

# Department of Motor Vehicles

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## Language Access Services

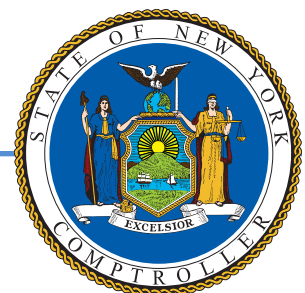
Report 2022-S-38 | October 2023

OFFICE OF THE NEW YORK STATE COMPTROLLER

Thomas P. DiNapoli, State Comptroller

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Division of State Government Accountability



# Audit Highlights

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## Objective

To determine if the Department of Motor Vehicles is adequately serving the needs of individuals with Limited English Proficiency, including complying with Executive Order 26.1 and New York State Executive Law Chapter 18, Article 10, Section 202-A. The audit covered the period from October 2020 through April 2023.

## About the Program

To assist Limited English Proficiency (LEP) individuals and provide equal access to government programs and services, Executive Order 26, issued on October 6, 2011, established a statewide language access policy in New York State. The order required Executive State agencies that provide direct public services to translate vital documents into the six most common non-English languages in the State based on U.S. Census data and to provide interpretation services. Executive Order 26.1, issued on March 23, 2021, amended Executive Order 26 and increased the number of languages that vital documents were to be translated into to 10. New York State Executive Law Chapter 18, Article 10, Section 202-A (Executive Law), which took effect on July 1, 2022, codified and expanded the State's language access policy requiring translation of vital documents into the 12 most common non-English languages. The Executive Law also required such agencies to publish a Language Access Plan (Plan) that sets forth the actions the agency will take to ensure meaningful access to their services for LEP New Yorkers. The Department of Motor Vehicles (Department or DMV) is one of the agencies required to develop a Plan.

The Department operates 30 public-facing DMV offices (State DMVs) in the following counties: Albany, Bronx, Kings, Nassau, New York, Onondaga, Queens, Richmond, Rockland, Suffolk, and Westchester. In the remaining counties, there are 100 office locations operated by the County Clerks (County DMVs), who act as agents of the State pursuant to Vehicle and Traffic Law Title 2, Article 2, Section 205. The Department's Plan was last updated on October 1, 2022, and outlines procedures that customer-facing Department offices are expected to follow, including: training of staff; tracking of languages encountered by analyzing language assistance data; and using the Department's contracted vendor, LanguageLine Solutions (Language Line), for interpretation services. According to the Department, between October 2020 and September 2022, Language Line received a total of 160,276 calls from State DMVs and 189 calls from County DMVs.

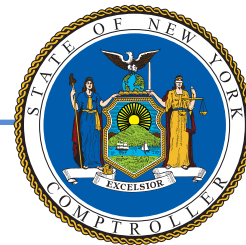
## Key Findings

- State and County DMVs were not following aspects of the Department's Plan. For example, 22 County DMVs and one State DMV that we visited were not using Language Line for interpretation services. However, we also determined that, due to gaps in the law, the Department does not have sufficient authority to enforce its language access policies at County DMVs, despite these offices accounting for over 75% of the total customer-facing Department offices.
- The Department relies only on Language Line data in assessing additional language needs and does not track any statistics of LEP customers served outside of those Language Line calls. The Department does not analyze publicly available American Community Survey data in determining language access needs throughout the State.

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- Language Line was not meeting the expectation of 24-hour/365-day on-demand over-the-phone interpretation services outlined in its Request for Quote (RFQ), which include providing on-demand interpretation services for all languages and dialects needed.
  - Calls for 20 different languages had an average hold time of over 30 minutes. In addition, State DMVs cited issues with disconnected calls, a lack of interpreters, and issues with dialects.

## Key Recommendations

- Develop procedures to verify that all State DMVs are complying with the requirements of the Department's Plan.
- Increase collaboration efforts with County DMVs to provide equal access and consistent services to LEP individuals throughout the State.
- Collect and analyze available language statistics, and collaborate with County DMVs to develop a method to track complete and accurate statistics of non-English languages they serve throughout the State.
- Develop procedures to ensure that RFQ expectations for interpretation services are being met.



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**Office of the New York State Comptroller  
Division of State Government Accountability**

October 26, 2023

Mark J.F. Schroeder  
Commissioner  
Department of Motor Vehicles  
6 Empire State Plaza  
Albany, NY 12228

Dear Commissioner Schroeder:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Language Access Services*. This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Division of State Government Accountability*

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# Glossary of Terms

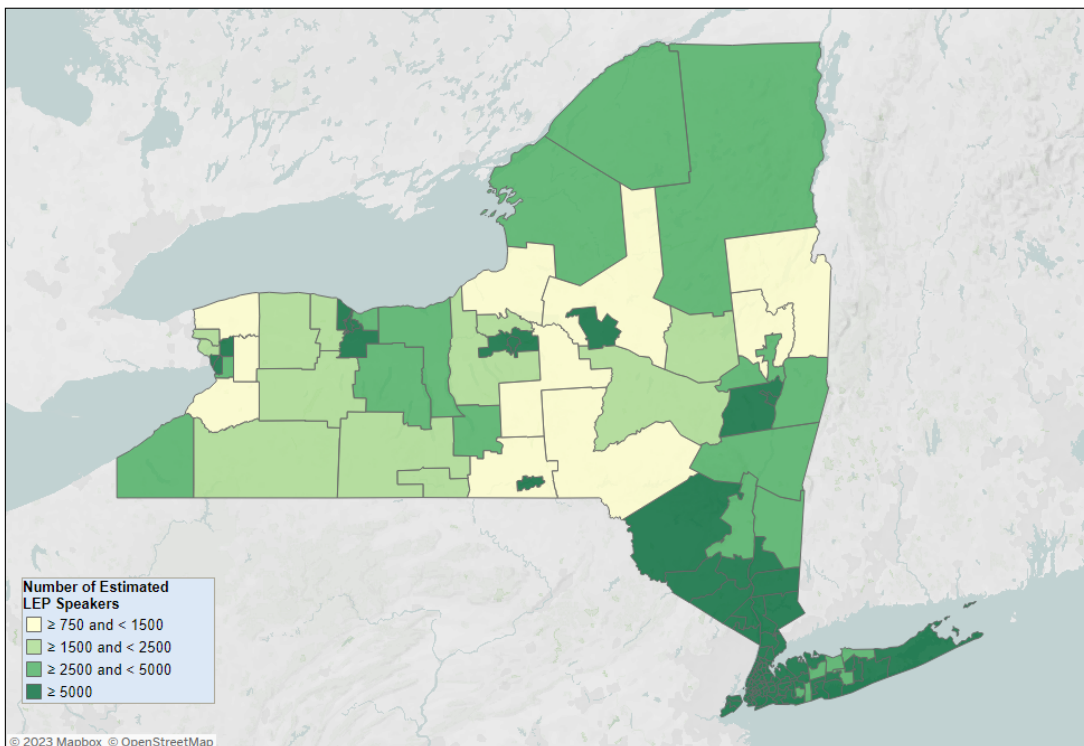
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<b>Term</b>	<b>Description</b>	<b>Identifier</b>
Department	Department of Motor Vehicles	<i>Auditee</i>
ACS	American Community Survey	<i>Key Term</i>
Census Bureau	U.S. Census Bureau	<i>Key Term</i>
County DMV	County-operated customer-facing Department office	<i>Key Term</i>
DMV	Department of Motor Vehicles	<i>Key Term</i>
EO 26	Executive Order 26	<i>Law</i>
EO 26.1	Executive Order 26.1	<i>Law</i>
Executive Law	Executive Law Chapter 18, Article 10, Section 202-A	<i>Law</i>
Language Line	LanguageLine Solutions	<i>Key Term</i>
LEP	Limited English Proficiency	<i>Key Term</i>
OGS	Office of General Services	<i>State Agency</i>
Plan	Department's Language Access Plan	<i>Key Term</i>
PUMA	Public Use Microdata Area	<i>Key Term</i>
RFQ	Request for Quote	<i>Key Term</i>
State DMV	State-operated customer-facing Department office	<i>Key Term</i>
Vehicle and Traffic Law	Vehicle and Traffic Law Title 2, Article 2, Section 205	<i>Law</i>

# Background

The U.S. Census Bureau (Census Bureau) conducts the American Community Survey (ACS), an ongoing survey that provides vital information on a yearly basis about our nation and its people. This includes information about jobs, educational attainment, housing, languages spoken at home, and other topics. According to the ACS, approximately 29% of individuals (over 5.7 million people) who reside in New York State spoke a language other than English in their homes for the 5-year period 2017–2021. Of these, nearly 2.5 million people spoke English less than very well, which is more than the number of people living in Rhode Island and Delaware combined. For such individuals, their Limited English Proficiency (LEP) status presents potential barriers to accessing important government programs and services. Figure 1 highlights the LEP populations that exist across the State based on ACS data and is broken down by Public Use Microdata Areas (PUMAs) – that is, non-overlapping, statistical geographic areas that partition each state or equivalent entity into geographic areas containing no fewer than 100,000 people each.

**Figure 1 – Estimated Non-English Speakers With LEP**



This map shows, by PUMA, the estimated number of individuals whose primary language is not English, and who have limited English proficiency (LEP). As mentioned in our report, PUMAs, or Public Use Microdata Areas, are non-overlapping, statistical geographic areas that partition each state or equivalent entity into geographic areas containing no fewer than 100,000 people each. This map was developed using data from the American Community Survey (2021). Colors were selected from <https://colorbrewer2.org/> by Cynthia A. Brewer, Geography, Pennsylvania State University.

Executive Order 26 (EO 26) was issued on October 6, 2011 to assist such individuals, provide equal access to government programs and services, and establish a statewide language access policy for the State. The order required Executive State agencies that provide direct public services to translate vital documents into the six most common non-English languages spoken in the State based on ACS data and to provide interpretation services. The order also required such agencies to publish a Language Access Plan (Plan), which sets forth the

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actions the agency will take to ensure meaningful access to their services for LEP New Yorkers. Agencies must update their Plans at least every 2 years.

Executive Order 26.1 (EO 26.1), issued on March 23, 2021, amended EO 26 and increased the number of languages that vital documents were to be translated into to 10. New York State Executive Law Section 202-A (Executive Law) expanded the State's language access policy and took effect on July 1, 2022. Under the Executive Law, the requirement for translated vital agency documents was further increased to include the 12 most common non-English languages spoken among LEP New Yorkers based on ACS data. According to the ACS data, the estimated 12 most commonly used non-English languages in the State in 2021 were:

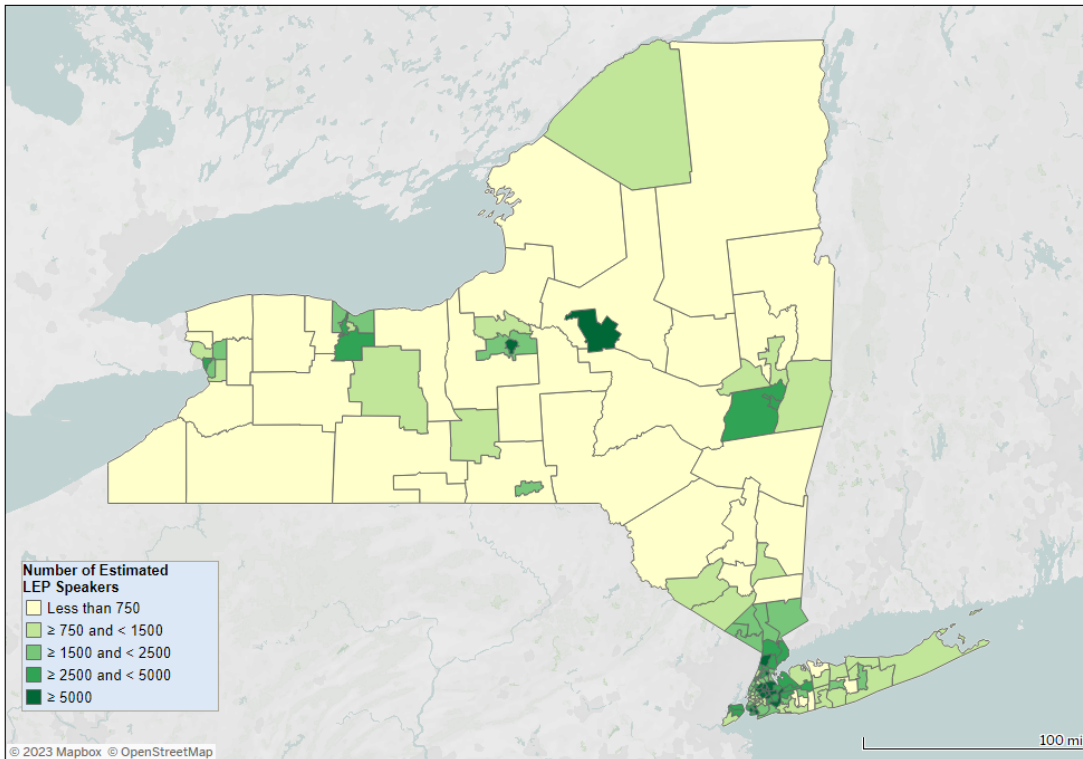
1. Spanish
2. Chinese
3. Russian
4. Yiddish
5. Bengali
6. Korean
7. Haitian Creole
8. Italian
9. Arabic
10. Polish
11. French
12. Urdu

In addition, the Executive Law authorizes agencies, at their discretion, to offer up to four additional languages beyond the 12 most common based on factors such as growth of recent arrival populations in regions where the agency's services are offered, the population of LEP individuals served by the agency, feedback from impacted community or advocacy groups, or analysis of other relevant data published by the Census Bureau. Any additions require consultation with and approval from the Office of General Services' (OGS) Office of Language Access, which was created as part of the fiscal year 2023 Enacted Budget to oversee and provide guidance on the expanded statewide language access policy.

According to ACS data estimates, there were over 300,000 LEP individuals in the State who spoke a language other than one of the 12 most commonly used non-English languages (e.g., Ukrainian, Portuguese, Bosnian) during the 5-year period 2017–2021. While the numbers vary by region, they exist across the State, as shown in Figure 2.



**Figure 2 – Estimated LEP Speakers Whose Primary Language is Outside the 12 Most Common**



*This map shows, by PUMA, the estimated number of individuals whose primary language is not English, or one of the 12 most common non-English languages in New York State, and who have limited English proficiency (LEP). This map was developed using data from the American Community Survey (2021) and from the Department of Motor Vehicles. Colors were selected from <https://colorbrewer2.org/> by Cynthia A. Brewer, Geography, Pennsylvania State University.*

Click on the image below to see our interactive maps that demonstrate the information available and the growing number of individuals throughout the State that do not speak one of the 12 most commonly used non-English languages.



The Department of Motor Vehicles (Department or DMV) is one of the Executive agencies required to develop and follow a Plan. The Department is responsible for issuing secure identity documents; administering motor vehicle laws enacted to promote safety and protect consumers; and administering essential motor vehicle and driver-related services, such as permit tests and vehicle registrations. The Department operates 30 public-facing offices (State DMVs) in the following counties: Albany, Bronx, Kings, Nassau, New York, Onondaga, Queens, Richmond, Rockland,

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Suffolk, and Westchester. In the remaining counties, there are 100 public-facing office locations operated by the County Clerks (County DMVs), who act as agents of the Department pursuant to Vehicle and Traffic Law Title 2, Article 2, Section 205 (Vehicle and Traffic Law).

The Department's Plan was last updated on October 1, 2022, and outlines procedures that State DMVs are expected to follow to provide services to LEP individuals. The Plan includes procedures for the translation of various vital documents, utilization of language posters to help identify a customer's language, training of staff, and tracking of languages encountered by analyzing language assistance data. The Plan also indicates that customers will be informed about the availability of free interpretation services, as the use of a family member, friend, or minor as an interpreter is limited to only certain instances. Where customers are permitted to use an interpreter of their choosing, they must complete a written waiver form.

Language interpretation and translation services are provided through an OGS statewide administrative services contract with LanguageLine Solutions (Language Line). Under this contract, the Department issued a Request for Quote (RFQ) to which Language Line responded for over-the-phone interpretation services. According to the Department, Language Line received a total of 160,276 calls from State DMVs and call centers for State residents needing interpretation services between October 2020 and September 2022. These interpretation services covered 96 different languages, and the two most common languages were Spanish and Mandarin. Language Line received a total of 189 calls from County DMVs during the same period, with the two most common languages being Spanish and Russian.

# Audit Findings and Recommendations

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Effective and consistent language access services help to protect the rights of everyone and ensure no one is denied equal access to programs and services because of how well they speak English. While the Department has established a Plan that includes procedures to assist LEP individuals, we found that certain provisions of the Plan, such as the use of Language Line, were not being followed at State DMVs. Moreover, we found these provisions of the Plan were not being followed at County DMVs to a greater degree. For example, 22 of 28 counties (79%) we visited were not using Language Line.

There is a gap in the law and language services administered between the Department and County DMVs. Because County DMVs are not a State agency, they are not required to follow the Executive Law. Furthermore, Vehicle and Traffic Law does not establish authority for the Department to enforce its Plan at County DMVs, despite these County DMVs accounting for over 75% of the total public-facing DMVs and roughly 55% of the total in-office transactions according to the Department. For example, while the Department has granted County DMVs access to use Language Line for interpretation services, very few do so, which hinders the Department from analyzing and identifying additional languages that may need to be provided. Further, the Department does not analyze publicly available data, as suggested in the Executive Law, to help inform language needs throughout the State.

We also found that Language Line is not fully satisfying the terms of its RFQ with the Department to provide on-demand interpretation services for all languages and dialects.

## Department Customer-Facing Offices

### State DMVs

The Department's Plan outlines procedures that customer-facing State DMVs are expected to follow, including, but not limited to: translation of various vital documents, utilization of language posters to help identify a customer's language, training of staff, tracking of languages encountered by analyzing language assistance data (i.e., data from Language Line), and signing of waiver forms when customers utilize an interpreter of their choosing (e.g., family, friend).

We visited 10 State DMVs and found that one State DMV in Queens did not utilize Language Line for interpretation services, but instead relied on methods such as cell phone translator apps (e.g., Google Translate) and assistance from bilingual staff. While the other State DMVs we visited did use Language Line, some noted that cell phone translator apps are also used in their offices in place of Language Line. The Department uses Language Line data (number of calls by language) to help determine customer language needs, but if Language Line is not being utilized, the Department does not have an accurate picture of which additional languages may be needed. For example, according to ACS data for the period 2017–2021, the area in Queens served by the office that we visited is estimated to have over 9,800 LEP

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individuals who speak a language other than one of the 12 most commonly used non-English languages.

We also found that three of the 10 State DMVs we visited do not keep a log of language assistance calls, and the call logs for the seven that do keep records vary in detail and completeness. Furthermore, all 10 State DMVs do not require customers to complete a waiver form when utilizing friends or family to translate common transactions such as completing an application for a driver's license. However, all 10 State DMVs did utilize the required language posters, and various translated vital documents are available on the Department's website in the 12 most commonly used non-English languages.

## County DMVs

County DMVs are operated by their respective County Clerk as an agent of the Department. Neither the Executive Law nor Vehicle and Traffic Law grant the Department the authority to enforce its Plan at the county level, which creates a gap in the administration of language access services. However, County DMVs account for over 75% of customer-facing Department offices and, according to the Department, 55% of total in-office transactions processed by both County and State DMVs.

We visited 28 County DMVs and found that 22 offices did not utilize Language Line, even though the Department has made this service available to all and at no cost to the counties. These County DMVs serve LEP customers using other methods such as cell phone translator apps or assistance from bilingual staff, friends/relatives of the customer, or advocacy groups. One County DMV utilizes its own phone interpreter service, and two others require customers to bring an interpreter, possibly at the customer's expense. In addition, another County DMV was unaware of the option to use Language Line. While the results of our visits cannot be projected, statewide data from Language Line shows that, at most, 18 of the 100 County DMVs (18%) have utilized Language Line between October 2020 and September 2022.

Failure to utilize Language Line in County DMVs prevents the Department from accurately determining which languages may be needed. For example, during our visits, 15 County DMVs mentioned that more support is needed for additional languages, such as Bosnian, Ukrainian, Burmese, and Turkish. However, since only three of those 15 County DMVs use Language Line, the Department would have no knowledge of these needs. The Department did send memos to County DMVs in November 2019 and February 2022 with instructions on how to use Language Line, as well as a memo in February 2023 reminding County DMVs to make use of Language Line. However, at the time of our visits, staff at 25 County DMVs indicated they had no form of language access training.

In addition, we found that County DMVs, like State DMVs, allow customers' friends and relatives to translate common transactions without completing the required waiver form, and the majority of County DMVs don't utilize the Department-provided language access posters.

In total, the audit team visited 38 DMVs (10 State DMVs and 28 County DMVs). Table 1 highlights the findings from our visits.

**Table 1 – Site Visit Findings**

DMVs Visited	State	County	Totals
	10	28	38
Do not use Language Line	1	22	23
No “I Speak” poster	0	26	26
No “How Can I Help” poster	0	20	20
Do not obtain waiver form	10	28	38
Lack of language access training	0	25	25
No tracking of languages served	3	27	30

Consistent and effective language access services are needed to ensure that the needs of LEP individuals are met.

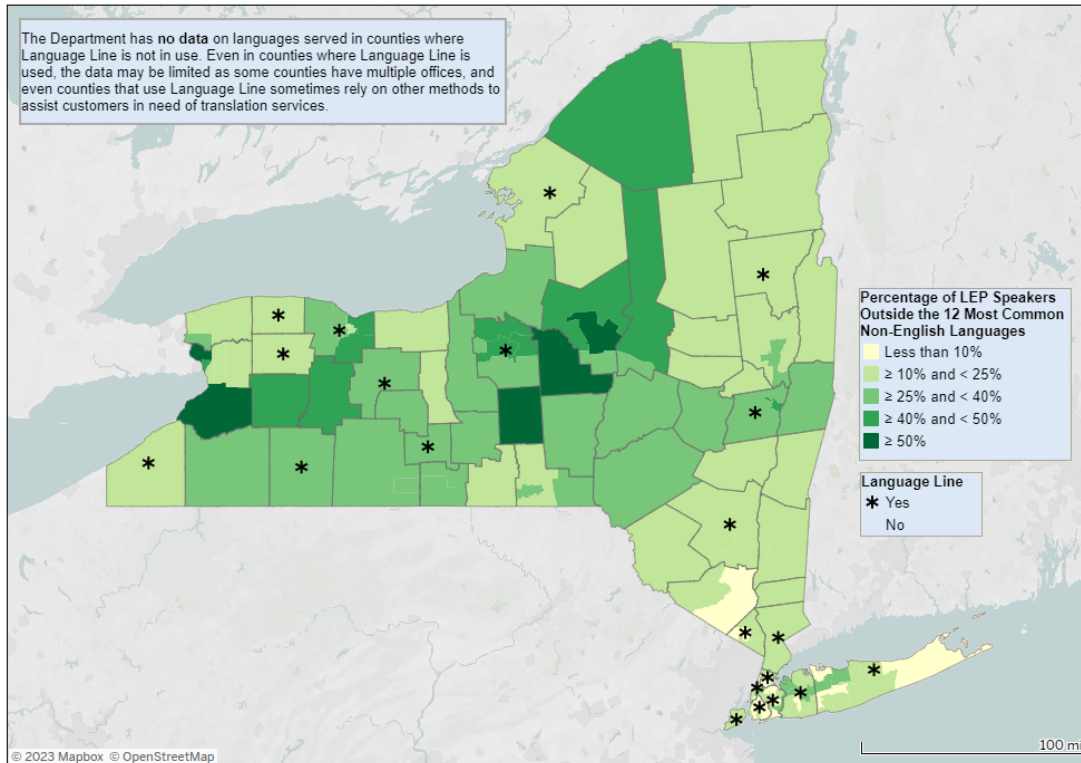
## Statewide Language Statistics

The Department currently uses only Language Line data to help identify the languages in use throughout the State. However, as noted in Table 1, 22 of the 28 County DMVs (79%) we visited are not utilizing Language Line. Furthermore, statewide Language Line data indicates that 82% of County DMVs are not using Language Line at all. One upstate PUMA located in Oneida County, which is not using Language Line, has over 6,000 individuals who speak a language other than the 12 most common non-English languages according to the Census data. Additionally, the State DMV in Queens, which was also not using Language Line, is located within a PUMA that has almost 10,000 individuals who speak a language other than the 12 most common non-English languages.

There is other data that can easily be used to identify language translation needs. The Executive Law itself notes analysis of other relevant data published by the Census Bureau, which is publicly available. Analysis of this information could provide the agency with valuable data to identify languages spoken in various areas that are not currently being tracked since Language Line is not used in all areas of the State.

Figure 3 shows, for each PUMA, the percentage of LEP speakers whose primary language is other than the 12 most common non-English languages, in relation to the counties where Language Line has been used at least once:

**Figure 3 – Estimated Percentage of LEP Speakers Outside the 12 Most Common and Counties That Have Used Language Line at Least Once**



This map shows, for each respective PUMA, the percentage of the total estimated number of individuals whose primary language is not English, who have limited English proficiency (LEP), and whose language is not one of the 12 most common non-English languages in New York State. This map was developed using data from the American Community Survey (2021) and from the Department of Motor Vehicles. In addition, we added symbols to identify counties where Language Line was used at least once, by one of the DMV offices in that county regardless of whether it was operated by the State or county. Colors were selected from <https://colorbrewer2.org/> by Cynthia A. Brewer, Geography, Pennsylvania State University.

It is crucial that the Department understands what language needs there are throughout the State. As noted previously, the Executive Law authorizes agencies, at their discretion, to offer up to four additional languages beyond the 12 most common based on factors such as growth of recent arrival populations in regions where the agency’s services are offered, the population of LEP individuals served by the agency, feedback from impacted community or advocacy groups, or analysis of other relevant data published by the Census Bureau.

## Language Line

### Contract Expectations

OGS established a statewide administrative contract for language services and published a list of approved vendors. As part of this statewide contract, the Department issued an RFQ for on-demand, over-the-phone interpreter services for all languages and dialects for the period of April 1, 2020 through March 31, 2022 to which Language Line (an approved vendor from the statewide contract) responded. This RFQ for translation and interpretation services was later renewed for the period April 1, 2022 through March 31, 2024. We found that Language Line is

not fully satisfying the expectations of 24-hour/365-day on-demand over-the-phone interpretation services outlined in the RFQ.

Of the 10 State DMVs we visited, seven indicated they had difficulties utilizing Language Line; disconnected calls, a lack of interpreters in the needed language, and issues with dialects were noted in our discussions. In addition, one State DMV office located in Suffolk County stated that they were unable to connect to Language Line for an entire month. The Department has filed “voice of the customer” complaints to bring these issues to Language Line’s attention; however, the issues continue to persist. The Department also noted six deficiencies with Language Line in September and October 2022. Of the six, three remain unresolved and the other three had a resolution stating, “Language Line assured they’ll address the issue.” These deficiencies included excessive wait times (3) and dropped calls (2), and in one instance, Language Line was unable to provide translation services for Georgian.

In addition, while not specified as an expectation of the RFQ, we found, according to Language Line data provided by the Department, the average hold time was over 30 minutes for 20 different languages served by Language Line calls, with 11 of those languages having hold times of over 60 minutes. (Table 2 details the 20 languages with the longest average hold times.) One call even had a hold time of over 5 hours. Additionally, one of the languages experiencing long hold times was Haitian Creole (as highlighted in Table 2), which is one of the 12 most commonly used non-English languages in the State. These 20 languages accounted for 1,833 calls between October 1, 2020 and September 30, 2022. The hold time for the majority of languages served by Language Line was under 10 minutes; however, when calls are disconnected, State DMV and County DMV staff must start the entire call process over from the beginning in order to connect to an interpreter, which would represent wait times actually longer than the average shown in the data.

Disconnected calls and long hold times prevent the State DMVs and County DMVs from achieving the Department’s vision of shattering perceptions of the agency by providing simplified, effective, and responsive services. Furthermore, certain LEP individuals face a higher risk of encountering barriers to services simply because they speak a certain language.

**Table 2 – Average Hold Times**

Language	Avg. Hold Time (Minutes)
Assyrian	309.00
French Canadian	286.00
Gheg	211.50
Pashto	191.98
Krio	155.00
Dari	140.92
Yoruba	115.50
Czech	100.33
Wolof	99.00
Georgian	98.62
Malayalam	71.60
Telugu	58.63
Sylheti	58.00
Farsi	45.98
Portuguese Cape Verdean	44.00
Haitian Creole	42.25
Uzbek	41.39
Amharic	39.80
Mongolian	36.00
Akan	35.86

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## Overcharges

We found that the Department does not perform any type of assessment of Language Line data or maintain complete logs of Language Line calls to ensure that billing from Language Line is accurate and appropriate. The billing rate for all languages was \$0.625 per minute for the RFQ that went into effect April 1, 2022. Under the previous RFQ, which was in effect from April 1, 2020 to March 31, 2022, the billing rate was \$0.625 per minute for Spanish and \$0.695 per minute for all other languages. Language Line continued to bill the Department \$0.695 per minute for all languages other than Spanish well into the new RFQ. As a result, the Department was overcharged \$11,210. This amount was subsequently credited back to the Department as a result of our audit.

Additionally, our analysis of Language Line data identified 19 calls that originated from devices with area codes outside of the State. According to Language Line officials, these calls were likely incorrectly charged to the Department due to a typo that occurred when other customers entered their client ID. The Department was charged \$238 for these misapplied calls, and it's possible that others exist. A lack of monitoring of the Language Line data could result in these incorrect charges continuing to go unnoticed.

## Recommendations

1. Develop procedures to verify that all State DMVs are complying with the requirements of the Department's Plan, including:
  - a. Utilizing Language Line for interpretation services where applicable;
  - b. Tracking statistics for interpretation services provided; and
  - c. Obtaining waiver forms when customers choose to rely on their family or friends for interpretation services.
2. Increase collaboration efforts with County DMVs to provide equal access and consistent services to LEP individuals throughout the State.
3. Collect and analyze available language statistics, and collaborate with County DMVs to develop a method to track complete and accurate statistics of non-English languages they serve throughout the State.
4. Develop procedures to ensure that RFQ expectations for interpretation services are being met.
5. Develop procedures to ensure that charges for interpretation services are accurate and appropriate, and recoup any outstanding overpayments.



# Audit Scope, Objective, and Methodology

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The objective of our audit was to determine if the Department is adequately serving the needs of individuals with LEP, including complying with EO 26.1 and the Executive Law. The audit covered the period from October 2020 through April 2023.

To accomplish our objective and assess related internal controls, we reviewed relevant laws and regulations as well as Department policies and Plans related to language access services. We also interviewed Department, State DMV, and County DMV officials. We selected a judgmental sample of customer-facing offices to visit based on geographic area, whether the office was State or county operated, and ACS data indicating the primary spoken language of LEP individuals in the area. We also selected a specific office to visit to gain a better understanding of the relationship between County DMVs and State DMVs. The results of our sample cannot be projected to the respective population as a whole. We requested and analyzed data on State DMV and County DMV calls to Language Line for interpretation services that occurred between October 2022 and September 2022. We were able to test the accuracy of this data, and based on our audit work, we determined that the data was sufficiently reliable for the purposes of this audit. We also obtained and analyzed ACS data from the Census Bureau. ACS data is from a reputable source and their products are widely used. We used this data as directed by the Executive Law; therefore, we did not independently verify the reliability of the data set for this audit. We did assess the precision and reliability of the estimates obtained from this data set and found the data to be sufficiently reliable for the purposes of this audit.

As part of our audit procedures, the audit team used data visualization software to enhance understanding of our report (see Figures 1–3 as well as our interactive maps linked). Colors were selected from <https://colorbrewer2.org/> by Cynthia A. Brewer, Geography, Pennsylvania State University.

# Statutory Requirements

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## Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. These duties could be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our professional judgment, these duties do not affect our ability to conduct this independent performance audit of the Department's oversight and administration of language access services.

## Reporting Requirements

We provided a draft copy of this report to Department officials for their review and formal comment. We considered their comments in preparing this final report and have included them in their entirety at the end of it. In their response, Department officials agreed with our audit conclusions and recommendations and indicated that actions have been and will be taken to address them.

Within 180 days after final release of this report, as required by New York State Executive Law Section 170, the Commissioner of the Department of Motor Vehicles shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

# Agency Comments

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KATHY HOCHUL  
Governor



MARK J.F. SCHROEDER  
Commissioner  
(518) 473-9324

August 25, 2023

Nadine Morrell, Audit Director  
Office of the State Comptroller  
Division of State Government Accountability  
110 State Street  
Albany, NY 12236

Re: 2022-S-38 Department of Motor Vehicles – Language Access Services

Dear Nadine Morrell:

This letter is in response to the New York State Comptroller's draft audit report number 2022-S-38, Department of Motor Vehicles – **Language Access Services**, dated July 2023.

The Department takes seriously its responsibility to serve individuals with Limited English Proficiency (LEP), including complying with Executive Order 26.1 and NYS Executive Law Chapter 18, Article 10, Section 202-A. We comply with all requirements of the Executive Order and law in providing language access services in all state DMV offices. In accordance with and as required by NYS Finance Law Section 163, DMV provides these services via Language Line Solutions procured through the NYS Office of General Services' (OGS) centralized contract for language services. In addition to being available in all state DMV offices, language services are available in all 100 county DMV offices at no cost to the counties, nor to our customers.

As the Office of the State Comptroller (OSC) observes in multiple areas of the draft report, DMV does not have the legal authority to enforce compliance with its Language Access Plan in the 100 county-run offices including the utilization of the Language Line Solutions services. However, we provide frequent communications to all DMV offices regarding the use of Language Line, including that there is no cost to counties, and will continue to do so. These communications include official office notifications known as "mailbags" and access to training resources, including a dedicated county clerk training liaison. We agree the lack of use by most counties (and by a single state DMV office) results in imprecise counts of languages needed during some DMV visits. This lack of use is not an indication that languages needed are not being provided for at all. Customers often prefer to rely on bilingual family members or friends, and we are proud to have a diverse team, with many multilingual DMV staff members. DMV can and will make improvements with tracking these occurrences and monitoring language needs throughout the State, and work to improve the performance of Language Line Solutions through collaboration with OGS.

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Overall, we agree with the audit report's recommendations. Our responses are as follows:

**Recommendation #1**

*Develop procedures to verify that all State DMVs are complying with the requirements of the Department's Plan, including:*

- a. Utilizing Language Line for interpretation services where applicable;*
- b. Tracking statistics for interpretation services provided; and*
- c. Obtaining waiver forms when customers choose to rely on their family or friends for interpretation services.*

To supplement our existing communications regarding this recommendation, DMV will officially notify all state and county office staff to use Language Line services when needed and maintain a log entry for each use. This official notification will occur at least four times annually. Offices will be provided with logs to ensure consistent record keeping. We will require customers to complete the waiver form when they chose to use a family member or friend instead of Language Line services. Furthermore, when conducting internal audits, we will ensure all state and county DMV offices are prominently displaying the "I Speak" posters and using the "How Can I Help" tools.

Further, we have addressed the issues OSC identified at the lone state DMV office in Queens and will monitor that office to ensure continued compliance.

**Recommendation #2**

*Increase collaboration efforts with County DMVs to provide equal access and consistent services to LEP individuals throughout the State.*

On April 4, 2023, the DMV county clerk liaison distributed a comprehensive Language Access training module to all county offices. This is a 22-page document that covers all aspects of the program, including but not limited to, what is language access, why it is important, who uses it, and how it is used. The training ranges from the Executive Law to easy-to-understand guides and examples. Within the comprehensive training guide, there are also embedded links for the user to get even more detailed information on this topic. This training will be sent to all county offices at least twice per year going forward. The Liaison will continue to remind counties via frequent emails and county clerk meetings to use Language Line services.

**Recommendation #3**

*Collect and analyze available language statistics, and collaborate with County DMVs to develop a method to track complete and accurate statistics of non-English languages they serve throughout the state.*

Since the establishment of the new language access law in July 2022, DMV has worked closely with the NYS OGS' Office of Language Access for approval to add four additional languages - Portuguese, Albanian, Greek, and Japanese - to our current list of 12 languages of translated documents. This requires DMV to analyze publicly available data, as suggested in the Executive Law. DMV will also utilize the aforementioned logs to continue to inform decisions regarding non-English needs throughout the state. It should be noted we are not

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permitted to do these analyses without the Office of Language Access's guidance and approval.

**Recommendation #4**

*Develop procedures to ensure that RFQ expectations for interpretation services are being met.*

Current procedures include receiving and tracking Language Line service complaints from DMV offices. Our Language Access Coordinator (LAC) submits these complaints to Language Line Solutions. The LAC also logs deficiencies in a Vendor Deficiency Report and sends this report to OGS' Office of Language Access, monthly.

The LAC will remind all DMV offices of the Language Line complaint and deficiency process. In addition, DMV's Contracts Unit will review the RFQ requirements with the LAC and with DMV management overseeing state and county offices to identify areas where expectations under the RFQ are not being met, so the LAC can address accordingly with Language Line Solutions.

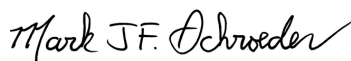
**Recommendation #5**

*Develop procedures to ensure that charges for interpretation services are accurate and appropriate, and recoup any outstanding overpayments.*

DMV's Contracts unit will work with the different business areas to revise current procedures for reviewing and approving Language Line Solutions invoices, to ensure charges are accurate and appropriate prior to payments.

We appreciate the results and recommendations presented in the report and the efforts of the audit team from the Office of the New York State Comptroller. Our LAC will use the data presented in the maps, in addition to other sources currently used, to gain a better understanding of where additional language services may be needed. We will continue to look for improvement opportunities such as these, and always welcome a chance to better serve the people of this State. If you have any questions concerning our response to this audit, please contact me at (518) 473-9324, or Kelly Gardineer, Director of Audit Services, at (518) 474-0881.

Sincerely,



Mark J.F. Schroeder  
Commissioner

# Contributors to Report

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## Executive Team

**Andrea C. Miller** - *Executive Deputy Comptroller*

**Tina Kim** - *Deputy Comptroller*

**Stephen C. Lynch** - *Assistant Comptroller*

## Audit Team

**Nadine Morrell**, CIA, CISM - *Audit Director*

**Cynthia Herubin**, CIA, CGAP - *Audit Manager*

**Peter Carroll** - *Audit Supervisor*

**Stephon Pereyra** - *Examiner-in-Charge*

**Melissa Patnaude** - *Senior Examiner*

**James Rappaport** - *Senior Examiner*

**Essence Parker-Chatham** - *Mapping Analyst*

**Meghann Gordan** - *Senior Editor*

## Contact Information

(518) 474-3271

[StateGovernmentAccountability@osc.ny.gov](mailto:StateGovernmentAccountability@osc.ny.gov)

Office of the New York State Comptroller  
Division of State Government Accountability  
110 State Street, 11th Floor  
Albany, NY 12236

