STATE OF NEW YORK

4711

2021-2022 Regular Sessions

IN ASSEMBLY

February 5, 2021

Introduced by M. of A. WALCZYK -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to decriminalizing the offense of aggravated unlicensed operation of a motor vehicle in the third degree

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

Section 1. Legislative findings. Each year, thousands of motorists across the state of New York are charged with the unclassified misdemeanor of aggravated unlicensed operation of a motor vehicle in the third degree. Many of the motorists charged with such offense do not have knowledge of their original license suspension. A person must know or have reason to know that such person's license is suspended, revoked or otherwise withdrawn to be charged with such offense. As a misdemeanor, any person charged with such offense faces the potential for incarceration. Due to the threat of incarceration, alleged offenders require assignment of counsel under county plans for indigent defense, utilize a significant amount of law enforcement resources for court appearances, and require greater attention and resources from local prosecutors. Decriminalization of the offense of aggravated unlicensed operation of a motor vehicle in the third degree would allow for offenders to be penalized for their actions while reducing the burden on county and state employees who are a part of the prosecution and defense of such offenders.

§ 2. Paragraphs (b) and (c) of subdivision 1 of section 511 of the vehicle and traffic law, paragraph (b) as amended by chapter 607 of the laws of 1993 and paragraph (c) as added by chapter 173 of the laws of 1990, are amended to read as follows:

(b) Aggravated unlicensed operation of a motor vehicle in the third degree is a [~~misdemeanor~~] *traffic infraction*. When a person is convicted of this offense, the sentence of the court must be[~~: (i)~~] a fine of not

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

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less than two hundred dollars nor more than five hundred dollars[~~; or (ii) a term of imprisonment of not more than thirty days; or (iii) both such fine and imprisonment~~].

(c) When a person is convicted of this offense with respect to the operation of a motor vehicle with a gross vehicle weight rating of more than eighteen thousand pounds, the sentence of the court must be[~~: (i)~~] a fine of not less than five hundred dollars nor more than fifteen hundred dollars[~~; or (ii) a term of imprisonment of not more than thirty days; or (iii) both such fine and imprisonment~~].

§ 3. This act shall take effect immediately.