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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

April 10, 2025

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

Re: Language Access Services
Report 2024-F-33

Dear Commissioner Schroeder:

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 have followed up on the actions taken by officials of the Department of Motor Vehicles (DMV or Department) to implement the recommendations contained in our initial audit report, *Language Access Services* (Report [2022-S-38](#)).

Background, Scope, and Objective

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 Executive agencies to publish a Language Access Plan (Plan) that sets forth the actions the agency will take to ensure meaningful access to its services for Limited English Proficiency (LEP) New Yorkers.

DMV is one of the agencies required to develop and follow a Plan. DMV issues licenses, non-driver identification cards, vehicle titles, and vehicle registrations; conducts road tests; monitors driver training; and performs regulatory, adjudicatory, and other enforcement activities. DMV conducts more than 20 million customer transactions annually and operates 31 public-facing 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 public-facing office locations operated by the County Clerks (County DMVs), who act as agents of DMV pursuant to Vehicle and Traffic Law Title 2, Article 2, Section 205 (Vehicle and Traffic Law). Counties are not subject to the Language Access Law.

DMV's Plan was last updated on October 1, 2024 and outlines procedures that State DMVs are expected to follow to provide services to individuals with LEP. 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 and that the use of a family member, friend, or minor as an interpreter is limited to emergencies or routine matters such as obtaining information about office location or hours of operation or rescheduling an appointment. Where

the interaction occurs at State and County DMVs and where customers are permitted to use an interpreter of their choice in these limited circumstances, they must complete a written waiver form.

DMV switched providers of over-the-telephone (OTP) and Video Remote Interpreting (VRI) services from Language Line Solutions (Language Line) to another contractor approved by the Office of General Services, Propio LS, LLC (Propio), in April 2024 after our initial audit was completed.

A total of 106,829 calls have been made to Propio from State DMVs and the language assistance helpline, as noted on DMV's website for State residents needing interpretation services. These interpretation services covered 85 languages, with the two most requested languages being Spanish and Mandarin. Propio also received a total of 726 calls from County DMVs during the same period. These interpretation services covered 35 languages, with the two most requested languages being Spanish and Arabic.

The objective of our initial audit, issued October 26, 2023, was to determine if DMV was adequately serving the needs of individuals with LEP, 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. Overall, State and County DMVs were not following aspects of DMV'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, DMV did 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 DMV offices. Furthermore, DMV relied only on Language Line data in assessing additional language needs, and did not track any statistics of LEP customers served outside of those Language Line calls. In addition, Language Line was not meeting the expectation of 24-hour/365-day on-demand OTP interpretation services outlined in its Request for Quote (RFQ), which included providing on-demand interpretation services for all languages and dialects needed. Furthermore, State DMVs cited issues with disconnected calls, a lack of interpreters, and issues with dialects.

The objective of our follow-up was to assess the extent of implementation, as of March 2025, of the five recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

DMV officials made some progress in addressing the problems we identified in the initial audit report. Of the initial audit report's five audit recommendations, two were implemented and three were partially implemented.

Follow-Up Observations

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.*

Status – Partially Implemented

Agency Action – As previously stated, DMV replaced Language Line with Propio in April 2024. DMV has developed procedures to send quarterly email reminders to all State and County staff to use the interpretation services when needed. This includes DMV periodically sending the “Language Access Policy & Services Reminder” (Language Access Reminder) emails to County DMVs about the importance of language access to those who are LEP and DMV’s responsibility to ensure all LEP individuals have meaningful access to its services.

Once an interpretation service is made, Propio will track and maintain the data from the call and upload the aggregate data to its website, where DMV can download it. Although not defined in any procedure, DMV staff regularly review and analyze the data for reasonability and completeness.

DMV provides regular communications to State and County DMVs reminding them that if an LEP customer refuses DMV’s interpretation services, staff must obtain a signed Waiver of Rights to Free Interpretation Services Form from the customer. The waiver form has been translated into the top 12 languages plus an additional four languages, and can be found on DMV’s intranet page.

We visited six State DMV offices and found all of the offices were aware of and receive the communications noted above. Staff were also aware of the waiver forms and when they are needed and necessary to use. However, one office stated that it does not enforce the waiver policy because customers are unable to fill out the waiver form due to their inability to speak English. Additionally, office staff stated it would be inconvenient and embarrassing for the LEP customer to utilize Propio for assistance to fill out the waiver form.

DMV officials stated they were aware of the issue with the one office and were looking into it. DMV should continue to work with all offices to ensure the waiver forms are being used.

Recommendation 2

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

Status – Implemented

Agency Action – DMV has improved its collaboration with local DMV offices. DMV has updated the “mailbag” it sends to the County DMVs, which includes the Language Access Reminder email along with key requirements of the policy that all of the offices must comply with: posting of language identification posters, offering LEP customers interpretation services, recording any denial of services, and posting of the right to file a complaint. These are issued multiple times throughout the year and DMV confirms compliance through periodic audits. In addition to the mailbags, DMV periodically sends Language Access Reminder emails about the importance of language access to those who need services.

Additionally, on a weekly basis, the DMV County Clerk Liaison and the DMV Assistant Commissioner meet with the County Clerk Leadership Committee to discuss issues

related to language access services; and on a monthly basis, the DMV Commissioner and Deputy Commissioners meet with the County Clerk Leadership Committee to address any County DMV language access issues. Periodic conference calls are scheduled on an as-needed basis, in addition to email and telephone communications with DMV's County Clerk Liaison. Additionally, DMV and the County Clerk Liaison work with the New York State Office of Language Access (NYS OLA) when there is a language interpretation need that cannot be satisfied and new contractors need to be located.

With the addition of the interpretation of American Sign Language as part of a pilot phase project, all counties that are not served by a State DMV either have received or will be receiving laptops for DMV offices to utilize for VRI interpretation, including those for LEP individuals. Lastly, DMV implemented a County Training SharePoint website so counties can access the most up-to-date training modules, including mandated training such as language access.

We surveyed six County DMVs to determine if they were aware of the mailbags that were periodically sent out, if they had access to the SharePoint website, and if they had received the VRI laptops or were aware that the laptops will be forthcoming. Overall, all six County DMVs are aware of and receive periodic mailbags, have received the VRI laptops or email correspondence regarding the VRI laptops and their issuance, and have access to the SharePoint website.

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.

Status – Partially Implemented

Agency Action – The interpretation service call data for both State DMV and County DMVs is collected through Propio Analytics. Propio tracks information such as the service line (OTP or VRI), language needed to be interpreted, service date, length of call, connectivity time, and the Propio interpreter information, invoice number, and billing rates for billing purposes. We reviewed an 8-month period of the Propio call data provided by DMV and confirmed the information included is what DMV officials state they track. This call data is entered by Propio based on information provided by the caller. Propio uploads the data to its website, where DMV can download it for review. DMV officials stated that they regularly review and analyze the data for reasonability, completeness, and volume. However, they don't perform any separate data reliability testing to ensure it includes all the calls that occurred.

According to DMV officials, when there is a language interpretation need that Propio cannot presently satisfy, the County DMV clerks inform the County Clerk Liaison. The Liaison then informs NYS OLA that customers have requested several languages with limited diffusion (i.e., spoken by relatively small populations). The NYS OLA office locates contractors that could offer interpretation services and begins the process of adding additional languages for interpretation. We tested this process and asked six County DMVs if they faced any issues where Propio could not satisfy an interpretation need; all responded that they had not. However, according to officials, DMV has processes in place should this scenario occur.

Recommendation 4

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

Status – Implemented

Agency Action – Due to the Language Line Services' RFQ expiring in March 2024, a new RFQ was issued in February 2024 and Propio was chosen. We found Propio has met the requirements set forth in the RFQ. DMV officials stated that invoices are sent monthly, and invoices' usage data is reviewed for reasonability and completeness. We found this was done in accordance with the provisions of the RFQ. To confirm this, we compared the requirements in the RFQ to the OTP and VRI interpretation services billing rates, the various languages and services offered, and the tracking of the call log data.

DMV produces monthly contractor deficiency reports, which are complaints reported to DMV. We reviewed the monthly deficiency reports from April 2024 through October 2024 and found that there were 11 incidents that were forwarded onto Propio, for issues like "dropped call/disconnection," "poor interpretation," "unable to provide service," or "excessive wait time." We found all complaints were resolved except one, which we concluded was a "poor interpretation" incident where the interpreter identification was unknown, making follow up difficult.

Propio also has a satisfaction survey at the end of interpretation sessions, which DMV encourages its staff to use. Propio has a current satisfaction rating of 94.7%, with 99.2% of calls connected to an interpreter within 60 seconds, which, according to the RFQ, is in line with Propio's historical fill rate of 99.4%.

Recommendation 5

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

Status – Partially Implemented

Agency Action – DMV officials provided a list of steps they use to process Propio invoices, which includes verifying billing address, description, billing period, and rate. We reviewed an invoice for 1 month and verified the rates were correct based on the type of interpretation service. However, DMV officials stated they do not verify that the calls on the invoice did, in fact, occur. Officials indicated that the number of calls is too voluminous and each invoice includes all interpretation calls that occurred throughout all DMV offices. From our review, we found there were services on the VRI invoice that were not on the original call log. After we brought this issue to DMV officials' attention, they investigated it and found these services were for on-site VRI calls, which are tracked differently. While the numbers ultimately reconciled, it emphasizes the need for written procedures to ensure billings are accurate and appropriate.

After our inquiry, DMV found nine instances, outside the period we reviewed, where DMV was being charged at an hourly rate and not the contracted \$0.70/minute for VRI interpretation services. There were eight instances where the interpretation services were overcharged, resulting in overpayment of \$234 to Propio. After DMV questioned the charges, Propio agreed that the services were overcharged and stated that DMV would receive a credit.

Major contributors to this report were Richard Podagrosi, Michele Krill, Emily Vandenburg, and Lisa Whaley.

DMV officials are requested, but not required, to provide information about any actions planned to address the unresolved issues discussed in this follow-up within 30 days of the report's issuance. We thank the management and staff of DMV for the courtesies and cooperation extended to our auditors during this follow-up.

Very truly yours,

Scott Heid
Audit Manager

cc: Kelly Gardineer, Department of Motor Vehicles