

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0380.02 Veronica Parish x2606

HOUSE BILL 26-1297

HOUSE SPONSORSHIP

Carter and Luck,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING USING UNIFORM LANGUAGE TO REFERENCE
102 MISDEMEANOR TRAFFIC OFFENSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. In existing law, both "misdemeanor traffic offense" and "traffic misdemeanor" are used to describe the same type of traffic offense. The bill amends instances of "traffic misdemeanor" to make "misdemeanor traffic offense" the uniform term used throughout statute.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-410.6, **amend**
3 (2), (3)(a)(III), and (4) introductory portion as follows:

4 **18-1-410.6. Relief from improperly entered guilty pleas for**
5 **certain misdemeanor and municipal offenses - legislative declaration.**

6 (2) Therefore, the general assembly declares that noncitizen
7 defendants must have the opportunity to meaningfully challenge an
8 unconstitutionally entered guilty plea for certain class 1 misdemeanors,
9 class 2 misdemeanors, class 3 misdemeanors, ~~traffic misdemeanors~~
10 MISDEMEANOR TRAFFIC OFFENSES, petty offenses, and municipal offenses.

11 (3) (a) Notwithstanding a limitation contained in section 16-5-402,
12 a municipal ordinance, or a municipal court rule of procedure, at any time
13 following the entry of a guilty plea, a criminal defendant may challenge
14 the guilty plea on the grounds set forth in subsection (4) of this section to
15 a:

16 (III) ~~Traffic Misdemeanor~~ TRAFFIC OFFENSE; or

17 (4) A defendant moving to vacate a guilty plea to a class 1, class
18 2, or class 3 misdemeanor as classified at the time the guilty plea was
19 entered; a ~~traffic~~ misdemeanor TRAFFIC OFFENSE; a petty offense; or a
20 municipal offense, must, in good faith, allege the following:

21 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-501, **amend**
22 (1)(c) as follows:

23 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
24 **drug petty offenses classified - penalties - legislative intent -**
25 **definitions.**

1 (1) (c) A term of imprisonment in a county jail for a conviction of
2 a misdemeanor, petty, or ~~traffic~~ misdemeanor TRAFFIC offense shall not
3 be ordered to be served consecutively to a sentence to be served in a state
4 correctional facility; except that if, at the time of sentencing, the court
5 determines, after consideration of all the relevant facts and circumstances,
6 that a concurrent sentence is not warranted, the court may order that the
7 misdemeanor sentence be served prior to the sentence to be served in the
8 state correctional facility and prior to the time the defendant is transported
9 to the state correctional facility to serve all or the remainder of the
10 defendant's state correctional facility sentence.

11 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-602, **amend**
12 (2) and (4)(a)(I) as follows:

13 **18-1.3-602. Definitions.**

14 As used in this part 6, unless the context otherwise requires:

15 (2) "Conviction" means a verdict of guilty by a judge or jury or a
16 plea of guilty or nolo contendere that is accepted by the court for a felony,
17 misdemeanor, petty offense, or ~~traffic~~ misdemeanor TRAFFIC offense, or
18 adjudication for an offense that would constitute a criminal offense if
19 committed by an adult. "Conviction" also includes having received a
20 deferred judgment and sentence or deferred adjudication; except that a
21 person ~~shall~~ IS not be deemed to have been convicted if the person has
22 successfully completed a deferred sentence or deferred adjudication.

23 (4) (a) "Victim" means any person aggrieved by the conduct of an
24 offender and includes, but is not limited to, the following:

25 (I) Any person against whom any felony, misdemeanor, petty, or
26 ~~traffic~~ misdemeanor TRAFFIC offense has been perpetrated or attempted;

27 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-603, **amend**

1 (1) introductory portion as follows:

2 **18-1.3-603. Assessment of restitution - corrective orders.**

3 (1) Every order of conviction of a felony, misdemeanor, petty
4 offense, or ~~traffic~~ misdemeanor TRAFFIC offense, except any order of
5 conviction for a state ~~traffic~~ misdemeanor TRAFFIC offense issued by a
6 municipal or county court in which the prosecuting attorney is acting as
7 a special deputy district attorney pursuant to an agreement with the
8 district attorney's office, must include consideration of restitution. Each
9 order must include one or more of the following:

10 **SECTION 5.** In Colorado Revised Statutes, 42-2-132.5, **amend**
11 (10)(a) as follows:

12 **42-2-132.5. Mandatory and voluntary restricted licenses**
13 **following alcohol convictions - rules.**

14 (10) **Operating vehicle after circumventing interlock device.**

15 (a) A person whose privilege to drive is restricted to the operation
16 of a motor vehicle equipped with an approved ignition interlock device
17 and who operates a motor vehicle other than a motor vehicle equipped
18 with an approved ignition interlock device or who circumvents or
19 attempts to circumvent the proper use of an approved ignition interlock
20 device commits a class 1 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

21 **SECTION 6.** In Colorado Revised Statutes, 42-2-206, **amend**
22 (1)(a)(I) and (1)(b)(II) as follows:

23 **42-2-206. Driving after revocation prohibited.**

24 (1) (a) (I) It is unlawful for any person to operate any motor
25 vehicle in this state while the revocation of the department prohibiting the
26 operation remains in effect. Any person found to be an habitual offender
27 who operates a motor vehicle in this state while the revocation of the

1 department prohibiting ~~such~~ THE operation is in effect commits a class 2
2 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

3 (b) (II) Aggravated driving with a revoked license is a class 1
4 ~~traffic~~ misdemeanor TRAFFIC OFFENSE; except that a court shall sentence
5 the offender to a mandatory minimum term of imprisonment of sixty days
6 in the custody of a county jail.

7 **SECTION 7.** In Colorado Revised Statutes, 42-2-405.5, **amend**
8 (1) as follows:

9 **42-2-405.5. Violations of out-of-service order.**

10 (1) A person who operates a commercial motor vehicle in
11 violation of an out-of-service order commits a class 1 ~~traffic~~ misdemeanor
12 TRAFFIC OFFENSE.

13 **SECTION 8.** In Colorado Revised Statutes, 42-4-705, **amend**
14 (3)(b)(II) as follows:

15 **42-4-705. Operation of vehicle approached by emergency**
16 **vehicle - operation of vehicle approaching stationary emergency**
17 **vehicle, stationary towing carrier vehicle, or stationary public utility**
18 **service vehicle.**

19 (3) (b) (II) If the person violates subsection (2) of this section and
20 the person's actions are the proximate cause of bodily injury to another
21 person, the person commits a class 1 ~~traffic~~ misdemeanor TRAFFIC
22 OFFENSE.

23 **SECTION 9.** In Colorado Revised Statutes, 42-4-1301, **amend**
24 (2)(d)(II) as follows:

25 **42-4-1301. Driving under the influence - driving while**
26 **impaired - driving with excessive alcoholic content - definitions -**
27 **penalties.**

1 (2) (d) (II) A second or subsequent violation of this ~~paragraph (d)~~
2 SUBSECTION (2)(d) is a class 2 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

3 **SECTION 10.** In Colorado Revised Statutes, 42-4-1402.5,
4 **amend** (3)(a) as follows:

5 **42-4-1402.5. Vulnerable road user - prohibition - violations**
6 **and penalties - definition.**

7 (3) **Violations and penalties.**

8 (a) Infliction of serious bodily injury to a vulnerable road user is
9 a class 1 ~~traffic~~ misdemeanor TRAFFIC OFFENSE.

10 **SECTION 11. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2026 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.