STATE OF NEW YORK

4586

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. ENGLEBRIGHT -- read once and referred 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 to repeal subparagraph (iv) of paragraph (a) of subdivision 2 of section 511 of such law relating thereto

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

Section 1. Paragraph (a) of subdivision 3 of section 511 of the vehicle and traffic law, as amended by chapter 732 of the laws of 2006, subparagraph (iii) as amended and subparagraph (iv) as added by chapter 169 of the laws of 2013, is amended to read as follows:

(a) A person is guilty of the offense of aggravated unlicensed operation of a motor vehicle in the first degree when such person: (i) commits the offense of aggravated unlicensed operation of a motor vehicle in the second degree as provided in subparagraph (ii)[~~,~~] **or** (iii) [~~**or (iv)**~~] of paragraph (a) of subdivision two of this section and is operating a motor vehicle 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

(ii) 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 [~~**ten**~~] **five** or more suspensions, imposed on at least [~~**ten**~~] **five** separate dates for failure to answer, appear or pay a fine, pursuant to subdivision three of section two hundred twenty-six of this chapter or subdivision four-a of section five hundred ten of this article; or

(iii) 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 under permanent revoca-

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

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tion as set forth in subparagraph twelve of paragraph (b) of subdivision two of section eleven hundred ninety-three of this chapter; or

(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.

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 Subparagraph (iv) of paragraph (a) of subdivision 2 of section 511 of the vehicle and traffic law is REPEALED and subparagraph (iii), as amended by chapter 607 of the laws of 1993, is amended to read as follows:

(iii) the suspension was a mandatory suspension pending prosecution of a charge of a violation of section eleven hundred ninety-two of this chapter ordered pursuant to paragraph (e) of subdivision two of section eleven hundred ninety-three of this chapter or other similar statute[~~; or~~].

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