

By: Representatives Scott (80th), Bailey,  
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To: Education;  
Appropriations

## HOUSE BILL NO. 1407

1 AN ACT TO ESTABLISH A MOTIVATING PARENTS AND CHILDREN  
2 (M.P.A.C.) PILOT PROGRAM WITHIN THE STATE DEPARTMENT OF EDUCATION  
3 FOR THE PURPOSE OF MAKING GRANTS TO SCHOOL DISTRICTS THAT PROVIDE  
4 PARENTAL INVOLVEMENT SERVICES TO FAMILIES OF COMPULSORY-SCHOOL-AGE  
5 CHILDREN RESIDING IN SUCH SCHOOL DISTRICT; TO SET FORTH THE  
6 PURPOSES OF THE M.P.A.C. PILOT PROGRAM; TO AUTHORIZE THE STATE  
7 DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT THE M.P.A.C.  
8 PILOT PROGRAM; TO PRESCRIBE THE BASIC COMPONENTS OF SERVICES TO BE  
9 OFFERED BY SCHOOL DISTRICTS UNDER THE M.P.A.C. PILOT PROGRAM; TO  
10 PROVIDE AN APPLICATION AND SELECTION PROCEDURE FOR SCHOOL  
11 DISTRICTS PARTICIPATING IN THE M.P.A.C. PILOT PROGRAM; TO AMEND  
12 SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO REQUIRE PARENTS TO  
13 ATTEND CONFERENCES AND OTHER FUNCTIONS OF SCHOOL DISTRICTS  
14 PARTICIPATING IN THE M.P.A.C. PILOT PROGRAM; TO AMEND SECTION  
15 63-1-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CHILDREN UNDER  
16 18 RESIDING IN SCHOOL DISTRICTS PARTICIPATING IN THE M.P.A.C.  
17 PILOT PROGRAM WHO WITHDRAW FROM SCHOOL MAY HAVE THEIR DRIVER'S  
18 LICENSE SUSPENDED; TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF  
19 1972, TO EXEMPT SUCH MINORS FROM LICENSE REINSTATEMENT FEES; TO  
20 AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
21 THERETO; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE  
22 LEGISLATURE OF THE STATE OF MISSISSIPPI:

23  
24 SECTION 1. (1) The Legislature finds that:  
25 (a) Students who exhibit serious behavior problems in  
26 school become juvenile and adult offenders;  
27 (b) A major contributing factor to this problem is a  
28 lack of positive parental involvement with both their children and  
29 school personnel;  
30 (c) Growing numbers of children live in conditions that  
31 place them at risk of school failure;  
32 (d) The provision of school and support services to  
33 these children and their families by public and nonprofit agencies  
34 is fragmented and does not prepare these children to learn  
35 effectively and have a successful school experience;  
36 (e) The lack of collaboration among schools, families,  
37 local agencies and other groups involved in family support and

38 youth development activities results in the inefficient and  
39 ineffective use of resources to meet the needs of these children;

40 (f) Schools are dedicating an increasing amount of  
41 their time and resources to responding to disruptive and violent  
42 behavior rather than fulfilling their mission to challenge with  
43 high expectations each child to learn, to achieve and to fulfill  
44 his or her potential;

45 (g) The relationships between school failure,  
46 disruptive and violent behavior in schools, unemployment and  
47 criminal behavior are clear;

48 (h) Responding to the needs of students who are at risk  
49 of school failure and providing for a safe and secure learning  
50 environment are cost-effective because it enables the state to  
51 substitute preventive measures for expensive and reactionary  
52 crisis intervention through use of co-location of services and  
53 repositioning of staff; and

54 (i) Differing local needs and local resources  
55 necessitate the development of locally generated, community-based  
56 plans that coordinate and leverage existing resources, not the  
57 imposition of uniform and inflexible state-mandated plans.

58 (2) There is established within the State Department of  
59 Education the Motivating Parents and Children (M.P.A.C.) pilot  
60 program. The purposes of the program are: (a) to provide grants  
61 to certain local school districts for innovative local programs  
62 that target juvenile crime by coordinating school and support  
63 services to children-at-risk and their families with required  
64 parental involvement; (b) enhance educational attainment through  
65 coordinated services to respond to the needs of students who are  
66 at risk of school failure and at risk of participation in juvenile  
67 crime; and (c) provide a safe and secure learning environment.

68 (3) The Motivating Parents and Children (M.P.A.C.) pilot  
69 program described in this section shall be conducted in six (6)  
70 school districts selected by the State Superintendent of Education  
71 with the approval of the State Board of Education, which school

72 districts shall represent the different geographical areas,  
73 population levels and economic levels of the state. Three (3)  
74 districts shall be selected from urban areas of the state and  
75 three (3) districts shall be selected from rural areas of the  
76 state. The department shall give preference to school districts  
77 that express a desire to participate in the pilot program. The  
78 program shall apply to all compulsory-school-age children residing  
79 in the pilot school districts and their custodial and noncustodial  
80 parents or legal guardians.

81 (4) The State Department of Education shall develop policies  
82 and procedures to administer the Motivating Parents and Children  
83 (M.P.A.C.) pilot programs.

84 (5) The selected pilot school districts shall implement the  
85 M.P.A.C. program, and in doing so shall:

86 (a) Employ a District M.P.A.C. Program Coordinator who  
87 will be responsible for planning and coordinating activities for  
88 parents of school children, and the delivery of integrated and  
89 comprehensive services to children and their families;

90 (b) Employ three (3) home-school coordinators, one (1)  
91 each to be assigned to the high schools, middle schools and  
92 elementary schools within the district;

93 (c) Develop and implement a program of family support  
94 services that is school-based and/or school-linked designed  
95 according to the Communities In Schools (CIS) model. The CIS  
96 model is a well-known national dropout prevention model that has  
97 developed effective and proven step-by-step guidelines that can be  
98 used to increase parent and community involvement. The M.P.A.C.  
99 program services provided shall include a community advisory  
100 board, private/public partnerships, an assessment of community  
101 needs, co-location of services, repositioned staff, parenting  
102 classes that would include parent-child activities, and a  
103 structured plan for referrals and evaluation. The M.P.A.C. pilot  
104 program also may provide after-school care, adult literacy  
105 programs, early childhood education for children in high risk

106 populations, alternate learning programs, peer mediation and  
107 conflict resolution activities;

108 (d) Train the M.P.A.C. program staff in the CIS model.  
109 Principles and practices evaluated and proven effective shall be  
110 incorporated into the program design. Upon determination of the  
111 pilot sites involved, an orientation must be provided to all  
112 district staff. In addition, staff must be trained and developed  
113 on an ongoing basis to ensure maximum coordination and cooperation  
114 with emphasis placed on learning how to effectively work with  
115 parents to enhance their participation level. The M.P.A.C.  
116 program services shall be designed to: (i) prepare children to  
117 attain academic and social success; (ii) enhance the ability of  
118 families to become advocates for and supporters of education for  
119 the children in their families; (iii) provide parenting classes to  
120 the parents of children who are at risk of school failure; (iv)  
121 provide adult literacy and employability skills classes for  
122 parents; (v) serve as a referral source for children and their  
123 families to ensure that needed services are accessed by the  
124 family; and (vi) otherwise enhance the ability of families to  
125 function as nurturing and effective family units;

126 (e) Require a parent or guardian to spend a day in  
127 school with his child after violation of a major rule. Such  
128 action would be taken when the rule violated is major but not  
129 serious enough to warrant expulsion in order to invite parental  
130 intervention before a child is suspended or expelled. The parent  
131 or guardian may be required either to attend class with his child  
132 for a full day or to attend parenting classes offered at alternate  
133 times to accommodate the parent's or guardian's work schedules and  
134 transportation issues. Failure to attend one (1) of the options  
135 will result in suspension of the child;

136 (f) Create an incentive program for children whose  
137 parent or guardian attends meetings of PTA/PTOs, parenting  
138 classes, and volunteers a minimum of ten (10) hours in the  
139 classroom. Examples of an incentive program are: (i) the

140 issuance of an activity card that grants the child full admission  
141 to all school-sponsored activities such as football and basketball  
142 games; and (ii) exemption from certain classroom or laboratory  
143 fees as determined feasible by the local school board;

144 (g) Create a program using volunteers to provide child  
145 care services for parents who volunteer, attend parenting classes,  
146 and attend after-school or evening programs;

147 (h) Create a summer employability skills/on-the-job  
148 training (OJT) fund. These funds may be expended by local school  
149 boards to provide job opportunities for juniors and seniors in  
150 high school. Employers and nonprofit organizations who  
151 participate in "Adopt-a-School" programs may qualify to employ  
152 such students during the summer. Wages up to Seven Dollars  
153 (\$7.00) per hour will be paid from the fund to eligible students  
154 who work for the employers or nonprofit organizations who are  
155 committed to participating in the "Adopt-a-School" program within  
156 the next school year; and

157 (i) Require the pilot school districts to conduct a  
158 family needs assessment (FNA) once every three (3) years. The  
159 assessment should be coordinated with other community  
160 organizations such as Head Start to encourage collaboration and  
161 lessen duplication.

162 (6) (a) A local school district may apply for a Motivating  
163 Parents and Children (M.P.A.C.) pilot program grant, or up to  
164 three (3) adjacent local school districts may apply jointly for a  
165 grant.

166 (b) The application shall include the following  
167 information:

168 (i) Data on the incidence of juvenile crime in the  
169 geographical area to be served by the grant. Sources of data may  
170 include the youth court in the county, the district attorney and  
171 local law enforcement officials;

172 (ii) An assessment of local resources from all  
173 sources for, and local deficiencies with regard to, responding to

174 the needs of children who live in conditions that place them at  
175 risk of school failure; and

176 (iii) A detailed plan for removing barriers to  
177 success in school that exist for these children and coordinating  
178 services for parents and children as authorized under this  
179 section.

180 (7) In reviewing grant applications, the State  
181 Superintendent of Education shall consider the prevalence of  
182 under-served students and families in low-income neighborhoods and  
183 in isolated rural areas in the area for which the grant is  
184 requested, the severity of the local problems with regard to  
185 children at risk of school failure and with regard to school  
186 discipline, whether the proposed program meets state standards,  
187 and the likelihood that the locally designed plan will deal with  
188 the problems successfully. During the review process, the  
189 superintendent may recommend modifications in grant applications  
190 to applicants. The superintendent shall submit recommendations to  
191 the State Board of Education as to which applicants should receive  
192 grants and the amount they should receive.

193 In selecting grant recipients, the State Board of Education  
194 shall consider: (a) the recommendations of the superintendent;  
195 (b) the geographic location of the applicants; and (c) the  
196 demographic profile of the applicants. After considering these  
197 factors, the State Board of Education shall give priority to grant  
198 applications that will serve areas that have a high incidence of  
199 juvenile crime to serve as models for other communities. The  
200 State Board of Education shall select the grant recipients before  
201 July 1, 1999, for local programs that will be in operation at the  
202 beginning of the 1999-2000 school year, and thereafter, before  
203 July 1 for the appropriate school year.

204 A grant recipient may request a modification of a grant or  
205 additional funds to implement a grant through the grant  
206 application process. The request shall be reviewed and accepted  
207 or rejected in the same manner as a grant application.

208 (8) The State Department of Education shall administer the  
209 grant program under the direction of the State Board of Education.

210 The State Department of Education shall provide technical  
211 assistance to grant applicants and recipients.

212 (9) All agencies of the state and local government,  
213 including departments of human services, health departments, local  
214 mental health, mental retardation, court personnel, law  
215 enforcement agencies and municipalities and counties shall  
216 cooperate with the State Department of Education and local school  
217 boards that receive grants by co-locating services and  
218 repositioning staff.

219 (10) The Department of Education shall develop and implement  
220 an evaluation system, under the direction of the State Board of  
221 Education, that will assess the efficiency and effectiveness of  
222 the M.P.A.C. program.

223 (11) Any child in a pilot school district who is suspended  
224 from school shall have his driver's license suspended for one (1)  
225 calendar year by the Mississippi Department of Public Safety.

226 SECTION 2. Section 37-11-53, Mississippi Code of 1972, is  
227 amended as follows:

228 37-11-53. (1) A copy of the school district's discipline  
229 plan shall be distributed to each student enrolled in the district  
230 and the parents, guardian or custodian of such student shall sign  
231 a statement verifying that they have been given notice of the  
232 discipline policies of their respective school district. The  
233 school board shall have its official discipline plan legally  
234 audited on an annual basis to insure that its policies and  
235 procedures are currently in compliance with applicable statutes,  
236 case law and state and federal constitutional provisions.

237 (2) All discipline plans of school districts shall include,  
238 but not be limited to, the following:

239 (a) A parent, guardian or custodian of a  
240 compulsory-school-age child enrolled in a public school district  
241 shall be responsible financially for his or her minor child's

242 destructive acts against school property or persons;

243 (b) A parent, guardian or custodian of a  
244 compulsory-school-age child enrolled in a public school district  
245 may be requested to appear at school by an appropriate school  
246 official for a conference regarding acts of the child specified in  
247 paragraph (a) of this subsection, or for any other discipline  
248 conference regarding the acts of the child;

249 (c) Any parent, guardian or custodian of a  
250 compulsory-school-age child enrolled in a school district who  
251 refuses or willfully fails to attend such discipline conference  
252 specified in paragraph (b) of this section may be summoned by  
253 proper notification by the superintendent of schools and be  
254 required to attend such discipline conference or parenting classes  
255 scheduled to accommodate the working hours and transportation  
256 needs of the parent, guardian or custodian; \* \* \*

257 (d) A parent, guardian or custodian of a  
258 compulsory-school-age child enrolled in a public school district  
259 shall be responsible for any criminal fines brought against such  
260 student for unlawful activity as defined in Section 37-11-29  
261 occurring on school grounds; and

262 (e) A parent, guardian or custodian of a  
263 compulsory-school-age child enrolled in a public school in a  
264 school district participating in a Motivating Parents and Children  
265 (M.P.A.C.) grant program, as provided in House Bill No. , 1999  
266 Regular Session, who has been summoned by proper notification by  
267 an appropriate school official to attend a conference, school  
268 meeting, after-school meeting or class regarding the acts of such  
269 child or parent specified under the program shall be required to  
270 attend such conference, school meeting, after-school meeting or  
271 class, provided that scheduling is sensitive to the parent's work  
272 hours and transportation needs.

273 (3) Any parent, guardian or custodian of a  
274 compulsory-school-age child who: (a) fails to attend a discipline  
275 conference to which such parent, guardian or custodian has been



276 summoned under the provisions of this section, or (b) refuses or  
277 willfully fails to perform any other duties imposed upon him or  
278 her under the provisions of this section, shall first be given the  
279 opportunity to enroll in a series of parenting classes consisting  
280 of not less than twenty (20) hours of instruction as developed by  
281 the M.P.A.C. program coordinator and appropriate to the age of the  
282 parent's child. If the parent does not attend the series of  
283 classes, he shall be guilty of a misdemeanor and, upon conviction,  
284 shall be fined not to exceed Two Hundred Fifty Dollars (\$250.00).

285 (4) Any public school district shall be entitled to recover  
286 damages in an amount not to exceed Twenty Thousand Dollars  
287 (\$20,000.00), plus necessary court costs, from the parents of any  
288 minor under the age of eighteen (18) years and over the age of six  
289 (6) years, who maliciously and willfully damages or destroys  
290 property belonging to such school district. However, this section  
291 shall not apply to parents whose parental control of such child  
292 has been removed by court order or decree. The action authorized  
293 in this section shall be in addition to all other actions which  
294 the school district is entitled to maintain and nothing in this  
295 section shall preclude recovery in a greater amount from the minor  
296 or from a person, including the parents, for damages to which such  
297 minor or other person would otherwise be liable.

298 SECTION 3. Section 63-1-10, Mississippi Code of 1972, is  
299 amended as follows:

300 63-1-10. (1) Any applicant for a license under eighteen  
301 (18) years of age must submit with the application documentation  
302 from the appropriate authority that the applicant is in compliance  
303 with Section 63-1-9(g). The appropriate authority shall be the  
304 school principal of a public or private school or his designee,  
305 or, in the case of a home study program, the parent, or the adult  
306 education supervisor of the General Education Development Program  
307 or his designee. Documentation of the applicant's enrollment  
308 status shall be on a form designed by the Department of Education  
309 as approved by the Department of Public Safety in a manner that

310 insures the authenticity of the form and any information or  
311 signature contained thereon. Any student who is eligible to apply  
312 for a license and who is properly enrolled in a school under the  
313 jurisdiction of the authority is entitled to receive the  
314 documentation for presentation to the Department of Public Safety  
315 to accompany the application. The forms required under this  
316 section to provide documentation shall be made available to public  
317 schools, private schools approved by the State Board of Elementary  
318 and Secondary Education, and adult education supervisors at school  
319 board offices and shall be made available to others through the  
320 Department of Public Safety.

321 (2) Whenever an applicant who is under eighteen (18) years  
322 of age is unable to attend any school program due to acceptable  
323 circumstances, the appropriate authority where the student last  
324 attended shall provide the student with documentation to present  
325 to the department to excuse such student from the provisions of  
326 Section 63-1-9(g). The appropriate authority shall be the sole  
327 judge of whether withdrawal of a student or failure of a student  
328 to attend is due to acceptable circumstances. Suspension or  
329 expulsion from school or incarceration in a correctional  
330 institution is not an acceptable circumstance for a person being  
331 unable to attend school.

332 (3) Any person denied a license for failure to satisfy the  
333 education requirements of Section 63-1-9(g) shall have the right  
334 to file a request within thirty (30) days thereafter for a hearing  
335 before the Department of Public Safety to determine whether the  
336 person is entitled to a license or is subject to the cancellation  
337 of his license under the provisions of this section. The hearing  
338 shall be held within ten (10) days of the receipt by the  
339 department of the request. Appeal from the decision of the  
340 department may be taken under Section 63-1-31.

341 (4) Whenever a licensee under the age of eighteen (18) who  
342 resides in a school district participating in the Motivating  
343 Parents and Children (M.P.A.C.) program provided under House Bill

344 No. \_\_\_\_\_, 1999 Regular Session, and who has not attained a diploma  
345 or other certificate of graduation as prescribed in Section  
346 63-1-19(2) withdraws or is suspended from his educational  
347 instruction, the attendance counselor, parent, guardian or school  
348 administrator designated by the State Board of Education to verify  
349 the applicant's educational status under the provisions of the  
350 program, in his discretion, may notify immediately the Department  
351 of Public Safety of such withdrawal or suspension. Within five  
352 (5) days of receipt of such notice, the Department of Public  
353 Safety shall send notice to the licensee that the license shall  
354 automatically be suspended for one (1) year under Section 63-1-53  
355 on the thirtieth day following the date the notice was sent unless  
356 documentation of compliance with subsection (2) of this section is  
357 received by the department before such time. For the purposes of  
358 this subsection, withdrawal shall be defined as more than ten (10)  
359 consecutive unexcused and unlawful absences during a single  
360 semester for school-age applicants under the age of eighteen (18)  
361 attending school.

362 SECTION 4. Section 63-1-46, Mississippi Code of 1972, is  
363 amended as follows:

364 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be  
365 charged for the reinstatement of a license issued pursuant to this  
366 article to every person whose license has been validly suspended,  
367 revoked or cancelled, except those persons whose licenses were  
368 suspended under Section 63-1-53(1)(k). This fee shall be in  
369 addition to the fee provided for in Section 63-1-43, Mississippi  
370 Code of 1972.

371 (2) The funds received under the provisions of subsection  
372 (1) of this section shall be deposited into the State General Fund  
373 in accordance with Section 45-1-23, Mississippi Code of 1972.

374 (3) In addition to the fee provided for in subsection (1) of  
375 this section, an additional fee of Seventy-five Dollars (\$75.00)  
376 shall be charged for the reinstatement of a license issued  
377 pursuant to this article to every person whose license has been

378 suspended or revoked under the provisions of the Mississippi  
379 Implied Consent Law or as a result of a conviction of a violation  
380 of the Uniform Controlled Substances Law under the provisions of  
381 Section 63-1-71.

382 (4) The funds received under the provisions of subsection  
383 (3) of this section shall be placed in a special fund hereby  
384 created in the State Treasury. Monies in such special fund may be  
385 expended solely to contribute to the Disability and Relief Fund  
386 for members of the Mississippi Highway Safety Patrol such amounts  
387 as are necessary to make sworn agents of the Mississippi Bureau of  
388 Narcotics who were employed by such bureau prior to December 1,  
389 1990, and who were subsequently employed as enforcement troopers  
390 by the Department of Public Safety, full members of the retirement  
391 system for the Mississippi Highway Safety Patrol with full credit  
392 for the time they were employed as sworn agents for the  
393 Mississippi Bureau of Narcotics. The Board of Trustees of the  
394 Public Employees' Retirement System shall certify to the State  
395 Treasurer the amounts necessary for the purposes described above.  
396 The State Treasurer shall monthly transfer from the special fund  
397 created pursuant to this subsection the amounts deposited in such  
398 special fund to the Disability and Relief Fund for members of the  
399 Mississippi Highway Safety Patrol until such time as the certified  
400 amount has been transferred. At such time as the certified amount  
401 has been transferred, the State Treasurer shall transfer any funds  
402 remaining in the special fund created pursuant to this subsection  
403 to the State General Fund and shall then dissolve such special  
404 fund. This subsection (4) of Section 63-1-46 shall stand repealed  
405 at such time when the State Treasurer transfers funds and  
406 dissolves the special fund account in accordance with the  
407 provisions of this subsection.

408 (5) The procedure for the reinstatement of a license issued  
409 pursuant to this article that has been suspended for being out of  
410 compliance with an order for support, as defined in Section  
411 93-11-153, and the payment of any fees for the reinstatement of a

412 license suspended for that purpose, shall be governed by Section  
413 93-11-157 or 93-11-163, as the case may be.

414 SECTION 5. Section 63-1-53, Mississippi Code of 1972, is  
415 amended as follows:

416 63-1-53. (1) Upon failure of any person to respond timely  
417 and properly to a summons or citation charging such person with  
418 any violation of this title, or upon failure of any person to pay  
419 timely any fine, fee or assessment levied as a result of any  
420 violation of this title, the clerk of the court shall give written  
421 notice to such person by United States first class mail at his  
422 last known address advising such person that if within ten (10)  
423 days after such notice is deposited in the mail the person has not  
424 properly responded to the summons or citation or has not paid the  
425 entire amount of all fines, fees and assessments levied, then the  
426 court will give notice thereof to the Commissioner of Public  
427 Safety and the commissioner may suspend the driver's license of  
428 such person. The actual cost incurred by the court in the giving  
429 of such notice may be added to any other court costs assessed in  
430 such case. If within ten (10) days after the notice is given in  
431 accordance with this subsection such person has not satisfactorily  
432 disposed of the matter pending before the court, then the clerk of  
433 the court immediately shall mail a copy of the abstract of the  
434 court record, along with a certified copy of the notice given  
435 under this subsection, to the Commissioner of Public Safety, and  
436 the commissioner may suspend the driver's license of such person  
437 as authorized under subsections (2) and (3) of this section.

438 (2) The commissioner is hereby authorized to suspend the  
439 license of an operator without preliminary hearing upon a showing  
440 by his records or other sufficient evidence that the licensee:

441 (a) Has committed an offense for which mandatory  
442 revocation of license is required upon conviction except under the  
443 provisions of the Mississippi Implied Consent Law;

444 (b) Has been involved as a driver in any accident  
445 resulting in the death or personal injury of another or serious

446 property damage;

447 (c) Is an habitually reckless or negligent driver of a  
448 motor vehicle;

449 (d) Has been convicted with such frequency of serious  
450 offenses against traffic regulations governing the movement of  
451 vehicles as to indicate a disrespect for traffic laws and a  
452 disregard for the safety of other persons on the highways;

453 (e) Is incompetent to drive a motor vehicle;

454 (f) Has permitted an unlawful or fraudulent use of such  
455 license;

456 (g) Has committed an offense in another state which if  
457 committed in this state would be grounds for suspension or  
458 revocation;

459 (h) Has failed to pay any fine, fee or other assessment  
460 levied as a result of any violation of this title;

461 (i) Has failed to respond to a summons or citation  
462 which charged a violation of this title; \* \* \*

463 (j) Has committed a violation for which mandatory  
464 revocation of license is required upon conviction, entering a plea  
465 of nolo contendere to, or adjudication of delinquency, pursuant to  
466 the provisions of subsection (1) of Section 63-1-71; or

467 (k) Is under the age of eighteen (18) and has withdrawn  
468 or been suspended from his educational instruction program  
469 pursuant to Section 63-1-10(4).

470 (3) Notice that a person's license is suspended or will be  
471 suspended under subsection (2) of this section shall be given by  
472 the commissioner in the manner and at the time provided for under  
473 Section 63-1-52, and upon such person's request, he shall be  
474 afforded an opportunity for a hearing as early as practical within  
475 not to exceed twenty (20) days after receipt of such request in  
476 the county wherein the licensee resides unless the department and  
477 the licensee agree that such hearing may be held in some other  
478 county. Upon such hearing the commissioner, or his duly  
479 authorized agent, may administer oaths and may issue subpoenas for

480 the attendance of witnesses and the production of relevant books  
481 and papers and may require a reexamination of the licensee. Upon  
482 such hearing the commissioner shall either rescind any order of  
483 suspension or, good cause appearing therefor, may extend any  
484 suspension of such license or revoke such license.

485 SECTION 6. This act shall take effect and be in force from  
486 and after July 1, 1999.