



American Civil Liberties Union
of Montana
Power Block, Level 4
PO Box 1317
Helena, Montana 59624
406-443-8590
www.aclumontana.org

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Testimony HB 549

Chairman Rice and Members of the Committee,

The ACLU of Montana respectfully states its opposition to HB 549 because it raises multiple concerns from a civil liberties perspective.

- Driver's license applicants already have to demonstrate a basic level of English proficiency. The written test is in English and the driving examiner and processing clerk speak to the applicant in English. What greater command of English than taking a written exam and following traffic signs, signals and verbal instructions from the examiner would an applicant need to demonstrate his or her driving credentials?
- This bill could be applied in ways that violate civil rights laws, due process and equal protection requirements. The English proficiency requirements would be administered, not to all applicants, but rather to certain individuals as determined by the processing clerk or examiner. To whom might this apply? People who speak with accents, regardless of citizenship status? People with brown skin? People with speech impediments or other disabilities? People with poor grammar? The arbitrariness of determining who must take this proficiency test not only lends itself to discrimination against those who are different, but leaves the DMV employee open to accusations of prejudice and violations of personal rights.
- The DMV is delegated authority not only to administer the examination, but to develop it as well. What expertise do our public employees in charge of driver responsibility and safety possess concerning English grammar and diction? And, what level of English proficiency is required beyond that already required to successfully pass the written test used today?
- Determining country of citizenship can prove to be problematic, especially in instances with people who possess multiple citizenship statuses. DMV employees will be asked to sort through the complexities of varied categories of citizenship claims. Questions concerning citizenship and alienage are matters of federal jurisdiction.

This bill imposes a literacy test on people before they can receive a driver's license. There are no standards governing the development or imposition of the literacy test. And, the DMV has no expertise in gauging an applicant's English proficiency beyond administering the existing required written and road tests. This piece of proposed legislation has the potential to violate the civil rights of citizens or legal immigrants and place DMV employees in situations for which they are not prepared or qualified.

We urge you to note no on HB 549.