S T A T E  O F  N E W  Y O R K

561

2009-2010 Regular Sessions

I N  S E N A T E

January 9, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the enforcement of the offense of operating a motor vehicle with a suspended license when such operation occurs in a parking lot

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

Section 1. Paragraph (a) of subdivision 1 of section 511 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

(a) A person is guilty of the offense of aggravated unlicensed operation of a motor vehicle in the third degree when such person operates a motor vehicle [upon a public highway] while knowing or having reason to know that such person's license or privilege of operating such motor vehicle in this state or privilege of obtaining a license to operate such motor vehicle issued by the commissioner is suspended, revoked or otherwise withdrawn by the commissioner.

S 2. Section 511 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. WHERE APPLICABLE. THE PROVISIONS OF THIS SECTION SHALL APPLY UPON PUBLIC HIGHWAYS, PRIVATE ROADS OPEN TO MOTOR VEHICLE TRAFFIC AND ANY OTHER PARKING LOT. FOR THE PURPOSES OF THIS SECTION "PARKING LOT" SHALL MEAN ANY AREA OR AREAS OF PRIVATE PROPERTY, INCLUDING A DRIVEWAY, NEAR OR CONTIGUOUS TO AND PROVIDED IN CONNECTION WITH PREMISES AND USED AS A MEANS OF ACCESS TO AND EGRESS FROM A PUBLIC HIGHWAY TO SUCH PREMISES AND HAVING A CAPACITY FOR THE PARKING OF FOUR OR MORE MOTOR VEHICLES. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY AREA OR AREAS OF PRIVATE PROPERTY COMPRISING ALL OR PART OF PROPERTY ON WHICH IS SITUATED A ONE OR TWO FAMILY RESIDENCE.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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