

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

4190--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. GABRYSZAK, JAFFEE, GIBSON, LAVINE, CASTRO, ENGLE-BRIGHT -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, BOYLE, CALHOUN, CONTE, COOK, CORWIN, CROUCH, FINCH, GALEF, HOOPER, JORDAN, MARKEY, McDONOUGH, McKEVITT, MURRAY, RAIA, ROBINSON, SCHIMEL, SWEENEY, TEDISCO, THIELE, TOBACCO -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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)

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

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1 where appropriate a sentence of probation as provided in subdivision six
2 of this section; or (iv) a term of imprisonment as a condition of a
3 sentence of probation as provided in the penal law and consistent with
4 this section. When a person is convicted of this crime under subpara-
5 graph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the
6 sentence of the court must be: (i) a fine of not less than five hundred
7 dollars nor more than one thousand dollars; and (ii) a term of imprison-
8 ment of not less than seven days nor more than one hundred eighty days,
9 or (iii) where appropriate a sentence of probation as provided in subdivi-
10 sion six of this section; or (iv) a term of imprisonment as a condi-
11 tion of a sentence of probation as provided in the penal law and
12 consistent with this section.

13 (b) Aggravated unlicensed operation of a motor vehicle in the first
14 degree is a class E felony. When a person is convicted of this crime,
15 the sentence of the court must be: (i) a fine in an amount not less than
16 [five hundred] ONE THOUSAND dollars nor more than [five] TEN thousand
17 dollars; and (ii) a term of imprisonment [as provided in the penal law,]
18 NOT LESS THAN ONE YEAR AND NOT TO EXCEED FOUR YEARS; or (iii) where
19 appropriate and a term of imprisonment is not required by the penal law,
20 a sentence of probation as provided in subdivision six of this section,
21 or (iv) a term of imprisonment as a condition of a sentence of probation
22 as provided in the penal law.

23 S 2. This act shall take effect immediately.