

6482

I N S E N A T E

February 15, 2012

Introduced by Sen. LARKIN -- 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 good school 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 GOOD SCHOOL ATTENDANCE. (A) EXCEPT AS OTHERWISE
4 PROVIDED IN PARAGRAPH (D) OF THIS SUBDIVISION, NO LICENSE OR LEARNER'S
5 PERMIT SHALL BE ISSUED TO OR RETAINED BY A PERSON UNDER THE AGE OF EIGH-
6 TEEN YEARS UNLESS SUCH PERSON (I) HOLDS A HIGH SCHOOL DIPLOMA OR EQUIV-
7 ALENT DIPLOMA OR (II) IS ENROLLED IN AND ATTENDING AN EDUCATIONAL
8 PROGRAM THE SUCCESSFUL COMPLETION OF WHICH WILL LEAD TO SUCH A DIPLOMA
9 OR EQUIVALENT DIPLOMA AND HOLDS A VALID, CURRENT CERTIFICATE OF GOOD
10 ATTENDANCE FROM SUCH EDUCATIONAL PROGRAM PURSUANT TO SECTION THIRTY-TWO
11 HUNDRED TEN-A OF THE EDUCATION LAW.
12 (B) UPON RECEIPT OF NOTICE BY THE COMMISSIONER THAT A CERTIFICATE OF
13 GOOD ATTENDANCE HAS BEEN WITHDRAWN, THE COMMISSIONER SHALL SUSPEND SUCH
14 PERSON'S LICENSE OR PERMIT UNTIL SUCH TIME AS SUCH CERTIFICATE IS REIN-
15 STATED OR THE PERSON CEASES TO BE SUBJECT TO THE REQUIREMENT THEREFOR.
16 UPON RECEIPT OF NOTICE BY THE COMMISSIONER THAT A CERTIFICATE OF GOOD
17 ATTENDANCE HAS BEEN REINSTATED, THE COMMISSIONER SHALL REINSTATE SUCH
18 PERSON'S LICENSE OR PERMIT.
19 (C) THE HEAD OF EACH SCHOOL ATTENDED BY ANY PERSON SUBJECT TO THE
20 PROVISIONS OF THIS SUBDIVISION SHALL ISSUE OR WITHDRAW SUCH CERTIFICATES
21 ON THE BASIS OF THE STUDENT'S COMPLIANCE OR LACK OF COMPLIANCE WITH THE
22 ATTENDANCE POLICIES OF SUCH SCHOOL, SUBJECT TO THE PROVISIONS OF SECTION
23 THIRTY-TWO HUNDRED TEN-A OF THE EDUCATION LAW.
24 (D) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLIED TO A
25 PERSON WHO HAS RECEIVED A CERTIFICATE OF EXEMPTION PURSUANT TO SUBDIVI-
26 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 GOOD SCHOOL ATTENDANCE. 1. THE PROVISIONS OF
4 THIS SECTION SHALL APPLY TO THE ISSUANCE OF CERTIFICATES OF GOOD SCHOOL
5 ATTENDANCE FOR PURPOSES OF SUBDIVISION EIGHT OF SECTION FIVE HUNDRED TWO
6 OF THE VEHICLE AND TRAFFIC LAW. THE PROVISIONS OF THIS SECTION SHALL
7 APPLY TO ALL SCHOOLS, PUBLIC OR PRIVATE.

8 2. THE HEAD OF EACH SCHOOL SHALL ISSUE, DENY, WITHDRAW OR REINSTATE
9 CERTIFICATES OF GOOD ATTENDANCE ON THE BASIS OF THE PUPIL'S ADHERENCE TO
10 THE SCHOOL'S ATTENDANCE POLICY, SUBJECT TO THE PROVISIONS OF THIS
11 SECTION. A SCHOOL MAY CHARGE A FEE OF UP TO TWENTY DOLLARS FOR EACH
12 CERTIFICATE ISSUED OR QUALIFIED.

13 3. IF A PUPIL IS NOT IN COMPLIANCE WITH THE SCHOOL'S ATTENDANCE POLICY
14 AND IS NOT EXEMPT PURSUANT TO THE PROVISIONS OF SUBDIVISION FOUR OF THIS
15 SECTION, THE SCHOOL AUTHORITIES SHALL MAKE EFFORTS TO ASSIST THE PUPIL
16 IN COMPLYING THROUGH CONSULTATIONS BETWEEN APPROPRIATE SCHOOL OFFICIALS
17 AND THE PUPIL AND HIS OR HER PARENT, GUARDIAN OR PERSON IN PARENTAL
18 RELATION. WITH RESPECT TO ANY PUPIL FOR WHOM A CERTIFICATE OF GOOD
19 ATTENDANCE IS IN EFFECT, IN THE EVENT THAT SUCH PUPIL SHALL CEASE TO BE
20 ENTITLED TO SUCH CERTIFICATE, THE HEAD OF SUCH SCHOOL SHALL SO NOTIFY
21 THE COMMISSIONER OF MOTOR VEHICLES. A DETERMINATION OF COMPLIANCE OR
22 NONCOMPLIANCE WITH AN ATTENDANCE POLICY SHALL BE FINAL AND NOT SUBJECT
23 TO ADMINISTRATIVE REVIEW.

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

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

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

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

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