






Colorado Revised Statutes

-  **Colorado Revised Statutes**
-  **TITLE 42 VEHICLES AND TRAFFIC**
-  **DRIVERS' LICENSES**
-  **ARTICLE 2 Drivers' Licenses**
-  **PART 2 HABITUAL OFFENDERS**

42-2-206. Driving after revocation prohibited.

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

(II) Notwithstanding the provisions of section [18-1.3-501](#), C.R.S., any person convicted of violating subparagraph (I) of this paragraph (a) shall be sentenced to a mandatory minimum term of imprisonment in the county jail for thirty days, or a mandatory minimum fine of three thousand dollars, or both. The minimum jail sentence and fine required by this subparagraph (II) shall be in addition to any other penalty provided in section [18-1.3-501](#), C.R.S. The court may suspend all or a portion of the mandatory jail sentence or fine if the defendant successfully completes no less than forty hours, and no greater than three hundred hours, of useful public service. In no event shall the court sentence the convicted person to probation. Upon the defendant's successful completion of the useful public service, the court shall vacate the suspended sentence. In the event the defendant fails or refuses to complete the useful public service ordered, the court shall impose the jail sentence, fine, or both, as required under this subparagraph (II).

(b) (I) A person commits the crime of aggravated driving with a revoked license if he or she is found to be an habitual offender and thereafter operates a motor vehicle in this state while the revocation of the department prohibiting such operation is in effect and, as a part of the same criminal episode, also commits any of the following offenses:

(A) DUI or DUI per se;

(B) DWAI;

(C) Reckless driving, as described in section [42-4-1401](#);

(D) Eluding or attempting to elude a police officer, as described in section [42-4-1413](#);

(E) Violation of any of the requirements specified for accidents and accident reports in sections [42-4-1601](#) to [42-4-1606](#); or

(F) Vehicular eluding, as described in section [18-9-116.5](#), C.R.S.

(II) Aggravated driving with a revoked license is a class 6 felony, punishable as provided in section [18-1.3-401](#), C.R.S.

(2) For the purpose of enforcing this section in any case in which the accused is charged with driving a motor vehicle while such person's license, permit, or privilege to drive is revoked or is charged with driving without a license, the court, before hearing such charges, shall require the district attorney to determine whether such person has been determined to be an habitual offender and by reason of such determination is barred from operating a motor vehicle on the highways of this state. If the district attorney determines that the accused has been so held, the district attorney shall cause the appropriate criminal charges to be lodged against the accused.

Source: L. 94: Entire title amended with relocations, p. 2160, § 1, effective January 1, 1995. L. 99: (1) amended, p. 796, § 9, effective July 1. L. 2000: (1)(a) amended, p. 682, § 1, effective July 1; (1)(a) and IP(1)(b)(I) amended and (1)(b)(I)(F) added, p. 710, § 46, effective July 1. L. 2002: (1)(a)(II) and (1)(b)(II) amended, p. 1560, § 364, effective October 1. L. 2008: (1)(b)(I)(A) and (1)(b)(I)(B) amended, p. 251, § 16, effective July 1.

Editor's note: Amendments to subsection (1)(a) by House Bill 00-1107 and House Bill 00-1426 were harmonized.

Cross references: For the legislative declaration contained in the 2002 act amending subsections (1)(a)(II) and (1)(b)(II), see section 1 of chapter [318](#), Session Laws of Colorado 2002.
