

7403

I N S E N A T E

May 14, 2014

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the education law, in relation to requiring youth holding operator's licenses or permits to maintain satisfactory school grades and attendance

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

1 Section 1. Section 502 of the vehicle and traffic law is amended by
2 adding a new subdivision 8 to read as follows:
3 8. CERTIFICATES OF SATISFACTORY SCHOOL GRADES AND ATTENDANCE. (A)
4 EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (D) OF THIS SUBDIVISION, NO
5 LICENSE OR LEARNER'S PERMIT SHALL BE ISSUED TO OR RETAINED BY A PERSON
6 UNDER THE AGE OF EIGHTEEN YEARS UNLESS SUCH PERSON (I) HOLDS A HIGH
7 SCHOOL DIPLOMA OR EQUIVALENT DIPLOMA OR (II) IS ENROLLED IN AND ATTEND-
8 ING AN EDUCATIONAL PROGRAM THE SUCCESSFUL COMPLETION OF WHICH WILL LEAD
9 TO SUCH A DIPLOMA OR EQUIVALENT DIPLOMA AND HOLDS A VALID, CURRENT
10 CERTIFICATE OF SATISFACTORY GRADES AND ATTENDANCE FROM SUCH EDUCATIONAL
11 PROGRAM PURSUANT TO SECTION THIRTY-TWO HUNDRED TEN-A OF THE EDUCATION
12 LAW.
13 (B) UPON RECEIPT OF NOTICE BY THE COMMISSIONER THAT A CERTIFICATE OF
14 SATISFACTORY GRADES AND ATTENDANCE HAS BEEN WITHDRAWN, THE COMMISSIONER
15 SHALL SUSPEND SUCH PERSON'S LICENSE OR PERMIT UNTIL SUCH TIME AS SUCH
16 CERTIFICATE IS REINSTATED OR THE PERSON CEASES TO BE SUBJECT TO THE
17 REQUIREMENT THEREFOR. UPON RECEIPT OF NOTICE BY THE COMMISSIONER THAT A
18 CERTIFICATE OF SATISFACTORY GRADES AND ATTENDANCE HAS BEEN REINSTATED,
19 THE COMMISSIONER SHALL REINSTATE SUCH PERSON'S LICENSE OR PERMIT.
20 (C) THE HEAD OF EACH SCHOOL ATTENDED BY ANY PERSON SUBJECT TO THE
21 PROVISIONS OF THIS SUBDIVISION SHALL ISSUE OR WITHDRAW SUCH CERTIFICATES
22 ON THE BASIS OF THE STUDENT'S COMPLIANCE OR LACK OF COMPLIANCE WITH THE
23 ACADEMIC AVERAGE AND ATTENDANCE REQUIREMENTS OF SECTION THIRTY-TWO
24 HUNDRED TEN-A OF THE EDUCATION LAW.
25 (D) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLIED TO A
26 PERSON WHO HAS RECEIVED A CERTIFICATE OF EXEMPTION PURSUANT TO SUBDIVI-
27 SION FOUR OF SECTION THIRTY-TWO HUNDRED TEN-A OF THE EDUCATION LAW.

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

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1 S 2. The education law is amended by adding a new section 3210-a to
2 read as follows:

3 S 3210-A. CERTIFICATES OF SATISFACTORY SCHOOL GRADES AND ATTENDANCE.
4 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE ISSUANCE OF CERTIF-
5 ICATES OF SATISFACTORY SCHOOL GRADES AND ATTENDANCE FOR PURPOSES OF
6 SUBDIVISION EIGHT OF SECTION FIVE HUNDRED TWO OF THE VEHICLE AND TRAFFIC
7 LAW. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SCHOOLS, PUBLIC
8 OR PRIVATE.

9 2. THE HEAD OF EACH SCHOOL SHALL ISSUE, DENY, WITHDRAW OR REINSTATE
10 CERTIFICATES OF SATISFACTORY GRADES AND ATTENDANCE ON THE BASIS OF THE
11 PUPIL'S ADHERENCE TO:

12 A. MAINTAINING AN ACADEMIC GRADE AVERAGE IN ALL CLASSES OF SEVENTY
13 PERCENT OR A GRADE POINT AVERAGE OF 2.0, AS THE CASE MAY BE; AND

14 B. NOT HAVING MORE THAN SEVEN UNEXCUSED ABSENCES DURING ANY SCHOOL
15 QUARTER, NOT MORE THAN FOURTEEN UNEXCUSED ABSENCES DURING ANY SCHOOL
16 SEMESTER, AND NOT HAVING MORE THAN TWENTY-EIGHT UNEXCUSED ABSENCES
17 DURING THE SCHOOL YEAR.

18 A SCHOOL MAY CHARGE A FEE OF UP TO TWENTY DOLLARS FOR EACH CERTIFICATE
19 ISSUED OR QUALIFIED.

20 3. IF A PUPIL IS NOT IN COMPLIANCE WITH THE PROVISIONS OF SUBDIVISION
21 TWO OF THIS SECTION AND IS NOT EXEMPT PURSUANT TO THE PROVISIONS OF
22 SUBDIVISION FOUR OF THIS SECTION, THE SCHOOL AUTHORITIES SHALL MAKE
23 EFFORTS TO ASSIST THE PUPIL IN COMPLYING THROUGH CONSULTATIONS BETWEEN
24 APPROPRIATE SCHOOL OFFICIALS AND THE PUPIL AND HIS OR HER PARENT, GUARD-
25 IAN OR PERSON IN PARENTAL RELATION. WITH RESPECT TO ANY PUPIL FOR WHOM
26 A CERTIFICATE OF SATISFACTORY GRADES AND ATTENDANCE IS IN EFFECT, IN THE
27 EVENT THAT SUCH PUPIL SHALL CEASE TO BE ENTITLED TO SUCH CERTIFICATE,
28 THE HEAD OF SUCH SCHOOL SHALL SO NOTIFY THE COMMISSIONER OF MOTOR VEHI-
29 CLES. A DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE WITH THE ACADEMIC
30 AVERAGE AND ATTENDANCE REQUIREMENTS SHALL BE FINAL AND NOT SUBJECT TO
31 ADMINISTRATIVE REVIEW.

32 4. PUPILS SHALL BE EXEMPT FROM COMPLYING WITH THE REQUIREMENTS OF THIS
33 SECTION AND SUBDIVISION EIGHT OF SECTION FIVE HUNDRED TWO OF THE VEHICLE
34 AND TRAFFIC LAW AND SHALL BE ENTITLED TO ISSUANCE OF A CERTIFICATE OF
35 EXEMPTION THEREFROM TO BE ISSUED BY THE SCHOOL DISTRICT IN WHICH THEY
36 RESIDE IN THE FOLLOWING CASES:

37 (A) THE PUPIL IS UNABLE TO PURSUE THE EDUCATIONAL PROGRAM DUE TO DISA-
38 BILITY;

39 (B) THE PUPIL IS UNABLE TO PURSUE TO EDUCATIONAL PROGRAM DUE TO HIS OR
40 HER PROVIDING CARE OR SERVICES TO A DISABLED PARENT; OR

41 (C) THE PUPIL NEEDS A LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE DUE
42 TO HIS OR HER EMPLOYMENT NEEDS OR THOSE OF A MEMBER OF HIS OR HER FAMI-
43 LY.

44 S 3. This act shall take effect on the first of January next succeed-
45 ing the date on which it shall have become a law; provided that the
46 commissioners of motor vehicles and education are authorized to promul-
47 gate any and all rules and regulations and take any other measures
48 necessary to implement this act on its effective date on or before such
49 date.