

# STATE OF NEW YORK

1149

2017-2018 Regular Sessions

## IN SENATE

January 6, 2017

Introduced by Sen. MARCELLINO -- 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 aggravated unlicensed operation of a motor vehicle in the second degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "Angelica's  
2 law".  
3 § 2. Paragraph (a) of subdivision 3 of section 511 of the vehicle and  
4 traffic law, as amended by chapter 732 of the laws of 2006, subparagraph  
5 (iii) as amended and subparagraph (iv) as added by chapter 169 of the  
6 laws of 2013, is amended to read as follows:  
7 (a) A person is guilty of the offense of aggravated unlicensed opera-  
8 tion of a motor vehicle in the first degree when such person: (i)  
9 commits the offense of aggravated unlicensed operation of a motor vehi-  
10 cle in the second degree as provided in subparagraph (ii)[~~7~~] or (iii)  
11 [~~or (iv)~~] of paragraph (a) of subdivision two of this section and is  
12 operating a motor vehicle while under the influence of alcohol or a drug  
13 in violation of subdivision one, two, two-a, three, four, four-a or five  
14 of section eleven hundred ninety-two of this chapter; or  
15 (ii) commits the offense of aggravated unlicensed operation of a motor  
16 vehicle in the third degree as defined in subdivision one of this  
17 section; and is operating a motor vehicle while such person has in  
18 effect [~~ten~~] five or more suspensions, imposed on at least [~~ten~~] five  
19 separate dates for failure to answer, appear or pay a fine, pursuant to  
20 subdivision three of section two hundred twenty-six of this chapter or  
21 subdivision four-a of section five hundred ten of this article; or  
22 (iii) commits the offense of aggravated unlicensed operation of a  
23 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.

LBD05293-01-7

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; or

4 (iv) operates a motor vehicle upon a public highway while holding a  
5 conditional license issued pursuant to paragraph (a) of subdivision  
6 seven of section eleven hundred ninety-six of this chapter while under  
7 the influence of alcohol or a drug in violation of subdivision one, two,  
8 two-a, three, four, four-a or five of section eleven hundred ninety-two  
9 of this chapter.

10 § 3. Subparagraph (iv) of paragraph (a) of subdivision 2 of section  
11 511 of the vehicle and traffic law, as amended by chapter 607 of the  
12 laws of 1993, is amended to read as follows:

13 (iv) such person has in effect [~~three~~] two or more suspensions,  
14 imposed on at least [~~three~~] two separate dates, for failure to answer,  
15 appear or pay a fine, pursuant to subdivision three of section two  
16 hundred twenty-six or subdivision four-a of section five hundred ten of  
17 this chapter.

18 § 4. This act shall take effect on the first of November next succeed-  
19 ing the date on which it shall have become a law.