

# OFFICE OF THE ATTORNEY GENERAL



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Honorable Ned W. McHenry  
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Drivers License - Tests and  
Testing

All persons applying for a  
driver's license should be  
required to take their  
licensing test in English.

Dear Mr. McHenry:

This opinion is issued in response to your request for an  
opinion from the Attorney General.

## QUESTION

Does Amendment 509 to the Constitution of  
the State of Alabama of 1901 prohibit the  
Department of Public Safety from giving  
driver license tests in any language other  
than English?

## FACTS AND ANALYSIS

Amendment No. 509 to the Constitution of Alabama of 1901  
provides as follows:

"English is the official language of the  
state of Alabama. The legislature shall  
enforce this amendment by appropriate  
legislation. The legislature and officials

of the state of Alabama shall take all steps necessary to insure that the role of English as the common language of the state of Alabama is preserved and enhanced. The legislature shall make no law which diminishes or ignores the role of English as the common language of the state of Alabama.

"Any person who is a resident of or doing business in the state of Alabama shall have standing to sue the state of Alabama to enforce this amendment, and the courts of record of the state of Alabama shall have jurisdiction to hear cases brought to enforce this provision. The legislature may provide reasonable and appropriate limitations on the time and manner of suits brought under this amendment."

This amendment requires all officials of the state of Alabama to take all steps necessary to insure that the role of English as the common language of the State of Alabama is preserved and enhanced. Thus, to the extent possible, officials of this state should require the use of English in all state actions and programs.

While requiring an ability to understand English as a requirement to participate in some state programs might be a violation of Title VI of the Civil Rights Act of 1964, or the Equal Protection Clause of the Fourteenth Amendment<sup>1</sup>, consideration of safety and the integrity of the licensing process would support a requirement that driver license examinations be given in English. Safety considerations would include the person's ability to read and understand highway signs and to understand the directions of law enforcement officers.

It would be practically impossible for the state to accommodate the wide variety of languages of persons applying for a license. To allow such persons to use their own interpreters would, of course, jeopardize the integrity of the test.

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<sup>1</sup>It has been held that a public school district receiving federal financial assistance violates Title 6 of the Civil Rights Act of 1964 where the school system fails to establish a program to deal with the language problem of students of Chinese ancestry who do not speak English. Lau v. Nichols, 414 U.S. 563, 39 L.Ed.2d 1, 94 S.Ct. 786 (1974).

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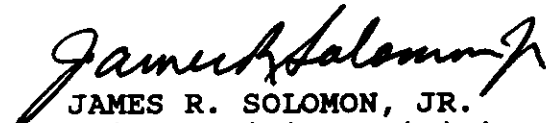
CONCLUSION

All persons applying for a driver's license should be required by the Director of the Department of Public Safety to take their licensing tests in English.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS  
Attorney General  
By:

  
JAMES R. SOLOMON, JR.  
Chief, Opinions Division

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