

9458

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. FIELDS -- read once and referred to the Committee
on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing
the penalties for driving with a suspended or revoked license

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of subdivision 1, paragraph (b) of subdivi-
2 sion 2 and paragraph (b) of subdivision 3 of section 511 of the vehicle
3 and traffic law, paragraph (b) of subdivision 1 and paragraph (b) of
4 subdivision 2 as amended by chapter 607 of the laws of 1993 and para-
5 graph (b) of subdivision 3 as separately amended by chapters 786 and 892
6 of the laws of 1990, are amended to read as follows:
7 (b) Aggravated unlicensed operation of a motor vehicle in the third
8 degree is a misdemeanor. When a person is convicted of this offense, the
9 sentence of the court must be: (i) a fine of not less than [two] FIVE
10 hundred dollars nor more than [five hundred] ONE THOUSAND dollars; or
11 (ii) a term of imprisonment of not more than thirty days; or (iii) both
12 such fine and imprisonment.
13 (b) Aggravated unlicensed operation of a motor vehicle in the second
14 degree is a misdemeanor. When a person is convicted of this crime under
15 subparagraph (i) of paragraph (a) of this subdivision, the sentence of
16 the court must be: (i) a fine of not less than [five hundred] ONE THOU-
17 SAND dollars[; and] NOR MORE THAN FIVE THOUSAND DOLLARS; AND/OR (ii) a
18 term of imprisonment not to exceed one hundred eighty days; or (iii)
19 where appropriate a sentence of probation as provided in subdivision six
20 of this section; or (iv) a term of imprisonment as a condition of a
21 sentence of probation as provided in the penal law and consistent with
22 this section. When a person is convicted of this crime under subpara-
23 graph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the
24 sentence of the court must be: (i) a fine of not less than five hundred
25 dollars nor more than one thousand dollars; and (ii) a term of imprison-
26 ment of not less than seven days nor more than one hundred eighty days,
27 or (iii) where appropriate a sentence of probation as provided in subdivi-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 vision six of this section; or (iv) a term of imprisonment as a condi-
2 tion of a sentence of probation as provided in the penal law and
3 consistent with this section.
4 (b) Aggravated unlicensed operation of a motor vehicle in the first
5 degree is a class E felony. When a person is convicted of this crime,
6 the sentence of the court must be: (i) [a fine in an amount not less
7 than five hundred dollars nor more than five thousand dollars; and (ii)]
8 a term of imprisonment [as provided in the penal law,] NOT LESS THAN ONE
9 YEAR AND NOT TO EXCEED FOUR YEARS; OR (II) A TERM OF IMPRISONMENT AS
10 PROVIDED IN SUBDIVISION FOUR OF SECTION 70.00 OF THE PENAL LAW; or (iii)
11 where appropriate and a term of imprisonment is not required by the
12 penal law, a sentence of probation as provided in subdivision six of
13 this section, or (iv) a term of imprisonment as a condition of a
14 sentence of probation as provided in the penal law.
15 S 2. This act shall take effect immediately.