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

1421

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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 aggravated unlicensed operation of a motor vehicle

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

Section 1. Paragraphs (b) and (c) of subdivision 1 of section 511 of the vehicle and traffic law, paragraph (b) as amended by chapter 607 of the laws of 1993 and paragraph (c) as added by chapter 173 of the laws of 1990, are amended to read as follows:

(b) Aggravated unlicensed operation of a motor vehicle in the third degree is a misdemeanor. When a person is convicted of this offense, the sentence of the court [must] MAY be: (i) a fine of not less than two hundred dollars nor more than five hundred dollars; or (ii) a term of imprisonment of not more than thirty days; or (iii) both such fine and imprisonment; OR (IV) ANY OTHER SENTENCE NOT TO EXCEED THE FOREGOING THAT, IN THE DISCRETION OF THE COURT, ADMINISTERS JUSTICE.

(c) When a person is convicted of this offense with respect to the operation of a motor vehicle with a gross vehicle weight rating of more than eighteen thousand pounds, the sentence of the court [must] MAY be: (i) a fine of not less than five hundred dollars nor more than fifteen hundred dollars; or (ii) a term of imprisonment of not more than thirty days; or (iii) both such fine and imprisonment; OR (IV) ANY OTHER SENTENCE NOT TO EXCEED THE FOREGOING THAT, IN THE DISCRETION OF THE COURT, ADMINISTERS JUSTICE.

S 2. Paragraph (b) of subdivision 2 of section 511 of the vehicle and traffic law, as amended by chapter 607 of the laws of 1993, is amended to read as follows:

(b) Aggravated unlicensed operation of a motor vehicle in the second degree is a misdemeanor. When a person is convicted of this crime under

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

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subparagraph (i) of paragraph (a) of this subdivision, the sentence of the court [must] MAY be: (i) a fine of not less than five hundred dollars; and (ii) a term of imprisonment not to exceed one hundred eighty days; or (iii) where appropriate a sentence of probation as provided in subdivision six of this section; or (iv) a term of imprisonment as a condition of a sentence of probation as provided in the penal law and consistent with this section; OR (V) ANY OTHER SENTENCE NOT TO EXCEED THE FOREGOING THAT, IN THE DISCRETION OF THE COURT, ADMINISTERS JUSTICE. When a person is convicted of this crime under subparagraph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the sentence of the court [must] MAY be: (i) a fine of not less than five hundred dollars nor more than one thousand dollars; and (ii) a term of imprisonment of not less than seven days nor more than one hundred eighty days, or (iii) where appropriate a sentence of probation as provided in subdivision six of this section; or (iv) a term of imprisonment as a condition of a sentence of probation as provided in the penal law and consistent with this section; OR (V) ANY OTHER SENTENCE NOT TO EXCEED THE FOREGOING THAT, IN THE DISCRETION OF THE COURT, ADMINISTERS JUSTICE.

S 3. This act shall take effect immediately.