
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 470 Session of
2013

INTRODUCED BY CALTAGIRONE, D. COSTA, SCHLOSSBERG, FABRIZIO,
KORTZ, MOUL, READSHAW, P. DALEY, MURT AND V. BROWN,
JANUARY 30, 2013

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 30, 2013

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, further
6 providing for penalties for violating compulsory attendance
7 and for suspension of operating privilege.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 1333(b) and 1338.1 of the act of March
11 10, 1949 (P.L.30, No.14), known as the Public School Code of
12 1949, amended or added November 17, 1995 (1st Sp.Sess.,
13 P.L.1110, No.29), are amended to read:

14 Section 1333. Penalties for Violation of Compulsory
15 Attendance Requirements.--* * *

16 (b) The following apply:

17 (1) If the parent, guardian or person in parental relation
18 is not convicted of a summary offense because he or she took
19 every reasonable step to insure attendance of the child at
20 school, a child of compulsory school age who has attained the

1 age of thirteen (13) years and fails to comply with the
2 provisions of this act regarding compulsory attendance or who is
3 habitually truant from school without justification commits a
4 summary offense and except as provided in clause (4) shall, upon
5 conviction, [be sentenced to pay a fine not exceeding three
6 hundred dollars (\$300) for each offense for the benefit of the
7 school district in which such offending child resides or shall]
8 be assigned to an adjudication alternative program pursuant to
9 42 Pa.C.S. § 1520 (relating to adjudication alternative
10 program).

11 (2) For any child who has attained the age of thirteen (13)
12 years who fails [to pay the fine under clause (1) or] to comply
13 with the adjudication alternative program, the district justice
14 may allege the child to be dependent under 42 Pa.C.S. § 6303(a)
15 (1) (relating to scope of chapter). The failure by the child to
16 [pay a fine or] comply with the adjudication alternative program
17 shall not constitute a delinquent act under 42 Pa.C.S. Ch. 63
18 (relating to juvenile matters).

19 (3) Upon a summary conviction or assignment to an
20 adjudication alternative program, the district justice may
21 suspend, in whole or in part, a sentence or an adjudication
22 alternative program in which a child who has attained the age of
23 thirteen (13) years must pay or comply with the adjudication
24 alternative program: Provided, That the child no longer is
25 habitually truant from school without justification.

26 (4) Any child who has not attained the age of thirteen (13)
27 years who fails to comply with the compulsory attendance
28 provisions of this act and is habitually truant shall be
29 referred by the school district for services or possible
30 disposition as a dependent child as defined under 42 Pa.C.S. §

1 6302 (relating to definitions). Any child who has attained the
2 age of thirteen (13) years who fails to comply with the
3 compulsory attendance provisions of this act and is habitually
4 truant may, in lieu of a prosecution under clause (1), be
5 referred by the school district for services or possible
6 disposition as a dependent child as defined under 42 Pa.C.S. §
7 6302.

8 (5) The following words, when used in this subsection, shall
9 have the following meaning, except where the context clearly
10 indicates or requires a different meaning:

11 "Community resources" shall mean those agencies and services
12 for children and youth provided by the juvenile court, the
13 county, the Department of Health, the Department of Public
14 Welfare and other public or private institutions.

15 "District justice" shall mean such court as the court of
16 common pleas shall direct in counties not having district
17 justices.

18 "Habitually truant" shall mean absence for more than three
19 (3) school days or their equivalent following the first notice
20 of truancy given under section 1354. A person may be habitually
21 truant after such notice.

22 "Offense" shall mean each citation which goes before a
23 district justice or court of common pleas.

24 "Person in parental relation" shall not include any county
25 agency or person acting as an agent of the county agency in the
26 jurisdiction of a dependent child defined under 42 Pa.C.S. §
27 6302 (relating to definitions).

28 * * *

29 Section 1338.1. Suspension of Operating Privilege.--(a) (1)
30 The Department of Transportation shall suspend for 90 days the

1 operating privilege of any child upon receiving a certified
2 record that the child was convicted of violating section 1333.
3 If the department receives a second or subsequent conviction for
4 a child's violation of section 1333, the department shall
5 suspend the child's operating privilege for six months.

6 (2) The Department of Transportation shall restore operating
7 privileges prior to expiration of the period of suspension when
8 an individual otherwise eligible for restoration provides such
9 proof as the Department of Transportation may require that the
10 individual has completed high school, obtained a general
11 educational development (GED) diploma or attained twenty-one
12 (21) years of age.

13 (b) Any child whose record is received by the department
14 under section 1333(c) and who does not have a driver's license
15 shall be ineligible to apply for a driver's license under 75
16 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507
17 (relating to application for driver's license or learner's
18 permit by minor) for the time periods specified in subsection
19 (a). If the child is under sixteen (16) years of age when
20 convicted, suspension of operating privileges shall commence in
21 accordance with 75 Pa.C.S. § 1541 (relating to period of
22 revocation or suspension of operating privilege) for the time
23 specified in subsection (a).

24 (c) An insurer may not increase premiums, impose any
25 surcharge or rate penalty or make any driver record point
26 assignment for automobile insurance, nor shall an insurer cancel
27 or refuse to renew an automobile insurance policy on account of
28 a suspension under this section.

29 Section 2. This act shall take effect in 60 days.