

619

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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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:

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 subdi-  
15 vision 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.