

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraphs (b) and (c) of subdivision 1 of section 511 of
2 the vehicle and traffic law, paragraph (b) as amended by chapter 607 of
3 the laws of 1993 and paragraph (c) as added by chapter 173 of the laws
4 of 1990, are amended to read as follows:
5 (b) Aggravated unlicensed operation of a motor vehicle in the third
6 degree is a misdemeanor. When a person is convicted of this offense, the
7 sentence of the court [must] MAY be: (i) a fine of not less than two
8 hundred dollars nor more than five hundred dollars; or (ii) a term of
9 imprisonment of not more than thirty days; or (iii) both such fine and
10 imprisonment; OR (IV) ANY OTHER SENTENCE NOT TO EXCEED THE FOREGOING
11 THAT, IN THE DISCRETION OF THE COURT, ADMINISTERS JUSTICE.
12 (c) When a person is convicted of this offense with respect to the
13 operation of a motor vehicle with a gross vehicle weight rating of more
14 than eighteen thousand pounds, the sentence of the court [must] MAY be:
15 (i) a fine of not less than five hundred dollars nor more than fifteen
16 hundred dollars; or (ii) a term of imprisonment of not more than thirty
17 days; or (iii) both such fine and imprisonment; OR (IV) ANY OTHER
18 SENTENCE NOT TO EXCEED THE FOREGOING THAT, IN THE DISCRETION OF THE
19 COURT, ADMINISTERS JUSTICE.
20 S 2. Paragraph (b) of subdivision 2 of section 511 of the vehicle and
21 traffic law, as amended by chapter 607 of the laws of 1993, is amended
22 to read as follows:
23 (b) Aggravated unlicensed operation of a motor vehicle in the second
24 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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1 subparagraph (i) of paragraph (a) of this subdivision, the sentence of
2 the court [must] MAY be: (i) a fine of not less than five hundred
3 dollars; and (ii) a term of imprisonment not to exceed one hundred
4 eighty days; or (iii) where appropriate a sentence of probation as
5 provided in subdivision six of this section; or (iv) a term of imprison-
6 ment as a condition of a sentence of probation as provided in the penal
7 law and consistent with this section; OR (V) ANY OTHER SENTENCE NOT TO
8 EXCEED THE FOREGOING THAT, IN THE DISCRETION OF THE COURT, ADMINISTERS
9 JUSTICE. When a person is convicted of this crime under subparagraph
10 (ii), (iii) or (iv) of paragraph (a) of this subdivision, the sentence
11 of the court [must] MAY be: (i) a fine of not less than five hundred
12 dollars nor more than one thousand dollars; and (ii) a term of imprison-
13 ment of not less than seven days nor more than one hundred eighty days,
14 or (iii) where appropriate a sentence of probation as provided in subdivi-
15 sion six of this section; or (iv) a term of imprisonment as a condi-
16 tion of a sentence of probation as provided in the penal law and
17 consistent with this section; OR (V) ANY OTHER SENTENCE NOT TO EXCEED
18 THE FOREGOING THAT, IN THE DISCRETION OF THE COURT, ADMINISTERS JUSTICE.
19 S 3. This act shall take effect immediately.