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

9207

I N A S S E M B L Y

February 3, 2012

Introduced by M. of A. RABBITT -- read once and referred 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:

Section 1. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. CERTIFICATES OF GOOD SCHOOL ATTENDANCE. (A) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (D) OF THIS SUBDIVISION, NO LICENSE OR LEARNER'S PERMIT SHALL BE ISSUED TO OR RETAINED BY A PERSON UNDER THE AGE OF EIGHTEEN YEARS UNLESS SUCH PERSON (I) HOLDS A HIGH SCHOOL DIPLOMA OR EQUIVALENT DIPLOMA OR (II) IS ENROLLED IN AND ATTENDING AN EDUCATIONAL PROGRAM THE SUCCESSFUL COMPLETION OF WHICH WILL LEAD TO SUCH A DIPLOMA OR EQUIVALENT DIPLOMA AND HOLDS A VALID, CURRENT CERTIFICATE OF GOOD ATTENDANCE FROM SUCH EDUCATIONAL PROGRAM PURSUANT TO SECTION THIRTY-TWO HUNDRED TEN-A OF THE EDUCATION LAW.

(B) UPON RECEIPT OF NOTICE BY THE COMMISSIONER THAT A CERTIFICATE OF GOOD ATTENDANCE HAS BEEN WITHDRAWN, THE COMMISSIONER SHALL SUSPEND SUCH PERSON'S LICENSE OR PERMIT UNTIL SUCH TIME AS SUCH CERTIFICATE IS REINSTATED OR THE PERSON CEASES TO BE SUBJECT TO THE REQUIREMENT THEREFOR. UPON RECEIPT OF NOTICE BY THE COMMISSIONER THAT A CERTIFICATE OF GOOD ATTENDANCE HAS BEEN REINSTATED, THE COMMISSIONER SHALL REINSTATE SUCH PERSON'S LICENSE OR PERMIT.

(C) THE HEAD OF EACH SCHOOL ATTENDED BY ANY PERSON SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION SHALL ISSUE OR WITHDRAW SUCH CERTIFICATES ON THE BASIS OF THE STUDENT'S COMPLIANCE OR LACK OF COMPLIANCE WITH THE ATTENDANCE POLICIES OF SUCH SCHOOL, SUBJECT TO THE PROVISIONS OF SECTION THIRTY-TWO HUNDRED TEN-A OF THE EDUCATION LAW.

(D) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLIED TO A PERSON WHO HAS RECEIVED A CERTIFICATE OF EXEMPTION PURSUANT TO SUBDIVISION 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.

LBD14323-02-2

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

S 3210-A. CERTIFICATES OF GOOD SCHOOL ATTENDANCE. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE ISSUANCE OF CERTIFICATES OF GOOD SCHOOL ATTENDANCE FOR PURPOSES OF SUBDIVISION EIGHT OF SECTION FIVE HUNDRED TWO OF THE VEHICLE AND TRAFFIC LAW. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SCHOOLS, PUBLIC OR PRIVATE.

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

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

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

(A) THE PUPIL IS UNABLE TO PURSUE THE EDUCATIONAL PROGRAM DUE TO DISABILITY;

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

(C) THE PUPIL NEEDS A LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE DUE TO HIS OR HER EMPLOYMENT NEEDS OR THOSE OF A MEMBER OF HIS OR HER FAMILY.

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 the commissioners of motor vehicles and education are authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.