

Undocumented Motorist Safety & Insurance Task Force

**Tuesday, May 13, 2014
10:00a.m. – 12:00p.m.
Senate Hearing Room, Legislative Hall**

Meeting Attendance

Task Force Members:

Present:

Senator Bryan Townsend	Bryan.Townsend@state.de.us	302-744-4165
Senator Brian Pettyjohn	Brian.Pettyjohn@state.de.us	302-744-4048
Representative Helene Keeley	Helene.Keeley@state.de.us	302-744-4351
Representative Joseph Miro	Joseph.Miro@state.de.us	302-744-4171
James Collins	James.Collins@state.de.us	302-744-4222
Chief William Topping	William.Topping@cj.state.de.us	302-856-6613
Javier Torrijos	DHC_Chair@state.de.us	302-894-6329
Rosario Calvachi-Mateyko	Charitocw@aol.com	717-951-0905
Major Melissa Zebley	Melissa.Zebley@state.de.us	302-270-8745
Ana Velasquez	avelasquez@thelatincenter.org	302-655-7338x7696
Jose Somalo	jose.somalo@gmail.com	302-854-0240
Bryan Cochran	bryan.cochran.idcb@statefarm.com	302-529-0556
Darlene Battle	dbattle@delaca.org	302-656-8200
Pastor Jeremias Rojas	cryingprophet@verizon.net	302-562-4597

Absent:

Senator Robert Marshall	Robert.Marshall@state.de.us	302-744-4168
Representative Andria Bennett	Andria.Bennett@state.de.us	302-744-4351
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New Castle County Chamber of Commerce	-N/A	
Greater Georgetown Chamber of Commerce	-N/A	
Delmarva Poultry Industry	-N/A	

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<u>Attendees:</u>	<u>Organization:</u>	<u>Phone:</u>
Andrew Meehan	CSDL	202-312-1540
Brian Zimmer	CSDL	202-312-1540
Jorge Tuddon	Consulate of Mexico	215-923-8384
Yarazetd Mendoza-Camargo	Consulate of Mexico	215-923-8384
Rhonda West	Del. Dept. of Insurance	302-674-7300
Gene Reed	Del. Dept. of Insurance	302-674-7390

The Task Force meeting was brought to order at 10:21a.m.

INTRODUCTIONS

Senator Townsend, co-chair, thanked the members of the Task Force and public for attending the meeting. The Senator recognized Michelle Zdeb, Legislative Assistant, for her preparation of the Task Force meeting. Senator Townsend then introduced Caitlin Del Collo, Legislative Fellow, and announced that she would address the first item on the agenda.

CONSIDERATION OF TASK FORCE MEETING MINUTES

Caitlin Del Collo read in a Memo (see attachment) detailing proposed changes to the Meeting Minutes from the April 2, 2014, Task Force Meeting. The Memo addressed spelling errors to one person's name in the English version of the Minutes, as well as changing a word and a name in the Spanish version of the Minutes.

Senator Townsend asked the Task Force members if there were any other changes that needed to be made to the Minutes.

Jeremias Rojas, Task Force member representing Consejo Pastoral de Delaware (COPAD), indicated his name was misspelled in the Minutes and on his name card.

Senator Townsend apologized for the misspelling.

Gene Reed, on behalf of Insurance Commissioner Stewart, proposed changing the language of his statement on page 13 to reflect that drivers with no driving history in the U.S. "could have" the same rates as new drivers.

Senator Townsend thanked Mr. Gene for the suggestion. The Senator stated he appreciates everyone taking the time to make sure the Minutes are accurate, since they will be promoted as a public record moving forward. The Senator then asked if anyone else had changes to propose. Seeing none, he asked for a motion to approve the Minutes with the changes that Ms. Del Collo read from the memo, as well as Mr. Rojas's and Mr. Reed's proposed changes.

Representative Keeley, co-chair, motioned to approve the Minutes.

Senator Pettyjohn, Task Force member, seconded the motion.

The Task Force Meeting Minutes dated April 2, 2014, were approved.

DISCUSSION OF INSURANCE ISSUES

Senator Townsend invited Bryan Cochran of State Farm to lead the discussion on insurance.

Bryan Cochran, representing the private insurance industry, began by noting that affordability of insurance is an issue for all drivers, not just undocumented drivers, and that it is determined by several major factors. One factor is how densely populated an area is. Individuals living in Wilmington, Delaware, for example, have higher insurance rates than people living in Sussex County due to differences in population density.

Mr. Cochran informed the Task Force that every state except New Hampshire sets a mandatory minimum amount for insurance coverage. He noted that the insurance industry is highly competitive, therefore people can and should compare insurance policies before purchasing one.

One way to reduce insurance premiums is to do research on a vehicle before purchasing, as safety features affect insurance rates. An 18 year old man with a Corvette is more expensive to insure than a 60 year old woman with an F-150. In these examples, age, type of car, and driving history all factor into the insurance rates. Mr. Cochran acknowledged that undocumented drivers are disadvantaged because they do not have a driving record in the U.S. Unfortunately there is no way to prove statistically that an undocumented driver has driven safely in his or her country of origin. Senator Townsend asked Mr. Cochran to see if other states that issue driving privilege cards have attempted to access driving records of undocumented individuals from their home countries. To date there have been no attempts to do so, and it is not clear how to do so.

Mr. Cochran characterized car insurance as a tax on driving. The more expensive one's car is, the more insurance coverage is required. Many young people only purchase the mandatory minimum amount of insurance coverage. Additionally, comprehensive and collision insurance, which cover damage to vehicles, are optional. These types of insurance are not necessary for a "clunker" car, since any repairs from an accident would cost more than the car is worth.

Deductibles can also be raised to bring down insurance rates. This can be done with liability coverage, which is a required component of insurance coverage. Another component is Personal Injury Protection (PIP), which covers lost wages and medical services. There is a minimum of \$15,000 for PIP coverage. State Farm does not have a deductible for PIP, but some other insurance companies do.

Driver safety courses can bring down insurance rates as well. The first course can reduce insurance by 10%, and the refresher course can reduce rates an additional 5%.

A new technology that can lower rates is a device that measures how well one drives. State Farm refers to this device as "Smart Drive." The devices provide real time data to insurance companies including speed, miles of use, etc. State Farm does not penalize drivers if they do not drive "safely" as measured by the device; rather, such drivers would simply be ineligible for the discount associated with the device. The discount varies from company to company, but could be up to 25%.

Senator Townsend explained that the reason insurance affordability is being discussed is because it is part of a genuine effort of the Task Force to make the roads safer in Delaware. The Senator then indicated he would like to address several points raised by Mr. Cochran. One is that no other state has undertaken efforts to factor driving records from other countries into insurance rates for undocumented drivers. Senator Townsend asked how long insurance companies offer the "new driver" rate to undocumented drivers.

Mr. Cochran responded he can only speak for State Farm, which sets their rate for new drivers for a period of three years. State Farm has a Mutual company and a Standard company. New drivers, or those with no driving record, are placed in the Standard Company. After three years, if the driver has not had any tickets or accidents, they qualify to move to the Mutual Company.

Senator Townsend asked if there is any flexibility in that policy.

Mr. Cochran replied there is not.

Senator Townsend asked if the Smart Device could be used to lower rates.

Mr. Cochran said that undocumented drivers can take advantage of the same discounts, including the Smart Device discount, which is available to other drivers.

Senator Townsend asked for confirmation that there is no way to move from a higher range premium to a lower range within the first three years of being insured.

Mr. Cochran confirmed that for State Farm, there is no way to lower the rate within the first three years.

Senator Townsend restated Mr. Cochran's assertion that no states have taken measures to provide less expensive premiums to undocumented drivers who otherwise would have lower premiums due to driving experience.

Mr. Cochran confirmed this, stating that he has no knowledge of any states being able to verify driving records from any foreign countries.

Representative Keeley asked Mr. Cochran if he is aware of any insurance companies in the United States that also sell insurance in South America.

Mr. Cochran said that Farmer's is a division of Zurich, which is an international company; however, he is not sure if they sell car insurance in South America. He added that a colleague of his works for MetLife in South America, although Mr. Cochran does not know what insurance products are sold there, or what the laws in South America dictate regarding insurance coverage.

Representative Keeley explained she is wondering if there is driving information that can be obtained from insurance companies that sell in both the U.S. and South America. The Representative believes this issue should be researched.

Senator Townsend, referencing Representative Keeley's question, stated he is surprised that there is not more flow of information. He also reiterated that insurance rates are real money to people, therefore it is important to discuss affordability.

Senator Townsend then asked if a system could be put in place to allow undocumented drivers to prove their driving abilities in order to obtain fair, affordable insurance premiums. The Senator envisions this system as one that can circumvent the three year period that State Farm uses when insuring new drivers.

Mr. Cochran responded that State Farm has been collecting driving information since 1914. The industry is heavily driven by statistics. While Mr. Cochran is not sure why the actuaries and underwriters chose a three year time frame, he believes that the statistical models they have devised are effective.

Senator Townsend indicated he does not have an issue with the three year period for new drivers, but he does see that time period as problematic when applied to experienced drivers who have no driving record in the U.S.

Mr. Cochran agreed that there is a verification issue.

Jose Somalo, on behalf of the Mid-Atlantic Hispanic Chamber of Commerce, pointed out that the discussion on insurance affordability has been based on the assumption that there is a driving record for undocumented individuals in their home countries. However, Mr. Somalo believes that many people who would take advantage of driving privilege cards have lived in the U.S. for years; therefore their driving records in their home countries are not as recent and relevant.

Senator Townsend said he is assuming that it is difficult, if not impossible, to get records from another country to be accepted by U.S. insurance companies. The Senator wonders why there is not an alternative solution, such as a community based insurance company that will be understanding of undocumented drivers' situations and will work with them to provide reasonably priced coverage.

Mr. Cochran said he understands Senator Townsend's concerns. However, at the last meeting the Task Force discussed how other countries' documents are not always trustworthy. As such, driving records from other countries could be difficult to verify.

Senator Townsend stated it is easy to distinguish between good drivers and bad drivers, especially with a road test. Consequently, the Senator wonders if a system can be devised to provide insurance coverage at rates that truly reflect experience, rather than provide insurance at a higher rate for three years.

Mr. Cochran said that is where the insurance industry disagrees. The industry believes that time will tell if someone is a good driver. Furthermore, someone can drive very well during a road test, but then drive irresponsibly the rest of the time. State Farm is convinced that individuals are good drivers if they can go three years without any accidents or tickets.

Rosario Calvachi-Mateyko, representing the Delaware Hispanic Commission, commented that the three year, no ticket standard is unfair to Latinos since they are stopped on suspicions of being undocumented.

Ms. Calvachi-Mateyko pointed out that the North American Free Trade Agreement (NAFTA) and the Central American Free Trade Agreement (CAFTA) exist to facilitate trade among companies from different North and Central American nations. As such, she believes there must be a way for companies to exchange driver information to benefit undocumented immigrants living in the United States.

Ms. Calvachi-Mateyko then asked if the driver safety courses, which can be taken online or in person, are offered in Spanish.

Mr. Cochran said he does not know.

Rhonda West, of the Department of Insurance, stated that AARP offers a driver safety course in Spanish.

Senator Pettyjohn said that regardless it would be important to have a driving history that reflects U.S. rules and regulations, since driving rules and regulations differ by country. The Senator thinks that rather than focusing on the timeframe various insurance companies apply to undocumented drivers, the Task Force should concentrate its efforts on using a driving record to establish and justify insurance rates.

Chief William Topping, on behalf of the Police Chiefs' Council, asked if the same type of database that he uses to look up driver information exists in other countries. The Chief said he agrees with the insurance industry that it would be difficult to factor a foreign driving record into insurance underwriting.

Mr. Cochran noted that the minimum mandatory coverage for Delaware has not changed in 40 years.

Representative Keeley said that in hearing the discussion of how to verify driving records, it appears that the federal government would have to step in to verify that other countries' records are trustworthy to use.

The Representative then discussed the possibility of an insurance company that would cater to the niche market of undocumented drivers.

Senator Townsend said he hopes the private market will address this issue, as he does not believe that every aspect being considered by the Task Force can be legislated.

The Senator then indicated support for the idea of an insurance company catering to undocumented drivers so that their insurance rates reflect actual driving experience.

Mr. Reed said he agrees with that idea, but that a "niche" market for undocumented drivers would be considered discriminatory by the Department of Insurance. However, companies could carve out a niche to underwrite policies that are more favorable than the three year waiting period. Such a market would have to be open to everyone.

Mr. Reed then mentioned that the National Association of Insurance Commissioners (NAIC) study group produced a paper on availability and affordability of insurance. Additionally, the Federal Insurance Office (FIO) is conducting a study of availability and affordability for low income individuals. Information is still being gathered. The Department is working on a paper addressing these emerging issues.

Mr. Cochran said he is aware of the NAIC report, and that it shows that car insurance has decreased as a percentage of peoples' budget over the last 15 years. Mr. Cochran interprets this as evidence that competition in the industry has driven down costs.

Mr. Reed, following up on Mr. Cochran's comment, stated that the market is working in Delaware because the assigned risk pool is currently lower than it has been in previous years.

Mr. Cochran explained that an assigned risk pool is the pool to which the worst drivers are assigned. For example, a person who has had DUIs will be assigned to that risk pool for a three year period. Assigned risk means that no company wants to underwrite someone a policy, so the individual is randomly assigned to a company.

Senator Townsend said he looks forward to a company, either currently established or new, that will take on this issue and utilize all information possible to provide fair insurance rates to undocumented drivers.

Javier Torrijos, on behalf of the Delaware Hispanic Commission, asked how insurance rates will be impacted if undocumented individuals obtain driving privilege cards, but have prior violations because they did not always have a valid license. Specifically, Mr. Torrijos asked if insurance companies will be lenient on this point since the opportunity to obtain a driving privilege card did not exist in the past.

Mr. Cochran said he does not know how that issue is treated.

Senator Townsend asked Mr. Cochran to discuss how ticketing factors into rates.

Mr. Cochran said that moving violations are taken into account.

Senator Townsend asked if and how undocumented drivers' information is entered into the system if they are stopped.

Chief Topping said that information is entered into the system. If an undocumented individual commits a violation, the DMV creates a number with that person's name. If the violation is serious, such as a DUI, the State Bureau of Identification will have a number and name for that person. Chief Topping does not believe the DMV is able to "back out" a violation from someone's record.

Senator Townsend clarified that "backing out" does not mean "delete." The Senator then asked why an absence of violations is not part of the consideration of an individual's insurance rate.

Chief Topping noted that even if an undocumented individual has avoided violations, the very act of driving in the first place is a violation.

Mr. Cochran said it is problematic to take someone's word that they have not committed any violations.

Senator Townsend clarified his point. He said that if someone has documentation that they have worked in Delaware for five years, it is reasonable to assume that the person has driven within Delaware. If that person's name is not in any database for moving violations, it can be further

assumed that the individual has driven safely for those five years. The Senator would like to know why this information is not considered in setting insurance rates.

Senator Pettyjohn asked how underwriters would know whether such a person has been driving at all; maybe they have been following the rules and not driving.

Mr. Cochran said that by law, insurance companies can only look back on someone's driving record for three years. Driving records are not the best indicator of violations. In Delaware there is a loophole program, Probation Before Judgment (PBJ), whereby individuals with tickets can serve probation, pay a fine, and avoid having the violation assigned to their record. Mr. Cochran understands PBJ to be fairly common in Delaware. Insurance companies cannot use records unless a judgment or conviction is made. PBJ thwarts the record. As such, insurance companies do not rely solely upon driving records. Mr. Cochran estimates there are 25 factors affecting insurance rates.

Mr. Torrijos asked for confirmation from Mr. Cochran that individuals can purchase insurance with a driver's license, and that their driving records are tracked.

Mr. Cochran said he does not believe State Farm would sell a policy to someone without a license.

Chief Topping stated it is done by insurance companies.

Mr. Cochran said he is not sure that is a legitimate business practice, and believes those companies should be reported to the Department of Insurance. Mr. Cochran then said that his company would sell insurance to someone with a foreign license.

Senator Townsend noted that he does not want Mr. Cochran, Mr. Reed, or Ms. West to be assigned blame for the issues that are being discussed. The Senator hopes to have a conversation about what is happening in the community and what changes may need to happen. The Senator then asked if someone could elaborate on what is being practiced in the community.

Mr. Torrijos said that community meetings have been held at which individuals disclose having purchased insurance without a license. Mr. Torrijos is concerned about having safe roads. The individuals in the community want to comply with the law, which is why they purchase insurance, but they are still missing driving privilege cards.

Mr. Reed said he is not aware of any companies issuing policies to persons without driver's licenses, unless there are stipulations in the underwriting which make exceptions for limited time frames such as 30 or 60 days.

Chief Topping said that in the Department's experience, they have stopped operators who do not have a license but do have insurance. The Department has called insurance companies at the time of the traffic stop to verify coverage. Often times the policies are issued on a temporary 30 or 60 day basis, and are cancelled soon after. The dates on the insurance card appear valid, but the

policies are no longer effective. In Delaware it is legal to purchase and register a vehicle without having a driver's license.

Senator Townsend asked if people are intentionally purchasing policies just to get a card and then cancelling the policies.

Chief Topping indicated that it does happen because word gets around that this practice exists. He said that drivers are being taken advantage of in their pursuit to comply with the law. Insurance policies are issued, and either the company realizes the driver does not have a license and cancels the policy, or the driver will cancel his or her policy. Additionally, in some cases individuals will insure cars under other peoples' names.

Senator Townsend said he is surprised that Task Force members are surprised to learn about this practice since it was discussed at the first meeting.

Representative Miro referenced Mr. Cochran's assertion that thousands of Delawareans use Probation Before Judgment (PBJ) to avoid having tickets on their record. The Representative asked Chief Topping if this practice is prevalent, and what criteria are used in implementing PBJ.

Chief Topping said that to qualify for PBJ, one must have a clean driving record for the past five years. PBJ only applies to regular traffic violations such as speeding. Serious violations, like reckless driving and DUIs, are not eligible for PBJ.

Representative Miro asked if eligibility for PBJ is determined at the time of the stop or in court.

Chief Topping said PBJ eligibility is determined in court.

Representative Miro asked if your record will show a violation if you pay a ticket without going to court.

Chief Topping indicated that a violation would go on your record, because paying a ticket is admission of guilt.

Senator Townsend noted that Director Cohan and others from the DMV are unable to attend the present meeting due to their Employee Appreciation Day.

Ms. West stated that she used to work for the DMV. She stated that PBJ is regulated with a process. She added she believes that violations handled through PBJ may appear on one's records, but that no points are assigned to the driver's license.

Mr. Cochran clarified that insurance companies cannot use PBJ violations in their ratings because they are not convictions. He stated that his understanding was that PBJ is not uncommon.

Chief Topping replied it is uncommon.

Mr. Cochran suggested obtaining official numbers to confirm how common PBJ is.

Chief Topping said that he believes PBJ is uncommon because not a lot of people qualify for it or are aware of it.

Senator Townsend invited public comment.

Jorge Tuddon, of the Consulate of Mexico, shared his personal experience with purchasing insurance as a non-resident. He stated that when he first lived in Georgia, he was not able to purchase insurance in the state because he was not a resident. As such, he had to purchase an extension from the insurance company he had in Mexico City until he qualified as a Georgia resident. At that point, he was able to get a driver's license and insurance policy from a company based in Georgia.

Mr. Tuddon also shared how he obtained a license from the United States. He already had a license from Mexico and from the Department of State. He had to provide a letter from the Ministry of Transportation in Mexico City verifying that he had a clean driving record for the past three years. It took approximately 15 days for the letter to arrive.

Mexico has Ministries of Transportation in each state, much like the DMV in the U.S. Each state has its own rules for licensure and insurance. In Mexico City it is mandatory to buy third party insurance coverage; however, not every state requires that. Mr. Tuddon suggested that if there is communication among the insurance companies in the United States, insurance companies in Mexico, the Delaware DMV, and the Ministries of Transportation in Mexico, something good can be worked out.

Senator Townsend commented that even if the General Assembly cannot legislate a process such as what Mr. Tuddon described, at least the Task Force will be able to point out what gaps exist and how they may be filled by various stakeholders.

The Senator then repeated Mr. Somalo's observation that many undocumented immigrants may have spent more time driving, or have a more recent driving record, in the U.S.

Mr. Somalo added that many of Delaware's undocumented immigrants have been in the U.S. for the past three years, so their most recent driving records would be in the U.S.

Representative Miro noted for the record that his district has a lot of undocumented immigrants who are non-Hispanic, including immigrants from Asia. Many of these people have been driving here for years.

Senator Townsend acknowledged Representative Miro's statement, noting that part of the reason Darlene Battle of the Delaware Alliance for Community Advancement (DACA) was appointed to the Task Force is in recognition of the fact that there are undocumented immigrants from many places. However, the majority of undocumented individuals in Delaware are Latino.

The Senator said state agencies have to make decisions about what languages should be used in delivering services, either by law or practice. It may be easier for the public, private, and nonprofit sectors to communicate policy changes to the Latino community since they are a majority of the undocumented immigrants, but it will more difficult to do so for immigrants who speak languages other than Spanish.

Ms. Battle, referencing the case numbers that the DMV assigns to undocumented drivers who commit traffic violations, asked if insurance companies could use that documentation to determine insurance rates once driving privilege cards are issued.

Chief Topping said he would imagine those records could be used for that purpose. The difficulty for law enforcement is knowing whom they are pulling over. If someone does not have a license or ID, the name they give to police is what is recorded with the DMV.

Senator Townsend asked if fingerprints are part of those records.

Chief Topping said they are not, unless a criminal offense is committed. If someone provides a false name, they are committing a criminal offense. If it is found that someone gave a false name, the false name remains on the record with the State Bureau of Identification.

Ms. West suggested that Director Cohan and others at the DMV will have to deal with persons who provided a different name at the time of a traffic stop than what their license or driving privilege card says. Those records do not go away.

Senator Townsend said he would not be surprised if insurance companies used DMV case numbers to rate policies for undocumented drivers. The Senator noted that absence of information can also be information.

Representative Miro stated that despite some questions of validity regarding Mexican consular cards, the cards are a form of identification and in most cases are not fraudulent.

Chief Topping, referencing the Minutes from the previous Task Force meeting, spoke in favor of using a layered system of identification to obtain a positive ID. As soon as a suspect misrepresents their identity, everything else that person says is questionable.

Senator Townsend announced that at the June Task Force meeting Chief Topping and Major Zebly will present on law enforcement's perspective.

Mr. Torrijos indicated driving privilege cards will be the best form of identification possible to provide at traffic stops, even though they are not for identification purposes, because officers will know that the cards were assigned to those specific individuals. The Delaware Hispanic Commission would like for undocumented drivers to have a legal and safe means to drive and be able to purchase affordable insurance.

Senator Townsend asked if there are reports of undocumented drivers who have purchased insurance and then been denied claims.

Ms. Calvachi-Mateyko said she will start asking community residents if they have experienced that. She said that residents report being told that they can buy insurance, and so they believe that once they have insurance, they are able to legally drive.

Mr. Reed said that the Insurance Department's fraud unit investigates instances of insured drivers allowing undocumented individuals to use their insurance card. If premiums aren't paid, insurance companies have every right to cancel coverage or deny claims.

Mr. Somalo stated that there are cases of people who years ago were able to get licenses but then could not renew them. Mr. Somalo does not know what happened to these peoples' insurance coverage when they could not renew their licenses.

Chief Topping reiterated that every police officer wants to know who he or she is dealing with during a traffic stop. Identification is paramount. If the DMV checks the documents before issuing driving privilege cards to people, then law enforcement will be able to move forward when trying to identify people during traffic stops.

Chief Topping said he finds the words "racial profiling" offensive because every stop made by his Department is due to someone committing a violation. He pointed out that when someone is speeding at night, he cannot tell the color or race of that person. Chief Topping said he does not tolerate racial profiling in his jurisdiction.

Ms. Velasquez asked Chief Topping if law enforcement would support driving privilege cards since they would provide the closest form of positive identification during a traffic stop.

Chief Topping said he was elected to his position so he would have to check with his constituents before commenting. However, he repeated the importance of having identification. If the DMV takes on the responsibility of issuing driving privilege cards, he will not question it.

Ms. Calvachi-Mateyko asked Chief Topping who his constituents are.

Chief Topping said his constituents are the 42 other police chiefs in the state of Delaware.

Senator Townsend elaborated that Chief Topping is the chairman of the Delaware Police Chiefs' Council.

The Senator then said that further discussion of insurance issues should be part of a conversation lead by DACA, the Delaware Hispanic Commission, and other stakeholders about what will need to happen to inform the public about driving privilege cards. Senator Townsend hopes this can be accomplished at the June meeting, during which Chief Topping and Major Zebley will give a presentation.

OPEN DISCUSSION BY TASK FORCE

Senator Townsend invited Task Force members to propose other issues that need further discussion at the June meeting.

Mr. Torrijos said that nobody likes "racial profiling," yet the Latino community feels as though they are being racially profiled. He commended Chief Topping's office for not tolerating racial profiling. Mr. Torrijos has heard stories of people being stopped on the assumption that they did not have a license. He said that driving privilege cards will eliminate fears of being stopped.

Chief Topping responded he understands Mr. Torrijos's point. He said he cannot control how the population feels, but he can control what he teaches his officers.

Ms. Calvachi-Mateyko said things are changing with regard to racial profiling. For example, Ms. Calvachi-Mateyko was stopped by the police and they assumed she was white.

Representative Miro suggested that in preparation for the June Task Force meeting, research should be done on how public safety and government officials verified immigrants' identities during the 1900s.

Senator Townsend responded by pointing out that immigration requirements used to be less strict, and immigrants were welcomed into the country.

Chief Topping said that our society has become more digital since 9/11 happened. When the Chief began his career he had to call the dispatch center to run a driver's license, but now he can do that from his patrol car.

Representative Miro said the point he wanted to make is to identify what criteria were used by port officials.

Chief Topping said it is fortunate that the Task Force is available to help the DMV identify criteria for identification.

Senator Townsend said it is important to bring undocumented immigrants living in Delaware into the system. The Senator raised the question of what happens when immigrants do not take advantage of the opportunity to become part of the system. He proposed that this be discussed at the June meeting.

Ms. Battle suggested having questions on the test for a driving privilege card that address the following concerns: 1) that drivers know they can only use the card to drive in Delaware; 2) that drivers know they cannot use their privilege cards for identification purposes; and 3) that drivers know the State of Delaware is not responsible for violations that occur outside the state.

Senator Townsend acknowledged the importance of establishing within the community what purpose the driving privilege card serves, and what educational outreach needs to occur. The community has a responsibility to help make this work.

PUBLIC COMMENT

Senator Townsend invited public comment.

Brian Zimmer, with the Coalition for a Safe Driver's License (CSDL), said that issuing insurance policies to people without licenses is not a new practice. Some of the insurance companies that do this are operating legitimately, whereas others take advantage of people. Insurance requirements originated because banks would not allow someone to finance a car unless it was insured. People used to cancel their policies once their car loans were paid.

Mr. Zimmer noted that there are approximately 20 million people in this country who are here legally on visas. These people are able to obtain insurance because there is reciprocity between states and certain countries regarding driving privileges. Furthermore, under NAFTA,

all Mexican drivers' licenses are valid in the U.S. The same is true for Canadian licenses. There are well established channels for working out insurance.

He believes that the challenge lies in encouraging undocumented immigrants to apply for driving privilege cards, which can be risky if federal laws change or administrations change.

Mr. Zimmer also highlighted the fact that many undocumented immigrants are non-Hispanic. The DMV can expect to see immigrants from many places applying for driving privilege cards. In 2013 Utah issued 40,000 driving privilege cards. The State of Utah is concerned that 40,000 is too high of a number based on their population estimates.

Mr. Zimmer concluded that the more help and flexibility the Task Force can give the DMV in establishing rules, the more successful the program will be. He encouraged the Task Force to give the DMV discretion to make changes in response to issues as they arise, and to use passports as part of identification. He praised the Delaware DMV and characterized them as quite capable of taking on this initiative.

Ms. Battle informed the Task Force that 90% of the people DACA assists in filing taxes are Asian. This community is in favor of driving privilege cards. Ms. Battle recognized that it is the grassroots community's responsibility to make sure people of all ethnicities and nationalities are made aware of driving privilege cards.

Senator Townsend thanked Mr. Zimmer for praising the DMV, and said that his point regarding giving the DMV flexibility is well taken.

The Senator then reiterated that every state agency grapples with where to draw the line in providing services in languages other than English.

Senator Townsend then asked if there were any other questions or comments.

Ms. Calvachi-Mateyko said that every time the Delaware Hispanic Commission asks community members what they desire most, driver's licenses are the number one response. The community has indicated they will trust the government if the government offers them protection.

Senator Townsend replied that the Task Force hopes protection will be offered, especially given Chief Topping's comments about the importance of law enforcement being able to identify people.

There are still issues to explore, particularly how to structure driving privilege cards and what the community can do. These issues will be discussed at future meetings.

The Senator thanked the Task Force members for their times and efforts, and indicated that Michelle Zdeb will communicate the date of the next meeting.

The meeting was adjourned at 12:13p.m.

ATTACHMENT

MEMO: SCR 36 Task Force
DATE: May 13, 2014
TO: Task Force Members
FROM: Michelle Zdeb, Legislative Assistant
RE: Task Force Meeting Minutes and Spanish Version Document
READ IN BY: Caitlin Del Collo, Legislative Fellow

Dear Task Force Members:

Before you are the Meeting Minutes from our last meeting on April 2nd for approval, prior to approving the Minutes we wanted to recommend a change we found that should adhere in the document with your permission. Scott Vien who had spoken on behalf of Director Cohan was noted in our Meeting Minutes as Scott **Vier**, with an r not an n. We would like to suggest changing his name with your approval if these Meeting Minutes are approved for posting. This would take place on **Pages 2, 7, 10 and 19**.

In the Spanish Version document, we recommend the following changes to the members, prior to posting them along with our Meeting Minutes. We would like to make the three following changes in the document:

On Page 3:

Task Force Member: Rosario Calvachi-Mateyko last name was spelled with an e instead of an a. We suggest changing her last name in two location from **Calvechi** to state Calvachi.

On page 7:

We suggest changing dando to dar in the following statement: “que cometieron un error con tan solo **dando** las tarjetas y se cometió fraude.”

On Page 19:

We suggest changing Senador Torrijos to Senador Townsend in the following statement: “Sr. Torrijos confirmó que la declaración del **Senador Torrijos** habla de su preocupación.”

We would like to thank Rosanna Mena with DelDOT for all of her efforts translating the Meeting Minutes as from being here ourselves apart of this Task Force we can state this is not an easy job.

Thank you for your time.