

STATE OF NEW YORK

2980

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

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 § 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
25 subparagraph (i) of paragraph (a) of this subdivision, the sentence of

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

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1 the court [~~must~~] may be: (i) a fine of not less than five hundred
2 dollars; and (ii) a term of imprisonment not to exceed one hundred
3 eighty days; or (iii) where appropriate a sentence of probation as
4 provided in subdivision six of this section; or (iv) a term of imprison-
5 ment as a condition of a sentence of probation as provided in the penal
6 law and consistent with this section; or (v) any other sentence not to
7 exceed the foregoing that, in the discretion of the court, administers
8 justice. When a person is convicted of this crime under subparagraph
9 (ii), (iii) or (iv) of paragraph (a) of this subdivision, the sentence
10 of the court [~~must~~] may be: (i) a fine of not less than five hundred
11 dollars nor more than one thousand dollars; and (ii) a term of imprison-
12 ment of not less than seven days nor more than one hundred eighty days,
13 or (iii) where appropriate a sentence of probation as provided in subdi-
14 vision six of this section; or (iv) a term of imprisonment as a condi-
15 tion of a sentence of probation as provided in the penal law and
16 consistent with this section; or (v) any other sentence not to exceed
17 the foregoing that, in the discretion of the court, administers justice.
18 § 3. This act shall take effect immediately.