

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1907 Session of 2015

INTRODUCED BY BENNINGHOFF, SAYLOR, ADOLPH, BAKER, V. BROWN,  
D. COSTA, CUTLER, DeLUCA, ELLIS, EVERETT, GILLESPIE, HARHART,  
A. HARRIS, PHILLIPS-HILL, KLUNK, OBERLANDER, PICKETT,  
STEPHENS, THOMAS, TOOHIL, WARD, WATSON, WHITE, PEIFER,  
ZIMMERMAN, MOUL AND MICCARELLI, MARCH 17, 2016

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 13, 2016

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 definitions, providing for attendance policy at  
7 charter, regional charter and cyber charter schools, further  
8 providing for penalties for violation of compulsory  
9 attendance requirements, providing for procedure by school  
10 when child habitually truant, for procedure upon filing of  
11 citation and for penalties for violating compulsory school  
12 attendance requirements and further providing for suspension  
13 of operating privilege.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 1326 of the act of March 10, 1949  
17 (P.L.30, No.14), known as the Public School Code of 1949, is  
18 amended to read:

19 Section 1326. Definitions.--[The term "compulsory school  
20 age," as hereinafter used, shall mean the period of a child's  
21 life from the time the child's parents elect to have the child

1 enter school, which shall be not later than at the age of eight  
2 (8) years, until the age of seventeen (17) years. The term shall  
3 not include any child who holds a certificate of graduation from  
4 a regularly accredited senior high school.

5 The term "migratory child," wherever used in this subdivision  
6 of this article, shall include any child domiciled temporarily  
7 in any school district for the purpose of seasonal employment,  
8 but not acquiring residence therein, and any child accompanying  
9 his parent or guardian who is so domiciled.] When used in this  
10 article, the following words and phrases shall have the  
11 following meanings:

12 "Citation" shall mean a nontraffic citation or private  
13 criminal complaint.

14 "Compulsory school age" shall mean the period of a child's  
15 life between eight (8) and seventeen (17) years of age. The term  
16 does not include a child who holds a certificate of graduation  
17 from a regularly accredited, licensed, registered or approved  
18 high school.

19 "Conviction" shall mean a conviction under section 1333.2 for  
20 violation of the requirement for compulsory school attendance.

21 "Court" shall mean a magisterial district court or a court of  
22 common pleas.

23 "Department" shall mean the Department of Education of the  
24 Commonwealth.

25 "Excused absence" shall mean an absence from school which is  
26 permitted under section 1329.

27 "Governing body" shall mean the board of school directors of  
28 a school district or any other governing entity of a school.

29 "Habitually truant" shall mean six (6) or more school days of  
30 unexcused absences during the current school year by a child

1 subject to compulsory school attendance under this article.

2 "Judge" shall mean a magisterial district judge or a judge of  
3 a court of common pleas.

4 "Juvenile act" shall mean the provisions of 42 Pa.C.S. Ch. 63  
5 (relating to juvenile matters).

6 "Migratory child" shall mean a child domiciled temporarily in  
7 a school district for the purpose of seasonal employment, but  
8 not acquiring residence therein, and a child accompanying his or  
9 her person in parental relation who is so domiciled.

10 "Offense" shall mean each citation filed under section 1333.1  
11 for a violation of the requirement for compulsory school  
12 attendance under this article regardless of the number of  
13 unexcused absences alleged in the citation.

14 "Person in parental relation" shall mean a:

15 (1) Custodial biological or adoptive parent.

16 (2) Noncustodial biological or adoptive parent.

17 (3) Guardian of the person of a child.

18 (4) Person with whom a child lives and who is acting in a  
19 parental role of a child.

20 This definition shall not include any county agency or person  
21 acting as an agent of the county agency in the jurisdiction of a  
22 dependent child defined under 42 Pa.C.S. § 6302 (relating to  
23 definitions). This definition shall not expand the right of a  
24 child under any other section of this act.

25 "School" shall mean the educational entity in which the child  
26 is enrolled and at which a resident of this Commonwealth may  
27 legally fulfill the compulsory school attendance requirements of  
28 this article.

29 "School attendance improvement conference" shall mean a  
30 conference where the child's absences and reasons therefore are



1 examined in an effort to improve attendance, with or without  
2 additional services, and to which the child, the child's person  
3 in parental relation, other individuals identified by the person  
4 in parental relation who may be a resource, appropriate school  
5 personnel and recommended service providers shall be invited.

6 "School day" shall mean the length of time that a child  
7 subject to compulsory school attendance is expected to be  
8 receiving instruction during a calendar day, as determined by  
9 the governing body.

10 "School year" shall have the same meaning as "school term" as  
11 defined in section 102, as applicable to a school district, and  
12 as further defined in section 1327(b) for a day school which is  
13 operated by a bona fide church or other religious body, section  
14 1327.1(c) for a day school or boarding school accredited by an  
15 accrediting association which is approved by the State Board of  
16 Education, section 1327.1(d) for a home education program, and  
17 sections 1501 and 1504 for a public kindergarten, elementary or  
18 secondary school or a school district.

19 "Truant" shall mean three (3) or more school days of  
20 unexcused absences during the current school year by a child  
21 subject to compulsory school attendance under this article.

22 "Unexcused absence" shall mean an absence from school which  
23 is not permitted by the provisions of section 1329 and for which  
24 an approved explanation has not been submitted within the time  
25 period and in the manner prescribed by the governing body. An  
26 out-of-school suspension may not be considered an unexcused  
27 absence.

28 Section 2. The act is amended by adding a section to read:

29 Section 1327.2. Attendance Policy at Charter, Regional  
30 Charter and Cyber Charter Schools.--(a) Each charter, regional

1 charter and cyber charter school shall establish an attendance  
2 policy designed to determine when a child who is enrolled in a  
3 charter, regional charter or cyber charter school has an  
4 unexcused absence, which may differ from the policy of the  
5 school district in which the child resides. The policy must  
6 conform to the provisions of this act relating to compulsory  
7 attendance. Each cyber charter school may develop guidelines  
8 setting forth alternative methods of calculating unexcused  
9 absences for the purposes of determining whether a child  
10 enrolled in a cyber charter school has an unexcused absence,  
11 subject to approval by the department.

12 (b) Notwithstanding section 1333.2(a), in the case of a  
13 child enrolled in a cyber charter school the venue for the  
14 filing of a citation under section 1333.1 shall be based upon  
15 the residence of the child. A cyber charter school may  
16 participate in a proceeding under sections 1333.1, 1333.2 and  
17 1333.3 in person, by phone conferencing, by video conferencing  
18 or by any other electronic means.

19 (c) Charter, regional charter and cyber charter schools shall  
20 report unexcused absences directly to the department annually  
21 through the Pennsylvania Information Management System (PIMS).

22 Section 2.1. Section 1333 of the act, amended November 17,  
23 1995 (1st Sp.Sess. P.L.1110, No.29), is amended to read:

24 Section 1333. [Penalties for Violation of Compulsory  
25 Attendance Requirements.--(a) (1) Every parent, guardian, or  
26 person in parental relation, having control or charge of any  
27 child or children of compulsory school age, who shall fail to  
28 comply with the provisions of this act regarding compulsory  
29 attendance, shall on summary conviction thereof, be sentenced to  
30 pay a fine, for the benefit of the school district in which such

1 offending person resides, not exceeding three hundred dollars  
2 (\$300) and to pay court costs or be sentenced to complete a  
3 parenting education program offered and operated by a local  
4 school district, medical institution or other community  
5 resources, and, in default of the payment of such fine and costs  
6 or completion of the parenting program by the person so  
7 offending, shall be sentenced to the county jail for a period  
8 not exceeding five (5) days. Any person sentenced to pay any  
9 such fine may appeal to the court of common pleas of the proper  
10 county, upon entering into a recognizance, with one or more  
11 proper sureties, in double the amount of penalty and costs.  
12 Before any proceedings are instituted against any parent,  
13 guardian, or person in parental relation, for failure to comply  
14 with the provisions of this act, the district superintendent,  
15 attendance officer, or secretary of the board of school  
16 directors, shall give the offending person three (3) days'  
17 written notice of such violation. If, after such notice has been  
18 given, the provisions of this act regarding compulsory  
19 attendance are again violated by the persons so notified, at any  
20 time during the term of compulsory attendance, such person, so  
21 again offending, shall be liable under the provisions of this  
22 section without further notice.

23 (2) The child and every parent, guardian or person in  
24 parental relation must appear at a hearing established by the  
25 district justice. If the parent, guardian or person in parental  
26 relation charged with a summary offense under this subsection  
27 shows that he or she took every reasonable step to insure  
28 attendance of the child at school, he or she shall not be  
29 convicted of the summary offense.

30 (3) Upon a summary conviction, the district justice may



1 suspend, in whole or in part, a sentence in which a parent,  
2 guardian or person in parental relation is summoned to pay as  
3 required under this section: Provided, That the child no longer  
4 is habitually truant from school without justification.

5 (4) In lieu of or in addition to any other sentence imposed  
6 under this section, the district justice may order the parent,  
7 guardian or person in parental relation to perform community  
8 service in the school district in which the offending child  
9 resides for a period not to exceed six (6) months.

10 (b) (1) If the parent, guardian or person in parental  
11 relation is not convicted of a summary offense because he or she  
12 took every reasonable step to insure attendance of the child at  
13 school, a child of compulsory school age who has attained the  
14 age of thirteen (13) years and fails to comply with the  
15 provisions of this act regarding compulsory attendance or who is  
16 habitually truant from school without justification commits a  
17 summary offense and except as provided in clause (4) shall, upon  
18 conviction, be sentenced to pay a fine not exceeding three  
19 hundred dollars (\$300) for each offense for the benefit of the  
20 school district in which such offending child resides or shall  
21 be assigned to an adjudication alternative program pursuant to  
22 42 Pa.C.S. § 1520 (relating to adjudication alternative  
23 program).

24 (2) For any child who has attained the age of thirteen (13)  
25 years who fails to pay the fine under clause (1) or to comply  
26 with the adjudication alternative program, the district justice  
27 may allege the child to be dependent under 42 Pa.C.S. § 6303(a)  
28 (1) (relating to scope of chapter). The failure by the child to  
29 pay a fine or comply with the adjudication alternative program  
30 shall not constitute a delinquent act under 42 Pa.C.S. Ch. 63

1 (relating to juvenile matters).

2 (3) Upon a summary conviction or assignment to an  
3 adjudication alternative program, the district justice may  
4 suspend, in whole or in part, a sentence or an adjudication  
5 alternative program in which a child who has attained the age of  
6 thirteen (13) years must pay or comply with the adjudication  
7 alternative program: Provided, That the child no longer is  
8 habitually truant from school without justification.

9 (4) Any child who has not attained the age of thirteen (13)  
10 years who fails to comply with the compulsory attendance  
11 provisions of this act and is habitually truant shall be  
12 referred by the school district for services or possible  
13 disposition as a dependent child as defined under 42 Pa.C.S. §  
14 6302 (relating to definitions). Any child who has attained the  
15 age of thirteen (13) years who fails to comply with the  
16 compulsory attendance provisions of this act and is habitually  
17 truant may, in lieu of a prosecution under clause (1), be  
18 referred by the school district for services or possible  
19 disposition as a dependent child as defined under 42 Pa.C.S. §  
20 6302.

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

24 "Community resources" shall mean those agencies and services  
25 for children and youth provided by the juvenile court, the  
26 county, the Department of Health, the Department of Public  
27 Welfare and other public or private institutions.

28 "District justice" shall mean such court as the court of  
29 common pleas shall direct in counties not having district  
30 justices.



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

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

7 "Person in parental relation" shall not include any county  
8 agency or person acting as an agent of the county agency in the  
9 jurisdiction of a dependent child defined under 42 Pa.C.S. §  
10 6302 (relating to definitions).

11 (c) If a child is convicted for a violation of this section,  
12 the court, including a court not of record, shall send to the  
13 Department of Transportation a certified record of the  
14 conviction or other disposition on a form prescribed by the  
15 department.

16 (d) Nothing in this section shall be construed to apply to a  
17 parent, guardian or person in parental relation whose child or  
18 children are in a home education program under section 1327.1.]

19 Procedure When Child is Truant.--(a) (1) When a child is  
20 truant the school shall provide written notice to the person in  
21 parental relation who resides in the same household as the child  
22 of the child's violation of compulsory school attendance within  
23 ten (10) school days of the child's third unexcused absence.

24 (2) The notice required under paragraph (1):

25 (i) Shall include a description of the consequences that  
26 will follow if the child becomes habitually truant.

27 (ii) Shall be in a form and use language that would be  
28 considered reasonably understandable by the person in parental  
29 relation.

30 (iii) May include the offer of a school attendance

1 improvement conference.

2 (3) If the individual receiving notification under paragraph  
3 (1) is not the biological or adoptive parent, written notice  
4 shall also be provided to the child's biological or adoptive  
5 parents if their mailing addresses are on file with the school  
6 and they are not precluded to receive the information by a court  
7 order.

8 (b) (1) If unexcused absences continue after the school has  
9 issued the notice required under subsection (a), the school  
10 shall offer, by advance written notice, a school attendance  
11 improvement conference to the child and person in parental  
12 relation unless such a conference was previously held following  
13 the notice provided under subsection (a)(1). This subsection  
14 shall not be construed to place a legal obligation on the child  
15 or the person in parental relation to attend the conference. The  
16 conference may occur if the person in parental relation declines  
17 to participate.

18 (2) The outcome of the conference shall be documented in a  
19 written school attendance improvement plan. The department shall  
20 develop a form to be used for this purpose, and each school  
21 shall use a form substantially similar to the form developed by  
22 the department.

23 (3) The school may not take further legal action to address  
24 unexcused absences by the child until after the date for the  
25 scheduled school attendance improvement conference has passed.

26 Section 3. The act is amended by adding sections to read:

27 Section 1333.1. Procedure By School When Child Habitually  
28 Truant.--(a) When a child is habitually truant and under  
29 fifteen (15) years of age at the time of referral, the school:

30 (1) Shall refer the child to either of the following:



1     (i) A school-based or community-based attendance improvement  
2 program.

3     (ii) The county children and youth agency for services or  
4 for possible disposition as a dependent child under the  
5 provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

6     (2) May file a citation in the office of the appropriate  
7 magisterial district judge against the person in parental  
8 relation who resides in the same household as the child.

9     (b) When a child is habitually truant and fifteen (15) years  
10 of age or older at the time of referral, the school shall  
11 either:

12     (1) Refer the child to a school-based or community-based  
13 attendance improvement program or service.

14     (2) File a citation in the office of the appropriate  
15 magisterial district judge against the child or the person in  
16 parental relation who resides in the same household as the  
17 child.

18     (c) If a child who is fifteen (15) years of age or older  
19 continues to incur additional unexcused absences after being  
20 referred to a school-based or community-based attendance  
21 improvement program or refuses to participate in a school-based  
22 or community-based attendance improvement program as recommended  
23 through the school attendance improvement conference, the school  
24 may refer the child to the county children and youth agency for  
25 possible disposition as a dependent child under the provisions  
26 of 42 Pa.C.S. Ch. 63.

27     (d) When referring a habitually truant child to the county  
28 children and youth agency or filing a citation with the  
29 magisterial district court because a child has been habitually  
30 truant, the school shall provide verification that a school



1 attendance improvement conference was offered.

2 Section 1333.2. Procedure Upon Filing of Citation.--(a) The  
3 venue for the filing of a citation under section 1333.1 shall be  
4 based on the location of the school in which the child is  
5 enrolled.

6 (b) When a citation is filed against a child or a person in  
7 parental relation who resides in the same household as the child  
8 under the provisions of section 1333.1, the magisterial district  
9 judge shall provide the following notices:

10 (1) Written notice of the hearing with respect to the  
11 citation to the school, the person in parental relation, the  
12 child and the county children and youth agency.

13 (2) Notice to the child or person in parental relation who  
14 resides in the same household as the child of the availability  
15 of a preconviction diversionary program authorized under 42  
16 Pa.C.S. § 1520 (relating to adjudication alternative program).

17 (c) At the hearing with respect to the citation, the burden  
18 is upon the school to prove beyond a reasonable doubt that the  
19 child was habitually truant in noncompliance with the compulsory  
20 school attendance requirements of this article.

21 (d) If the citation is filed against the person in parental  
22 relation who resides in the same household as the child, it is a  
23 defense if the person in parental relation can prove by a  
24 preponderance of the evidence that every reasonable step to  
25 ensure attendance of the child at school was taken.

26 (e) Before entering a sentence, the judge shall permit the  
27 school, person in parental relation or child to present relevant  
28 information that will assist the judge in making an informed  
29 decision regarding the appropriate sentence. The judge may  
30 consider the child's school attendance after the citation was

1 filed and while the proceeding was pending for the purpose of  
2 imposing a sentence.

3 Section 1333.3. Penalties for Violating Compulsory School  
4 Attendance Requirements.--(a) A person convicted of a summary  
5 offense under section 1333.2 may be sentenced:

6 (1) To pay a fine for the benefit of the school in an amount  
7 not exceeding three hundred dollars (\$300) for each citation,  
8 together with court costs.

9 (2) To perform community service.

10 (3) To complete an appropriate course or program designed to  
11 improve school attendance, which has been approved by the  
12 president judge of the judicial district.

13 (b) The court may suspend the sentence of a person convicted  
14 under the provisions of sections 1333, 1333.1 and 1333.2 and may  
15 remit or waive fines and costs if the child attends school in  
16 accordance with a plan devised by the court.

17 (c) A person convicted of a summary offense under this  
18 section by a magisterial district judge shall have a right to  
19 appeal de novo to a court of common pleas of the proper county  
20 within thirty (30) days after conviction. Thereafter, the appeal  
21 shall proceed as any other appeal of a summary conviction.

22 (d) No citation shall be filed against a child or a person  
23 in parental relation who resides in the same household as the  
24 child for a subsequent violation of compulsory school attendance  
25 if any of the following circumstances apply:

26 (1) A proceeding under sections 1333.1 and 1333.2 is already  
27 pending against the child or the person in parental relation who  
28 resides in the same household as the child until the judgment  
29 has been entered in such proceeding unless a warrant has been  
30 issued for failure of that parent or child to appear before the



1 court and the warrant has not yet been served.

2 (2) A referral for services has been made to the county's  
3 children and youth agency under section 1333.1 and the agency  
4 has not closed the case.

5 (3) A petition has been filed alleging the child is  
6 dependent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters)  
7 due to being habitually truant and the case remains under the  
8 jurisdiction of the juvenile court.

9 (e) Upon a second or subsequent conviction of a child or a  
10 person in parental relation who resides in the same household as  
11 the child for a violation of the compulsory school attendance  
12 requirements of this article in a court within this Commonwealth  
13 within a period of three (3) years, the court shall refer the  
14 child for services or possible disposition as a dependent child  
15 under 42 Pa.C.S. Ch. 63.

16 (f) Upon the willful failure of a person to satisfy a fine  
17 or costs imposed under this section and a finding by the court  
18 that the person has the ability to pay the financial obligation  
19 imposed, the willful failure to comply with a payment plan or  
20 the willful failure to comply with any other part of the  
21 sentence imposed by the court under subsection (a), the  
22 following shall apply:

23 (1) The court may:

24 (i) In the case of a person in parental relation who resides  
25 in the same household as the child, impose a period of  
26 incarceration not to exceed five (5) days.

27 (ii) Impose community service.

28 (2) In the case of a child, the failure shall not be  
29 considered a delinquent act, provided that the president judge  
30 of the judicial district may adopt a local policy pursuant to 42



1 Pa.C.S. § 6304 (relating to powers and duties of probation  
2 officers) and the Pennsylvania Rules of Juvenile Court Procedure  
3 to provide that a juvenile probation officer may receive  
4 allegations that the child is dependent for the purpose of  
5 considering the commencement of proceedings under 42 Pa.C.S. Ch.  
6 63.

7 (g) (1) If a child is convicted of a violation of the  
8 compulsory school attendance requirements of this article, the  
9 court may send the Department of Transportation a certified  
10 record of the conviction on a form prescribed by the department  
11 only if the child fails to comply with a lawful sentence entered  
12 for the violation and is not subject to an exception to  
13 compulsory attendance under section 1330.

14 (2) The Department of Transportation shall suspend for  
15 ninety (90) days the operating privilege of a child upon  
16 receiving a certified record that the child was convicted of a  
17 summary offense under the compulsory school attendance  
18 requirements of this article. If the Department of  
19 Transportation receives a certified record of a second or  
20 subsequent conviction of a child pursuant to this section, the  
21 department shall suspend the child's operating privilege for six  
22 (6) months.

23 (3) A child whose record is received by the Department of  
24 Transportation under this section and who does not have a  
25 driver's license shall be ineligible to apply for a driver's  
26 license under 75 Pa.C.S. § 1505 (relating to learners' permits)  
27 and 1507 (relating to application for driver's license or  
28 learner's permit by minor) for the time period specified in  
29 paragraph (2). If the child is under sixteen (16) years of age  
30 when convicted, suspension of operating privileges shall

1 commence in accordance with 75 Pa.C.S. § 1541 (relating to  
2 period of disqualification, revocation or suspension of  
3 operating privilege) for the time specified in paragraph (2).

4 (4) A child whose driving privileges have been suspended or  
5 whose eligibility for a permit or license is delayed under this  
6 section may have that license or eligibility restored by  
7 providing the Department of Transportation with a form developed  
8 by the Department of Transportation containing the following  
9 information in the form of a certified record from the child's  
10 school that either of the following applies:

11 (i) The child:

12 (A) Has attended school for a period of at least two (2)  
13 months after the first conviction or four (4) months after the  
14 second conviction without an unexcused absence or unexcused  
15 tardy.

16 (B) Has no school disciplinary actions pending or has not  
17 served a disciplinary sanction during the period of the  
18 suspension or delay.

19 (C) Is attending and passing all classes.

20 (ii) The child is subject to an exception to compulsory  
21 attendance under section 1330.

22 (5) An insurer may not increase premiums, impose a surcharge  
23 or rate penalty, make a driver record point assignment for  
24 automobile insurance or cancel or refuse to renew an automobile  
25 insurance policy on account of a suspension under this section.

26 (6) Nothing in this section shall prohibit a child who is  
27 convicted of a violation of the compulsory school attendance  
28 requirements of this article from being eligible for an  
29 occupational limited license under 75 Pa.C.S. § 1553 (relating  
30 to occupational limited license).



1        (H) (1) UPON APPLICATION FROM A CHILD WHO HAS NO MORE THAN <--  
2        TWO (2) CONVICTIONS OF A SUMMARY OFFENSE UNDER SECTION 1333.2,  
3        THE COURT SHALL GRANT AN EXPUNGEMENT OF THE CONVICTIONS FROM THE  
4        CHILD'S RECORD IF ALL OF THE FOLLOWING APPLY:

5        (I) THE CHILD HAS EARNED A HIGH SCHOOL DIPLOMA, A  
6        COMMONWEALTH SECONDARY SCHOOL DIPLOMA OR ANOTHER DEPARTMENT OF  
7        EDUCATION-APPROVED EQUIVALENT, OR IS SUBJECT TO AN EXCEPTION TO  
8        COMPULSORY ATTENDANCE UNDER SECTION 1330.

9        (II) THE CHILD HAS SATISFIED ANY SENTENCE IMPOSED BY THE  
10       COURT WITH RESPECT TO THE CONVICTION, INCLUDING PAYMENT OF FINES  
11       AND COSTS.

12       (2) IF THE COURT GRANTS AN EXPUNGEMENT UNDER PARAGRAPH (1),  
13       THE COURT SHALL ORDER THE DEPARTMENT OF TRANSPORTATION TO  
14       EXPUNGE ALL ADMINISTRATIVE RECORDS RELATED TO THE CONVICTIONS.

15       Section 4. Section 1338.1 of the act, added November 17,  
16       1995 (1st Sp.Sess. P.L.1110, No.29), is repealed:

17       [Section 1338.1. Suspension of Operating Privilege.--(a)  
18       The Department of Transportation shall suspend for 90 days the  
19       operating privilege of any child upon receiving a certified  
20       record that the child was convicted of violating section 1333.

21       If the department receives a second or subsequent conviction for  
22       a child's violation of section 1333, the department shall  
23       suspend the child's operating privilege for six months.

24       (b) Any child whose record is received by the department  
25       under section 1333(c) and who does not have a driver's license  
26       shall be ineligible to apply for a driver's license under 75

27       Pa.C.S. §§ 1505 (relating to learners' permits) and 1507

28       (relating to application for driver's license or learner's

29       permit by minor) for the time periods specified in subsection

30       (a). If the child is under sixteen (16) years of age when



1 convicted, suspension of operating privileges shall commence in  
2 accordance with 75 Pa.C.S. § 1541 (relating to period of  
3 revocation or suspension of operating privilege) for the time  
4 specified in subsection (a).

5 (c) An insurer may not increase premiums, impose any  
6 surcharge or rate penalty or make any driver record point  
7 assignment for automobile insurance, nor shall an insurer cancel  
8 or refuse to renew an automobile insurance policy on account of  
9 a suspension under this section.]

10 Section 5. The amendment or addition of sections 1326,  
11 1327.2, 1333, 1333.1, 1333.2, 1333.3 and 1338.1 of the act shall  
12 apply to school years beginning with the 2017-2018 school year  
13 and each school year thereafter.

14 Section 6. This act shall take effect immediately.