

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1134 Session of  
2009

INTRODUCED BY O'PAKE, COSTA, GREENLEAF, FERLO, FONTANA, ARGALL,  
WILLIAMS, M. WHITE, TARTAGLIONE, WARD, EARLL AND FARNESE,  
NOVEMBER 25, 2009

SENATOR PICCOLA, EDUCATION, AS AMENDED, JUNE 8, 2010

## 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," further providing for suspension of  
6 operating privilege.

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

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

13 Section 1338.1. Suspension of Operating Privilege.--(a) (1)  
14 The Department of Transportation shall suspend for 90 days the  
15 operating privilege of any child upon receiving a certified  
16 record that the child was convicted of violating section 1333.  
17 If the department receives a second or subsequent conviction for  
18 a child's violation of section 1333, the department shall  
19 suspend the child's operating privilege for six months.

~~(2) Operating privileges shall be restored by the Department of Transportation prior to the expiration of the period of suspension upon receiving a supplemental certified record from the court that the individual has completed high school, obtained a general educational development (GED) diploma or performed a minimum of fifty (50) hours of community service at an educational institution for each unserved period of suspension and satisfied all costs and fees assessed by the court in the case.~~

~~(2) THE DEPARTMENT OF TRANSPORTATION SHALL RESTORE OPERATING PRIVILEGES PRIOR TO EXPIRATION OF THE PERIOD OF SUSPENSION WHEN AN INDIVIDUAL OTHERWISE ELIGIBLE FOR RESTORATION PROVIDES SUCH PROOF AS THE DEPARTMENT OF TRANSPORTATION MAY REQUIRE THAT ALL RELATED FINES AND COURT COSTS HAVE BEEN PAID AND THAT THE INDIVIDUAL HAS COMPLETED HIGH SCHOOL, OBTAINED A GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA OR ATTAINED TWENTY-ONE (21) YEARS OF AGE.~~

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

(c) An insurer may not increase premiums, impose any surcharge or rate penalty or make any driver record point

1 assignment for automobile insurance, nor shall an insurer cancel  
2 or refuse to renew an automobile insurance policy on account of  
3 a suspension under this section.

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