

ACLU of Rhode Island

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NEWS RELEASE

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ACLU SUES DMV OVER DRIVER'S LICENSE PROCEDURES FOR IMMIGRANTS

The ACLU of Rhode Island has filed a lawsuit against the state Division of Motor Vehicles, charging the agency with a complete failure to comply with an important state law designed to ensure open and responsive government. That law is the Administrative Procedures Act (APA), which requires state agencies to provide advance public notice and seek public comment before they adopt rules and regulations governing their activities.

The lawsuit arises in the specific context of the DMV refusing to give driver's licenses to people who cannot provide a Social Security Number, greatly affecting the ability of immigrants in the state – both those lawfully here and undocumented immigrants – to obtain a license.

Despite the APA's public notice and comment requirements, the ACLU lawsuit, filed in RI Superior Court by volunteer attorney Thomas W. Lyons, notes that the DMV has failed to adopt any regulations at all “respecting the eligibility of immigrants to obtain Rhode Island motor vehicle operators licenses, the documentation required to obtain a driver's license, the procedures for denying a license or hearing appeals of such denials, policies governing the confiscation of documents submitted by applicants for driver's licenses, and similar matters governing the application process for driver's licenses.” As a result, license applicants are subject to arbitrary and capricious decision-making by DMV officials, and have no idea whether procedures are being properly followed.

Plaintiffs in the suit are the ACLU itself and the community group Direct Action for Rights and Equality (DARE). DARE notes that half of its members are immigrants, and that many face difficulties at the DMV when they seek to obtain a license. Ever since Governor Carcieri unilaterally decided two years ago to no longer provide drivers' licenses to residents without a Social Security Number, community groups have complained about the hardships many license applicants have faced. The lawsuit seeks a court order requiring the Division to comply with the APA's notice and public comment requirements.

RI ACLU executive director Steven Brown said today: “The DMV's failure to comply with the APA has consequences for all of us. It promotes arbitrary and discriminatory treatment, and essentially allows the Registry to change its policies and practices whenever and however it sees

fit. That is no way for a state agency with so much contact with the public to operate.”