



Senate Education Committee

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BILL SUMMARY

Senate Bill 328, Printer's No. 305
Prime Sponsor: Dinniman

Summary

This legislation amends section 1338.1 (relating to suspension of operating privileges) of act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code to provide for restoration of operating privileges.

Existing Law

Section 1338.1 (relating to suspension of operating privilege) calls on the Department of Transportation to suspend the driver's license of any child convicted of section 1333 (relating to penalties for violation of compulsory attendance) of the Public School Code of 1949. The first conviction for truancy requires a 90-day suspension of the student's driver's license. Subsequent convictions of section 1333 call for a 6 month suspension. There is no mechanism for restoration of operating privileges.

The late-Senator Michael O'Pake introduced this bill as SB 1134 during the 2009-2010 legislative session, and received the unanimous support of the Senate Education Committee. The bill was proposed at the request of a workgroup of judicial, juvenile and school officials dealing with truancy issues to address the unintended consequence of truants with serial suspensions being unable to obtain work because of the lack of transportation or incurring further traffic citations and even imprisonment.

Truant suspension is not intended to be punitive in an absolute sense, but only so far as it will serve to deter truancy. As that need is removed by the individual completing school or obtaining a G.E.D., further suspension becomes counterproductive by imposing barriers to gainful employment. Similarly, when an individual has turned 21, the power of a suspension to compel a return to school, realistically, is nil and suspension serves only to punish.

Analysis

Senate Bill 328 adds section 1338.1 to provide for the restoration of operating privileges prior to the expiration of the statutory suspension period. Operating privileges shall be restored prior to the expiration of the period of suspension upon receipt of a certified record from the court that the student has:

- Completed high school;

- Obtained a general educational development (GED) diploma; or
- Reached 21 years of age.

The child must also satisfy all costs and fees assessed by the court related to the case.

This act takes effect in 60 days.