

SENATE, No. 101

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator HAINES

1 AN ACT concerning compulsory school attendance and supplementing
2 chapter 38 of Title 18A of the New Jersey Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Any person under 18 years of age who has not been issued a
8 diploma or other certificate of graduation from a secondary high
9 school of this State or any other state, and who (1) is not enrolled in
10 a secondary school of this State or any other state; or (2) is repeatedly
11 absent from a secondary school of this State in which he is enrolled or
12 (3) is not enrolled and making satisfactory progress in a course leading
13 to a general educational development certificate (GED) from a
14 State-approved institution or organization, or has not obtained such
15 a certificate, shall forfeit his right to operate a motor vehicle over the
16 highways of this State for a period to be fixed by the Commissioner of
17 Education or the commissioner's designee at not less than six months
18 or more than two years which shall commence on the day the
19 suspension is imposed.

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21 2. Prior to the imposition of a suspension pursuant to Section 1 of
22 this act the commissioner or the commissioner's designee shall inform
23 the person and his parent or legal guardian in writing of the impending
24 action and afford the person and his parent or legal guardian the
25 opportunity for a hearing at which to present evidence to show cause
26 why the suspension should not be imposed.

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28 3. In the case of any person who at the time of the imposition of
29 suspension is less than 17 years of age, the period of the suspension of
30 driving privileges authorized herein, including a suspension of the
31 privilege of operating a motorized bicycle, shall run for a period as
32 fixed by the commissioner or the commissioner's designee of not less
33 than six months or more than two years after the day the person
34 reaches the age of 17 years.

35 If the driving privilege of any person is under revocation,

1 suspension, or postponement for a violation of any provision of Title
2 2C of the New Jersey Statutes or Title 39 of the Revised Statutes at
3 the time of any suspension pursuant to this section, the suspension
4 period imposed herein shall commence as of the date of termination of
5 the existing revocation, suspension, or postponement.

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7 4. a. In the event that the commissioner or the commissioner's
8 designee suspends the right of a person to operate a motor vehicle
9 pursuant to this act, the commissioner or the commissioner's designee
10 shall collect forthwith the New Jersey driver's license or licenses of the
11 person and forward the license or licenses to the Director of the
12 Division of Motor Vehicles, along with a report indicating the first and
13 last day of the suspension or postponement period imposed by the
14 commissioner or the commissioner's designee pursuant to this section.

15 b. If the person is the holder of a driver's license from another
16 jurisdiction, the commissioner or the commissioner's designee shall not
17 collect the license but shall notify the Director of the Division of
18 Motor Vehicles who shall notify the appropriate officials in the
19 licensing jurisdiction. The commissioner or the commissioner's
20 designee shall, however, in accordance with the provisions of this
21 section, revoke the person's non-resident driving privilege in this State.

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23 5. If a person whose license is being suspended pursuant to section
24 1 of this act has not yet been issued a driver's license or if the
25 commissioner is for any reason unable to collect the license or licenses
26 of the person, the commissioner or the commissioner's designee shall
27 cause a report of the suspension or postponement to be filed with the
28 director. That report shall include the complete name, address, date
29 of birth, eye color, and sex of the person and shall indicate the first
30 and last day of the suspension or postponement period imposed by the
31 commissioner or the commissioner's designee pursuant to this section.

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33 6. Whenever a license is suspended pursuant to section 1 of this
34 act, the commissioner or the commissioner's designee shall inform the
35 person orally and in writing, by certified mail, return receipt requested,
36 mailed to the person's last known address, that if that person is
37 convicted of personally operating a motor vehicle during the period of
38 license suspension or postponement imposed pursuant to this section,
39 he shall, upon conviction, be subject to the penalties set forth in
40 R.S.39:3-40. Failure to receive the written notice or failure to
41 acknowledge the receipt of the written notice shall not be a defense to
42 a subsequent charge of a violation of R.S.39:3-40.

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44 7. The commissioner shall have the power and authority to grant
45 exceptions from the literal requirements of this act. An exception shall
46 only be granted in a particular case where it is clearly evident that it is

1 necessary to prevent undue hardship to the student or to his
2 dependents.

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4 8. The State Board of Education shall adopt rules and regulations
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

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8 9. This act shall take effect July 1 next following enactment.

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STATEMENT

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13 The bill provides that a student who drops out of school may be
14 denied driving privileges for a period of six months to two years. If the
15 student drops out of school prior to age 17, the suspension begins on
16 the student's 17th birthday.

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Allows suspension of driving privileges for high school drop-outs.