

CLASS 2 MISDEMEANOR TRAFFIC OFFENSES

Elements of Offense

C.R.S. Citation

VEHICLES AND TRAFFIC

Driver's Licenses

1. **License required.** Driving without a valid driver's license or instruction permit or driving a vehicle for which a person has not been issued the correct type or class of license is a class 2 misdemeanor traffic offense. 42-2-101 (10)
2. **License, permit, or identification card to be exhibited on demand.** Refusing to hand a driver's license to a peace officer upon demand is a class 2 misdemeanor traffic offense. 42-2-115 (2)
3. **Failure to surrender permit or license to the court.** Failing to immediately surrender a license upon conviction of an offense which makes revocation or suspension mandatory is a class 2 misdemeanor traffic offense. 42-2-124 (1) (a)
4. **Mandatory surrender of license or permit for driving under the influence.** Failing to immediately surrender a license upon conviction of driving under the influence or excessive alcohol content is a class 2 misdemeanor traffic offense. 42-2-129
5. **Period of suspension or revocation.** Making false application for a new license before the expiration of a period of suspension or revocation is a class 2 misdemeanor traffic offense. 42-2-132 (3)
6. **Unlawful possession or use of a license.** Possessing a lawfully issued driver's license or instruction permit knowing that such license or permit has been falsely altered is a class 2 misdemeanor traffic offense. 42-2-136 (6) (a)
Fraudulently obtaining a driver's license or instruction permit is a class 2 misdemeanor traffic offense. 42-2-136 (6) (a)
A person who possesses a paper, document, or other instrument which falsely appears or purports to be a lawfully issued and authentic driver's license or instruction permit and who knows that such instrument was falsely made and not lawfully issued commits a class 2 misdemeanor traffic offense. 42-2-136 (6) (a)
Displaying or representing someone else's driver's license or instruction permit as one's own is a class 2 misdemeanor traffic offense. 42-2-136 (6) (a)
Failing or refusing to surrender any driver's license or instruction permit that has been suspended, revoked, or cancelled is a class 2 misdemeanor traffic offense. 42-2-136 (6) (a)
Permitting any unlawful use of one's driver's license is a class 2 misdemeanor traffic offense. 42-2-136 (6) (a)
7. **False affidavit.** Making a false affidavit or knowingly swearing or affirming falsely to any matter pursuant to Part 1 of Article 2 of Title 42 regarding drivers' licenses is a class 2 misdemeanor traffic offense. 42-2-137
8. **Driving under restraint.** Failing to surrender a driver's license or permit to the court upon conviction of driving while under restraint is a class 2 misdemeanor traffic offense. 42-2-138 (1) (f)

Elements of Offense

C.R.S. Citation

Registration, Taxation, and License Plates

9. **Taxable value of classes of property.** Fraudulently applying for the prorated specific ownership tax for special mobile machinery is a class 2 misdemeanor traffic offense. 42-3-107 (17) (e) (I)
10. **Violations of registration provisions.** Displaying, possessing, or offering to sell a fictitious, stolen, cancelled, revoked, suspended, or altered vehicle registration or certificate of title is a class 2 misdemeanor traffic offense. 42-3-121 (2) (b)
- Failing or refusing to surrender a vehicle registration or certificate of title that has been suspended, cancelled, or revoked is a class 2 misdemeanor traffic offense. 42-3-121 (2) (b)
- Using false information, knowingly making a false statement, or knowingly concealing a material fact in an application for vehicle registration, renewal, or duplicate registration is a class 2 misdemeanor traffic offense. 42-3-121 (2) (b)

Traffic Regulation

11. **Obedience to police officers.** Willfully failing or refusing to comply with any lawful order or direction of any police officer with the authority to direct, control, or regulate traffic is a class 2 misdemeanor traffic offense. 42-4-107

Equipment

12. **Restrictions on tire equipment.** Selling a motor vehicle equipped with tires that are not in compliance with set standards is a class 2 misdemeanor traffic offense. 42-4-228 (8) (b)
13. **Alteration of suspension system.** Operating a motor vehicle when the suspension system of the vehicle has been altered from the manufacturer's design is a class 2 misdemeanor traffic offense. 42-4-233 (3)
14. **Minimum standards for commercial vehicles.** Violating any of the rules promulgated by the chief of the Colorado State Patrol pursuant to section 42-4-235 regarding the minimum standards for commercial vehicles, or failing to return a form declaring knowledge of such rules, is a class 2 misdemeanor traffic offense. 42-4-235 (5)

Size, Weight, and Load Restrictions

15. **Wheel and axle loads.** Driving or owning a vehicle in violation of any of the provisions regarding wheel and axle loads is a class 2 misdemeanor traffic offense. 42-4-507 (6)
16. **Gross weight of vehicles and loads.** Driving or owning a vehicle in violation of any of the provisions regarding the gross weight of vehicles and loads is a class 2 misdemeanor traffic offense. 42-4-508 (4)
17. **Vehicles weighed.** Failing or refusing to stop and submit a vehicle and load to a weighing, or failing or refusing to stop a vehicle and otherwise comply with the provisions of law when directed to do so by an officer, is a class 2 misdemeanor traffic offense. 42-4-509 (3)

Elements of Offense

C.R.S. Citation

18. **Permits for excess size and weight and for manufactured homes.** Violating any of the provisions regarding permits for excess size and weight and for manufactured homes is a class 2 misdemeanor traffic offense. 42-4-510 (12) (a)

Speed Regulations

19. **Speed limits.** Driving 25 miles per hour or more in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of 75 miles per hour is a class 2 misdemeanor traffic offense when the offense does not occur within a maintenance, repair, or construction zone. 42-4-1101 (12) (b)
20. **Speed exhibitions.** Knowingly engaging in a speed exhibition on a highway is a class 2 misdemeanor traffic offense. 42-4-1105 (2) (c)
21. **Immobilization of a motor vehicle.** Removing an immobilization device that is placed on a motor vehicle pursuant to an immobilization period ordered by the court, or the unauthorized removal of such an immobilization device at the end of the immobilization period, is a class 2 misdemeanor traffic offense. 42-4-1105 (8) (c)

Alcohol and Drug Offenses

22. **Driving under the influence - driving while impaired - driving with excessive alcoholic content.** A person under 21 years of age who commits a second or subsequent violation of the prohibition against driving a vehicle with a blood alcohol content that measures at least 0.02 but not more than 0.05 either at the time of driving or within two hours after driving commits a class 2 misdemeanor traffic offense. 42-4-1301 (2) (a.5) (II)

Other Traffic Offenses

23. **Reckless driving.** A person who drives a motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property commits reckless driving, which is a class 2 misdemeanor traffic offense. 42-4-1401 (2)
24. **Careless driving.** A person who drives a motor vehicle, electrical assisted bicycle, or low-powered scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, or use of the streets and highways and all other attendant circumstances, commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-1402 (2) (a)
- A driver who fails to properly exhibit due care and caution while approaching or passing a stationary authorized emergency vehicle that is giving a visual signal commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-705 (3) (b)
- A driver who fails to properly exhibit due care and caution while approaching or passing a maintenance, repair, or construction vehicle that is moving at less than 20 miles per hour commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-705 (3) (b)

Elements of Offense

C.R.S. Citation

- A driver who fails to properly exhibit due care and caution while approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-705 (3) (b)
- A driver who, in a careless and imprudent manner, drives his or her vehicle unnecessarily close to, toward, or near a bicyclist, commits careless driving, which is a class 2 misdemeanor traffic offense when no bodily injury or death to another results. 42-4-1008.5 (2)
25. **Spilling loads on highways.** Violating any provisions of law that prohibit spilling loads on highways is a class 2 misdemeanor traffic offense if the violation occurred while the person was driving or moving a car or pickup truck and his or her actions proximately caused bodily injury to another person. 42-4-1407 (3) (c)
26. **Operation of bicycles and other human-powered vehicles.** Violating any of the provisions regarding the operation of bicycles and other human-powered vehicles is a class 2 misdemeanor traffic offense. 42-4-1412 (12) (a)
27. **Eluding or attempting to elude a police officer.** Eluding or willfully attempting to elude a police officer when operating a motor vehicle is a class 2 misdemeanor traffic offense. 42-4-1413
28. **Radar jamming devices prohibited.** Using, possessing, or selling a radar jamming device, or operating a motor vehicle with a radar jamming device in the motor vehicle is a class 2 misdemeanor traffic offense. 42-4-1415 (4)

Accidents and Accident Reports

29. **Accidents involving damage.** The driver of any vehicle who fails to stop and give notice, information, and aid after an accident resulting only in damage to a vehicle commits a class 2 misdemeanor traffic offense. 42-4-1602 (1)
30. **Duty upon striking an unattended vehicle or other property.** A driver who causes damage to an unattended vehicle and who fails to notify the operator of the unattended vehicle and to provide necessary contact information commits a class 2 misdemeanor traffic offense. 42-4-1604
31. **Duty upon striking highway fixtures or traffic control devices.** Failing to notify the road authority of a vehicular accident resulting only in damage to fixtures or traffic control devices on or adjacent to a highway is a class 2 misdemeanor traffic offense. 42-4-1605
32. **Duty to report accidents.** Violating any of the provisions of section 42-4-1606 regarding the duty to report traffic accidents is a class 2 misdemeanor traffic offense. 42-4-1606 (6)
- A capable occupant of a vehicle that is involved in an accident who fails to report the accident when the driver is physically incapable of performing this duty commits a class 2 misdemeanor traffic offense. 42-4-1607 (3)

Penalties and Procedures

33. **Offenses by persons controlling vehicles.** Requiring or knowingly permitting the operation of a vehicle upon a highway in a manner contrary to law is a class 2 misdemeanor traffic offense. 42-4-1704

Elements of Offense

C.R.S. Citation

34. **Notice to appear or pay fine.** Failing to appear to answer any traffic offense other than a traffic infraction is a class 2 misdemeanor traffic offense.

42-4-1716 (2)

School Bus Requirements

35. **School buses.** A driver who meets or overtakes a school bus from either direction and who fails to stop his or her vehicle at least 25 feet before reaching the bus when visual signal lights are active or when the bus is receiving or discharging schoolchildren commits a class 2 misdemeanor traffic offense.

42-4-1903 (6) (a)

Port of Entry Weigh Stations

36. **Fines and penalties.** Driving or owning a vehicle in violation of the provisions of section 42-8-105 (1) to (5), regarding the clearance of motor vehicles at port of entry weigh stations, or of section 42-8-106, regarding the issuance of clearance certificates, is a class 2 misdemeanor traffic offense.

42-8-109 (1)

Transportation of Hazardous and Nuclear Materials

37. **Violations.** Violating a rule promulgated pursuant to section 42-20-108 regarding the interstate and intrastate transportation of hazardous and nuclear materials by a motor vehicle is a class 2 misdemeanor traffic offense.

42-20-109 (2)