

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.

LBD14962-01-9

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.