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:

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

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

(v) commits the offense of aggravated unlicensed operation of a motor vehicle in the third degree as defined in subdivision one of this section; and is operating a motor vehicle while such person has in effect five or more suspensions or revocations, imposed on at least five separate dates, pursuant to subparagraph (i), (iii), (iv), (v), (vi), (vii), (viii), (x), (xi), (xii), or (xiii) of paragraph a of subdivision two of section five hundred ten of this article, or subparagraph (i), (xiii), (xiv), (xv), (xvi), or (xvii) of paragraph b, or paragraph d of such subdivision, or paragraph a, b, d, e, or g relating to evading lawful arrest or prosecution while operating a motor vehicle or motorcycle, or paragraph i of subdivision three of section five hundred ten of this article, or paragraph (c), (d), or (e) of subdivision one or subdivision three of section five hundred ten-a of this article, or section five hundred ten-b of this article, or section five hundred ten-c of this article, or subdivision two of section eleven hundred ninety-three of this chapter.

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

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

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

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

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

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.