S T A T E O F N E W Y O R K

3842--A

2011-2012 Regular Sessions

I N S E N A T E

March 7, 2011

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the education law, in relation to requiring holders of class DJ or class MJ learner's permits and licenses to be enrolled in a secondary educational program or to have successfully completed such a program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 501-b of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. (A) IN ADDITION TO ANY OTHER RESTRICTION IN THIS ARTICLE, THE COMMISSIONER SHALL NOT ISSUE A CLASS DJ OR MJ LEARNER'S PERMIT, OR A CLASS DJ OR MJ LICENSE TO ANY PERSON UNLESS SUCH PERSON PROVIDES SUCH PROOF, AS SHALL BE ESTABLISHED BY THE COMMISSIONER OF EDUCATION, THAT THE PERSON:

(I) HAS RECEIVED A HIGH SCHOOL DIPLOMA OR A GENERAL EDUCATIONAL DEVELOPMENT DIPLOMA (GED);

(II) IS ENROLLED AND PARTICIPATING IN A PROGRAM OF SECONDARY EDUCATION APPROVED BY THE COMMISSIONER OF EDUCATION;

(III) IS ENROLLED AND PARTICIPATING IN A GENERAL EDUCATIONAL DEVELOPMENT PROGRAM (GED); OR

(IV) IS ENROLLED AND PARTICIPATING IN A HIGHER EDUCATION PROGRAM OR CAREER EDUCATION PROGRAM AS DEFINED IN SECTION TWO OF THE EDUCATION LAW.

(B) THE COMMISSIONER AND COMMISSIONER OF EDUCATION SHALL JOINTLY ESTABLISH A SYSTEM WHEREBY THE EDUCATION DEPARTMENT WILL PROVIDE NOTICE TO THE DEPARTMENT OF THE CHANGE IN STATUS OF ANY STUDENT WHICH WOULD DISQUALIFY HIM OR HER FROM HOLDING A DJ OR MJ LEARNER'S PERMIT, OR A DJ OR MJ LICENSE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) THE COMMISSIONER SHALL SUSPEND THE LEARNER'S PERMIT OR LICENSE OF ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS, UPON NOTICE THAT SUCH PERSON:

(I) FAILS TO MEET THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION;

(II) HAS BEEN ABSENT FROM SCHOOL, WITHOUT AN EXCUSE AND PRIOR TO GRADUATION, FOR TEN CONSECUTIVE SCHOOL DAYS;

(III) HAS BEEN FOUND TO HAVE COMMITTED ANY OF THE FOLLOWING OFFENSES:

A. MENACING, HARASSMENT OR ASSAULT OF A TEACHER OR OTHER SCHOOL PERSONNEL;

B. POSSESSION OR SALE OF A CONTROLLED SUBSTANCE OR MARIHUANA UPON SCHOOL GROUNDS;

C. POSSESSION OR CRIMINAL USE OF A WEAPON UPON SCHOOL GROUNDS;

D. ANY SEX OFFENSE; OR

E. ASSAULT UPON ANY OTHER STUDENT.

(D) UPON THE SUSPENSION OF ANY LEARNER'S PERMIT OR LICENSE PURSUANT TO THIS SUBDIVISION, THE DEPARTMENT SHALL PROVIDE NOTICE THEREOF TO THE HOLDER OF SUCH PERMIT OR LICENSE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. SUCH NOTICE SHALL ADVISE THE RECIPIENT THAT HIS OR HER PERMIT OR LICENSE HAS BEEN SUSPENDED, THE GROUNDS FOR SUCH SUSPENSION AND SUCH PERSON'S RIGHT TO REQUEST, IN WRITING, A HEARING TO REVIEW SUCH SUSPENSION. A PERSON REQUESTING A HEARING PURSUANT TO THIS PARAGRAPH SHALL DO SO IN WRITING AND WITHIN THIRTY DAYS OF RECEIVING A NOTICE OF SUSPENSION.

S 2. Section 305 of the education law is amended by adding a new subdivision 43 to read as follows:

43. HE OR SHE SHALL, IN COOPERATION WITH THE COMMISSIONER OF MOTOR VEHICLES, PROMULGATE RULES AND REGULATIONS AND ESTABLISH SUCH PROCEDURES AS SHALL BE NECESSARY TO IMPLEMENT THE PROVISIONS OF SUBDIVISION THREE OF SECTION FIVE HUNDRED ONE-B OF THE VEHICLE AND TRAFFIC LAW.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that effective immediately any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.