STATE

Illicit driver permits alleged

DMV workers say thousands may have cheated on online tests

By Brendan J. Lyons

Driver's tests raise questions

Approximately 30 percent of DMV test takers were flagged for cheating, and nearly half of those took a retest and failed

Customers who took test online that came to office for permit

1,524

Number asked to retest in office

464

Number who were asked to retest and refused

54

Number who retested and failed

201

Note: Data for state-run DMV offices from Nov. 2 to Nov. 5
Source: New York DMV
Jeff Boyer, Vivien Hgo / Times Union

Albany

State motor vehicle workers say potentially thousands of people may have illicitly obtained New York driver's permits since the Department of Motor Vehicles launched a program last year allowing written tests to be taken online, leading to widespread cheating.

The program was announced by former Gov. Andrew M. Cuomo in September 2020, about six months after the coronavirus pandemic struck New York and as in-office motor vehicle testing became backlogged or unavailable for many applicants.

DMV workers say the alleged cheating also has been exacerbated by the state's Green Light Law, which went into effect in December 2019 and has allowed thousands of undocumented immigrants to obtain driver's licenses — something that more than a dozen other states also allow. The law prohibited DMV offices from storing applicants' personal information for more than six months and lowered the security thresholds for verifying someone's identity, according to motor vehicle workers.

At the time the Green Light Law was passed, Cuomo and former President Donald J.

Trump had been sparring over the federal government's access to state motor vehicle records. Cuomo's administration had barred the U.S. Immigration and Customs Enforcement agency from accessing New York's motor vehicle records out of concern the federal agency would use the information to track down immigrants in the country illegally.

But Cuomo had said the law's primary intention was to improve public safety by ensuring undocumented motorists are legally authorized to drive.

Will Waldron / Times Union

In addition to the state-run DMV offices, there are 51 county-run motor vehicle offices across New York.

"In New York, like in 13 other states, we give driver's licenses to undocumented people. From a state point of view, I want to make sure the people who are driving on our roads pass a driving test. It is a public safety issue," he said in February 2020. "So, even if you are not in full compliance with the immigration laws, you can get a driver's license if you take the test and if you pass the test because we want to make sure that if you are driving you know what you are doing."

But with the at-home, online testing authorized last year, DMV workers say there have been a high number of individuals who cheat or have others take the tests for them.

The 50-question online driver's test normally takes about 45 minutes to an hour to complete, Cuomo and state officials said last year. But DMV workers said in many instances individuals who take the online tests are completing them — often with perfect scores — in less than seven minutes.

In an effort to tighten the security of the process, the Department of Motor Vehicles recently added a feature so that the image of the person taking the online test is captured four times during the exam, including at the beginning and the end. If the applicant passes the online test, they must bring a printout of their results and also documents affirming their address and identification to a motor vehicle office to be issued a permit.

During that verification process, the DMV clerks compare the images of the person who took the online test to the person standing before them.

Paul Buckowski / Times Union

Saratoga County Clerk Craig Hayner says his office has encountered applicants who successfully completed the online test but came in with suspect identification documents.

Interviews with DMV workers confirmed they have flagged thousands of applicants whose photos during the online test either were someone else's image, were simply screenshots of their image or were blank because the person may have pointed the computer's camera at a ceiling, for instance. When there are problems verifying the images, clerks offer the person the option of taking a 20-question test at the DMV office. Many simply walk out the door.

Last week, the state instructed officials at its seven state-run motor vehicle offices, including one in Albany, to keep track of how many people who passed the online tests were later flagged because of issues with the images captured during the online test.

The data, collected over a four-day period, showed that more than 1,500 people passed the online test and came to a motor vehicle office to get their permit. Of those, 464 had verification issues that prompted clerks to offer them the shorter written test at the DMV office. More than 50 people left without retaking the test, and of the 410 people who retook the test, roughly half of them failed, according to data provided to the Times Union.

"DMV continuously monitors data about our transactions in order to ensure the integrity and security of the online permit test," said Tim O'Brien, a state DMV spokesman, who pointed to the new photo requirement and on-site retesting as examples.

In addition to the state-run DMV offices, there are 51 county-run motor vehicle offices across the state. County clerks who run those offices said they are encountering not just widespread cheating but also repeated issues with fraudulent identification documents.

Rensselaer County Clerk Frank Merola, a staunch opponent of the Green Light Law who brought an unsuccessful federal lawsuit against the measure, said his office has encountered many people who received perfect scores on the online test — and completed it in only a few minutes — but then struggled to pass the in-person test or failed it.

"They sit down for 20 questions and they're sitting there for 45 minutes and they can't finish the test," he said. "We had a guy the other day, he was there in the first photo and then he was not there in next three. He passed (the online test) in like six or seven minutes. Of course, we didn't issue the permit."

Saratoga County Clerk Craig Hayner, who like Merola has been vocal in his opposition to the Green Light Law, said his office has encountered similar issues, including groups of individuals who successfully completed the 50-question online test in minutes, but then come to the county office with suspect identification documents. He noted one instance where a listed address turned out to be a strip mall.

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"It's beyond rampant," Hayner said, recounting an applicant who submitted a monthly bank statement as a form of identification that had a future date on it. In another case, he said, a group of individuals all used the same bank statement as a form of identification.

"They're basically copying and scanning similar bank statements. They're just changing the name on the top," Hayner said. "I have a hunch that these people don't actually live in Saratoga County, that they are coming in, but are using a Saratoga County address. ... It's easier to do from where you are and then drive to another place where they wouldn't necessarily know you or know the addresses that are being put on there."

DMV workers said the agency's Division of Field Investigation, which is tasked with responding to incidents in which suspect documentation is being used by someone seeking to obtain a permit or driver's license, is stretched thin and unable to respond to every case.

"There are times that they can't come over," Merola said. "Sometimes they'll ask us to make copies of everything but they don't even come in."

In 2013, the state inspector general's office exposed a massive cheating scheme in Manhattan, Queens and Long Island in which DMV security guards were funneling tests to individuals seeking commercial driver's licenses, including allowing test takers to leave offices and come back with their completed exams.

Another scheme involved the use of a coded pencil with a series of dots and dashes inscribed on the sides that reflected the answers to the audio version of the license exam, according to the U.S. attorney's office, which conducted a related investigation of the same scandal.

The fallout of those investigations included requiring proctors to sit in exam rooms.

"Here we are eight years later and that seems to be forgotten about and now we can take a test from home," Hayner said. "It's quite a leap as far as integrity in the system goes. I think the way (state officials) put it is basically they think that there's so much helpfulness in this the little bit of harm is maybe worth it."

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