

# STATE OF NEW YORK

1003

2019-2020 Regular Sessions

## IN SENATE

January 10, 2019

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14 satisfactory grades and attendance has been withdrawn, the commissioner  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.

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

LBD03850-01-9

1 (d) The provisions of this subdivision shall not be applied to a  
2 person who has received a certificate of exemption pursuant to subdivi-  
3 sion four of section thirty-two hundred ten-a of the education law.

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

6 § 3210-a. Certificates of satisfactory school grades and attendance.

7 1. The provisions of this section shall apply to the issuance of certif-  
8 icates of satisfactory school grades and attendance for purposes of  
9 subdivision eight of section five hundred two of the vehicle and traffic  
10 law. The provisions of this section shall apply to all schools, public  
11 or private.

12 2. The head of each school shall issue, deny, withdraw or reinstate  
13 certificates of satisfactory grades and attendance on the basis of the  
14 pupil's adherence to:

15 a. maintaining an academic grade average in all classes of seventy  
16 percent or a grade point average of 2.0, as the case may be; and

17 b. not having more than seven unexcused absences during any school  
18 quarter, not more than fourteen unexcused absences during any school  
19 semester, and not having more than twenty-eight unexcused absences  
20 during the school year.

21 A school may charge a fee of up to twenty dollars for each certificate  
22 issued or qualified.

23 3. If a pupil is not in compliance with the provisions of subdivision  
24 two of this section and is not exempt pursuant to the provisions of  
25 subdivision four of this section, the school authorities shall make  
26 efforts to assist the pupil in complying through consultations between  
27 appropriate school officials and the pupil and his or her parent, guard-  
28 ian or person in parental relation. With respect to any pupil for whom  
29 a certificate of satisfactory grades and attendance is in effect, in the  
30 event that such pupil shall cease to be entitled to such certificate,  
31 the head of such school shall so notify the commissioner of motor vehi-  
32 cles. A determination of compliance or noncompliance with the academic  
33 average and attendance requirements shall be final and not subject to  
34 administrative review.

35 4. Pupils shall be exempt from complying with the requirements of this  
36 section and subdivision eight of section five hundred two of the vehicle  
37 and traffic law and shall be entitled to issuance of a certificate of  
38 exemption therefrom to be issued by the school district in which they  
39 reside in the following cases:

40 (a) the pupil is unable to pursue the educational program due to disa-  
41 bility;

42 (b) the pupil is unable to pursue to educational program due to his or  
43 her providing care or services to a disabled parent; or

44 (c) the pupil needs a license or permit to operate a motor vehicle due  
45 to his or her employment needs or those of a member of his or her fami-  
46 ly.

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