

# STATE OF NEW YORK

11041

## IN ASSEMBLY

May 31, 2018

Introduced by COMMITTEE ON RULES -- (at request of 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 first degree  
aggravated unlicensed operation (AUO) of a motor vehicle

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

1 Section 1. Subparagraph (iv) of paragraph a of subdivision 3 of  
2 section 511 of the vehicle and traffic law, as added by chapter 169 of  
3 the laws of 2013, is amended and a new subparagraph (v) is added to read  
4 as follows:

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

11 (v) commits the offense of aggravated unlicensed operation of a motor  
12 vehicle in the third degree as defined in subdivision one of this  
13 section; and is operating a motor vehicle while such person has in  
14 effect five or more suspensions or revocations, imposed on at least five  
15 separate dates, pursuant to subparagraph (i), (iii), (iv), (v), (vi),  
16 (vii), (viii), (x), (xi), (xii), or (xiii) of paragraph a of subdivision  
17 two of section five hundred ten of this article, or subparagraph (i),  
18 (xiii), (xiv), (xv), (xvi), or (xvii) of paragraph b, or paragraph d of  
19 such subdivision, or paragraph a, b, d, e, or g relating to evading  
20 lawful arrest or prosecution while operating a motor vehicle or motorcy-  
21 cle, or paragraph i of subdivision three of section five hundred ten of  
22 this article, or paragraph (c), (d), or (e) of subdivision one or subdi-  
23 vision three of section five hundred ten-a of this article, or section  
24 five hundred ten-b of this article, or section five hundred ten-c of  
25 this article, or subdivision two of section eleven hundred ninety-three  
26 of this chapter.

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

LBD15739-04-8

1 § 2. Paragraph (b) of subdivision 3 of section 511 of the vehicle and  
2 traffic law, as separately amended by chapters 786 and 892 of the laws  
3 of 1990, is amended to read as follows:

4 (b) Aggravated unlicensed operation of a motor vehicle in the first  
5 degree is a class E felony. When a person is convicted of this crime,  
6 the sentence of the court must be: (i) a fine in an amount not less than  
7 five hundred dollars nor more than five thousand dollars; and (ii) a  
8 term of imprisonment as provided in the penal law except that where a  
9 person is convicted of this crime under subparagraph (v) of paragraph  
10 (a) of this subdivision, any term of imprisonment imposed for a  
11 violation of this section shall be a definite sentence, which may not  
12 exceed two years, or (iii) where appropriate and a term of imprisonment  
13 is not required by the penal law, a sentence of probation as provided in  
14 subdivision six of this section, or (iv) a term of imprisonment as a  
15 condition of a sentence of probation as provided in the penal law.

16 § 3. Subdivision 7 of section 510 of the vehicle and traffic law is  
17 amended by adding a new closing paragraph to read as follows:

18 The commissioner shall provide written notice, in a conspicuous, bold  
19 type, to all persons having four license suspensions or revocations,  
20 where a fifth license suspension or revocation could result in a charge  
21 of aggravated unlicensed operation in the first degree pursuant to  
22 subparagraph (v) of paragraph (a) of subdivision three of section five  
23 hundred eleven of this article, that a fifth such suspension or revoca-  
24 tion would subject any person charged under such subparagraph (v) to a  
25 class E felony with a definite sentence which may not exceed two years.

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