car as they do in Wisconsin. Another possibility could be that the seller and the buyer of a vehicle are required to go together to change the title into the new owners' name. Another option is to hold owners accountable for allowing unlicensed drivers to drive their vehicles.

- Restrict eligibility for driver's licenses based on factors that pose excessive risks to driver safety, e.g. underage driving and at-risk drivers.
- Educate incoming immigrants about the consequences of driving illegally in Minnesota. Many may know how to drive and may have driven in their countries of origin. Here they may need to drive to carry out daily activities, just like most Minnesotans. Not educating incoming immigrants about the consequences of driving illegally starts them down the wrong path with law enforcement and can send them into a legal and financial downward spiral.
- Allow undocumented immigrants to drive legally. Studies have not shown a person's legal status to be a contributing risk factor in fatal crashes in Minnesota. Eliminating the barrier that prohibits undocumented immigrants from driving legally could reduce the risk of Hispanic/Latino drivers being ticketed for not having a license from its current level (8 times more likely to be ticketed) to a level similar to that of Non-Hispanics in general.
- Educate all drivers on how to reinstate their licenses once they are suspended, cancelled or revoked.

Uninsured Drivers

- Standardize proof of insurance. Officers have no way of verifying the plethora of insurance cards from the hundreds of companies that provide auto insurance.
- Require auto insurance companies to notify the state once a driver terminates his or her auto insurance policy and make that information available to officers through the Department of Motor Vehicles (DMV) website.
- Do not allow insurance companies to sell monthly auto insurance policies and then provide the driver proof of coverage for unpaid months into the future.
- Explore more effective ways to enforce insurance laws such as an electronic database system to cross reference driver's licenses and vehicle registrations with insurance records. Officers felt that sending out letters of insurance verification is ineffective. Many of these drivers are difficult to locate and might not have a permanent address.

Introduction

This report, *Driver Safety and the Role of Minnesota's Driver's License Policy*, quantifies the number of unlicensed drivers in two of Minnesota's most populated counties, Hennepin and Ramsey. It places the contentious debate over the undocumented, unlicensed driver in the context of an unlicensed driver problem. By using factual information about traffic violations and incarcerations involving Hispanic/Latino and Non-Hispanic drivers, the report demonstrates to what extent Minnesota driver's license policy has exacerbated the number of unlicensed drivers, presumably by prohibiting undocumented immigrants from getting a license. Currently, undocumented immigrants are the only population, other than drivers who do not have the ability to safely operate a vehicle (at-risk drivers) and youth less than fifteen years of age, who cannot get a driver's license in Minnesota.

How many people are driving without a driver's license? How much of the unlicensed driver problem can be attributed to Hispanic/Latino drivers? How much of the problem can be attributed to drivers who are not Hispanic/Latino? What issues are most related to the problem? These are all questions we have sought to answer in this report; however, before we address what we have found, understanding some background information about the unlicensed driver problem is important.

Background

Driving without a license is a problem that impacts various stakeholders: drivers, insurers, law enforcement, federal, state and local governments, and policymakers. To the average driver, "unlicensed" means untrained or even worse that a person's driving record is so bad that his/her license was taken away. More unlicensed drivers mean more risk (real or imagined) of getting into an accident with a driver of an uninsured vehicle. It means having to pay the price (i.e. uninsured motorist coverage) for low income drivers who do not purchase insurance and unsafe drivers who should not be on the road in the first place. For insurers, unlicensed drivers mean more risk and fewer individuals (legally) eligible to purchase insurance. For law enforcement, unlicensed drivers mean habitual offenders with poor driving records who receive minimal consequences for violating the law and who can pose risks to the safety of other drivers. For government at all levels, unlicensed drivers mean a chronic and persistent drain on public services like the courts, jails, and administration. Finally, for policy makers, unlicensed drivers mean striking a balance between acknowledging the necessity of driving for economic self-maintenance and imposing consequences for illegal behavior.

Unlicensed drivers may be low-income and may have poor driving records. Some may have histories of other offenses such that they have reached a point of downward spiral where getting their license back is difficult, if not virtually impossible. Other unlicensed drivers may be too young to obtain a license. At-risk, unlicensed drivers cannot get a license because they do not have the ability to safely operate a vehicle (Minnesota Department of Public Safety, 2005). Still other unlicensed drivers may know how to drive, may even own a car, but cannot legally obtain a license in Minnesota because they happen to be undocumented immigrants.

Minnesota's current driver's license policy requires both a social security number and proof of legal residency in the state to get a license. This policy prohibits undocumented

immigrants from driving legally. Undocumented immigrants are the only population, other than drivers who do not have the ability to safely operate a vehicle (at-risk drivers) and youth under fifteen years of age, who cannot get a driver's license in Minnesota. The Urban Institute estimates that Minnesota has between 75,000 and 100,000 undocumented immigrants. On a national level, Mexicans make up over half of undocumented immigrants (57%) and another 23% are from other Latin American countries (Passel et al., 2004). Naturally the question arises to what extent undocumented immigrant drivers exacerbate the unlicensed driver problem and thus, to what extent these drivers threaten public safety.

The Debate over the Undocumented, Unlicensed Driver

Post 9-11, the issue of allowing undocumented immigrants to obtain a driver's license has become heated and controversial. Opponents see the driver's license as a privilege reserved for those legally residing in the country. Their arguments against allowing undocumented immigrants to obtain a license focus on these immigrants not being here legally in the first place and national security issues. They do not address the concern over undocumented immigrants potentially adding to an already large pool of unlicensed drivers. They contend that restricting driver's licenses enhances national security by making driver's license databases more reliable and by maintaining disincentives toward illegal immigration. Deporting undocumented immigrants back to their country of origin is opponents' solution of choice to the undocumented, unlicensed driver problem.

On the contrary, proponents acknowledge the economic contributions of undocumented immigrants in the communities where they live and the demands of the businesses that employ them. They emphasize the negative effects that a policy, which excludes undocumented immigrants from driving legally, has on local communities. Among these negative effects are: more unlicensed and uninsured drivers on the roads; barriers that keep law enforcement officials from tracking undocumented criminals by excluding them from driver's license databases; erosion of trust between law enforcement and immigrant communities for fear of deportation; and requiring law enforcement to spend costly time on relatively minor offenses. For proponents allowing undocumented immigrants to drive legally is a local solution for effects of a long-lived, national, immigration problem that is unlikely to disappear anytime soon.

Opponents

Opponents to allowing undocumented workers to obtain driver's licenses argue that restricting access to driver's licenses enhances national security. They argue that denying driver's licenses to undocumented immigrants promotes national security by protecting the integrity of driver's license as a primary form of identification. According to a statement from the Minnesota Department of Public Safety (2003) "the reliability of the entire driver's license system has been jeopardized by a few states that have lax security standards or issue licenses to individuals who are illegally present in the country." By denying driver's licenses to undocumented immigrants, states such as Minnesota claim to make their licensing system more reliable by reducing exposure to identity theft and fraud.

Opponents further contend that restricting undocumented immigrants from access to driver's licenses enhances national security by deterring illegal immigration. According to opponents a driver's license is a privilege reserved for those legally present in the country. Allowing these immigrants access to a license validates their being here in the

first place. In the 1990's, activists and legislators in California claimed that restrictions on driver's licenses would deter illegal immigration by limiting undocumented immigrants' access to jobs, bank accounts, and housing. By maintaining disincentives towards illegal immigration, legislators argued they would be able to restrict mobility of undocumented immigrants and preserve jobs and public services for US citizens and legal residents (Seif, 2003). The Federation for American Immigration Reform (FAIR), a group that pushed for Minnesota's current restrictive driver's license policy claims that undocumented workers keep wages low, burden state infrastructure, and contribute to unsafe working conditions (Federation for American Immigration Reform, 2003).

Since 9-11, opponents alleged that undocumented immigrants, much like terrorists, pose a threat to national security. Licenses are "gateway documents for establishing a legitimate identity and obtaining privileges normally reserved for citizens or permanent residents of Minnesota" (Minnesota Department of Public Safety, 2003). While undocumented immigrants could use driver's licenses to access jobs and benefits in the US, they may also use driver's licenses to plan terrorist acts. Early reports of the September 11th attacks implied that the terrorists relied on US driver's licenses to blend into US society, and logistically coordinate the attacks (American Immigrant Lawyers Association, et al. 2004; Smith and Sugimori, 2003). These reports fueled the perception of undocumented immigrants as potential terrorists, provoking an "avalanche" of legislation denying driver's licenses to undocumented immigrants (Smith and Sugimori, 2003).

Proponents

In spite of opponents' hopes to reserve driving, among other privileges for those legally present in the country, proponents emphasize the economic contributions of undocumented immigrants and the fact that undocumented immigrants for decades have navigated the system, have accessed jobs, have opened bank accounts, have bought houses, and have moved freely from state to state. Regardless of one's personal belief as to whether or not the driver's license is a right or a privilege, many people rely on driving to get to work and undocumented immigrants are no different. Allowing them to drive legally in proponents' eyes is no more validation for being illegally present in this country than the jobs they are able to get and the federal government's allowing undocumented immigrants to obtain special numbers called Individual Tax Identification Numbers (ITIN) to enable them to pay taxes (Internal Revenue Service, 2005). Allowing undocumented immigrants to drive legally acknowledges the necessity for solutions on a local level to the federal governments' inability to control illegal immigration and the negative effects of a large group of people and their children continuing to live under the radar across the United States.

Proponents contend that overly restrictive policies create barriers to law enforcement. First, proponents suggest that increasing restrictions on obtaining driver's licenses encourages the proliferation of false documents, making licenses a less reliable means of establishing true identity. The driver's license is only as good as the documents upon which identity has been established. If those documents to establish identity are falsified, the driver's license is not a reliable source of identification either. As a result, states with tighter restrictions might actually have less accurate information about individuals' true identities and thus less reliable driver's licenses than if they allowed undocumented immigrants to legally get a license (American Immigrant Lawyers Association et al. 2004; Waslin, 2002). In this way, proponents argue that tighter policies encourage the

production of falsified documents and make identifying and tracking undocumented immigrants more difficult. Current policy treats undocumented immigrants as though they were invisible persons according to Seif (2003).

Second, proponents maintain that driver's license restrictions impede law enforcement officials from tracking criminals. For example, police use Department of Motor Vehicles (DMV) databases for various purposes, ranging from enforcing child support to tracking outstanding warrants and repeat offenders. When undocumented immigrants are excluded from these databases, they are excluded from law enforcement mechanisms (American Immigrant Lawyers Association et al. 2004; Valdez, 2003; Waslin, 2002). By allowing undocumented immigrants to obtain driver's licenses, states could have the name, address, and in some cases the fingerprints of immigrants who may have otherwise "flown under the radar" (Valdez, 2003).

Third, proponents claim that restricting access to driver's licenses erodes trust between police and immigrant communities. This argument was the heart of a 2004 campaign in Iowa entitled *Identify Each Person: A Case for Economic Wellbeing and Improved Quality of Life*. The campaign sought to build support for a bill offering driver's licenses for undocumented immigrants, and one of its major arguments was that local law enforcement found building trust among foreign-born residents who did not have a valid form of identification difficult ("Identify Each Person," 2004). Proponents of this campaign and others have felt that restrictive policies heighten fears among undocumented immigrants resulting in crimes that go unreported because undocumented witnesses and victims are afraid of being arrested and deported (American Immigrant Lawyers Association et al. 2004; "Identify Each Person," 2004; Waslin, 2002).

Fourth, proponents assert that tighter restrictions could undermine public safety and national security by causing police officers and other law enforcement officials to spend costly time on relatively minor offenses, such as driving without a driver's license. Enforcement of tighter restrictions results in more arrests for petty violations, which keep police officers from attending to more pressing safety and security concerns and crowds already-overloaded court systems (Seif, 2003; Waslin, 2002).

Proponents insist that denying licenses to undocumented immigrants decreases public safety by increasing the number of untrained drivers on the road. According to proponents, restricting access to driver's licenses only leads to more people driving without driver's licenses, making roads less safe (American Immigrant Lawyers Association et al. 2004; Pimentel, 2003; Seif, 2003; Smith and Sugimori, 2003). Hispanic children age 5 through 12 are 72 percent more likely to die in a car accident than non-Hispanic white children (Baker et al. 1998). Motor vehicle traffic injury was the leading mechanism of unintentional injury deaths among Hispanics according to a recent National Vital Statistics Report (Anderson et al. 2004). Proponents allege that drivers who may or may not have received driver's training in another country but who have access to training, testing and licensing in the United States may be less likely to cause traffic accidents.

Proponents of allowing undocumented workers to obtain driver's licenses assert that opponents mistakenly equate undocumented immigrants with potential terrorists. Having a legal driver's license does not necessarily mean that a person is not a terrorist. While rumors suggested that lax driver's license requirements facilitated the 9-11 attacks, the terrorists used their foreign issued passports, not driver's licenses, to board the planes

(American Immigrant Lawyers Association et al., 2004). Notably, most of the 9-11 hijackers were not undocumented immigrants but were in the country legally (American Immigrant Lawyers Association et al., 2004). Furthermore, sophisticated terrorists with access to resources would still be able to obtain driver's licenses by falsifying whatever required documentation the new restrictions entail (American Immigrant Lawyers Association et al., 2004; Waslin, 2002). Thus, according to proponents, the best way to fight terrorism is to support measures that are effective and targeted at terrorism (American Immigrant Lawyers Association et al., 2004).

Minnesota's Current Driver's License Policy

Minnesota is one of twenty-four (24) states that require proof of lawful presence in order to get a driver's license. It is one of forty-seven (47) states that require a Social Security Number (SSN) to get a driver's license. For an overview of all states and their requirements visit the National Immigration Law Center web site referenced at the end of this report.

Eleven (11) states do not require driver's license applicants to prove lawful presence in the state and thus allow undocumented immigrants to obtain a license. For instance, Kentucky, New Mexico, North Carolina, Utah and West Virginia recognize the ITIN (Individual Tax Identification Number) to get a driver's license (National Immigration Law Center, 2005). The ITIN enables individuals who are not eligible for a Social Security Number (i.e. undocumented immigrants) to pay taxes to the Internal Revenue Service (IRS). Upon applying for citizenship, the ITIN can be used for proof of having paid taxes. Other states like Idaho, Indiana, Michigan, Nebraska, New Mexico, Oregon, Texas, Utah, Washington and Wisconsin recognize to varying degrees the *matricula consular*, an identification card issued by the Mexican government (National Immigration Law Center, 2005).

Centralized Issue or Over-the-Counter

Depending on how states issue driver's licenses, their agencies may experience more pressure upon allowing undocumented immigrants to apply for driver's licenses. Minnesota uses a "centralized-issue" method for issuing driver's licenses, in contrast to "over-the-counter" methods like that of Illinois. In a centralized-issue state individuals may enter the Driver's License Bureau, take their tests, fill out forms and take their photos, but processing is centralized and the applicant receives the actual driver's license a few weeks later in the mail. The over-the-counter method like that of Illinois is not centralized and local agencies must do everything. People can walk into the Driver's License Bureau without a license, take their tests, fill out forms and take photos, and after everything has been processed, walk out with their driver's license.

For the most recent bill in 2004 that was submitted to legalize driver's licenses for undocumented immigrants in Illinois, the Office of the Secretary of State released a Fiscal Impact Report that looked at how changing the driver's license policy would fiscally impact government agencies. The driver's license bill included a clause which stated that undocumented immigrant drivers would continuously have to file an SR-22 form with the state to prove that they had auto insurance. Having an over-the-counter system, the state found that just in considering processing the forms, reviewing the cases, and responding to inquiries there would be a significant burden on their local agencies. "We knew we would just be inundated," said Joanne Wilson a legislative advisor in the office for the Illinois Secretary of State. The way through which driver's

licenses are issued was an important factor for Illinois legislators to consider regarding the issuance of driver's licenses in Illinois, were their driver's license bill to have passed.

Focus Groups with Police Officers

In order to get a deeper understanding of the day-to-day unlicensed driver problem, we spoke with individuals that see the problem most, police officers. We held three focus groups in Saint Paul, a city that has already enacted a separation ordinance prohibiting city workers from inquiring about immigration status. In total, we spoke with thirty-four officers. Fifteen (15) were White, eight (8) were Hispanic/Latino, four (4) were Black/African American, three (3) were Asian/Pacific Islander, one (1) was American Indian, and three did not answer. Twenty-eight (28) were men and six (6) were women. The police department selected the officers that participated in the groups.

We used a list of eight questions to guide the three discussions (**See Appendix A: Question Guide**). Below are summaries of officer's comments.

Problem Definition

Dealing with unlicensed drivers appeared to be routine for police officers. Officers felt the real problem was not how unlicensed drivers affected them; rather it was the public safety risk that unlicensed drivers posed to other drivers on the road. Not having a driver's license for some officers carried an added benefit to be able to search the vehicle for other things like drugs, weapons or other contraband.

There is a plus side to [not having a license]. It leads to a lot of good arrests—people who don't have licenses, I mean. It leads to a lot of drugs, guns, or weapons. It gets you into the car. But for society as a whole, no, it's not good.

It's not really anything that makes our job more difficult it's more the public safety issue, people that don't have licenses and insurance and how they affect other people on the road.

Who or what comes to mind when you think about motorists who do not have a valid driver's license?

Officers' overall perceptions of people who drive without driver's licenses were that unlicensed drivers were most often low-income, uneducated, habitual offenders of all races/ethnicities. They may have poor driving records and histories of other offenses. A perceived difference between licensed and unlicensed drivers was that unlicensed drivers tended to view driving as a right, not a privilege.

The bottom line is people will drive because they think it is a right to drive and they don't think of it as a privilege. They don't care if their license is invalid or not. They will just drive. I mean, you can write up all the tickets you want. It is not going to stop them from driving.

People without a license are like people without insurance. It does not have to be a race. It does not have to be a gender. Anybody can not have a license.

You know, the funny thing... most often... it's that people who don't have insurance or licenses, they are expired, revoked or cancelled, their vehicles are

just there throwing up flames "Please, pull me over." [They have a] crap windshield, broken tail lights, and defective equipment, in general. So they get pulled over often because of those reasons.

If the unlicensed driver was Hispanic/Latino, several officers mentioned that he/she was probably an undocumented immigrant.

Out of all the stops that I make, I've noticed that it's got to be like one in four, one in three that doesn't have driver's licenses. So it's getting worse, and I have noticed. I tend to stick to [X neighborhood] because I know it better, and the Hispanic population is growing over there, and I stop a lot more of them without licenses.

One officer observed a marked difference between Hispanic/Latino immigrants driving without a driver's license compared to Hmong refugees.

Officer 1: What's the difference, then, between, like, the Hispanic and the Hmong, who are also immigrants. It is so hard to find one of those [referring to Hmong immigrants] suspended or revoked. I mean what is the paperwork difference when they come?

Officer 2: The Hmong are being granted by the feds.

Officer 1: Right. So I mean everything is going so much smoother for them.

Officer 2: Everything is so much smoother for them because they're being documented by the feds, versus the Latino coming over and swimming across the border and not being backed by the feds.

Another officer acknowledged the issue of unlicensed, undocumented immigrants; however, unlicensed, undocumented drivers in his view were not the same as habitual offenders.

These guys may disagree, but I don't think your illegals is your problem. I mean, granted they shouldn't be on the road but the vast majority of the people that are driving without licenses and insurance? They know better, they've done it before, they're doing it now, the illegals are a very small percentage of the problem. The problems are the habitual people who do it over and over and over.

An officer in another group had a similar observation and in addition has observed a pattern among drivers who do not have legal residency.

The federal government has made it a lot more difficult for anyone to come in without legal residency, or without basically American birth certificates, and to get a valid driver's license. For that reason, I mean, this is not just criminals or bad people driving around without a driver's license, but essentially honest people who just can't get a driver's license because they don't have legal residency. And therefore they get stopped. This is where the pattern again begins. Different social economic groups don't have the money to pay to get a driver's license, don't have the means to get a driver's license, and so the fines begin to build up and now, by the time you're ready to get a driver's license you are 6, 7, 8

hundred dollars in the hole from previous offenses. So it isn't just that we're stopping people and causing them to get their licenses revoked, it's that a lot of them don't have one to begin with, and are unable to get it.

Day-to-Day Experiences

In your experience, what typically occurs during a traffic stop or a crash involving an unlicensed driver?

Officers shared experiences about what typically happens during a stop with an unlicensed driver. Officers said that they run the plates on vehicles and can tell if the owner of the vehicle has a valid driver's license. When the status of the owner's license is cancelled, revoked, or suspended, they stop the driver. Typically, they cannot do very much other than issue the driver a citation. However, one officer said, "There's nothin' black and white out there." If they have time, officers might ticket the driver and impound the car. In one officer's experience, "If they don't speak English, I write them a ticket with whatever they can find with their name on it, tow their car, and make'em walk." Another officer said he might get "a fingerprint or two" on the back of the tag. In three instances, officers mentioned being pressed for time and having to let the drivers go because they did not speak English and did not have ID's. Nearly all officers agreed that the most effective consequence of driving without a driver's license was to ticket the driver and "tow their ride." An officer describes the typical situation.

A lot of times when you run the plates their status comes up. I mean, the registered owner might not be the driver but when we run the plates a lot of times it is cancelled, suspended, or revoked. So at night we end up stopping the car because at night I can't tell who is in there. So you stop the car, you go up there and, you know, ask them if they are the registered owner and a lot of times they say "Yeah." So you know they are suspended so you go and double check.

Sometimes the driver attempts to deceive the officer by giving a false name. Other drivers do not even bother trying to deceive the officer. One officer shared an unusual case of an unlicensed driver.

Last year I stopped a kid, he was 20 years old and I counted 47 DAS's [driving after suspension offenses] on his record. In [X neighborhood], a [X neighborhood] kid. 47! He just laughed. Who cares? That's the most I'd ever seen 'cause I actually couldn't believe it when he told me he had been stopped 50 times without a license. I was like, "No way!" and I actually pulled off his record and ran 'em off. He actually had 47.

Multiple officers mentioned that they had pulled over Hispanic/Latino drivers who hand them what is supposed to be a valid driver's license but are just fake licenses sold by private companies. One officer mentioned he does not even deal with a situation if the driver is Hispanic/Latino does not speak English.

If you're talking Hispanics, I mean for me, I don't speak Spanish, and I don't stop that many. I used to work in [X neighborhood], kind of a more diverse area. Honestly, I stop the Hispanic, he gives me that Mexican driver's license or whatever, and do you know what I do? "Bye." [The officer waves a hand] I don't

even deal with it because I don't speak Spanish. I can never get their date of births and whenever I'm wrong, they're not-on-file anyway. So I'm just like adios, I don't even bother with it.

Time is a factor in dealing with non-English speaking, unlicensed drivers, since officers often are busy and must respond to calls for more serious offenses. Officers explained:

You know, if we are at somebody's house and they speak another language that I don't know, we can use the language line through a dispatcher but you can't really do that too well on a traffic stop so if you can't speak their language there is no communication and you are probably going to get, you know, time is going to be a factor and you just take off, you know, I mean, what are you going to do?

There was one time we pulled someone over and they claimed to not speak any English. We did not have anyone who could translate. It was cold. We were busy as hell. They did not have a license. We did not know who—if we were going to tag him—we did not know who we would send the tag to...They acted as if they could not understand a word we said. We could not understand a word they said. We didn't have time to take them downtown. So, they walked. We made them park their car but they walked.

The only reason why time is a factor is that we have a lot of other calls pending so something like that so if you stop a car and every other car is tied up you don't want to spend an hour trying to figure out this person that you stopped when you know that there are other calls or other people that need help or something on their side. So, that is why time is a factor.

In a traffic stop or crash, what might prevent you from being able to verify if all parties are driving with valid driver's licenses?

The overarching barrier that prevented officers from being able to verify if a driver's license was valid was that "the computer system was down." Fake ID's did not seem to present major barriers to being able to effectively respond during the stop. Hit and runs were also mentioned as situations in which the validity of the driver's license cannot be determined.

An officer explained what happens when the system is down.

If the state is down, then there is nothing you can do. Like, you can present me with your ID, with your license, but if the state is down and I radio it, they will say, "The state is down we can't give you the status."

Officers generally felt that fake ID's did not present a major barrier or problem for them, in large part as a result of having access to the Department of Motor Vehicles (DMV) website.

It's easier now because we have the DMV website so you just check it to that. I mean, if it is actually a fake ID that they have printed or had made somewhere else, and is not in the DMV website, it is not going to come up in there and the number is going to be a false number.

Officers from all groups mentioned their reliance on the DMV website to verify driver's licenses. As one officer proclaimed, if you cannot find them in the DMV website, "they're lying through their teeth. Or illegal." However, another officer, who was supported by most of the officers in his group, said the computer system in Minnesota is still antiquated compared to other states.

It's the whole system; I mean the system in Minnesota. We've got plenty of out of state vehicles, and like New York, there's a couple of other states, they'll show you name, registered owner, if they're valid, they're insurance company, when it's insured through, I mean our system is just crap. Oh yes!

Officers generally agreed that fake ID's were not a major problem for them.

I think that you don't see a lot of fake driver's licenses in driving. So that is not really an issue.

I think that most of the fake IDs are used for financial purposes, transactions and whatnot. Because for driving, even if we don't have a picture, we are going to run the number that they give us and the fake ID obviously won't come up in the computer as anything. So I don't think that they are using it too much for driving.

Are you familiar with the "status check" on driver's licenses and what it is used for?

The status check is a date on a person's driver's license that alerts law enforcement that the individual is a foreign national with a temporary visa. Only a few officers were aware of the "status check" and its original purpose.

It's on the lower right hand corner of the license. I had one today as a matter of fact. It's more on the newer ones but they have recently been issuing more, in the last year or two. But in the lower right hand column it is in black print and says "status check" and there's the date on there.

Of the officers that were aware of it, all brought up in their own words the issue of the separation ordinance in their city and said that the status check on its own had no effect whatsoever on the way they responded during a stop. Instead they relied on the DMV website to determine the validity of the license and respond accordingly. Most officers did not know what the status check was, what it was used for, or what they would do with it, even if they did know about it. Officers did not mention having had any training on the status check or its purpose. Their not appearing to know how to use the status check begs the question for what reason the legislation was passed in the first place.

Possible Solutions

Is Minnesota's driver's license policy currently optimizing public safety for Minnesotans?

"Big NO! Big loopholes. Big problems," said an officer in one of the focus groups. Other officers in the groups echoed similar responses. Officers identified five major areas for improvement in Minnesota's current driver's license policy. The consequences for driving without a driver's license are minimal, especially for the majority of habitual offenders. Unlicensed drivers travel under-the-radar by registering vehicles in other drivers' names that are valid. If they buy a car, they buy a car under \$500 and never transfer the title into their name, allowing them to abandon the vehicle if they are caught. Officers, although careful not to pinpoint immigrants and refugees as the main problem, have observed the unlicensed driver problem getting worse over time with the influx of immigrants and refugees. Although, a driver's license can be verified, officers expressed a great deal of frustration in verifying insurance information. Below are summaries of the five major improvement areas.

Soft on Consequences

Officers generally felt that the consequences of driving without a driver's license were not severe enough. For them, light consequences were a reflection of the state's not considering driving without a driver's license a serious offense. Officers said often their only recourse, was to ticket the driver and tow the vehicle (when they had time).

There's not much we can do as police officers but write them a citation, and tow their car [a couple of people echo: tow their car]. Really that's about the only thing we can do.

Especially if you are a Minnesota resident, if you don't pay the ticket, they don't put a warrant out for your arrest. They just suspend your driver's license which you never had anyway.

Putting unlicensed drivers in jail was no longer an option for these officers.

We used to be able to put them in jail overnight. Right now we don't book'em. We used to do a book without ID but now we can pull the ID in the computer. There is no reason to book'em. There is no incentive for them to pay the fines. That is the bottom line.

You can't take them to jail because you can't even book 'em if they have a permanent address. I mean you have to be able to fight to get that book in.

Some officers expressed particular frustration with penalties once a driver ended up in court.

The fines in the court are pretty minimal as well for people whose statuses a lot of times show no insurance and all, they just get a little slap on the finger and that's about it. If they have gotten the license valid in the meantime or if they have gotten insurance on their vehicle which they need to do to get it out of the

impound lot, a lot of times there is really no kind of punishment at all in the courts and I am sure that doesn't help anything either.

I tell people that don't have insurance, I give them a ticket and I'll say (if they're pretty decent), "Run down and get insurance and bring it to court and they'll dismiss it."

I mean, you know, you sit in a courtroom for traffic and a lot of times they will say "Don't do it again." and they let you go. A lot of times you don't pay a fine. You don't do any, you know, jail time. Just a slap on the hand. And people know that and keep on doing it.

Vehicle Registration and Title Transfer

Unlicensed drivers, especially those who have had contact with law enforcement, have learned how to not get stopped in the car. They have learned to navigate through a system in which many of them have had so many violations, that there is no hope of ever getting their license back.

So what people will do is drive vehicles that are registered to other people. They will drive their girlfriend's car or their family member's car or friend's car so that their driver's license information isn't associated with that car so when I pull up behind a car and I happen to run the plate, the owner comes up valid but then, they blow a stop sign or something and I have to pull'em over. Well, we've got someone who is not the registered owner of the vehicle in the car and they are revoked or suspended.

Even people who are from here and theirs is suspended or cancelled; for instance, I will put the car in your name because you are valid so then when they run my plate, to the police officer, it is valid on the plate but I am driving.

Some unlicensed drivers conveniently do not change the titles for their new cars into their name. They do this in hopes that the previous owner has a valid driver's license and that they can drive undetected by officers who run their plates.

They look for the kind of cars that have tabs that are good for 8-9 months, whatever it is, and that is what they pick up. They don't have insurance or anything.

The transferring of title or ownership of vehicles. That is another issue. I could sell you my car right now but the law is too lax right now where all I would have to do is just sign the title, give it to you, and well if you never transfer it, you know, there is nothing there to make you do it. There's issues with that where you go out and wreck up a bunch of vehicles where the State would come back to me, "Well I thought the guy had a license." Or this or that. It's too loose that way and I think a tightening up on the law, making it a requirement where the owner goes with the person that's going to purchase the car to the DMV to transfer the title you know which is the way it's done in some states where you can't just sign it over and hand it to the person. I think that would be very helpful as well.

Insurance Information Cannot Be Verified

Officers expressed more frustration over verifying insurance status than they did over verifying the validity of a driver's license. If they work during the day, they actually have to call the company directly and not all of them carry cell phones. Officers that work at night, have no other recourse than to take the cards at face value.

There is nowhere to check whether or not the insurance card is still actually valid you know the expiration date on it. You just have to take it at face value. There is no way to verify it. I guess if you really wanted to, you could call the insurance company but those of us who work 10 at night until 8 in the morning that is not a realistic option.

Some drivers take advantage of the fact that in Wisconsin auto insurance is not required.

And a lot of people will say it's a Wisconsin car or they're driving a Wisconsin car. "Oh it's not my car," when it's a relative or whoever. Well, in Wisconsin you don't have to carry insurance.

Multiple officers mentioned that the state has no way to verify when a person has cancelled his or her policy. Drivers can open a policy, get a card that validates them for six months and close the policy the next day.

I work the day shift. I call and I check and there's many times where, no, this person's insurance expired, you know, but they send you the renewal before you pay, and when you get your insurance card it's good for 6 months. You haven't paid for it yet, they're just assuming that you're going to pay.

Refugees and Immigrants

Officers observed that immigrants and refugees were not the major cause of an unlicensed driver problem that is chronic involving mostly habitual offenders. However, officers who had worked in the department the longest felt that the problem was growing among the immigrant and refugee communities.

I am going to sound like I am picking on somebody but we've had such an influx of folks, you know, Southeast Asians, Somalis, and I guess many, many other ethnic groups who come here who aren't prepared with the rules and regulations of the road here. Again, I am just guessing, that probably contributes to more folks driving illegally.

I think more and more there's people that are from Central America or Mexico or whatever that don't have licenses and things like that. They give you these international driving permits and their Mexican driver's license and you know things that you can't read or anything like that and it's really nameless to us. You know they claim that they don't speak English a lot of times. The last couple of years I think there's been more of that.

Officers did not agree about whether or not to allow undocumented immigrants to get a driver's license or a state-issued ID. In fact, their views ranged from being opponents, to middle of the road, to being supporters of allowing undocumented immigrants to get driver's licenses. One officer particularly did not feel that allowing undocumented immigrants to get a license was a good policy.

When they [undocumented immigrants] have [a driver's license] it more or less tells people they are a citizen, for voting issues, and other areas that's not right. For people who have done everything the right way and for people that did come here legally and, you know, went through the volumes of paperwork and all that to do things correctly and it is not right to just pass out licenses like candy to people who have skipped all of those procedures. That's not right.

Another officer disagreed.

The state needs to get out of this illegal/legal business. They are not INS. They need to get out of it. They need to start ID-ing the people who are here, and issuing a driver's license, because that IDs these people for us. All of us. If you're talking about the immigrants, they [the state] needs to get out of the INS business.

One officer felt relieved that undocumented immigrants could legally obtain licenses in Wisconsin because it made his job is easier.

I don't know if Wisconsin is still doing it but we have gotten a whole bunch of Latinos with Wisconsin licenses. Because Wisconsin is giving them out...all you have to do is find a resident there and say "Hey can I use your address as my hometown?" "Go ahead and put it down there, whatever you want." So I have found that a lot. But I am happy though... and again, going back to what I said. Because now they are valid, they have a license. I know who they are...So it just makes it a lot easier.

Still another officer was hesitant to completely allow undocumented immigrants to obtain driver's licenses in Minnesota.

I am not against [undocumented immigrants] having some form of state ID, other than a driver's license. I am not against them having a state ID, an ID only, but as far as if we give them driving privileges, then they should be able to know the rules of the road, just like everybody else.

Ticketed Drivers in Hennepin and Ramsey Counties

What is the magnitude of the unlicensed driver problem? HACER carried out two principal quantitative activities to answer this question. First, HACER obtained and analyzed data to compare the traffic violations of Hispanic/Latino and Non-Hispanic drivers in Hennepin and Ramsey counties in 2003. Second, similar comparisons were carried out of drivers in both counties who were jailed and charged under driver's license statutes in 2001, 2002, and 2003.

In this section, "unlicensed drivers" refer to all drivers ticketed in Hennepin and Ramsey Counties under *Minnesota Statutes*, sections 171.02, 171.03(6), 171.05, 171.08, 171.22, and 171.24. (See Appendix A for statute descriptions.) The "unlicensed driver problem" refers to the sum total of all unlicensed, ticketed drivers in the two counties.

Methodology

HACER defined "unlicensed drivers" as all drivers ticketed in Hennepin and Ramsey Counties under *Minnesota Statutes*, sections 171.02, 171.03(6), 171.05, 171.08, 171.22, and 171.24. (See Figure 1 for statute descriptions.) Unlicensed drivers who "did not have a license at all" referred to drivers that were charged specifically under *Minnesota Statutes*, section 171.02. The "unlicensed driver problem" referred to the sum total of all unlicensed, ticketed drivers in the two counties. HACER combined, analyzed and presented the data from Hennepin and Ramsey counties as one geographic area. The jail data was not merged and is presented by county. Analyses included descriptive statistics, expected-outcome analyses and odds ratios. Results from these analyses are presented in the *Findings* section of this report.

The *US Census Spanish Surname List 1990* developed by Word and Perkins (1996) enabled HACER researchers to identify Hispanic/Latino surnames. This list placed over 25,000 names into five categories: heavily, generally, moderately, occasionally and rarely Hispanic. HACER's estimates of the number of Hispanic/Latino drivers were conservative in that they only included names that matched the heavily Hispanic category.

Limitations

A limitation of our method of determining Hispanic/Latino ethnicity of ticketed drivers is that it is not based on self-reported or observed ethnicity and, therefore, does not identify all Hispanic/Latino drivers. Self-reported and officer-reported data both in Hennepin and Ramsey Counties was scarcely available. As a result, some individuals were categorized as Non-Hispanic even though they may have been Hispanic/Latino. An individual whose name did not appear on the heavily Hispanic list but who would have self-identified as Hispanic/Latino was not categorized as Hispanic/Latino in our analyses. Also, for example, Minnesota has a growing Ecuadorian population and some of these individuals have names connected to indigenous, Andean peoples. Although we could recognize some names using indigenous name lists on the Internet, neither the Census nor the name lists on the Internet were reliable enough to be able to effectively code these names or their spelling variations. In addition, a Hispanic/Latino woman, who marries a Non-Hispanic man and who drops her maiden name, would likely fall into the Non-Hispanic category. Finally, in the data, names were misspelled, misplaced in the wrong

variable, or no name was given at all. For instance, 3,679 cases in the Hennepin County data had no name whatsoever. All of these cases needed to be included in the Non-Hispanic category even if some of the cases were Hispanic/Latino. All cases in the Ramsey County data had names.

Some drivers may have been categorized as Hispanic/Latino in our counts even if they happened to not be Hispanic/Latino. For instance, if a Non-Hispanic woman marries a Hispanic/Latino man and takes his last name she may or may not always use both last names. If she did not give both last names and only used the Hispanic last name, like Garcia, she would have been included in our most conservative counts of Hispanics/Latinos. If this woman gave both last names, one last name would not appear on the heavily Hispanic surname list. She would only have been included in the “High” count of Hispanics/Latinos and would not be included in the count for this report.

We chose not to use the “High” count in this report to be certain that we had drivers with the most heavily Hispanic names from the Spanish surname list. The difference between the high and low counts of Hispanic/Latino drivers was 4369 in Hennepin County and was 2122 in Ramsey County. The high counts included all individuals with a Hispanic middle or last name that was generally or moderately Hispanic and included heavily Hispanic surnames that were coupled with Non-Hispanic surnames. It also included Hispanic names that were misspelled or that may have been indigenous names from peoples in Latin America but that did not match the Spanish surname list from the Census.

Explanation of Expected-Outcome Analyses

One might expect that members of any particular racial/ethnic group would be stopped for violating a traffic law at a proportion similar to that group’s representation in the driving-age population of a given area, that is, if traffic stops were a random sample of drivers who broke the law in that population. Arguably traffic stops for the most part are not random, and not all people in the driving-age population from the Census in fact drive, much less have a car. Not everyone who drives is actually caught for breaking traffic laws and some people only drive certain parts of the year. Thus, various questions arise about using an “off-road” or “file-record” population like the Census population figures to compare to a group of individuals that was ticketed “on-the-road,” i.e. driving. Furthermore, there is the underlying question of whether or not certain individuals or groups tend to get ticketed or break certain laws more often than other groups or individuals.

Given these considerations, as part of this study HACER put great effort into narrowing down a baseline population to be able to find how many traffic violations actually occurred among Hispanic/Latino and Non-Hispanic drivers, as well as how many citations one could expect—using this baseline—for each statute. To do this, we found the percent of Hispanic/Latino drivers who were ticketed for violating traffic laws in Hennepin and Ramsey Counties in 2003. For instance, Hennepin County issued 230,945 tickets in 2003, not including parking tickets. Using the most conservative counts of Hispanics, Hispanics accounted for 16,597 of these tickets, thus comprising 7.2 percent of the total on-road, ticketed population ($16,597 / 230,945 = 0.072$).

Once the baseline was determined, we used it to calculate “expected” numbers of Hispanic citations for each traffic law or statute. For example, in Hennepin County the

total number of citations for *Minnesota Statutes*, section 171.02—driving without a driver’s license—was 5752 in 2003 in Hennepin County. Hispanics, as we mentioned, accounted for 7.2% of the on-road, ticketed population in Hennepin County in 2003. We arrived at the expected number of Hispanic citations by multiplying the total number of citations for this statute (5752) by the baseline proportion (7.2%) of Hispanics in the “on-road, ticketed” population. One would then have expected to find (5752 x 0.072) or 413 Hispanics cited in Hennepin County for this particular statute in 2003. This is the number of “expected” Hispanic citations for this statute. The “actual” numbers of Hispanics who were charged for breaking the law were then compared with the “expected” numbers.

By calculating the baseline percent using an on-road, ticketed population the baseline already would seem to take into account those individuals who tend to be ticketed or racially or socio-economically profiled more than others and would eliminate the question of all those who, for one reason or another, do not drive. The expected numbers do not, however, take into account differences resulting from a particular law having more impact on one racial/ethnic group more than on another group. Thus, for example, the well-known fact that an unknown number of Hispanics/Latinos who are undocumented cannot legally obtain a license, would likely increase what one would expect for numbers of Hispanics/Latinos charged under statute 171.02. Our analysis had no way of taking this into account.

Certain laws may disproportionately impact drivers from other racial/ethnic groups much like they affect Hispanic/Latino drivers because of a variety of reasons, e.g. race, legal status, language, or socio-economic status. Given limitations of the data we could not extract individuals who represented other communities of color from the Non-Hispanic category. Had we been able to compare just Whites to Hispanics/Latinos or other communities of color, we could have had a more precise picture of the effects of Minnesota’s current driver’s license and insurance policies on communities of color.

The following section summarizes our findings.

Findings

Of all tickets issued in Hennepin and Ramsey Counties, unlicensed drivers accounted for 45,190 or 13% of these tickets. The vast majority (63%) of unlicensed drivers drove with cancelled, suspended and revoked licenses. An additional, 20% of unlicensed drivers did not have a license at all. Yet another 10% did not have their license with them at the time they were stopped.

Figure 1: All Driver's License Related Tickets Broken Down by Type of Offense and Hispanic Origin Hennepin and Ramsey Counties Combined, 2003							
Ticketed Offense	MN Statute	Non-Hispanic		Hispanic		Total*	
		# tickets	% **	# tickets	% **	# tickets	% **
No DL	171.02	5732	13%	3415	8%	9147	20%
No DL in Possession	171.08	4133	9%	229	1%	4362	10%
Driving After Cancellation (DAC), Suspension (DAS), & Revocation (DAR)	171.24	26294	58%	2009	4%	28303	63%
Other DL Offenses	171.03(6), 171.05, 171.22	2559	6%	819	2%	3378	7%
All DL Related Offenses	All Above Statutes	38718	86%	6472	14%	45190	100%

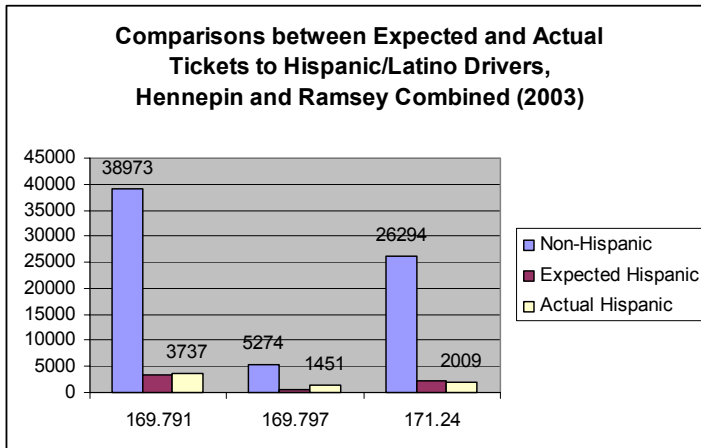
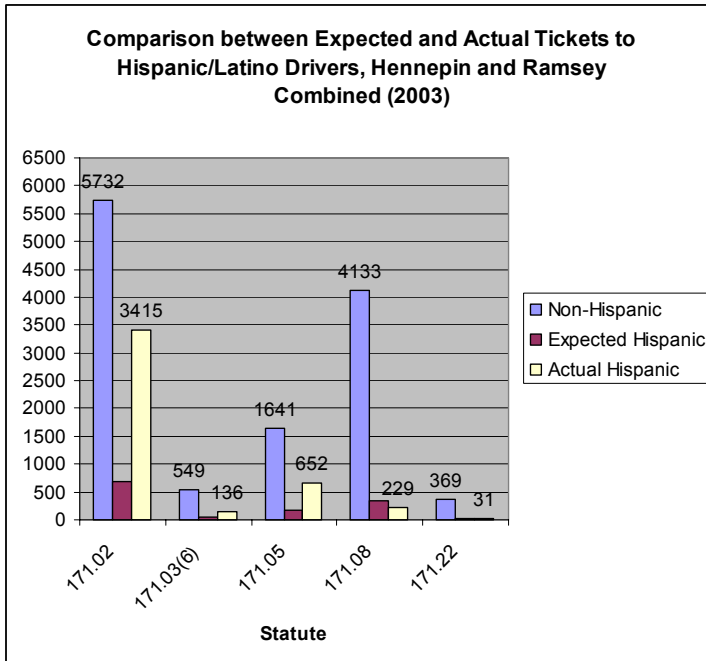
*Percents may not add horizontally due to rounding.

** Percents equal the number of tickets divided by the total number of unlicensed, ticketed drivers, i.e. 45,190.

Of the 345,417 traffic tickets issued in Hennepin and Ramsey Counties, Hispanic/Latino drivers accounted for 26,144 or 7.6% of these tickets. They accounted for 4.6% of the driving age population in these two counties according to the 2000 Census. Of the 26,144 Hispanic/Latino drivers ticketed in Hennepin and Ramsey Counties, 1 of every 4 (6472) did not have a valid license.

If Hispanic/Latino drivers were ticketed for statute 171.02 at the same rate that they were ticketed for traffic violations overall (7.6%), one would have expected a total of 695 tickets to have been issued to Hispanic/Latino drivers under this statute in the two counties. The total number of tickets issued to Hispanic/Latino drivers for this violation was actually 3,415—five times more than expected. What is most interesting are the statutes for which the expected and actual numbers of tickets were most similar, e.g. 171.08, 171.24, and 169.791. (See charts below.)

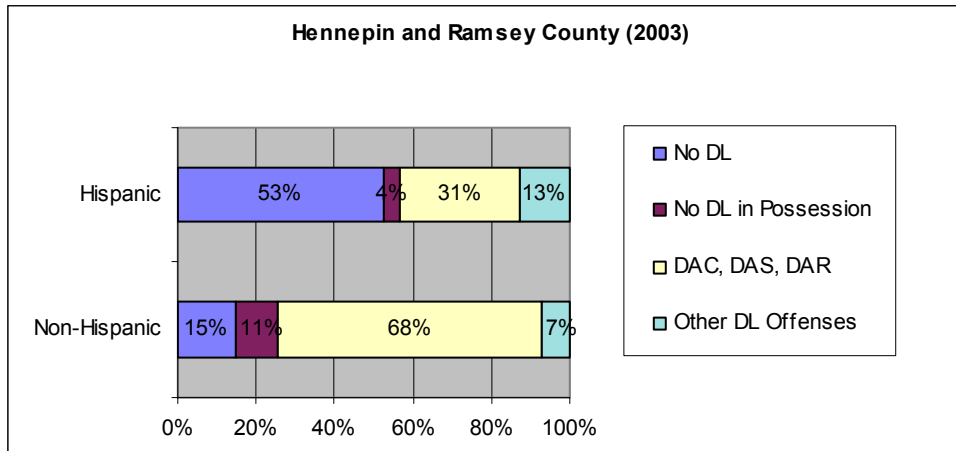
Figure 2: Expected-Outcome Analyses of Traffic Tickets



Statute Key	
Statute	Description
169.791	Failure to produce proof of insurance
169.797	Not having insurance
171.02	Driving without a Driver's License
171.03(6)	Upon moving to or residing in Minnesota you have 60 days to change your license to a MN license, otherwise you can get a ticket.
171.05	Driver's Permit Violations, e.g. using permit as a license
171.08	Not having your driver's license in possession at the time of the traffic stop.
171.22	Providing false information or driver's license documents to an officer.
171.24	Driving after suspension (DAS), driving after revocation (DAR), driving after cancellation (DAC)

Of the Hispanic/Latino, unlicensed drivers 53% did not have a license at all. Of the Non-Hispanic, unlicensed drivers 15% did not have a license.

Figure 3: Offenses of Hispanic/Latino vs. Non-Hispanic Unlicensed Drivers



Non-Hispanic drivers were 2 times more likely than Hispanic/Latino drivers to be ticketed for speeding. Speeding was the top contributing factor to fatal accidents in Minnesota (Minnesota Department of Public Safety, 2003b, p.21). Hispanic/Latino drivers were 13%, 22% and 54% more likely to be ticketed for moving violations other than speeding, driving under influence (DUI), and no insurance or no proof thereof. Moving violations other than speeding and driving under influence were also common contributing factors in fatal accidents in Minnesota (Minnesota Department of Public Safety, 2003b, p.21).

Figure 4: Odds of a Hispanic/Latino Driver Being Ticketed for Selected Traffic Violations Compared to a Non-Hispanic Driver

Ticketed Offense	Odds Ratio	95% Confidence Interval
No DL	8.22	7.86-8.59
No Insurance & No Proof Thereof	1.54	1.49-1.59
DUI (Driving Under Influence)	1.22	1.05-1.40
Moving Violations Other Than Speeding.	1.13	1.09-1.16
Driving After Cancellation (DAC), Suspension (DAS), & Revocation (DAR)	0.93	0.88-0.97
No DL in Possession	0.67	0.58-0.77
Speeding	0.48	0.46-0.50

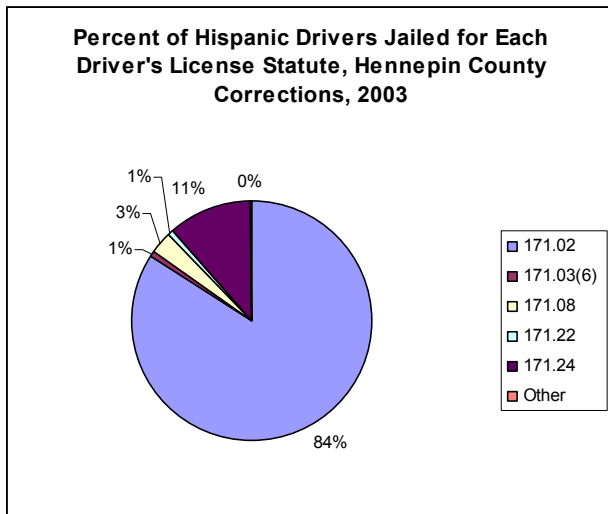
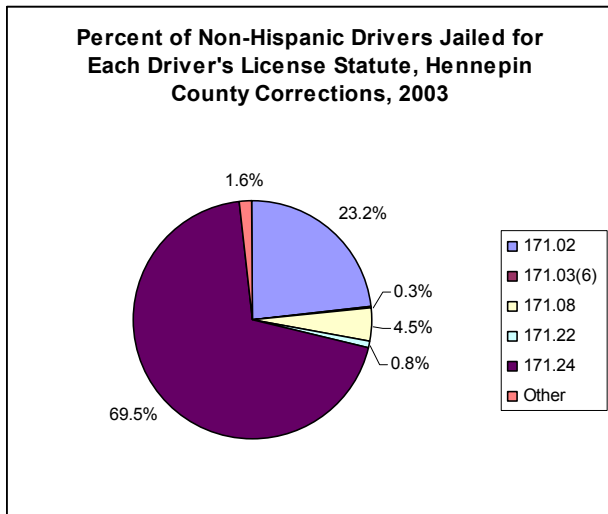
Hispanic/Latino drivers were over 8 times as likely as Non-Hispanic drivers to be ticketed for not having a license at all. Although no determination can be made as to who were the safest drivers, the impact of driver's license policy on Hispanic/Latino drivers was obvious.

Unlicensed Drivers in Jail

Hennepin County

Many drivers who did not have a license ended up in jail. Of the drivers who ended up in jail in Hennepin County and who were charged for a driver's license offense in 2003, 27% were Hispanic/Latino drivers. Of the Hispanic/Latino drivers that were jailed, 84% did not have a license at all. An additional 11% were charged for driving with cancelled, suspended or revoked licenses. Of the Non-Hispanic drivers who ended up in jail and who were charged for driver's license offenses, 23% were charged for not having a license at all and 70% were charged for driving with cancelled, suspended or revoked licenses. (See chart on next page.)

Figure 5: Comparison between Hispanic/Latino and Non-Hispanic Jailed Drivers (2003)



Statute Key	
Statute	Description
171.02	Driving without a Driver's License
171.03(6)	Upon moving to or residing in Minnesota you have 60 days to change your license to a MN license, otherwise you can get a ticket.
171.08	Not having your driver's license in possession at the time of the traffic stop.
171.22	Providing false information or driver's license documents to an officer.
171.24	Driving after suspension (DAS), driving after revocation (DAR), driving after cancellation (DAC)

These charge patterns changed very little from 2001 to 2003 in Hennepin County. Although the proportions of incarcerations for each statute did not change very much over the three years, the actual number of drivers jailed did change.

Figure 6: Total Number of Drivers Jailed (2001-2003)

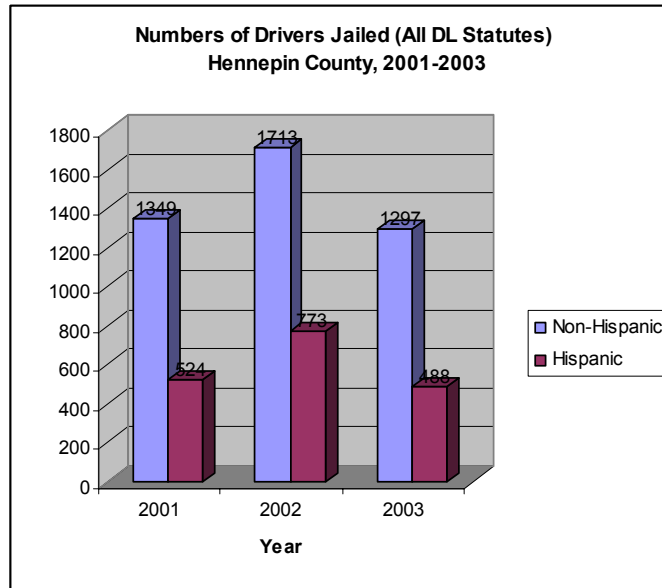
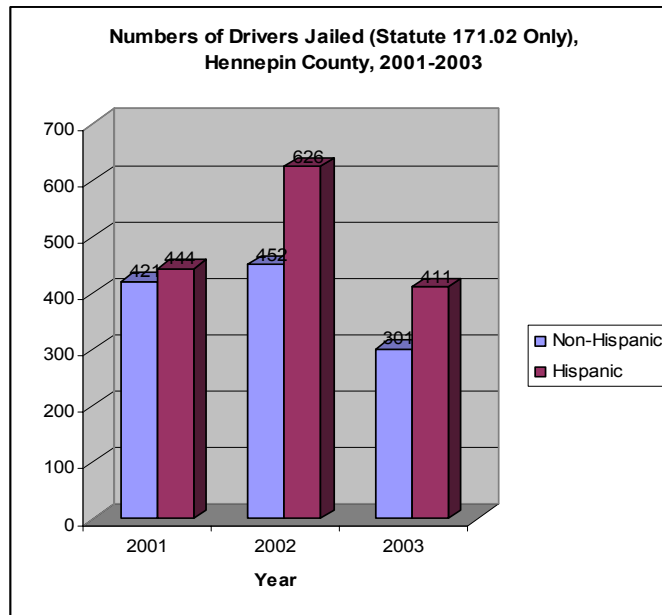


Figure 7: Drivers Jailed, MN Statutes Section 171.02 Only



In total over the three years, 1481 Hispanic/Latino drivers compared to 1174 Non-Hispanic drivers were jailed and charged for not having a license at all, statute 171.02.

Ramsey County

In Ramsey County a total of 54 people were jailed for not having a license, statute 171.02, between 2001 and 2003. Thirty-one (31) of them were Hispanic/Latino. Comments from the police officers suggest that the low numbers of individuals jailed for driver's license statutes in Ramsey County may be related to jail capacity and overall discouragement on the part of leadership from incarcerating individuals for relatively minor offenses. Below are examples of officers' comments.

We used to be able to put them in jail overnight. Right now we don't book'em. We used to do a book without ID but now we can pull the ID in the computer. There is no reason to book'em. There is no incentive for them to pay the fines. That is the bottom line.

Years ago I got a "nasty gram" from the county sheriff saying, "Saint Paul, don't do that anymore because of you do, we will fill up the jail every night." So in Saint Paul we have to tag'em and leave'em.

Related Issues to the Unlicensed Driver Problem

A variety of complex issues are related to the unlicensed driver problem. First, reliance on automobiles as a primary means of transportation impacts to what extent unlicensed drivers will choose to continue driving without a license throughout communities of the Midwest. Second, like other drivers, unlicensed drivers get involved in accidents. Licensed and insured drivers tend to pay the consequences of these accidents in terms of hit-and-runs and higher auto insurance premiums. Third, drivers in Minnesota are required to purchase auto insurance. Driver's license and insurance legislation has effects on auto insurance premiums; however, the extent to which it affects them is extremely difficult to measure. Premiums depend on too many factors to be able to say that one change in policy will, in fact, cause an increase or decrease in premiums. Finally, undocumented labor is a reality that Minnesotans increasingly need to come to terms with. The Hispanic/Latino population across the nation is growing rapidly, along with the undocumented population. Minnesota policy makers need to reassess how long undocumented immigrants and their children can remain in their current "invisible" status and the future effects this can have on public safety and security.

Transportation to Work in Minnesota

Like many states in the Midwest, Minnesota has scarce public transportation, especially in suburban and rural areas. For the majority of Minnesotans, if they are going to get to work, they need to get there on their own. HACER analyzed the 5% PUMS (Public Use Microdata Series) data from the 2000 Census to look at how people of different populations in Minnesota get to work (Ruggles et al., 2004). The four groups were: Minnesota citizens in the workforce, Minnesota residents who reported not being a citizen at the time of the Census in the workforce, Minnesota residents who were foreign-born in the workforce, and Hispanics/Latinos in the workforce.

Figure 8: Means of Transportation to Work by Nativity

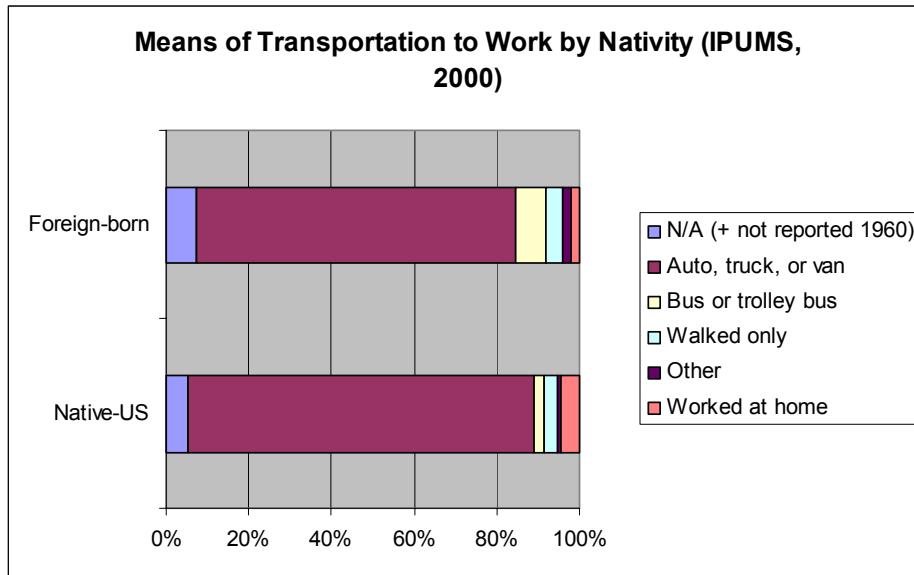
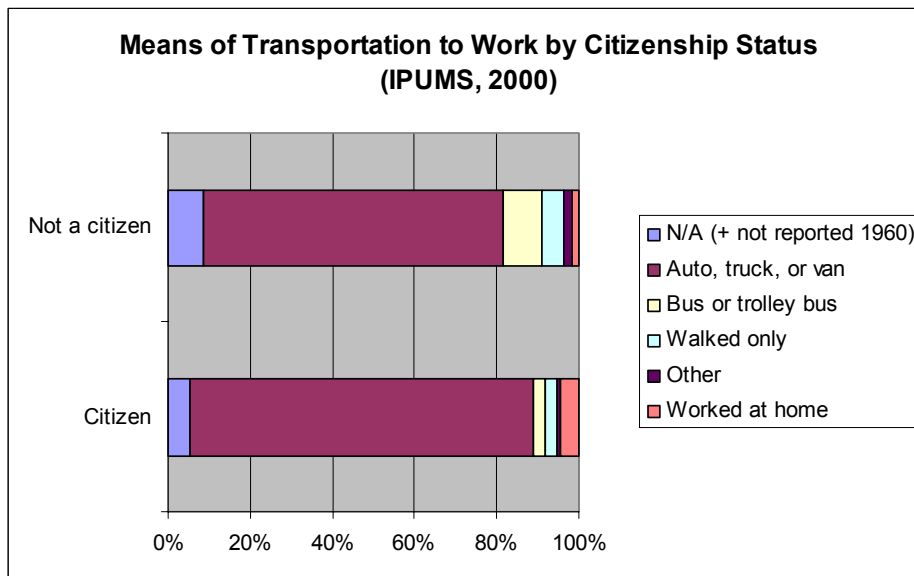


Figure 9: Means of Transportation to Work by Citizenship Status

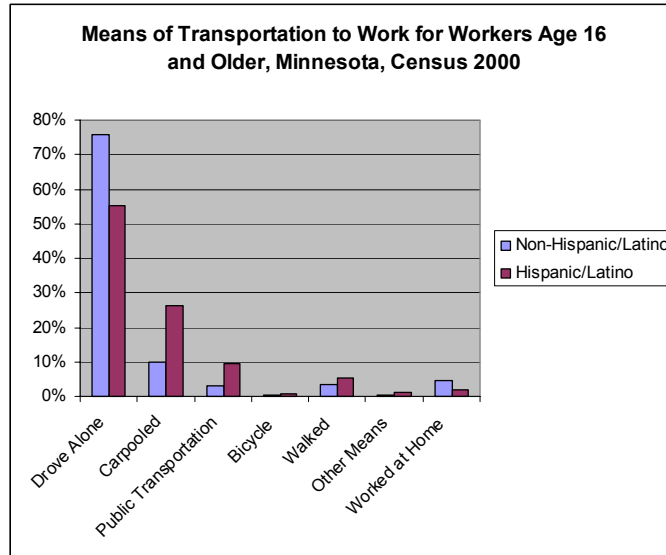


Foreign-born actually included undocumented immigrants by the Census' definition. The charts convey the fact that no matter who you are in Minnesota, a recent immigrant, a citizen or a non-citizen, chances are that you will use a car to get to work in this state. Seventy-seven percent (77%) of foreign-born individuals got to work by car and seventy-three percent (73%) of individuals, who at the time of the Census were non-citizens, got to work by car.

Who drove? In the next analysis, we looked at whether Hispanics/Latinos in the workforce in Minnesota tended to drive alone, carpool, or use another means of transportation to get to work. Most undocumented immigrants in Minnesota are Hispanic/Latino, and presumably would be represented among the Hispanic/Latino population in the Census. We analyzed US Census Bureau (2003) data for

Hispanics/Latinos in Minnesota, Hennepin County and Ramsey County. The results were similar for all three regions. The chart below is the analysis on the state level.

Figure 10: Drove Alone vs. Other Means of Transportation to Work

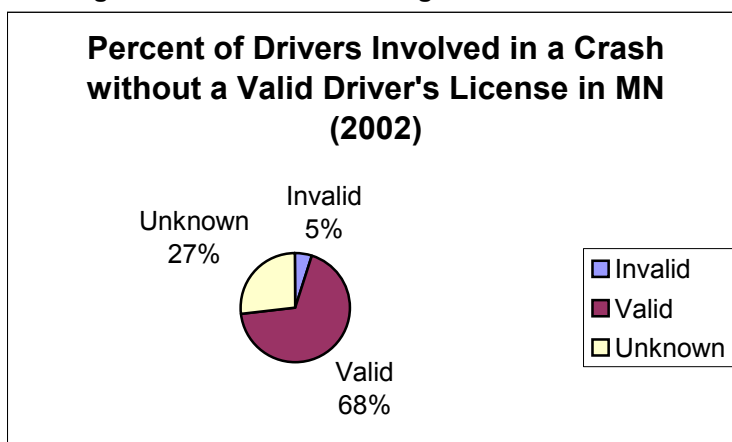


Between 46 and 58 percent (depending on the region) of Hispanics/Latinos in the workforce drove alone to work. Between 23 and 27 percent (again, depending on the region) of Hispanics/Latinos in the workforce carpooled to work. Hispanic/Latino workers were between two and four times as likely as Non-Hispanic workers to carpool to work (US Census Bureau, 2003). The extent to which these percentages reflect the means of transportation to work of undocumented immigrants alone is not clear.

Unlicensed Drivers in Crashes

Alan Rodgers, a research analyst for the Minnesota Department of Public Safety, Office of Traffic Safety, compiled statewide crash data for HACER to see how many Minnesota drivers in 2002 were involved in a crash and did not have a valid driver's license. Statewide five percent (5%) of drivers at the time of the crash were reported to have had an invalid license (Rodgers, 2004). The license status of twenty-seven percent (27%) of drivers involved in a crash was unknown. This is a large window of uncertainty especially since, according to police officers in the focus groups, one of the principal reasons license status could not be determined during a crash was hit-and-runs. The other main reason officers gave was that the computer system was down and the officer could not enter the data.

Figure 11: Crashes Involving Unlicensed Drivers



Source: MN Department of Public Safety, Office of Traffic Safety.

Of the five percent of drivers in Minnesota who were involved in a crash and who did not have a valid drivers license (8478 total), over half (61%) were found to be in the seven county metro region.

Uninsured Motorists

Minnesota law requires that all Minnesota drivers purchase auto insurance. Undocumented immigrants, were they to be allowed access to driver's licenses, would be subject to the same insurance requirements as other drivers in Minnesota. The levels of uninsured drivers and uninsured motorist claims are related to states' auto insurance laws. Among the three types of auto insurance laws—financial responsibility, compulsory auto insurance and notice laws—notice laws, although projected to be much more costly, were found to yield a significantly lower level of uninsured drivers than financial responsibility and compulsory auto insurance laws (Ma and Schmit, 2000).

Why Drivers are Uninsured

Poverty, living in metropolitan areas and no-fault insurance all have been shown to have an effect on states' levels of uninsured motorists (Cole et al., 2001; Ma and Schmit, 2000). On a broad level some similarities exist between socioeconomic characteristics of motorists who tend to be uninsured and certain socioeconomic characteristics (e.g. levels of education, household income, median age, homeownership) of Hispanics/Latinos in Minnesota (Hennepin County Office of Planning and Development, 2003; Roy Wilkins Center and The Urban Coalition, 1999). Limitations notwithstanding, surveys have shown that uninsured drivers tend to be young males (18-29), with low levels of education, are renters, are either unemployed or work part-time and are low-income (All-Industry Research Advisory Council, 1999, 1984; Hunstad, 1999; Kuan & Peck; 1981; Maril, 1998; Marowitz, 1991). Khazzoom (1999, p. 84) emphasizes that although these surveys provide qualitative evidence to corroborate what we would already expect about uninsured motorists, "we do not know much, for example, about the tendency of older adults or upper-income individuals to falsify the insurance status of their vehicles."

In part, people's decision to purchase auto insurance has to do with the type of insurance law in his/her state. Minnesota is one of 47 states with compulsory (liability) auto insurance—legislation that the automobile insurance industry strongly opposes.

The economic impact of compulsory auto insurance laws is important to consider hand-in-hand with the “privilege” or “right”—depending on one’s perspective—of allowing any population to have access to a driver’s license. If a policy is implemented to allow undocumented immigrants to apply for a driver’s license, and if they are stopped by the police and found not to have insurance, they could face severe penalties. Their car could be impounded and they may be ticketed for not having insurance. The consequences of having the car impounded pose a significant burden on the driver. Even greater, is the impact of higher auto insurance premiums or denials of auto insurance upon trying to purchase insurance after having been ticketed for driving without insurance. Once an auto insurance company is aware that an individual has been cited for driving without insurance, the company may be less likely to even offer insurance. Ensuring drivers will be financially responsible can further prevent individuals from falling into a legal downward spiral.

In essence, law enforcement must constantly face the issue of enforcing laws and driver’s abilities to pay. Generally, with regard to enforcement and penalty severity, higher fine levels are related to higher compliance with auto insurance laws (Cole et al., 2001). However, the question at what point fines become ineffective for habitual offenders is important to consider as well. Law enforcement officials know very well the difficulty of making decisions to penalize members of low-income families, and the domino effects of those penalties.

The high cost of auto insurance in general is a concern for everyone, not just those who don’t have it. Hunstad (1999) observed that insured drivers were motivated to settle directly with injured persons in an accident, if they were concerned about increased insurance premiums and if injuries were relatively minor. According to data from the Bureau of Labor Statistics, the wealthiest fifth of households spends 1.4 percent of their household income on auto insurance, and the poorest fifth spends nearly three times as much, roughly 4.2 percent of their income (Miller and Engelhard, 1997).

A study in Maricopa County, Arizona released findings of the impact of compulsory auto insurance on low-income families. It found that families living below 50 percent of the poverty line spend nearly one-third (31.6 percent) of their household income on premiums when they purchase auto insurance. Over half (50.9 percent) of the households in the Maricopa County study reported that they had to put off paying for other expenses, like health insurance, in order to meet auto insurance payments (Maril, 1998). According to an Insurance Research Council Survey, 41 percent of the respondents owning an uninsured vehicle said they did not insure because the premium was too high (Insurance Research Council, 1999). Proponents and opponents to allowing undocumented immigrants to get a driver’s license must consider the “all” or “nothing” approach most states have taken with compulsory auto insurance laws and how this relates to low-income drivers.

Ma and Schmit (2000) suggest that if policy makers seek to improve financial responsibility of automobile drivers they ought to consider alternative legislation than what exists to ensure “financial responsibility.” They recommend more investigation into the before and after effects of penalties for failure to comply with insurance requirements and the consideration of proposals for premium fuel taxes as a mechanism to achieve universal insurance coverage. The benefits of this mechanism, according to them, outweigh the costs and inequities caused by compulsory auto insurance laws. (For more information on the premium fuel tax, see Sommer et al., 1995 and Wenzel, 1995. For

more information on the affordability issue, see Joint Economic Committee, 1998; Smith and Wright, 1992; Keeton and Kwerel, 1984. For more information on per-mile, free market insurance, see <http://www.centspermilenow.org>.)

Currently everyone who has auto insurance in Minnesota pays for individuals who drive without insurance and who are underinsured. Insured drivers in Minnesota pay approximately \$100 million in uninsured motorist premiums annually (Insurance Federation of Minnesota, 2004). Under Minnesota's current driver's license policy insured drivers are obliged to continue to pay the costs of chronically uninsured drivers and a growing group of Minnesota residents who cannot legally purchase insurance for their cars, even if they want to.

Uninsured Drivers in Minnesota and Other States

With few exceptions, unlicensed drivers cannot legally purchase auto insurance in Minnesota. Auto insurance companies require that a driver be licensed in order to purchase insurance in his/her name. As more unlicensed motorists drive on Minnesota roads, the uninsured motorist population presumably increases. Uninsured drivers cause 14.5% of all accidents in the US and more than \$4.1 billion in insurance losses per year (Burger, 2001; Valdez, 2003). Minnesota's uninsured driver rate was 11.8% in 1995, 12.8% in 1996, and 10.3% in 1997 (Insurance Research Council, 2000). The Insurance Federation of Minnesota estimates that currently 12% of Minnesota drivers are uninsured.

New Mexico had one of the highest uninsured driver rates in the nation, about 30 percent (Insurance Research Council, 2000). In the year since it became the 11th state that does not require legal residency to obtain licenses, state officials say the percentage of uninsured drivers has been cut by a third (Hunter, 2004; Rojas, 2004). Utah changed its driver's license policy after a 1997 study showed that one-fourth of all car accidents involved uninsured drivers. According to Barton Blackstock, chief of the Utah Driver's License Bureau, 60,000 people a year in Utah have used the ITIN to get a license (Pratt, 2002). Like Nevada and New Mexico, Utah also uses a newly implemented electronic database system to cross reference driver's licenses and vehicle registrations with insurance records. Utah has reduced its percentage of uninsured motor vehicles from 23 percent in 1995 to 9 percent in 1999 (Jones, 2003). North Carolina has a relatively low level of uninsured motorists (6%), and along with allowing undocumented workers to get licenses, also has strong auto insurance law enforcement in place (Jones, 2003). Minnesota implemented new auto insurance enforcement on April 9, 2004 by randomly sampling 7000 drivers each month and requiring them to report proof of insurance (Minnesota Department of Public Safety, 2004). Expanding access to driver's licenses in many states has meant better enforcement of auto insurance laws.

Risks of Uninsured Drivers to You

With more uninsured drivers on the road, you may wonder about how much greater risk you run of getting into an accident with one of these drivers. The assumption that drivers of uninsured vehicles are at higher risk of being involved in a traffic accident compared to drivers of insured vehicles is important to consider in the discussion of allowing undocumented immigrants to obtain a driver's license. As with any population of individuals, an uncertain proportion of undocumented immigrants will choose not to purchase auto insurance.

Some sources contend that drivers without auto insurance may be higher risk drivers than drivers with insurance (Blows et al, 2003; Greenaway, 2004; Holland, 2004; Kuan and Peck, 1981). However, the causal relationship between being uninsured and car crash injury was not fully examined in these studies nor in the supporting literature they cite. In general the causal relationship between being uninsured and being injured in a car accident is unclear (Blows et al., 2003). Lower socioeconomic status alone is known to be associated with being uninsured, as well as with increased risk of car crash (Cubbin et al., 2000a,b; Harper et al., 2000; Hunstad, 1999; Laflamme and Engstrom, 2002; Loomis, 1991; Maril, 1998;). Greenaway (2004) broadly stated that uninsured drivers may be more likely to be non-compliant with other road traffic requirements and obligations and may be involved in other criminal activity. However, no data was offered to corroborate this claim.

Dr. Patrick Butler (2004) with CentsPerMileNow, a project with the Texas National Organization for Women, looked into the origin of the assumption that drivers of uninsured vehicles (UVs) are less careful than drivers of insured vehicles (IVs). He found in the United States that the assumption was based on a 1981 Department of Motor Vehicles report in California entitled, "A Profile of Uninsured Motorists in California." This report concluded that "as a group, uninsured accident [-involved] motorists are a high risk group" (Kuan & Peck, 1981). Dr. Butler's contention with the findings of this report was the invalid comparison of "on-road" populations to "file-record" populations, i.e. the general population of drivers. According to Dr. Butler valid comparisons cannot be made between accident-involved (A-I) drivers of UVs and a sample of the general population of drivers drawn from the state's file of licensed drivers, some of whom do not drive at all and a majority of whom drive less than average. When A-I drivers of UVs are compared to A-I drivers of IVs – as the 1981 DMV report did for its zip code comparison – there was little difference between drivers of UVs and drivers of IVs (Butler, 2004). A 1984 report by the Insurance Research Council highlighted a similar finding regarding the driving performance of uninsured motorists stating, "Indeed, the most striking characteristic of the uninsured is that they closely resemble insured motorists, for the most part."

Auto Insurance Premiums

Given the relatively low level of uninsured drivers in Minnesota and the relatively small undocumented immigrant population, it is difficult to project how allowing undocumented immigrants to obtain a driver's license would affect auto insurance premiums overall in Minnesota, especially if it were implemented alone with no additional auto insurance enforcement. Only if undocumented immigrants who get a license begin to purchase insurance might there be a noticeable impact on the uninsured and auto insurance premiums.

Minnesota, Wisconsin and Michigan have similar levels of Hispanic/Latino population and similar levels of uninsured drivers. All three have very different average expenditures on auto insurance premiums (National Association of Insurance Commissioners, 2002). Effects on the average auto insurance expenditure depend on many complex factors that may have little or nothing to do with the state's auto insurance or driver's license laws. For instance, additional factors that affect premiums include: the level of coverage of the auto insurance policy (e.g. "No Fault" in Minnesota but not in Wisconsin); driver demographics and driving record; the size of the driver population and where drivers live; the number and severity of auto accidents within a

given region; cost of living; number of cars owned; how much the car is driven; and the make, model, and year of drivers' cars. Assessing the effects of changing the driver's license policy on auto insurance premiums, at least for this study, was a much too difficult task to undertake.

Business Demand and the Reality of Undocumented Labor

Whether one is an opponent or proponent to allowing undocumented immigrants to obtain a driver's license, Minnesotans increasingly need to recognize the on-going reality of undocumented workers in this state. According to Ronningen (2000, p.6):

Because of increased numbers of illegal immigrants and no concomitant increase in INS staff, the INS has changed its approach to illegal aliens. The INS used to arrest any undocumented immigrants. But now with insufficient personnel to arrest every illegal alien, the INS has focused on the criminally-involved portion of the illegal immigrant population—those who have committed crimes in addition to having entered illegally.

The United States for decades has had and continues to have a growing undocumented immigrant population. The INS estimates that the total undocumented immigrant population residing in the United States in January 2000 was 7.0 million. On average, the undocumented population grew by about 350,000 per year from 1990 to 1999 (US Immigration and Naturalization Service, 2003). Kielkopf (2000) estimated that the Minnesota undocumented population was between 18,000 and 48,000. The Urban Institute estimates that Minnesota has between 75,000 and 100,000 undocumented immigrants (Passel et al., 2004).

Demand for labor in the goods-providing sector continues to expand, although not at the pace of the service-providing sector (Berman, 2004). The industries that depend on undocumented laborers are: seasonal agricultural work, textiles, manufacturing, personal service sector, janitorial services, hotels and restaurants, food service, roofing and construction (Djajic, 2001; Vernez, 1999; Nguyen, 1989; Papademetriou and Dimarzio, 1986). The US Department of Labor projects that among the occupations that will experience the largest job growth between 2002 and 2012 are waiters and waitresses, janitors and cleaners (not including maids and housekeepers), and combined food preparation and serving workers, including fast food (Hecker, 2004). Nearly all of these occupations do not require a lot of education, high skill levels, nor a great deal of English language proficiency.

Research has tracked labor shortages in Minnesota (Braun, 2003; State Demographic Center at MN Planning, 1999). Braun (2003) documented the persistence of labor shortages across various skilled and unskilled occupations in nine rural Minnesota counties even during recessionary times. The most significant pull factor for Hispanics/Latinos to rural Minnesota communities is the expansion of jobs in the manufacturing and food processing industries (Fennelly, 2005; Fennelly and Leitner, 2002;). Although, the increased use of technology in agriculture has reduced the demand for seasonal and migrant workers, the change has been offset by the demand for year-round workers in growth industries such as food processing, construction, hospitality and healthcare (Ronningen, 2001).

By 2012, the Hispanic labor force nationally is expected to reach 23.8 million, due to faster population growth resulting from a younger population, higher fertility rates, and increased immigration levels (Toossi, 2004). In Minnesota Hispanics/Latinos accounted for 24% of the growth in the labor force between 1990 and 2000 (State Demographic Center at MN Planning, 2002). Between the two censuses, Minnesota's labor force participation increased by 16% overall; during the same period labor force participation among Latinos in Minnesota increased by 335% (State Demographic Center at MN Planning, 2002).

The foreign-born in Minnesota, of which Hispanics/Latinos comprise the majority, do not experience insurmountable barriers to employment. The foreign-born (by definition including documented and undocumented individuals) are almost as likely to be working (66%) as native-born residents (71%), in spite of barriers of language and recent arrival (Costanza, 2002). Business demand, some may even go so far as to say recruitment, ensures that undocumented immigrants who cross the border will be able to find jobs in Minnesota and in the United States in general. With continued growth in occupations that demand unskilled labor, inadequate public transportation especially in the most rural communities and relatively high labor force participation rates for Hispanics/Latinos, Minnesota and other states across the Midwest are likely to see more drivers who, not only are obliged to drive to work illegally, but who are uninsured.

Driver Safety Implications

Whether or not Minnesota roads were less safe as a result of a relatively small number of undocumented, unlicensed drivers was not at all obvious. Speeding was the top contributing factor to fatal crashes in Minnesota in 2003 (Minnesota Department of Public Safety, 2004b, p.21), but Hispanic/Latino drivers were half as likely as other drivers to be ticketed for speeding. Chemical impairment and moving violations other than speeding were contributing factors to fatal crashes in Minnesota in 2003 (Minnesota Department of Public Safety, 2004b, p.21). Hispanic/Latino drivers were slightly more likely than other drivers to drive under the influence (DUI) and to be ticketed for moving violations other than speeding.

The fact that unlicensed drivers could drive uninhibited and undetected by means of loopholes in the driver's license system suggested that the system was not optimizing law enforcement mechanisms to address the unlicensed driver problem. Prohibiting undocumented immigrants from driving legally in spite of the loopholes in the system exacerbated the problem by adding to the already large pool of unlicensed drivers, not to mention the pool of uninsured drivers. One implication is that driver's license policy did not optimize driver safety because it was not backed up by optimal law enforcement mechanisms to keep drivers, who should not have been on the road in the first place, from driving.

Current driver's license policy, as it related to undocumented immigrants, may have had little to no implications on driver safety. Undocumented, unlicensed drivers, who were aware of the loopholes in the system and who were good drivers, drove virtually undetected just like habitual offenders did and posed no more risk to driver safety than other drivers. If they were unaware of the loopholes and drove, they still posed no more risk than other drivers per se but were probably more likely to get caught either because officers ran their plates or because they violated another traffic law. Thus, by restricting eligibility for a driver's license based on a factor, i.e., legal status, that has nothing to do

with driving performance, the policy just guaranteed that an overwhelmingly disproportionate number of Hispanic/Latino drivers were ticketed, jailed, and possibly even deported for not having a license.

Policy Implications and Recommendations

Driver's license policy in large part is intended to ensure the competency and safety of drivers. Currently, it restricts at-risk drivers, drivers under the age of 15 and individuals who are not legal residents of Minnesota from getting a license. As the research suggested, driver's license policy prevented undocumented immigrants from getting a license but did not stop them from driving. If these immigrants drove and were not savvy enough to know the loopholes in the system, some of them got caught. Although our analyses did not specifically identify undocumented, unlicensed drivers, the data showed at a minimum that driver's license policy resulted in 2720 (i.e. 3415-695 = 2720) additional tickets and about 300 additional incarcerations just in 2003, presumably by not allowing undocumented immigrants to drive legally. The additional 2720 tickets represented 10% of all tickets issued to Hispanic/Latino drivers.

Police officers' observations shed light on an important dynamic of driver's license policy. By maintaining restrictive eligibility requirements for driver's licenses without addressing existing loopholes in the driver's license system, the policy enables habitual offenders to keep offending, encourages undocumented immigrants to drive within the same loopholes as habitual offenders, and consequently makes the unlicensed driver problem worse for everyone. Just closing the loopholes could make driving undetected more difficult and could mean harsher penalties for unlicensed drivers, but it invariably overlooks the principal reason why Minnesota's driver's license policy disproportionately affects Hispanic/Latino drivers, i.e. the fact that many of them cannot get a license or insurance in the first place because of a factor that has nothing to do with their ability to drive.

An optimal driver's license policy restricts driver's licenses based on factors that pose excessive risks to driver safety. For instance, underage, inexperienced driving has been shown to be a contributing factor to crash deaths (Minnesota Department of Public Safety, 2004b, p.4). Also, characteristics of at-risk drivers have been shown to contribute to crashes (Minnesota Department of Public Safety, 2005). Legal status has not been shown to be a contributing factor to fatal crashes in Minnesota. In sum, an optimal driver's license policy attempts to keep the most unsafe drivers from driving in the first place; meanwhile, it enables law enforcement to focus its time and resources on the drivers that pose the greatest risks to the safety of other drivers i.e. speeders, "distracted" drivers, chemically impaired drivers, and drivers that commit other moving violations (Minnesota Department of Public Safety, 2004b, p.21).

Below are specific recommendations:

Unlicensed Drivers

- Repeat offenders, e.g. drivers who drive after revocation (DAR), after suspension (DAS), or after cancellation (DAC) should receive penalties—other than fines—that are harsher than the penalties for drivers charged with not having a license at all, statute 171.02. Officers gave examples such as: jail time, community service, or the

car becomes property of the state. By just increasing fines with the number of offenses, current policy penalizes repeat offenders the same as first-time offenders.

- Ensure officers can easily identify unlicensed drivers on the road by closing the loopholes which enable them to “hide” on the road. For instance, license plates could stay with the person, not the car as they do in Wisconsin. Another possibility could be that the seller and the buyer of a vehicle are required to go together to change the title into the new owners’ name. Another option is to hold owners accountable for allowing unlicensed drivers to drive their vehicles.
- Restrict eligibility for driver’s licenses based on factors that, when drivers are behind the wheel, pose excessive risks to driver safety, e.g. underage driving and at-risk drivers.
- Educate incoming immigrants and refugees about the consequences of driving illegally in Minnesota. Many may know how to drive and drove in their countries of origin. Here they may need to drive to carry out daily activities, just like most Minnesotans. Not educating incoming immigrants and refugees about the consequences of driving illegally starts them down the wrong path with law enforcement and can send them into a legal and financial downward spiral.
- Allow undocumented immigrants to drive legally. Studies have not shown a person’s legal status to be a contributing risk factor in fatal crashes in Minnesota. Eliminating the barrier that prohibits undocumented immigrants from driving legally could reduce the risk of Hispanic/Latino drivers being ticketed for not having a license from its current level (8 times more likely to be ticketed) to a level similar to that of Non-Hispanics in general.
- Educate all drivers on how to reinstate their licenses once they are suspended, cancelled or revoked.

Uninsured Drivers

- Standardize proof of insurance. Officers have no way of verifying the plethora of insurance cards from the hundreds of companies that provide auto insurance.
- Require auto insurance companies to notify the state once a driver terminates his or her auto insurance policy and make that information available to officers through the Department of Motor Vehicles (DMV) website.
- Do not allow insurance companies to sell monthly auto insurance policies and then provide the driver proof of coverage for unpaid months into the future.
- Develop more effective ways to enforce insurance laws such as an electronic database system to cross reference driver’s licenses and vehicle registrations with insurance records. Officers felt that sending out letters of insurance verification is ineffective. Many of these drivers are difficult to locate and might not have a permanent address.

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Appendix

Appendix A: Focus Group Question Guides

Problem Definition

Who or what comes to mind when you think about motorists who do not have a valid driver's license or have fake IDs? **Probe:** What changes have you noticed over the years with these motorists?

Who or what comes to mind when you think about motorists who do not have auto insurance? **Probe:** What changes have you noticed over the years with these motorists?

Experiences with Unlicensed and/or Uninsured Drivers

In your experience, what typically occurs during a traffic stop or a crash involving an unlicensed driver or a driver with a fake ID? Are there exceptions? **Probe:** Give me an example of how you responded to a situation.

In your experience, what typically occurs during a traffic stop or a crash involving a driver who is driving without auto insurance? Are there exceptions? **Probe:** Give me an example of how you responded to a situation.

ID-Specific Questions

In a traffic stop or crash, what might prevent you from being able to verify if all parties are driving with valid driver's licenses?

Are you familiar with the "status check" on DL's and what it is used for? **Probe:** How do you respond when the "status check" indicates the person has either surpassed the limit or is within the limit at the time of a traffic stop?

Solutions

What would you recommend as a solution to the problem of motorists driving without a valid driver's license?

What would you recommend as a solution to the problem of motorists driving without auto insurance?