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

1289

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to speeding by an unlicensed driver

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

Section 1. The vehicle and traffic law is amended by adding a new section 1183 to read as follows:

S 1183. SPEEDING BY AN UNLICENSED DRIVER. 1. SPEEDING BY AN UNLICENSED DRIVER IS HEREBY DECLARED A CLASS A MISDEMEANOR, PUNISHABLE AS PROVIDED IN THIS SECTION.

2. EVERY PERSON CONVICTED OF SPEEDING WHO DOES NOT HAVE A PROPERLY ISSUED DRIVER'S LICENSE SHALL BE PUNISHED AS FOLLOWS:

(A) WHERE THE COURT OR TRIBUNAL RECORDS OR ENTERS THAT THE SPEED UPON WHICH THE CONVICTION WAS BASED EXCEEDED THE APPLICABLE SPEED LIMIT BY NOT MORE THAN TEN MILES PER HOUR, BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS;

(B) WHERE THE COURT OR TRIBUNAL RECORDS OR ENTERS THAT THE SPEED UPON WHICH THE CONVICTION WAS BASED EXCEEDED THE APPLICABLE SPEED LIMIT BY TEN MILES PER HOUR OR MORE BUT NOT MORE THAN THIRTY MILES PER HOUR, BY A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT;

(C) WHERE THE COURT OR TRIBUNAL RECORDS OR ENTERS THAT THE SPEED UPON WHICH THE CONVICTION WAS BASED EXCEEDED THE APPLICABLE SPEED LIMIT BY MORE THAN THIRTY MILES PER HOUR, BY A FINE OF NOT LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS NOR MORE THAN TWO THOUSAND DOLLARS, OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT.

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

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3. THE MAXIMUM FINE FOR ANY SUBSEQUENT CONVICTION OF SPEEDING WITHOUT A LICENSE WHICH OCCURS WITHIN EIGHTEEN MONTHS OF ANY SUCH PRIOR CONVICTION MAY BE INCREASED BY AN ADDITIONAL FIVE HUNDRED DOLLARS.

4. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS PREVENTING OR LIMITING THE IMPOUNDING OR FORFEITURE OF A MOTOR VEHICLE AS PROVIDED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FOUR OF THIS CHAPTER.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.