

5533

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. GABRYSZAK, JAFFEE, GIBSON, LAVINE, CASTRO, ENGLE-BRIGHT, RAIA, MONTESANO, HAWLEY, ROBERTS, CORWIN, MOYA, ROBINSON, WALTER, WEPRIN, HOOPER -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BARCLAY, CERETTO, COOK, CROUCH, GALEF, JORDAN, MARKEY, McDO-NOUGH, McKEVITT, MILLMAN, SALADINO, SCHIMEL, SWEENEY, TEDISCO, THIELE -- read once and referred to the Committee on Transportation

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)
19 where appropriate a sentence of probation as provided in subdivision six
20 of this section; or (iv) a term of imprisonment as a condition of a
21 sentence of probation as provided in the penal law and consistent with

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

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

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

20 S 2. This act shall take effect immediately.