

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MARCELLINO, GOLDEN, RANZENHOFER -- 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 number of prior suspensions needed to qualify for aggravated unlicensed operation in the first degree and repealing subparagraph (iv) of paragraph (a) of subdivision 2 of section 511 of such law relating thereto

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

1 Section 1. Paragraph (a) of subdivision 3 of section 511 of the vehi-
2 cle and traffic law, as amended by chapter 732 of the laws of 2006,
3 subparagraph (iii) as amended by chapter 746 of the laws of 2006, is
4 amended to read as follows:

5 (a) A person is guilty of the offense of aggravated unlicensed opera-
6 tion of a motor vehicle in the first degree when such person: (i)
7 commits the offense of aggravated unlicensed operation of a motor vehi-
8 cle in the second degree as provided in subparagraph (ii)[,] OR (iii)
9 [or (iv)] of paragraph (a) of subdivision two of this section and is
10 operating a motor vehicle while under the influence of alcohol or a drug
11 in violation of subdivision one, two, two-a, three, four, four-a or five
12 of section eleven hundred ninety-two of this chapter; or

13 (ii) commits the offense of aggravated unlicensed operation of a motor
14 vehicle in the third degree as defined in subdivision one of this
15 section; and is operating a motor vehicle while such person has in
16 effect [ten] FIVE or more suspensions, imposed on at least [ten] FIVE
17 separate dates for failure to answer, appear or pay a fine, pursuant to
18 subdivision three of section two hundred twenty-six of this chapter or
19 subdivision four-a of section five hundred ten of this article; or

20 (iii) commits the offense of aggravated unlicensed operation of a
21 motor vehicle in the third degree as defined in subdivision one of this

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

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1 section; and is operating a motor vehicle while under permanent revoca-
2 tion as set forth in subparagraph twelve of paragraph (b) of subdivision
3 two of section eleven hundred ninety-three of this chapter.

4 S 2. Subparagraph (iv) of paragraph (a) of subdivision 2 of section
5 511 of the vehicle and traffic law is REPEALED.

6 S 3. This act shall take effect on the first of November next succeed-
7 ing the date on which it shall have become a law.