

STATE OF NEW YORK

800

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. BERGER -- 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 in the first degree

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

1 Section 1. Subparagraph (v) of paragraph (a) of subdivision 3 of
2 section 511 of the vehicle and traffic law, as added by chapter 722 of
3 the laws of 2023, is amended and a new subparagraph (vi) is added to
4 read as follows:

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

21 (vi) commits the offense of aggravated unlicensed operation of a motor
22 vehicle in the third degree as provided in subdivision one of this
23 section; and causes the death or serious physical injury of another
24 person.

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

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1 § 2. Subdivision 7 of section 511 of the vehicle and traffic law, as
2 amended by section 3 of part P of chapter 59 of the laws of 2013, is
3 amended to read as follows:

4 7. Exceptions. When a person is convicted of a violation of subdivi-
5 sion one [~~ex~~], two or subparagraph (vi) of paragraph (a) of subdivision
6 three of this section, and the suspension was issued pursuant to (a)
7 subdivision four-e of section five hundred ten of this article due to a
8 support arrears, or (b) subdivision four-f of section five hundred ten
9 of the article due to past-due tax liabilities, the mandatory penalties
10 set forth in subdivision one [~~ex~~], two or subparagraph (vi) of paragraph
11 (a) of subdivision three of this section shall not be applicable if, on
12 or before the return date or subsequent adjourned date, such person
13 presents proof that such support arrears or past-due tax liabilities
14 have been satisfied as shown by certified check, notice issued by the
15 court ordering the suspension, or notice from a support collection unit
16 or department of taxation and finance as applicable. The sentencing
17 court shall take the satisfaction of arrears or the payment of the past-
18 due tax liabilities into account when imposing a sentence for any such
19 conviction. For licenses suspended for non-payment of past-due tax
20 liabilities, the court shall also take into consideration proof, in the
21 form of a notice from the department of taxation and finance, that such
22 person has made payment arrangements that are satisfactory to the
23 commissioner of taxation and finance.

24 § 3. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.