



ACLU of Massachusetts  
211 Congress Street, Suite 301  
Boston, MA 02110  
617-482-3170  
www.aclum.org

June 23, 2021

Joint Committee on Transportation  
Sen. Joseph Boncore & Rep. William Straus, Chairs

**SUPPORT H.3546/S.2289**  
**Work & Family Mobility Act**

Dear Senator Boncore, Representative Straus, and members of the committee:

The ACLU of Massachusetts offers its strongest support for *An Act relative to work and family mobility during and subsequent to the COVID-19 emergency* (H.3546/S.2289), known as the Work & Family Mobility Act. We appreciate that the committee gave the bill a favorable report last session; we urge you to advance it again and prioritize it for swift passage. The bill filed this session has been refined to carefully address two key issues: documentation of an applicant's identity and data security.

Immigrants are a vital part our Commonwealth. They are our friends, neighbors and co-workers. The COVID-19 crisis highlighted that a large percentage of the essential workers that kept the Commonwealth running are immigrants, and they were disproportionately impacted by the pandemic.

Immigrants – like many of us – need to be able to drive. Yet, Massachusetts currently limits licenses to those who can prove that they have lawful immigration status – a federal matter that has no bearing on a person's ability to drive safely.

Withholding licenses from qualified drivers who depend on the ability to drive for their jobs and their families' wellbeing puts them in a desperate situation – they must choose either to severely limit their mobility and access to key services, or drive illegally, opening themselves up to arrest and possible deportation.

Sixteen other states plus the District of Columbia allow drivers to obtain licenses regardless of immigration status. This includes nearby states such as Connecticut, Vermont, New York and New Jersey. It includes both Democratic and Republican-led states. In addition to our neighbors in the northeast, Utah, Virginia, Delaware, Maryland, Illinois, Colorado, New Mexico, Nevada, California, Oregon, Washington and Hawaii all allow residents to obtain driver's licenses without regard to immigration status.

The experience of these jurisdictions is instructive: this can be done, and it can have benefits for everyone – for mobility, public safety, public health and the economy.

**1. The Work & Family Mobility Act would give many residents much-needed mobility.**

In many places in Massachusetts, the ability to drive is an essential need for everyday responsibilities, such as going to work, buying groceries, or taking a sick child to the doctor.

Driving is especially essential for workers. Increasing housing prices in urban areas mean that many are unable to live where they work, and must instead commute daily from more affordable areas. In 2019,

over 2.5 million people commuted to work alone in a vehicle, compared to 372,000 who used public transportation.<sup>1</sup>

Outside of urban areas, public transportation is simply insufficient to meet daily needs. Nowhere is this more evident than in rural areas of Western Massachusetts, where a vehicle and the ability to drive are a necessity.

## **2. The Work & Family Mobility Act is good for public safety.**

When all drivers can be tested and insured, roads are safer for all. After passage of a similar law, Utah saw a drop of 80 percent in uninsured drivers, and New Mexico saw its number of uninsured drivers decrease by 60 percent.<sup>2</sup> California saw up to 10 percent fewer hit-and-run crashes per year, while Connecticut experienced a 9 percent decrease in similar crashes.<sup>3</sup>

When the Commonwealth can regulate drivers, we all benefit.

## **3. The Work & Family Mobility Act is good for public health.**

The COVID-19 pandemic brought to light inequities that existed long before the pandemic, and it highlighted the role that driving plays in public health. Cars suddenly became the ultimate Personal Protective Equipment, safer than crowded trains and buses when community spread was at its highest. And being unable to drive was a huge barrier to getting tested or vaccinated in many communities, either because of lack of public transit or because health care access was purposefully designed for people in cars, as a safety measure. Drive-through testing and remote vaccination centers became the norm, but they are unavailable to those who cannot drive.

Public health depends on people being able to get from one point to another safely, and this is a lesson we must take seriously going forward.

## **4. The Work & Family Mobility Act would boost the economy.**

When Massachusetts issues driver's licenses to all drivers regardless of immigration status, an estimated 45,000 to 85,000 drivers will be able to obtain new licenses within the first three years.<sup>4</sup> The program is likely to pay for itself and could even bring in additional revenue. Because applicants must pay a fee to apply for a driver's license or vehicle registration, the Massachusetts Budget and Policy Institute estimates that the Commonwealth could see \$5 million from initial registration fees.<sup>5</sup> The state could see additional revenue from fuel taxes and sales taxes paid on cars and car-related purchases.

---

<sup>1</sup> American Community Survey, , *Means of Transportation to Work by Vehicles Available*, Table B08141, 2019, available at <https://data.census.gov/>.

<sup>2</sup> Gregory A. Odegaard, A Yes or No Answer: A Plea to End the Oversimplification of the Debate on Licensing Aliens, 24 J.L. & POL. 435, 449-50, 2008 (internal citations omitted).

<sup>3</sup> Massachusetts Budget and Policy Center, *Sharing the road: Licensing all drivers, regardless of immigration status, boosts safety and the economy*, April 13, 2021, at 5-6, available at [https://massbudget.org/wp-content/uploads/2021/04/SharingTheRoad\\_2021\\_FINAL.pdf](https://massbudget.org/wp-content/uploads/2021/04/SharingTheRoad_2021_FINAL.pdf).

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.* at 1.

And, in this changing economy, access to a driver's license could give workers new job opportunities and could support entrepreneurs in the creation of new businesses.

**5. The Work & Family Mobility Act is consistent with the current licensing scheme.**

Because Massachusetts already offers two types of licenses – a “REAL ID” license that can be used for federal identification purposes, and a Massachusetts license (sometimes referred to as the “standard license”) – the bill simply removes any requirement that an applicant for the Massachusetts license demonstrate federal immigration status. Other requirements – such as proving age, state residency and ability to drive – all remain the same.

And because the federal REAL ID law allows states to have a second state-only license, nothing in this bill would affect the Commonwealth's obligations to the federal government.

**6. The Work & Family Mobility Act ensures the state can authenticate an applicant's identity.**

The bill has been updated and strengthened in response to questions that arose during the last legislative session about how persons who lack immigration status prove their identity. The version introduced this session now includes a carefully created list of documents that the Registrar will accept to authenticate an applicant's identity. The coalition worked with stakeholders including law enforcement and foreign consulates to understand the issues around documentation and researched the documentation processes in other states. The streamlined list meets two critical objectives: it includes documents that immigrant applicants are likely to have, and these documents meet internationally accepted standards for security and authenticity.

**7. The Work & Family Mobility Act includes important data privacy protections.**

The experience of other states has shown us the importance of safeguarding personal information held by the Registrar to prevent it from being used as a tool in the federal government's deportation efforts. The bill incorporates several measures that, taken together, build protections against such abuse of state data.

First, individuals without lawful status will be eligible to receive the same Massachusetts license, identification card or learner's permit as applicants with lawful status.<sup>6</sup> As such, an undocumented person's card will be physically indistinguishable from that held by U.S. citizens and others with lawful status and will reveal nothing about immigration status.

Second, the Registrar may not inquire about immigration status or citizenship when processing Massachusetts licenses, identification cards or learner's permits.<sup>7</sup>

Third, the Registrar may not unnecessarily retain copies of documents used to apply for a Massachusetts license, identification card or registration after the issuance of those documents.<sup>8</sup>

Finally, the Registrar may not disclose information about applicants and license-holders for immigration enforcement purposes. As originally drafted, Section 14 of the bill would prohibit most disclosure without a warrant. However, after conversations with key stakeholders, the Driving Families Forward coalition is developing updated language in collaboration with the bill sponsors. The intent of the updated language is

---

<sup>6</sup> Work & Family Mobility Act, Section 2.

<sup>7</sup> Work & Family Mobility Act, Section 2.

<sup>8</sup> Work & Family Mobility Act, Section 13.

to ensure that stakeholders who currently need access to RMV data to carry out their jobs, such as law enforcement agencies and insurance companies, can continue to access the information, while ensuring that the data is not used for federal immigration enforcement without the presentation of a warrant issued by a judge.

----

Now is the time for Massachusetts to join sixteen other states in removing restrictions on our driver's licenses that harm immigrant families and stand in the way of safer roads and a stronger economy. Immigrant neighbors, families, and essential workers are asking for the opportunity to follow the rules and drive safely and legally. They deserve the ability to move freely, work, and care for their families without fear of arrest or deportation.

We would be glad to be a resource to the committee, and we urge you to give this important bill a favorable report.