

TITLE 31
MOTOR VEHICLES

CHAPTER 1
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(i) "Commercial vehicle" means any vehicle or vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit and shall include, but not be limited to:

(A) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand (26,000) pounds;

(B) A power unit having three (3) or more axles regardless of weight; or

(C) Is used in combination when the weight of such combination exceeds twenty-six thousand (26,000) pounds of gross vehicle weight.

(ii) Repealed by Laws 1991, ch. 241, § 4.

(iii) "Dealer" means a person regularly engaged in the business of having in his possession vehicles for sale or trade, or for use and operation for purposes pursuant to the business;

(iv) "Department" means the department of transportation;

(v) "Factory price" means ninety percent (90%) of the manufacturer's suggested retail price of the vehicle, when new, including all improvements and modifications attached to the vehicle and all accessories and equipment used with the vehicle during the period for which registration is issued, but excludes federal excise taxes, the cost of transportation from the place of manufacture to the place of sale to the first user, mobile radio telephone equipment leased and nonstandard improvements and modifications necessary to permit operation by or

transportation of persons with a mobility handicap as defined in W.S. 31-2-213(d);

(vi) "Fleet" means one (1) or more commercial vehicles each of which actually travels a portion of its total miles in Wyoming as designated by the department;

(vii) "Gross vehicle weight" means the total weight of a vehicle or vehicle combination including the unladen weight of the vehicle or vehicle combination plus the maximum legal declared weight of the load to be carried in or on the vehicle or vehicle combination;

(viii) "Highway" means the entire width between the boundary lines of every way publicly maintained or if not publicly maintained, dedicated to public use when any part is open to the use of the public for purposes of vehicular travel;

(ix) "Identifying number" means the vehicle identification numbers and letters if any assigned by the manufacturer or by the department for the purpose of identifying a vehicle. The term shall include any numbers or letters assigned by the manufacturer for the purpose of identifying a part of a vehicle and any number placed on a part in accordance with this act or regulations of the commission for the purpose of identifying it;

(x) "Implement of husbandry" means sheep wagons, portable livestock loading chutes and every vehicle designed and used exclusively for agricultural operations and only incidentally operated or moved upon the highways but includes a trailer only when being towed by a farm tractor;

(xi) "Interstate" means the transportation of persons or property between Wyoming and any other jurisdiction;

(xii) "Intrastate" means the transportation of persons or property between points within Wyoming;

(xiii) "Jurisdiction" means the states, districts, territories or possessions of the United States, a foreign country and a state or province of a foreign country;

(xiv) "Legal owner" means the person in whose name a valid certificate of title has been issued;

(xv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power or motorized skateboards. The term includes the following vehicles as hereafter defined:

(A) "Antique" means any motor vehicle which is at least twenty-five (25) years old and owned solely as a collectors item;

(B) "Bus" means a motor vehicle designed to carry more than ten (10) passengers and primarily used to transport persons for compensation;

(C) "Moped" means a vehicle equipped with two (2) or three (3) wheels, foot pedals to permit muscular propulsion by human power, an automatic transmission and a motor with cylinder capacity not exceeding fifty (50) cubic centimeters producing no more than two (2) brake horsepower, which motor is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface;

(D) "Motor home" means a motor vehicle designed, constructed and equipped as a dwelling place, living abode or sleeping place either permanently or temporarily, but excluding a motor vehicle carrying a camper;

(E) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but which may have attached thereto a sidecar for the purpose of transporting a single passenger. For the purpose of registration and titling "motorcycle" includes motorized bicycles and scooters, but excludes mopeds, motorized skateboards, multipurpose vehicles and off-road recreational vehicles as defined in subparagraph (K) of this paragraph;

(I) Repealed by Laws 2007, Ch. 34, § 2.

(II) Repealed by Laws 2007, Ch. 34, § 2.

(F) "Passenger car" means a motor vehicle designed to carry ten (10) persons or less and primarily used to transport persons, including ambulances and hearses but excluding motorcycles, motor homes, multipurpose vehicles and school buses;

(G) "Pedestrian vehicle" means any self-propelled conveyance designed, manufactured and intended for the exclusive use of persons with a physical disability, but in no case shall a pedestrian vehicle:

(I) Exceed forty-eight (48) inches in width.

(II) and (III) Repealed by Laws 1989, ch. 155, § 2.

(H) "School bus" means a motor vehicle that is owned by or leased to or registered to a public school district and is used to transport children to or from school or in connection with school activities and is designed for and capable of carrying twelve (12) or more passengers, but not including buses operated by common carriers in transportation of school children or buses owned by a community college or the University of Wyoming;

(J) "Truck" means a motor vehicle designed, used or maintained for the transportation of property, including pickup trucks but excluding multipurpose vehicles;

(K) "Off-road recreational vehicle" means:

(I) A recreational vehicle primarily designed for off-road use which is fifty (50) inches or less in width, has an unladen weight of nine hundred (900) pounds or less and is designed to be ridden astride upon a seat or saddle and to travel on at least three (3) low pressure tires. A "low pressure tire" is a pneumatic tire at least six (6) inches in width, designed for use on wheels with a rim diameter of twelve (12) inches or less and having a manufacturer's recommended operating pressure of ten (10) pounds per square inch or less;

(II) Any unlicensed motorcycle which has an unladen weight of six hundred (600) pounds or less and is designed to be ridden off road with the operator astride upon a seat or saddle and travels on two (2) tires; and

(III) Any multi-wheeled motorized vehicle not required by law to be licensed and is designed for cross-country travel on or over land, sand, snow, ice or other natural terrain and which has an unladen weight of more than nine hundred (900) pounds.

(M) "Multipurpose vehicle" means a motor vehicle that is designed to travel on at least four (4) wheels in contact

with the ground, has an unladen weight of at least three hundred (300) pounds but less than three thousand (3,000) pounds, has a permanent upright seat or saddle for the driver which is mounted at least twenty-four (24) inches from the ground and has an identifying number. "Multipurpose vehicle" includes off-road recreational vehicles, electric powered vehicles, golf carts when being used other than as provided in W.S. 31-5-102(a)(lxi)(E) and any motor vehicle meeting the criteria of this subparagraph and not otherwise defined in this section.

(xvi) "Nonresident" means a person not a resident;

(xvii) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation, other than any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips;

(xviii) "Owner" means:

(A) The legal owner; or

(B) A person, other than a lienholder, having the property in or title to a vehicle including a person entitled to use and possession of a vehicle subject to a security interest in another person but excluding a lessee under a lease not intended as security.

(xix) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about easily as a pedestrian;

(xx) "Rental vehicle" means a vehicle which is rented or offered for rental without a driver;

(xxi) "Resident" means:

(A) Any person, except a full-time student at the University of Wyoming or a Wyoming community college, who owns, leases or rents a place of residence within Wyoming and who, regardless of domicile, remains in the jurisdiction for a period of one hundred twenty (120) days or more; or

(B) Any person, other than a daily commuter from another jurisdiction which exempts vehicles of daily commuters from Wyoming from registration under a reciprocity agreement or

a full-time student at the University of Wyoming or a Wyoming community college, who is gainfully employed in Wyoming; or

(C) Any individual, partnership, company, firm, corporation or association which maintains a main or branch office or warehouse facility within Wyoming or which bases and operates motor vehicles in Wyoming; or

(D) Any individual, partnership, company, firm, corporation or association which operates motor vehicles in intrastate haulage in Wyoming.

(xxii) "This act" means W.S. 31-1-101 through 31-4-104;

(xxiii) "Trailer" means a vehicle without propelling power designed to be drawn by a motor vehicle, but excludes converter gear, dollies and connecting mechanisms. The term includes the following vehicles as hereafter defined:

(A) "House trailer" means every trailer which is:

(I) Designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily;

(II) Equipped for use as a conveyance on streets and highways; and

(III) Eight and one-half (8 1/2) feet or less in width, excluding appurtenances, or more than eight and one-half (8 1/2) feet in width and used primarily as a mobile laboratory or mobile office.

(B) "Semitrailer" means a trailer so designed and used in conjunction with a motor vehicle that some part of its weight and that of its load rests upon or is carried by another vehicle, but excludes converter gear, dollies and connecting mechanisms;

(C) "Utility trailer" means any trailer less than six thousand (6,000) pounds gross vehicle weight.

(xxiv) "Transportable home" means and includes the following as defined:

(A) "Modular home" means a residential dwelling constructed in a factory to a residential construction code

other than the Federal Manufactured Home Construction and Safety Standards;

(B) "Prebuilt home" means any residential dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Prebuilt home shall include, but not be limited to, a manufactured home, modular home and mobile home; or

(C) "Manufactured home" means a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards which is a unit more than eight and one-half (8 1/2) feet in width which is designed, constructed and equipped as a dwelling place, living abode or place of business to which wheels may be attached for movement upon streets and highways except a unit used primarily as a mobile laboratory or mobile office.

(xxv) "Unladen weight" means the actual weight of a vehicle including the cab, body and all accessories with which the vehicle is equipped for normal use on the highways excluding the weight of any load. The unladen weight of vehicles mounted with machinery or equipment not normally designed for the vehicle and not used for the transportation of property other than the machinery or equipment is three-fourths (3/4) of the gross weight of the vehicle;

(xxvi) "Vehicle" means a device in, upon or by which any person or property may be transported or drawn upon a highway, excluding devices moved by human power or used exclusively upon rails or tracks, implements of husbandry, machinery used in construction work not mainly used for the transportation of property over highways and pedestrian vehicles while operated by a person who by reason of a physical disability is otherwise unable to move about as a pedestrian;

(xxvii) "Vehicle identification number or VIN" means the numbers and letters, if any, designated by the department for the purpose of identifying the vehicle or the unique identifier assigned to each vehicle by the manufacturer pursuant to regulations;

(xxviii) "U-Drive-It motor vehicle" means a motor vehicle which is rented or offered for rental without a driver and is designed to carry ten (10) persons or less, including consumer

rental trucks used to transport personal property and effects, but not including trucks used to transport commercial freight;

(xxix) "Motorized skateboard" means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in this act as a "motor vehicle", "motorcycle", "motor-driven cycle" or "pedestrian vehicle".

ARTICLE 2 ADMINISTRATION

31-1-201. General administrative procedures.

(a) The department shall provide for the administration and enforcement of this act by its divisions. The department has supervisory jurisdiction over the levy and collection of fees and taxes levied by this act and shall subject to subsection (g) of this section, promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the fee and taxation provisions of this act.

(b) The department shall adopt a seal for the use of the department or any division designated to enforce this act. The department and such employees of the department as it may designate shall prepare under the seal of the department or division and deliver upon request a certified copy of any public record of the department and may charge a reasonable fee therefor to be credited to the state general fund.

(c) Officers and employees of the department designated by the department, county clerks and treasurers and their deputies and employees may administer oaths without fee for the purposes of this act.

(d) The department shall prescribe and provide suitable forms of applications, registration cards and all other forms necessary to carry out the provisions of this act subject to the requirements of this act and shall subject to subsection (g) of this section, promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the fee and taxation provisions of this act. The department shall promulgate rules and regulations permitting any person aggrieved by any final administrative decision of the department including the payment of any fees and taxes to appeal to the office of

administrative hearings pursuant to W.S. 9-2-2202. The department shall provide, at cost, suitable certificate of title forms to county clerks.

(e) The department, county clerks and treasurers shall examine and determine the genuineness, regularity and legality of every application submitted to them, may make such investigations of applications as may be deemed necessary or require additional information, and may reject any application if not satisfied of the genuineness, regularity, or legality thereof or the truth of any statement contained therein, or for any other reason when authorized by law.

(f) The department may revoke any vehicle registration, certificate of title, or other authorization when the holder thereof is not entitled thereto or for violation of this act following notice and hearing. Following revocation any peace officer upon request shall seize and take possession of the registration card, certificate of title, dealer's certificate, license plates or authorization.

(g) Rules and regulations promulgated by the department establishing collection of fees and taxation under this act shall be submitted to the joint transportation and highways interim committee of the legislature. In addition and unless specifically reauthorized by the legislature prior to July 1, 2007, rules and regulations promulgated by the department prior to July 1, 2007, which establish collection of fees and taxation under this act shall on and after July 1, 2007, be null and void and of no effect and shall not be enforceable.

31-1-202. Records.

(a) County treasurers shall keep and maintain a permanent record of vehicle registrations and other applications submitted to and authorizations issued by them pursuant to this act. All applications and records other than the record of vehicle registrations may be destroyed by the treasurer after two (2) years from December 31 of each year.

(b) County clerks shall keep and maintain a record book in which a record of all certificates of title shall be recorded at the time of issue and which is open to inspection by the public during reasonable office hours.

(c) Within seventy-two (72) hours after issuance of a vehicle registration or certificate of title, county treasurers

and county clerks shall forward a copy thereof to the department. County treasurers shall notify the department and sheriff of his county of loss or mutilation of license plates.

(d) The department shall maintain records of vehicle registrations from all counties indexed by distinctive vehicle numbers assigned by the department, the name of the registered owner and vehicle identification numbers. The department shall maintain a record of all vehicle certificates of title from all counties. Records are public and open to inspection by the public during reasonable office hours. The department shall maintain a vehicle identification number index of all vehicles for which certificates of title have been issued. Upon receipt of a notice of issuance of a certificate of title from any county clerk the department may destroy all records relating to former transfers of title to the vehicle and shall retain only the notice of issuance of the certificate of title in effect at any time. The department may annually compile and publish a list of all registered vehicles and supplements thereto which shall be furnished to Wyoming peace officers and the state director [deputy director] of civil defense without charge.

31-1-203. Special enforcement officers; summons and notice to appear for violations; deposit for appearance; disposition of deposit.

(a) The department shall designate certain employees as special officers for the purpose of enforcing the provisions of motor vehicle laws and regulations.

(b) Employees designated under subsection (a) of this section may issue summons for violations of W.S. 31-4-101, 31-7-106, 31-7-133, 31-18-101 through 31-18-603, 31-18-701, 31-18-801 through 31-18-808 and 39-17-208.

(c) The employees designated under subsection (a) of this section upon issuing a summons shall deliver to the offender a notice to appear which shall describe the nature of the offense, with instructions for the offender to report to the nearest circuit court designated in the notice. The employee may accept a deposit for appearance. The court coordinator shall establish a uniform deposit for appearance schedule for each violation of the statutes set forth in subsection (b) of this section. If the employee accepts a deposit for appearance from the offender, he shall give a signed, numbered receipt for the amount received and shall write the receipt number on the notice to appear. The employee shall deliver the deposit and a copy of the notice to

appear to the circuit court before whom the offender is to appear and the circuit court judge shall give a receipt to the employee for the amount of the deposit. The circuit court shall assume jurisdiction after filing of a complaint and appearance by the offender. If the offender fails to appear at the appointed time the deposit for appearance may be forfeited by order of the court and paid into the public school fund of the county.

(d) The department may enter into mutual aid agreements with adjoining states to provide for the construction and joint operation of ports-of-entry located near the borders of the party states. A mutual aid agreement pursuant to this subsection may provide for the issuance of permits and the collection of highway user fees, registration fees, permit fees, fuel taxes or any other motor carrier fees that may be prescribed by law at a joint port-of-entry on behalf of the adjoining state. As a condition precedent to a written agreement becoming effective under this act, the agreement shall be submitted to and receive the approval of the attorney general and the governor.

(e) A mutual aid agreement pursuant to subsection (d) of this section shall specify the following:

(i) Its duration, which shall be not more than four (4) years;

(ii) The purpose of the agreement;

(iii) The manner of financing the agreement and establishing and maintaining a budget therefor;

(iv) The method to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(v) Provision for administering the agreement;

(vi) The manner of acquiring, holding and disposing of real and personal property used in the agreement;

(vii) The minimum standards for port-of-entry employees implementing the provisions of the agreement;

(viii) The respective liability of each party to the agreement for the actions of port-of-entry employees when acting under the provisions of the agreement;

(ix) The minimum insurance, if any, required of each party to the agreement;

(x) The exact chain of command or delegation of authority to be followed by port-of-entry employees acting under the provisions of the agreement;

(xi) The enforcement authority that the port-of-entry employee of each state may exercise;

(xii) Any other necessary and proper matters.

(f) A special enforcement officer, appointed under subsection (a) of this section may receive an appointment from an adjoining state and act on behalf of the adjoining state to enforce commercial vehicle and size and weight laws at a joint port-of-entry, as provided in a mutual aid agreement pursuant to subsection (d) of this section. A special enforcement officer with an appointment from an adjoining state, upon determining there is probable cause to believe a person is in violation of the commercial vehicle or size and weight laws of the adjoining state, may issue a summons to appear in the appropriate state court of the adjoining state. The summons shall command the person to appear in the court of the adjoining state where the violations occurred. A special enforcement officer shall not have the power to arrest any person on behalf of an adjoining state.

(g) The department may appoint an out-of-state special enforcement officer to issue summons as provided in subsection (b) of this section at a joint port-of-entry located in an adjoining state, pursuant to a mutual aid agreement as provided in subsection (d) of this section.

(h) Whenever port-of-entry employees of an adjoining state are performing duties pursuant to a mutual aid agreement pursuant to subsection (d) of this section, the employees shall have the same powers, duties, rights, privileges and immunities as comparable Wyoming port-of-entry employees as provided for in the agreement.

CHAPTER 2
TITLE AND REGISTRATION

ARTICLE 1
CERTIFICATES OF TITLE

31-2-101. Required application.

(a) Except as provided by W.S. 31-2-102 and subsection (b) of this section, every owner of a vehicle which will be operated on Wyoming highways and for which no Wyoming certificate of title has been issued to the owner, or the transferee upon transfer of ownership of a vehicle for which a Wyoming certificate of title is required, shall apply for a certificate of title at the office of a county clerk.

(b) Every owner or transferee upon transfer of ownership of an off-road recreational vehicle may apply for a certificate of title at the office of a county clerk.

31-2-102. Exclusions.

(a) No certificate of title shall be issued for:

(i) Vehicles owned by the United States;

(ii) Farm tractors;

(iii) Vehicles of nonresident owners titled in another state. If the vehicle is required to be registered in Wyoming, upon proper showing of the current registration in another state, the county clerk shall issue a special nontransferable certificate for registration purposes;

(iv) Utility trailers weighing one thousand (1,000) pounds or less unladen;

(v) Repealed by Laws 1993, ch. 16, § 2.

(vi) Vehicles not required to be registered in Wyoming except as otherwise provided by law.

31-2-103. Contents of application; signature; vehicle identification number; issuance of certificate.

(a) Applications for certificates of title shall be under oath and contain or be accompanied by:

(i) The name and address of the owner and the person to whom the certificate of title is to be delivered;

(ii) A description of the vehicle including make, vehicle identification number, type of body and motive power;

(iii) If a new vehicle purchased from a licensed dealer in any state:

(A) The manufacturer's certificate of origin indicating the date of sale to and the name of the first person receiving it from the manufacturer and a certification the vehicle was new when sold by the manufacturer; and

(B) Certification by the dealer that the vehicle was new when sold to the applicant.

(iv) Certification of applicant's ownership and any liens or encumbrances upon the vehicle;

(v) The current title containing an assignment and warranty of title, if applicable, and an affidavit by the seller, either separate or contained on the current title, which shall contain a reference to the federal regulations stating that failure to complete or providing false information may result in fines and imprisonment and include the following statement: "I state that the odometer now reads miles (no tenths) and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein unless one (1) of the following statements is checked: A. I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage is in excess of its mechanical limits; B. I hereby certify that the odometer reading is NOT the actual mileage. WARNING-ODOMETER DISCREPANCY", to be retained by the county clerk upon issuance of a new title;

(vi) In the case of a vehicle registered or titled in a state other than Wyoming a current statement made by a Wyoming law enforcement officer or licensed Wyoming dealer for vehicles in his inventory or possession that the vehicle identification number on the vehicle has been inspected and that the inspection occurred in Wyoming and certifying the correct vehicle identification number displayed on the vehicle. In the case of a vehicle not in Wyoming, the vehicle identification number may be inspected and certified on a form prescribed by the department if the inspection is made by an authorized law enforcement officer of a city, county or state law enforcement agency or a

commissioned officer at a federal military installation and the form is duly notarized and delivered to the county clerk in the county where the application for certificate of title is made along with payment for the inspection fee required under W.S. 31-3-102(b)(iv). If the certificate of title or registration of a vehicle under this paragraph contains a brand or any word or symbol indicating the vehicle has been damaged by flood, rebuilt, reconstructed or otherwise modified, the brand, word or symbol shall be carried forward on all subsequent certificates of title issued in this state. A vehicle designated by any other state as nonrepairable or any other word or symbol of like kind shall be issued a certificate of title and may be reregistered if the owner complies with the provisions of W.S. 31-2-107 and 31-2-108;

(vii) Factory price, or in lieu thereof, the valuation as prescribed by W.S. 31-3-101(c);

(viii) Repealed by Laws 2001, Ch. 72, § 3.

(ix) Such other information as required by the department or county clerk.

(b) If the application for title is for a new vehicle purchased from a licensed Wyoming dealer, the application may be signed by the dealer, include a statement of transfer by the dealer and of any lien retained by the dealer. Only a licensed Wyoming dealer may sign a statement of transfer.

(c) If a vehicle to be titled has no vehicle identification number, the applicant shall apply for and obtain a number from the department.

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the vehicle for which application for certificate of title is made, issue a certificate of title, upon a form approved by and provided at cost to the county clerk by the department in the name of the owner bearing the signature and seal of the county clerk's office. The county clerk shall not deliver a certificate of title issued under this section until presentation of a receipt for payment of sales or use tax pursuant to W.S. 39-15-107(b) or 39-16-107(b). If a lien is filed with respect to the vehicle, the county clerk shall immediately deliver a copy of the filed lien and a copy of the issued title to the financial institution. Each certificate of title shall bear a document control number with county designation and certificate

of title number. The title shall be completely filled out giving a description of the vehicle including factory price in a manner prescribed by the department, indicate all encumbrances or liens on the vehicle and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of a sale or transfer of title. Certificates of title are valid for the vehicle so long as the vehicle is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the vehicle for which the certificate was issued.

(e) Notwithstanding subsection (d) of this section, a person regularly engaged in the business of making loans or a supervised financial institution, as defined in W.S. 40-14-140(a)(xix), that repossesses a motor vehicle on which it has filed a lien shall not be liable for sales or use tax or for any penalties for nonpayment of the sales or use tax pursuant to W.S. 39-15-107(b) or 39-16-107(b) prior to obtaining a title from the county clerk for that vehicle.

(f) Notwithstanding subsection (d) of this section, an insurance company that acquires ownership of a motor vehicle pursuant to a damage settlement shall not be liable for sales or use tax or for any penalties for nonpayment of the sales or use tax pursuant to W.S. 39-15-107(b) or 39-16-107(b) prior to obtaining a title from the county clerk for that vehicle.

31-2-104. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a vehicle who sells or transfers his interest in a vehicle for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the vehicle with a statement of all liens and encumbrances thereon, which assignment, warranty and statement shall be subscribed by the owner before a notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the vehicle. Except as provided in subsection (b) of this section, the transferee shall present the certificate to a county clerk and apply for a new certificate of title within the same time periods as required by W.S. 31-2-201(a)(ii).

(i) Repealed By Laws 2003, Ch. 33, § 2.

(ii) Repealed By Laws 2003, Ch. 33, § 2.

(iii) Repealed By Laws 2003, Ch. 33, § 2.

(b) If the transferee is a licensed dealer who holds the vehicle for resale, procures the certificate of title from the transferor and operates the vehicle only for demonstration purposes under dealer license plates, the dealer is not required to obtain a new certificate of title but may transfer the vehicle by an assignment and warranty of title upon the certificate of title and deliver the certificate to a subsequent transferee.

(c) In the event of a transfer by operation of law of any interest in a vehicle as upon an order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or sales contract or otherwise than by voluntary act of the person whose title or interest is transferred, the administrator, receiver, trustee, sheriff, creditor or other representative or successor in interest of the person whose interest is transferred shall forward to the county clerk an application for a certificate of title together with a verified or certified statement of the transfer of interest. The statement shall set forth the reason for the involuntary transfer, the interest transferred, the name of the transferee, the process or procedure effecting the transfer and other information requested by the county clerk. Evidence and instruments otherwise required by law to effect a transfer of legal or equitable title to or an interest in a vehicle in such cases shall be furnished with the statement. If a transfer of title to a creditor is accomplished in accordance with the provisions of this subsection, a creditor retains the right to seek any deficiency balance which may exist after sale, provided the creditor has complied with all applicable law, and the transfer by itself shall not be considered a strict foreclosure or an election to retain the collateral in satisfaction of an obligation as provided by W.S. 34.1-9-620 and does not affect the debtor's right to redeem the collateral under W.S. 34.1-9-623. If from the records of the county clerk there appears to be any lien on the vehicle which was recorded prior to the lien of the creditor applying for title and which has not been released, the certificate of title shall contain a statement of the lien. The creditor repossessing and applying for title to the vehicle shall notify all persons holding liens on the vehicle by certified mail return receipt requested at least fifteen (15) days prior to filing the application for

title. Any proceeds from the sale, lease or other disposition of the vehicle shall be distributed in accordance with the provisions of W.S. 34.1-9-608.

(d) Repealed by Laws 2003, Ch. 33, § 2.

(e) Repealed by Laws 2001, Ch. 72, § 3.

(f) Any person knowingly providing false or incomplete information on the damage disclosure statement is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both.

(g) No person shall transfer ownership of a vehicle from a manufacturer's statement of origin or a manufacturer's certificate of origin unless the person is the manufacturer of the vehicle or a properly licensed dealer.

(h) The requirement under subsection (a) of this section to deliver a certificate of title to a transferee at the time the vehicle is delivered does not apply to a transferor if:

(i) The certificate of title is being held by a bank or other financial institution on the date the vehicle is delivered. The transferor shall then deliver to the transferee a dealer's invoice or a signed, notarized bill of sale, in substantially the form specified in paragraph (ii) of this subsection, and the certificate of title shall be delivered to the transferee within thirty (30) days from the date of the sale; or

(ii) The transferor is an auctioneer of vehicles and transfers the vehicle in the course of his business as an auctioneer of vehicles or through an auctioneer of vehicles. The transferor or auctioneer shall then deliver the certificate of title to the transferee within thirty (30) days of the date of sale and shall deliver to the transferee at the time the vehicle is delivered a signed, notarized bill of sale in substantially the following form:

VEHICLE BILL OF SALE

I, (NAME OF TRANSFEROR OR AUCTIONEER), on (date), hereby sell and convey all (my interest the interest of (name of current owner)) in the following described vehicle: (COLOR, YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION NUMBER) to (NAME OF TRANSFEREE) in

exchange for: (sales price). I hereby state that the certificate of title for the above described vehicle is held by (NAME OF TRANSFEROR-VEHICLE AUCTIONEER, BANK OR OTHER FINANCIAL INSTITUTION) and that within thirty (30) days, (NAME OF TRANSFEREE) will be provided a properly executed title free of all liens for the vehicle unless otherwise specified in this bill of sale.

DATE: _____

(TRANSFEROR'S OR AUCTIONEER'S SIGNATURE)

(BILL OF SALE MUST BE NOTARIZED)

(j) If a vehicle is held by two (2) or more persons as joint tenants with right of survivorship clearly stated on the certificate of title, following the death of one (1) of the joint owners a surviving owner may apply to a county clerk for a new certificate of title in the name of the survivor or, if more than one (1) owner survives, jointly in the names of the survivors. The application for a new certificate of title shall be accompanied by a certified copy of the death certificate of the deceased owner. The county clerk shall issue the new certificate of title as provided in W.S. 31-2-103(d), except that no sales or use tax shall be due when obtaining a certificate of title pursuant to this subsection.

(k) Notwithstanding the provisions of subsection (j) of this section, the surviving owner or owners of a vehicle held by joint tenants with the right of survivorship may transfer ownership without first obtaining a title in the name of the surviving owner or owners by complying with the requirements of subsection (a) of this section and providing the transferee with a certified copy of the death certificate of the deceased owner. Any applicable sales or use tax shall be paid pursuant to W.S. 39-15-107(b) or 39-16-107(b).

31-2-105. Duplicate titles.

Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE

ORIGINAL CERTIFICATE". No duplicate certificate shall be issued before the 11th day after the affidavit is filed unless the owner deposits an indemnity bond to the state of Wyoming with the county clerk in an amount of not less than double the value of the vehicle shown upon the registration of the vehicle. The bond shall be executed by a surety duly authorized to carry on business in Wyoming or by individual sureties qualified as provided by W.S. 1-1-104 and 1-1-105. Bonds shall be conditioned for protection and indemnification of all persons who may have any interest in or dealing with the vehicle against any loss which may occur by reason of the issuance of the duplicate certificate before the 11th day after the affidavit is filed.

31-2-106. Definitions.

(a) As used in W.S. 31-2-106 through 31-2-110:

(i) "Flood vehicle" means any motor vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered into the passenger or trunk compartment of the vehicle and the actual dollar amount of the damage would not cause the vehicle to be titled as a salvage vehicle. Disclosure that a motor vehicle has become a flood vehicle shall be made at the time of transfer of ownership and the next certificate of title issued after the transfer shall be branded with the word "flood";

(ii) "Certificate of title, branded salvage" means a motor vehicle ownership document issued in this state to the owner of a salvage vehicle conspicuously branded with the word "salvage" across the front of the certificate;

(iii) "Rebuilt title" means the certificate of title issued in this state to the owner of a rebuilt salvage vehicle conspicuously branded "rebuilt" across the front of the certificate of title;

(iv) "Rebuilt salvage vehicle" means any motor vehicle which was previously issued a certificate of title branded "salvage" and has a decal stating "rebuilt salvage vehicle" affixed as required by W.S. 31-2-108(d);

(v) "Salvage vehicle" means any motor vehicle which has been wrecked, destroyed or damaged to the extent that it has been declared a total loss by the insurance company or, in the event an insurance company is not involved in the settlement of the claim, the total estimated or actual cost of parts and labor

to rebuild or reconstruct the motor vehicle to its pre-accident condition exceeds seventy-five percent (75%) of the actual retail cash value of the motor vehicle, as set forth in the most current edition of any nationally recognized automotive appraisal guide or other source approved by the Wyoming insurance department. The value of repair parts for purposes of this paragraph shall be determined by using the current cost of the repair parts to be used in the repair. The labor cost of repairs for purposes of this paragraph shall be computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

31-2-107. Return of certificate of title and registration for damaged vehicle; replacement title and registration.

(a) When a motor vehicle is declared a total loss by the insurance company or, in the event an insurance company is not involved in the settlement of the claim, sustains damage in an amount exceeding seventy-five percent (75%) of its actual retail cash value, as set forth in any current edition of a nationally recognized automotive appraisal guide or other source approved by the Wyoming insurance department, the owner or insurance company, if it obtains ownership of the vehicle through transfer of title as a result of a settlement of an insurance claim, shall forward the properly endorsed certificate of title to the office of the county clerk that issued the certificate of title together with an application for a certificate of title branded salvage and payment of the fee required under W.S. 31-3-102(a)(vii) to obtain a properly branded certificate of title. When any vehicle accident report is required under chapter 5, article 11 of this title, the investigating officer shall provide written notice to the owner or operator of the vehicle of the requirements under this section.

(b) Upon receipt of a certificate of title under subsection (a) of this section, the county clerk shall issue a certificate of title branded "salvage" to the legal owner.

(c) If the damaged vehicle is rebuilt and the owner is issued a certificate of title branded "rebuilt", the owner shall register the vehicle as required under W.S. 31-2-201, unless the owner is a licensed vehicle dealer under chapter 16 of this title and the vehicle was rebuilt for resale to the public. If the person registering the rebuilt vehicle is the person under whose name the vehicle was previously registered and the annual registration year for the vehicle prior to being damaged has not

expired at the time of application under this section, a credit shall be issued for the remainder of the current annual registration year for the vehicle to be applied against any registration fees due for registration of the vehicle for the same period.

(d) This section shall not apply to motor vehicles with more than eight (8) years of service.

(e) This section shall not apply to a commercial vehicle or a commercial vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit including:

(i) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand (26,000) pounds;

(ii) A power unit having three (3) or more axles regardless of weight, or which is used in combination when the weight of the combination exceeds twenty-six thousand (26,000) pounds gross vehicle weight.

(f) If the owner of a motor vehicle retains the vehicle upon a settlement with an insurance company, and the vehicle has incurred damage requiring the vehicle to be issued a certificate of title branded "nonrepairable" or "salvage", the owner shall apply for the certificate of title in his own name with the applicable brand displayed on the certificate of title before the vehicle is commercially repaired or ownership of the vehicle is transferred.

(g) If an insurance company is not involved in a damage settlement involving a salvage vehicle, the motor vehicle owner shall apply for a certificate of title branded "salvage", before the vehicle is commercially repaired or ownership of the vehicle is transferred.

(h) If a leased motor vehicle incurs damage requiring the vehicle to be issued a certificate of title branded "salvage", the lessor shall apply for a properly branded certificate of title after being notified by the lessee that the vehicle has been damaged. The lessee of the vehicle shall inform the lessor that the leased vehicle has been damaged within thirty (30) days after the occurrence of the damage.

(j) Any person acquiring ownership of a damaged motor vehicle that meets the definition of a salvage vehicle for which a certificate of title branded "salvage" has not been issued shall apply for a certificate of title before the vehicle is further transferred.

(k) A seller of a motor vehicle that becomes a flood vehicle shall, at or prior to the time of transfer of ownership, give the buyer a written notice that the vehicle is a flood vehicle. At the time of the next application for certificate of title for the vehicle, disclosure of the flood status shall be provided to the county clerk with the properly assigned title and the word "flood" shall be conspicuously branded across the front of the new title.

(m) In the case of a leased motor vehicle, the lessee, within thirty (30) days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

31-2-108. Titles for damaged vehicles; requirements.

(a) For any motor vehicle, the ownership of which is transferred on or after December 31, 2001, the certificate of title shall contain an appropriate notice whenever records readily accessible to the state indicate that the motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was "salvage", "unrebuildable", "parts only", "scrap", "junk", "nonrepairable", "reconstructed", "rebuilt" or any other symbol or word of like kind, or that it has been damaged by flood. Any information concerning a motor vehicle's status shall also be conveyed on any subsequent title issued for the vehicle by this state, including a duplicate or replacement title.

(b) The certificate of title and the rebuilt salvage decal stating "rebuilt salvage vehicle" shall meet security standards minimizing the opportunity for fraud.

(c) A motor vehicle owner submitting an application for a rebuilt salvage vehicle decal shall be required to provide a completed document approved by the department identifying the vehicle's damage prior to being repaired, a copy of the original certificate of title branded "salvage" and the name and address of the person who repaired or rebuilt the vehicle. The owner shall also include an affirmation that the information in the

declaration is complete and accurate and, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

(d) After the owner of a motor vehicle for which a certificate of title branded "salvage" has been issued, provides the information required under subsection (c) of this section to the department, the department shall provide to the owner a secure decal which shall comply with the permanency requirements of the department, stating "rebuilt salvage vehicle". The owner shall apply the decal to the driver's door jamb of the vehicle prior to having the vehicle inspected by a Wyoming law enforcement officer for the vehicle identification number and to ensure the decal has been properly affixed. On a motorcycle, the owner shall apply the decal opposite the vehicle identification number on the fork crown in a manner that does not obscure the vehicle identification number, prior to having the motorcycle inspected by a Wyoming law enforcement officer for the vehicle identification number and to ensure the decal has been properly affixed. The owner shall pay the fee specified in W.S. 31-3-102(b) for the inspection.

(e) The owner of a motor vehicle for which a certificate of title branded "salvage" has been issued may apply for a certificate of title branded "rebuilt" by presenting to the county clerk the certificate of title, properly assigned, if applicable, together with the department certificate signed by a Wyoming law enforcement officer who has inspected the vehicle for the vehicle identification number and to ensure the decal required under subsection (d) of this section has been properly affixed. Upon proper application and payment of fees for a certificate of title as provided under W.S. 31-3-102(a)(vii), a certificate of title branded "rebuilt" shall be issued to the owner.

(f) Repealed By Laws 2003, Ch. 31, § 2.

(g) Repealed By Laws 2003, Ch. 31, § 2.

(h) Repealed By Laws 2003, Ch. 31, § 2.

(j) Repealed By Laws 2003, Ch. 31, § 2.

(k) Repealed By Laws 2003, Ch. 31, § 2.

(m) Repealed By Laws 2003, Ch. 31, § 2.

(n) Repealed By Laws 2003, Ch. 31, § 2.

31-2-109. Disclosure requirements.

(a) When any dealer in this state or motor vehicle owner who is not a dealer knowingly offers for sale or trade a motor vehicle which carries a title branded pursuant to this article, the dealer or owner shall disclose on a form prescribed by the department to any prospective purchaser, prior to sale or trade, the nature of the title brand.

(b) The notification form to be prescribed by the department shall have a statement indicating the buyer has been provided notice of the brand on the title. The seller shall require the buyer to sign the notification form prior to completing a sales transaction on a motor vehicle that carries a branded title. The seller shall retain a copy of the signed notification form.

(c) Failure of the seller to procure the buyer's acknowledgement signature shall render the sale voidable at the election of the buyer. The election to render the sale voidable shall be in writing and delivered to the seller not later than thirty (30) days after the certificate of title is issued in the buyer's name.

31-2-110. Violations; penalties.

(a) Any dealer or a person holding legal certificate of title to a motor vehicle who fails to obtain a proper certificate of title for a salvage vehicle as required under W.S. 31-2-107 within thirty (30) days of the receipt of the transferor's correctly endorsed title is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(b) Any dealer or a person who holds legal certificate of title to a nonrepairable, rebuilt salvage or flood vehicle who knowingly fails to disclose to a potential buyer that the vehicle being sold is a nonrepairable, rebuilt salvage or flood vehicle is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. A second or subsequent violation under this subsection shall be subject to a fine of not more than one thousand five hundred dollars (\$1,500.00), imprisonment for not more than one (1) year, or both. In addition, if a dealer is convicted of a second or

subsequent violation under this subsection within two (2) years, he may be subject to an injunction. The department or the district attorney of the county in which the violation occurred may petition the court for an injunction to prohibit the dealer from selling vehicles in this state for a period of not more than one (1) year.

ARTICLE 2
REGISTRATION

31-2-201. Required applications; contents; weight certificate; exemptions; fees; certificate of title as precondition.

(a) Every owner of a vehicle shall apply for registration of and license plates for the vehicle at the following times:

(i) Annually between January 1 through March 31 for vehicles registered under W.S. 31-18-201, and for all others annually not later than the last day of the annual registration month. Applications may be by mail;

NOTE: Effective 1/1/2009, this section will read as follows:

(i) Annually not later than the last day of the annual registration month. Applications may be by mail;

(ii) Upon transfer of ownership of a vehicle:

(A) Within forty-five (45) days if transferred and temporary license permits issued by a licensed dealer;

(B) Within forty-five (45) days if transferred by an out-of-state dealer;

(C) Within forty-five (45) days if transferred under the provisions of W.S. 31-2-104(h). Vehicles may be operated by the transferee during this forty-five (45) day period when accompanied by a notarized bill of sale;

(D) Within thirty (30) days for other transfer. Vehicles may be operated by the transferee during this thirty (30) day period when accompanied by a properly executed title for the vehicle transferring interest in the vehicle to the transferee.

(iii) Upon becoming a resident in the case of a previous nonresident owner;

(iv) Notwithstanding paragraph (iii) of this subsection, immediately if the operator of a vehicle operated in this state is:

(A) Employed in this state, except that a temporary worker displaying a valid registration or license plate from another jurisdiction employed in the state for ninety (90) days or less may choose to purchase a decal from the county treasurer in lieu of registering the vehicle. Application for the decal shall be made to the county treasurer in the manner and form prescribed by the department. The decal shall bear a distinctive number assigned to the vehicle and expiration date and at all times be prominently displayed on the vehicle during the relevant time period in a manner prescribed by the department. The purchase of a decal shall be an alternative to complying with W.S. 31-2-206(m). No person shall be issued more than one (1) decal in a twelve (12) month period. Fees collected under this subsection shall be deposited in the county general fund. Operating a vehicle with an expired decal shall be a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than six (6) months, or both. The fee for a temporary decal shall be thirty-five dollars (\$35.00) for ninety (90) days;

(B) Not a daily commuter from another jurisdiction which exempts vehicles of daily commuters from Wyoming from registration under a reciprocity agreement; and

(C) Not a full-time student at the University of Wyoming, a Wyoming community college or a school licensed in this state offering post-secondary education.

(b) Applications for registration of vehicles shall be filed in the office of the county treasurer of the county in which the owner of the vehicle resides or in any county in any other case and contain:

(i) Information required by W.S. 31-2-103(a)(i), (ii) and (vii);

(ii) Unladen weight if required to compute fees and taxes, which unladen weight shall be substantiated by:

(A) A weight certificate;

- (B) A manufacturer's statement of origin;
- (C) A registration or title document; or
- (D) A verified affidavit.

(iii) The purpose for which the vehicle is used and such other information as required by the department or the county treasurer;

(iv) Color of the vehicle at the time of registration;

(v) Information regarding whether the owner desires to donate one dollar (\$1.00) or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(c) The department, county treasurer or any peace officer may cause a truck or trailer to be reweighed at any time and a new weight certificate issued. A copy of the certificate of registration shall be carried at all times in the commercial vehicle for which it is valid and shall be displayed upon demand of any peace officer.

(d) The following vehicles are exempt from the provisions of this section:

(i) Transportable homes and the empty frame or frames used to haul transportable homes;

(ii) Antique motor vehicles;

(iii) Passenger automobiles or trailers owned by a full-time member of the armed forces of the United States, whether in regular service, organized reserves, or national guard, as long as the registration from another state in effect when the vehicle entered Wyoming is maintained in accordance with the laws of the state;

(iv) Commercial vehicles or fleet which will be operated in Wyoming and any other jurisdiction;

(v) Vehicles granted reciprocity pursuant to W.S.
31-2-203;

(vi) Vehicles owned by a nonresident, validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country and:

(A) Not operated for gain or profit in Wyoming nor used for transportation to or from employment in Wyoming; and

(B) Not owned or operated by a person employed in this state.

(vii) Vehicles owned by a nonresident, validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country and:

(A) Operated primarily by a full-time student at the University of Wyoming, a Wyoming community college or a school licensed in this state offering post-secondary education;

(B) Used for transportation of nonresident seasonally employed agricultural workers unless the owner of the vehicle becomes a resident under W.S. 31-1-101(a)(xxi)(A); or

(C) Operated primarily by a student enrolled in a post secondary educational institution accredited by a recognized and accepted accrediting agency, or in a parochial, church or religious school as defined by W.S. 21-4-101(a)(iv) offering post secondary education programs, if the institution or school owns or operates an educational program or facility in this state and the student is employed on a temporary basis in that program or facility as part of his educational curriculum.

(viii) The following vehicles if validly registered in states contiguous to Wyoming if the contiguous states grant similar exemptions to Wyoming owners of like vehicles:

(A) Repealed by Laws 1993, ch. 68, § 5.

(B) Repealed by Laws 1993, ch. 68, § 5.

(C) Trucks, the unladen weight of which does not exceed thirty-five hundred (3,500) pounds;

(D) Passenger cars while operated by salesmen who make no deliveries.

(ix) Mopeds;

(x) Pedestrian vehicles;

(xi) Rental vehicles, validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country, provided the surcharge is paid pursuant to W.S. 31-3-104 if the vehicle is rented in Wyoming.

(e) County treasurers shall not register nor renew the registration of a vehicle unless a certificate of title has been issued to the owner or the owner presents satisfactory evidence that a certificate of title for the vehicle has been previously issued to the owner by any county clerk except as otherwise provided.

(f) Off-road recreational vehicles shall not be registered.

(g) A vehicle which is not included as part of a licensed dealer's inventory, is not currently registered in this state or any other jurisdiction and is required to be registered if operated on the public highways of this state may be operated for demonstration purposes without a load on the public highways of this state while displaying a demonstration permit. The permit shall be obtained from the department upon application, presentation of a Wyoming certificate of title and payment of the prescribed fee. The permit shall indicate the dates of demonstration, not exceeding ninety-six (96) hours, and such other information as the department prescribes. The department shall prescribe the manner in which the permit shall be displayed.

(h) Beginning January 1, 1993, no motor vehicle shall be registered unless the applicant verifies the motor vehicle is covered by a motor vehicle liability policy in full force and effect in amounts provided by W.S. 31-9-405(b) or a bond on file with the department in amounts provided by W.S. 31-9-102(a)(xi). The department shall adopt rules and regulations to implement this subsection. This subsection does not apply to self-insurers under W.S. 31-9-414. Issuance or renewal of registration by a county treasurer does not constitute verification or certification on the part of the county treasurer that the registered vehicle is in fact covered by required insurance or bond and neither the county treasurer nor any employee of the county treasurer's office is liable for damages caused by any person operating a registered vehicle in violation of W.S. 31-4-103(a). Any applicant making a false certification required by this subsection is guilty of a

misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

31-2-202. Renumbered as § 31-18-201 by Laws 1993, ch. 68, § 3.

31-2-203. Reciprocal agreements and exemptions.

(a) The department may negotiate reciprocal agreements with appropriate officials of any other jurisdiction, in which nonresidents of this state shall be exempt from Wyoming vehicle registration fees in exchange for equivalent exemptions from like fees imposed by the other jurisdictions on residents of this state.

(b) The department shall determine from time to time and advise each Wyoming motor vehicle registration and fee collecting official or other person and each state agency charged with enforcing motor vehicle statutes of Wyoming of the name of each state contiguous to Wyoming which has granted or subsequently grants for the benefit of affected Wyoming motor vehicle owners reciprocal exemptions pursuant to W.S. 31-18-201 and subsection (a) of this section, together with the nature and extent of each reciprocal grant by the other state, and shall likewise advise of the name of each jurisdiction with which the department has entered into a reciprocal agreement together with the nature and extent of the reciprocal grants made.

(c) Repealed by Laws 1989, ch. 129, § 3.

31-2-204. Issuance of certificates of registration and license plates by county; form.

(a) Upon receipt of an approved application and payment of fees the county treasurer shall issue to the applicant a certificate of registration conforming with the facts set forth in the application together with one (1) license plate or validation sticker for motorcycles, multipurpose vehicles, trailers, including house trailers, and vehicles operated with dealer license plates and two (2) license plates or proper validation stickers for any other vehicle.

(b) Except as otherwise provided, license plates shall be of metal not less than twelve (12) inches long in the left-hand end of which shall be arabic numerals for the county in which issued, followed by the bucking horse and rider emblem and a

distinctive number assigned to the vehicle, set forth in numerals and letters as determined by the department and above or underneath such numerals shall be the word "Wyoming" and arabic numerals for the year of issue or validation. License plates issued to dealers and for state or federal official forestry vehicles, motorcycles, multipurpose vehicles and trailers shall contain appropriate identification which may be in lieu of the bucking horse and rider emblem. License plates shall be changed or validated annually. There shall be a marked contrast between the color of the plate and that of the numerals and letters and the background of all plates shall be fully reflectorized. Plates for light utility trailers under one thousand (1,000) pounds, motorcycles and multipurpose vehicles shall not be less than three (3) inches wide and six (6) inches long. Antique license plates shall bear no date and shall bear the inscription "Pioneer Wyo". License stickers for trucks and trailers used by any farmer or rancher for the transportation of livestock, feed or unprocessed agricultural products owned and produced by the farmer or rancher from the place of production to market and of ranch supplies intended solely for the use of the farmer or rancher, and not for sale, on the return trip, and not for the transportation of goods and persons for hire shall bear the inscription "Farm". Upon application to the department and payment of a fee as provided by W.S. 31-3-102(a)(xix), veteran license stickers bearing the inscription "Veteran" and designating the conflict service of the veteran may be issued to the veterans' commission in a format approved by the department. The veterans' commission may sell the veteran license sticker to qualified veterans at a fee not to exceed cost, plus ten dollars (\$10.00) per vehicle. Any fees collected by the veterans' commission under this subsection shall be deposited in the veterans' commission expendable trust fund. The veterans' commission shall establish eligibility criteria for veterans applying for a veteran license sticker. A qualified veteran purchasing a veteran license sticker manufactured by the department and sold by the veterans' commission may display the sticker on the license plate issued by the county treasurer. The provisions of W.S. 31-2-205(a)(iv) shall not apply to any veteran license sticker manufactured by the department and displayed as provided in this section.

(c) The distinctive license plate numbers shall begin with one (1) and be numbered consecutively in each county. In ordering license plates the department may from year to year change the location of the figures, words and letters or validation sticker as deemed necessary.

(d) For the purposes of this section, the several counties of the state shall be numbered as follows: Albany-5, Big Horn-9, Campbell-17, Carbon-6, Converse-13, Crook-18, Fremont-10, Goshen-7, Hot Springs-15, Johnson-16, Laramie-2, Lincoln-12, Natrona-1, Niobrara-14, Park-11, Platte-8, Sheridan-3, Sublette-23, Sweetwater-4, Teton-22, Uinta-19, Washakie-20, Weston-21, and new counties shall be assigned numbers by the department as they may be formed, beginning with the number 24.

31-2-205. Display of license plates.

(a) License plates for vehicles shall be:

(i) Conspicuously displayed and securely fastened to be plainly visible:

(A) One (1) on the front of the vehicle, excluding motorcycles, multipurpose vehicles, trailers (including house trailers) and vehicles operated with demo, full use or manufacturer license plates issued pursuant to W.S. 31-16-125;

(B) One (1) on the rear of the vehicle.

(ii) Secured to prevent swinging;

(iii) Attached in a horizontal position no less than twelve (12) inches from the ground;

(iv) Maintained free from foreign materials and in a condition to be clearly legible.

(b) Repealed by Laws 1991, ch. 37, § 1.

31-2-206. Annual renewal; delivery of license plates and stickers; staggered registration.

(a) Except as otherwise provided vehicle registrations expire on the last day of the annual registration month. Renewals are effective for one (1) year beginning the first day of the month following the annual registration month. The initial registration for a vehicle in this state expires on the last day of the annual registration month in the following year, except that registration for commercial vehicles registered under W.S. 31-18-201 shall expire on March 31 of the succeeding calendar year. Except as provided in subsection (h) of this section, nothing in this section prohibits an owner from

registering a vehicle for more than twelve (12) but less than twenty-four (24) months.

NOTE: Effective 1/1/2009, this section will read as follows:

(a) Except as otherwise provided vehicle registrations expire on the last day of the annual registration month. Renewals are effective for one (1) year beginning the first day of the month following the annual registration month. The initial registration for a vehicle in this state expires on the last day of the annual registration month in the following year. Except as provided in subsection (h) of this section, nothing in this section prohibits an owner from registering a vehicle for more than twelve (12) but less than twenty-four (24) months.

(b) Applications for a specific license plate number shall be made to the county treasurer by the last day of the annual registration month. The county treasurer shall determine the number of license plates to be reserved for each license plate type, but in no case shall the number reserved for any registration year for any one (1) type exceed nine thousand nine hundred ninety-nine (9,999).

(c) License plates or stickers may be delivered by mail if the applicant so desires. The cost of mailing license plates or stickers may be required to be paid by the applicant.

(d) Unless reassigned to a like vehicle of the same owner in the manner and form prescribed by the department, license plates or stickers issued during any calendar year shall only be used on the vehicle for which issued through the last day of the annual registration month for the vehicle in the succeeding calendar year.

(e) Notwithstanding any other provision of law, any vehicle lawfully registered in this state on December 31, 1989, may be operated on the highways of this state through March 31, 1990. For calendar year 1990 only and not later than March 31, 1990, all persons renewing the registration of vehicles which were registered in this state as of December 31, 1989, shall register them subject to the following schedule, except in counties in which the county treasurer elects to register vehicles under subsection (h) of this section:

<u>Month of Registration</u>	<u>Last Digit of License Registration number:</u>
------------------------------	---

January

1

February	2
March	3
April	4
May	5
June	6
July	7
August	8
September	9
October	0

(f) For registration from January 1, 1990, through March 31, 1990, required under subsection (e) of this section, county and state registration fees shall be prorated so that:

(i) Persons required to register after March 31 may pay only for the months before which the next registration is due; and

(ii) Persons shall otherwise pay for one (1) year plus the number of months necessary for licensing through the month in which the next registration is due.

(g) Notwithstanding subsection (e) of this section, any person who registers two (2) or more vehicles may select one (1) currently existing annual registration month for all of those vehicles. Notwithstanding paragraph (j)(ii) of this section, any person who elects to register vehicles under the provisions of this subsection may thereafter apply to the county treasurer to have the same annual registration month apply to subsequently acquired vehicles. When electing to establish the same registration period for all vehicles, the owner shall pay the current annual registration fee plus one-twelfth (1/12) of that annual fee for each additional month necessary to extend the registration to the registration period under which all the vehicles will be registered. No depreciation shall be allowed for the required additional months. Thereafter, all the vehicles shall be registered on an annual basis.

(h) If a county treasurer with the approval of the board of county commissioners elects to register vehicles under this subsection, the annual registration month for all vehicles shall be December and except for vehicles registered during calendar year 1992 and each year thereafter, the license plates or stickers issued for any calendar year under this subsection shall only be used for the vehicle for which issued through the last day of March of the succeeding calendar year. For vehicles registered during calendar year 1992 and each year thereafter,

the license plates or stickers issued for any calendar year under this subsection shall only be issued for use through the last day of February of the succeeding calendar year. Paragraphs (j)(i) and (ii) of this section do not apply if an election is made under this subsection. A county treasurer with the approval of the board of county commissioners may subsequently elect to follow the procedure in subsections (e) through (g) of this section for any succeeding calendar year by notifying the department not later than April 1 of the year preceding the year for which the election is made and providing adequate publicity to county residents about the election. If any election is made to follow the procedure in subsections (e) through (g) of this section, credit shall be given for registration fees paid through December 31 of the year for which the election is made. If a county treasurer follows the procedure under subsections (e) through (g) of this section, no subsequent election shall be made. No election under this subsection shall be made for a calendar year in which new license plates shall be issued.

(j) As used in W.S. 31-2-201(a)(i) and this section, "annual registration month" means:

(i) For a vehicle currently registered in this state, the month in which the registration expires;

(ii) For a newly acquired vehicle, the month of acquisition;

(iii) For any other vehicle, the month in which the vehicle was initially required to be registered in this state;

(iv) For dealer demo, full use and manufacturer license plates, the month in which the dealers' certificate was issued.

(k) Dealer demo, full use and manufacturer license plates are valid for one (1) year beginning the first day of the month following the annual registration month.

(m) Upon compliance with W.S. 39-15-107(b) and 39-16-107(b), if applicable, a nonresident owner of a vehicle, or any owner upon transfer of ownership or lease, may, as an alternative to registration, obtain not more than one (1) temporary registration in a twelve (12) month period authorizing operation of the vehicle on the highways of this state for a period not to exceed ninety (90) days from the date of temporary registration, in lieu of payment of the annual registration fees in W.S. 31-3-101. Application for temporary registration shall

be made to the county treasurer in the manner and form prescribed by the department. A temporary registration under this subsection shall not be considered an initial registration under paragraph (j)(ii) of this section. The fee for temporary registration shall be an amount equal to the following fractions of the annual registration fees for the vehicle required under W.S. 31-3-101:

(i) Up to thirty (30) days at one-tenth (.10);

(ii) Up to sixty (60) days at two-tenths (.20);

(iii) Up to ninety (90) days at three-tenths (.30).

31-2-207. Publicly owned vehicles.

Upon application the department shall issue distinctive license plates indicating public ownership for vehicles owned by the United States, state of Wyoming, a county, city, town or political subdivision of Wyoming or a joint powers board under W.S. 16-1-101 through 16-1-109. A distinctive license plate under this section may be issued to any public entity specified in this section, provided that the public entity or another public entity specified in this section owns the vehicle and the public entity applying for the distinctive license plate has the authority to possess and operate the vehicle in fulfillment of its public purpose. Upon presentation of proper credentials and identification of the applicant the department shall issue license plates not disclosing public ownership of a vehicle to investigative agencies of Wyoming and the criminal investigative agencies of the department of justice, department of defense and department of the treasury of the United States and the records of the department shall not disclose the public ownership of the vehicles.

31-2-208. Prestige license plates.

Excluding dealer and radio amateur license plates, upon payment of the regular registration fees prescribed by W.S. 31-3-101 and a prestige license plate fee and application to the department, the distinctive license plate number assigned to a vehicle may consist of such combination of alphabetical letters or arabic numerals not currently held nor requested by any vehicle owner in the same county if approved by the department. Application shall be made to the department not later than sixty (60) days before the first day of the annual registration month for the vehicle. An owner having prestige license plates is entitled to

the first priority for similar plates upon timely and proper application for license plates. A request for renewal of the registration for the prestige license plate may be made to a county treasurer for issuance of a renewal registration and validation sticker.

31-2-209. Radio amateur license plates.

A resident who is the owner of a motor vehicle and who is licensed by the federal communications commission to engage in private and experimental two-way radio operation and holding a bona fide novice class license or higher may apply to the department for radio amateur license plates for one (1) passenger car and one (1) pickup truck only whereby the distinctive license plate number assigned to the motor vehicles shall consist of the figures and letters that make up the call sign of the radio amateur as issued by the federal communications commission. Upon payment of the additional radio amateur license plate fee the department shall furnish radio amateur license plates of such size and design as prescribed by the department to the county treasurer of the county in which the approved applicant resides. The county treasurer shall issue the plates to the applicant upon payment of the regular registration fees. A request for renewal of the registration for the radio amateur license plate may be made to a county treasurer for issuance of a renewal registration and validation sticker. The department may promulgate rules and regulations as provided by the Wyoming Administrative Procedure Act to implement the provisions of this section.

31-2-210. Antique motor vehicles.

(a) Antique motor vehicles shall be registered and licensed pursuant to this section.

(b) The owner of an antique motor vehicle shall register the vehicle within ten (10) days from the date of acquisition of the vehicle by submitting an application to the department indicating:

(i) The owner has resided in Wyoming for at least one (1) year;

(ii) The vehicle is owned and operated solely for the purposes of organized antique car club activities, parades, exhibitions, tours and other related activities and will not be used for general transportation;

(iii) The vehicle is titled in Wyoming.

(c) Upon receipt of an approved application and payment of fees the vehicle shall be registered and license plates issued therefor. The registration expires upon transfer of ownership of the vehicle. Notwithstanding W.S. 31-2-205(a)(i)(A), a license plate shall only be required to be displayed on the rear of those antique motor vehicles that were originally manufactured to have one (1) license plate.

31-2-211. Renumbered as § 31-18-404 by Laws 1993, ch. 68, § 4.

31-2-212. Loss, mutilation or destruction of registration, plates or validation stickers.

Upon loss, mutilation or destruction of a certificate of registration, license plate, or validation sticker the owner of a vehicle may obtain a duplicate certificate of registration, new license plates or validation stickers from any county treasurer or the department if the vehicle was registered or plates or stickers were issued by the department upon application showing the loss, mutilation or destruction, return of mutilated plates or stickers and payment of the duplicate registration, plate or sticker fee. For those vehicles registered under the provisions of W.S. 31-2-206(b), 31-2-207 through 31-2-209, 31-2-213(h) or 31-2-215 through 31-2-217, replacement duplicate license plates may be obtained upon application with the county treasurer from which the original plates were purchased or the department if applicable, accompanied by fees as provided by W.S. 31-3-102(a)(vi)(A). Duplicate license plates obtained under this section to replace lost or stolen plates shall not be displayed on the vehicle until the validation stickers on the lost or stolen plates have expired. Upon loss, mutilation or destruction of a dealer plate or validation sticker the dealer may obtain a replacement dealer plate or validation sticker from the county treasurer from which he purchased the original plate in the same manner as the owner of a vehicle and upon payment of the appropriate fee under W.S. 31-3-102(a)(vi). Obtaining a replacement plate is not the purchase of an additional plate under W.S. 31-16-125(b)(i). Upon application for new license plates or stickers the county treasurer shall notify the department and the county sheriff as soon as possible of the loss, mutilation or destruction. The department shall notify the appropriate law enforcement agencies

of any loss, mutilation or destruction of license plates or stickers.

31-2-213. Department to supply registration certificates, plates and stickers; removable windshield placards.

(a) The department on or before November 1 of each year shall furnish a sufficient quantity of plates or stickers, registration certificates fully completed and ready for reregistration of vehicles registered the previous year and a "vehicle register" to each county treasurer. Each county treasurer shall check and receipt to the department for all plates received and on December 31 of each year shall furnish an abstract showing the number of plates or stickers received and disposed of during the preceding year and the balance on hand which shall be held subject to instructions from the department.

(b) The department may issue license plates, except dealer and antique motor vehicle license plates, which shall be valid for not more than eight (8) years if annual validation stickers are attached covering the original year designation on the plate. Department authorized license plates and annual stickers shall be of colors that are readily distinguishable from the previous year.

(c) The department shall issue a special tamper resistant removable windshield placard to an applicant submitting a letter from his physician stating the applicant has a disability that is expected to last a minimum of twelve (12) months which limits or impairs the ability to walk, or to any person responsible for the regular transportation of eligible persons with a disability that is expected to last a minimum of twelve (12) months which limits or impairs the ability to walk who submits such a letter on behalf of an eligible person. The placard shall display the international symbol of access. When a vehicle is parked in an area reserved for the handicapped, the placard shall be suspended from the rearview mirror inside the vehicle, so as to be in plain view of any person looking through the front windshield of the vehicle from the sidewalk or roadside. For motor vehicles which do not have rearview mirrors, the placard shall be displayed on the dashboard of the parked vehicle, on the side nearest the curb or roadside. Upon request, one (1) additional placard shall be issued to applicants who have not been issued special license plates.

(d) As used in this section:

(i) "International symbol of access" means the symbol adopted by rehabilitation international in 1969 at its eleventh world congress on rehabilitation of the disabled;

(ii) "Eligible person" means a person with disabilities which limit or impair the ability to walk as determined by a licensed physician, including:

(A) An inability to walk two hundred (200) feet without stopping to rest;

(B) An inability to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;

(C) A restriction by lung disease to such an extent that the person's forced expiratory volume for one (1) second when measured by spirometry is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;

(D) Requires use of portable oxygen;

(E) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards established by the american heart association;

(F) A severe limitation on the ability to walk due to an arthritic, neurological or orthopedic condition; or

(G) A severe visual or audio impairment that limits the person's mobility.

(iii) "Special license plate" means a license plate that displays the international symbol of access:

(A) In a color that contrasts to the background; and

(B) The plate shall consist of the arabic numerals designating the county in which issued at the left, followed by the bucking horse and rider emblem and a distinctive combination of up to three (3) numbers and letters followed by the international symbol of access.

(iv) "Removable windshield placard" means a two (2) sided, tamper resistant, hooked placard which includes on each side:

(A) The international symbol of access, which is at least three (3) inches in height, centered on the placard and is blue or white on a contrasting white or blue background;

(B) An identification number;

(C) The seal or other identification of the issuing authority;

(D) An expiration date.

(e) Application forms for removable windshield placards shall contain the following information:

CONDITIONS AND RESTRICTIONS

1. This placard is nontransferable. It is unlawful to loan this placard to any person for any reason, regardless of whether that person is handicapped.

2. The placard shall be suspended from the rearview mirror inside the vehicle, so as to be in plain view of any person looking through the windshield of the vehicle from the sidewalk or roadside. For motor vehicles which do not have rearview mirrors, the placard shall be displayed on the dashboard of the parked vehicle, on the side nearest the curb or roadside.

3. Any fraudulent or other misuse of the placard may result in withdrawal of the placard from the holder pursuant to subsection (k) of this section.

4. The placard shall be surrendered to the issuing authority upon death of the holder or when the holder is no longer disabled.

(f) Applications for temporary and special removable windshield placards and special license plates, shall be submitted as provided by rules and regulations of the department. The rules and regulations shall conform to federal regulations adopted pursuant to P.L. 100-641, 102 Stat. 3335.

(g) The department shall issue a temporary removable windshield placard under the same procedures and subject to the same conditions as provided in subsections (c) through (e) of this section except:

(i) The disability which limits or impairs the ability to walk shall be one expected to last not more than six (6) months;

(ii) The temporary placard shall:

(A) Be of a design readily distinguishable from that of the special placard by having the word "temporary" overprinted on the placard; and

(B) Expire on and bear an expiration date which shall be visible from outside the vehicle when the card is properly displayed under subsection (c) of this section and be based on the information in the physician's letter.

(h) Effective January 1, 1993, any person eligible for a special placard under subsection (c) of this section may apply to the county treasurer for special license plates for a motor vehicle owned by that person. Special license plates shall not be issued to any person who is eligible only for a temporary removable windshield placard under subsection (g) of this section. Special plates issued under this subsection are subject to the following:

(i) The plates shall be displayed only upon the vehicle for which issued;

(ii) The plates shall be the same color as regular motor vehicle license plates and shall display the international symbol of access;

(iii) Repealed by Laws 1995, ch. 127, § 2.

(iv) One (1) set of plates shall be issued by the county treasurer to each qualified applicant under this subsection upon payment of required fees;

(v) Any vehicle registered under this subsection is subject to this article except for provisions under W.S. 31-2-204 prescribing the type of number for license plates;

(vi) The department shall prepare necessary forms and adopt necessary rules and regulations to implement this subsection;

(vii) Any individual who is issued special license plates under this subsection may be issued one (1) placard.

(j) Special license plates or removable windshield placards displaying the international symbol of access, as adopted by rehabilitation international in 1969 at its eleventh world congress on rehabilitation of the disabled, is the only symbol recognized in Wyoming for identification of vehicles used for transporting any eligible person under this section. Wyoming recognizes and grants reciprocity to licenses and placards displaying the international symbol of access which have been issued by other states or countries.

(k) Any person who is guilty of fraudulent or other misuse of the permit issued under this section is subject to a fine of not more than one hundred dollars (\$100.00) for the first offense. Upon receiving notice of a conviction under this subsection from the court, the department shall suspend the handicapped parking permit for a period not to exceed sixty (60) days. For a subsequent conviction under this subsection, an individual is subject to a fine of not more than two hundred fifty dollars (\$250.00) and the department shall suspend the handicapped parking permit for a period not to exceed six (6) months.

31-2-214. Transfer of ownership.

(a) Except as provided by subsections (b) through (d) of this section, upon transfer of ownership of a vehicle the registration of the vehicle expires and the original owner shall immediately remove the license plates from the vehicle. Within ten (10) days after acquiring another vehicle for which the license plates would be proper, the original owner may file an application for the transfer of the license registration number to a vehicle acquired by him accompanied by the fees based on the amount which would be due on a new registration as of the date of transfer less any credit for the unused portion of the original registration fees for the original vehicle for the assignment of the plates to the recently acquired vehicle subject to the following:

(i) All vehicles of the current model year as designated by the manufacturer thereof shall, for the payment of the county

registration fee thereon, be considered in the first year of service regardless of the date of purchase;

(ii) The state fee shall be calculated by multiplying the amount prescribed by W.S. 31-3-101(a)(ii) times the number of full months remaining in the registration year divided by twelve (12) and rounding to the next highest dollar;

(iii) If a license registration is transferred from a vehicle where the fee was greater than the vehicle to which the license registration is being transferred, there shall be no refund of fees paid.

(b) Upon transfer of ownership of a vehicle held in joint ownership between two (2) or more of the joint owners, or by a person to the person's spouse, child, brother, sister or parent, upon application and payment of the proper fee, the county treasurer shall issue a new registration reflecting the changed ownership and cancel the previous registration. The vehicle may then be operated with the same license plates for the remainder of the registration year.

(c) Upon termination of a lease agreement, the balance of registration fees paid for the leased vehicle may be transferred to a replacement motor vehicle, whether owned or leased. The license plates may also be transferred by lessee if the transfer is to a like motor vehicle.

(d) Upon termination of ownership of a motor vehicle, the balance of the existing registration fees which have been paid for the motor vehicle may be transferred to a replacement motor vehicle that is to be leased if the lease occurs within forty-five (45) days after the termination of ownership. The license plates may also be transferred if the transfer is to a like motor vehicle.

31-2-215. Disabled veteran's license plates.

(a) A disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of veteran's affairs and who is a resident at the time of application under subsection (b) of this section, may apply for distinctive license plates for a motor vehicle, other than a bus or motor home, owned by him upon registration of the vehicle. These license plates shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol or letters identifying the registrant

as a disabled veteran. The department shall prescribe the symbol or letters which shall not include arabic numerals designating the county.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by W.S. 31-2-201, except application shall be made not less than thirty (30) days before the last day of the applicant's annual registration month. Application forms shall be available at all county treasurer's offices.

(c) The county treasurer shall only issue one (1) pair of license plates to each applicant under this section.

(d) A veteran who qualifies for a special license plate under this section may apply to the veterans' commission for a veteran license sticker authorized under W.S. 31-2-204(b) for each vehicle owned and registered under the name of the veteran. Upon verification by the Wyoming veterans' commission that the veteran was honorably discharged from service and specifying the conflict service of the veteran and payment of the fee established by the commission, the commission shall issue the veteran license sticker for each vehicle for which the veteran has paid the fee established by the commission.

31-2-216. Special plates; former prisoners of war.

(a) The county treasurer shall issue one (1) set of special license plates for either a passenger car, truck or motor home owned by a former prisoner of war in accordance with this section for the year 1988 and thereafter.

(b) Any person eligible under subsection (d) of this section for the special license plate provided by this section may apply for additional special license plates upon the payment of any fees required by this act.

(c) The special license plates shall be the same color as regular motor vehicle license plates but shall be designed so as to indicate that the owner of the motor vehicle is a former prisoner of war and need not include arabic numerals for the county.

(d) Any person who, while serving in the armed forces of the United States, was incarcerated by an enemy of the United States during a period of conflict with the United States may use the special license plate for former prisoners of war

provided by this section. Any applicant for special license plates under this section shall be a Wyoming resident at the time of application.

(e) Vehicles registered under this section are subject to all other provisions of this article except those relating to the type of number license plates under W.S. 31-2-204.

(f) Except as provided in subsection (b) of this section, no fee shall be charged for the license plates provided by this section.

(g) All applications for special license plates provided by this section shall be made directly to the county treasurer at least thirty (30) days before registration of the vehicle expires. The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

(h) A veteran who qualifies for a special license plate under this section may apply to the veterans' commission for a veteran license sticker authorized under W.S. 31-2-204(b) for each vehicle owned and registered under the name of the veteran. Upon verification by the Wyoming veterans' commission that the veteran was honorably discharged from service and specifying the conflict service of the veteran and payment of the fee established by the commission, the commission shall issue the veteran license sticker for each vehicle for which the veteran has paid the fee established by the commission.

31-2-217. Special plates; Pearl Harbor survivors; national guard members; purple heart recipients.

(a) The county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck or motor home owned by a survivor of Pearl Harbor or by a member of the Wyoming army or air national guard, in accordance with this section for the year 1990 and thereafter. For the year 1993 and thereafter, the county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck or motor home owned by a purple heart recipient. These license plates shall be displayed upon the vehicle for which they are issued.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by W.S. 31-2-201. Application forms shall be available at all county treasurer's offices. The registration fees

prescribed by W.S. 31-3-101 shall accompany each application. No additional fee shall be charged for the license plates provided by this section.

(c) Any person eligible under subsection (e) of this section for the special license plate provided by this section may apply for additional special license plates upon the payment of any fees required by this act.

(d) The special license plates shall be the same color as regular motor vehicle license plates, but shall bear a distinctive symbol or letters identifying the registrant as a survivor of Pearl Harbor, a member of the Wyoming army or air national guard, or a purple heart recipient. The department shall prescribe the symbol or letters which need not include arabic numerals designating the county. The symbol or letters for a survivor of Pearl Harbor license plate shall be different from the symbol or letters for a national guard member license plate as well as a purple heart recipient license plate.

(e) Any person who is a Wyoming resident at the time of application may apply under this section for:

(i) A national guard license plate if he presents documentation that he is currently serving in an active or retired status of the Wyoming national guard;

(ii) A Pearl Harbor survivor license plate if he presents documentation that he:

(A) Was a member of the United States Armed Forces on December 7, 1941;

(B) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles; and

(C) Received an honorable discharge from the United States Armed Forces; or

(D) Is the surviving spouse of a deceased survivor of Pearl Harbor otherwise complying with subparagraphs (A) through (C) of this paragraph.

(iii) A purple heart recipient license plate if he is an official recipient of the United States military purple heart award with document proof thereof.

(f) Vehicles registered under this section are subject to all other provisions of this article except those relating to the type of number license plates under W.S. 31-2-204.

(g) All applications for special license plates provided by this section shall be made directly to the county treasurer at least thirty (30) days before registration of the vehicle expires. The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

(h) A veteran who qualifies for a special license plate under this section may apply to the veterans' commission for a veteran license sticker authorized under W.S. 31-2-204(b) for each vehicle owned and registered under the name of the veteran. Upon verification by the Wyoming veterans' commission that the veteran was honorably discharged from service and specifying the conflict service of the veteran and payment of the fee established by the commission, the commission shall issue the veteran license sticker for each vehicle for which the veteran has paid the fee established by the commission.

31-2-218. Firefighter's license plates.

(a) A firefighter employed by a city, county, state or duly created fire protection district or a volunteer firefighter as defined by W.S. 35-9-601 may apply for distinctive license plates for any motor vehicle owned by him upon registration of the vehicle. If the firefighter became a member of a bona fide fire department after January 1, 1995, he shall have a minimum of one (1) year service with the fire department and be firefighter one certified or engine boss wildfire certified in order to apply for the license plate. The fire chief or his designated assistant shall sign a written statement that the applicant is eligible to obtain the license plate. License plates issued under this section shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol and letters identifying the registrant as a firefighter.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by W.S. 31-2-201. The written statement of eligibility required under subsection (a) of this section shall be presented

to the county treasurer before a license plate may be issued. Application forms shall be available at all county treasurer's offices. The fee required under W.S. 31-3-102(a)(viii) shall accompany each application.

(c) No license plate or renewal sticker shall be issued under this section without written statement of eligibility required under subsection (a) of this section. All applications for special license plates provided by this section shall be made directly to the county treasurer at least thirty (30) days before registration of the vehicle expires.

(d) The department of transportation may prepare any special forms and issue any rules and regulations necessary to carry out this section. A license plate issued under this section shall meet the Wyoming department of transportation's requirements under W.S. 31-2-217(d) relating to the symbol or letters appearing on the license plate.

(e) Unless one thousand (1,000) license plates are issued under this section before December 31, 2008, the plate authorized under this section shall be eliminated from production and the department of transportation shall report the cessation of production to the legislature not later than January 15, 2009.

31-2-219. University of Wyoming license plates.

(a) Any person required to register a vehicle in Wyoming pursuant to W.S. 31-2-201 may apply to the University of Wyoming for a statement of eligibility for distinctive University of Wyoming license plates for any motor vehicle owned by the applicant upon registration of the vehicle. Upon payment by the applicant of a fee of one hundred dollars (\$100.00) established and assessed by the University of Wyoming, the university shall issue a written statement of eligibility for University of Wyoming license plates. Application shall be made at least thirty (30) days before registration of the vehicle expires. Any fees collected under this section shall be payable to the University of Wyoming, shall be deposited in a separate account and are continuously appropriated for use as provided in W.S. 21-17-118. The fee authorized under this section may be increased annually up to the percentage increase as shown by the Wyoming cost-of-living index as determined by the division of economic analysis of the department of administration and information.

(b) License plates issued under this section shall be displayed upon the vehicle for which they are issued.

(c) Except as provided in this section, application for, issuance and renewal of University of Wyoming license plates shall be subject to the same requirements and fees as provided in this article. The fee required under W.S. 31-3-102(a)(viii) shall accompany each application.

(d) The department shall prescribe the design of the special license plate authorized by this section, which shall include an image of the bucking horse and rider as described in W.S. 8-3-117, in consultation with the University of Wyoming, the University of Wyoming Alumni Association and the secretary of state's office, and arrange for production of the license plates. Following initial approval, University of Wyoming plates shall be subject to redesign on the same schedule as all license plates beginning with the year 2017 reissuance. The license plates shall be issued by the county treasurer of each county.

(e) The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

(f) Unless one thousand (1,000) sets of license plates are issued under this section before December 31, 2016, the plate authorized under this section shall be eliminated from production and the department shall report the cessation of production to the legislature not later than January 15, 2017.

31-2-220. Emergency medical technician's license plates.

(a) Any person certified by the department of health as an emergency medical technician may apply for distinctive license plates for any motor vehicle owned by that person upon registration of the vehicle. These license plates shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol and letters identifying the registrant as an emergency medical technician.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by W.S. 31-2-201. A written statement of eligibility, accompanied by a copy of the applicant's current emergency medical technician certification, shall be presented to the county treasurer before a license plate or renewal sticker may be issued. Application forms shall be available at all county treasurer's offices. The normal registration fees and the fee

required under W.S. 31-3-102(a)(viii) shall accompany each application. A person issued distinctive license plates pursuant to this section who is no longer a certified emergency medical technician shall apply for regular license plates pursuant to W.S. 31-2-201 before registration of the vehicle expires.

(c) All applications for special license plates provided by this section shall be made directly to the county treasurer at least thirty (30) days before registration of the vehicle expires. The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

(d) The special license plates shall be the same size and color as regular motor vehicle license plates but shall be designed so as to indicate that the owner of the motor vehicle is an emergency medical technician and need not include arabic numerals for the county.

ARTICLE 3
DEALERS AND MANUFACTURERS

31-2-301. Repealed by Laws 1997, ch. 154, § 3.

31-2-302. Repealed by Laws 1997, ch. 154, § 3.

31-2-303. Repealed by Laws 1997, ch. 154, § 3.

31-2-304. Repealed by Laws 1997, ch. 154, § 3.

ARTICLE 4
SNOWMOBILES

31-2-401. Definitions.

(a) For purposes of this act:

(i) "Commercial snowmobile" means a snowmobile operated as a nonguided rental snowmobile or a snowmobile leased, rented or operated by a commercial snowmobile outfitter;

(ii) "Snowmobile" means any mechanically driven vehicle of a type which utilizes sled type runners, or skis, or any endless belt tread or combination of these, designed primarily for operation over snow;

(iii) "This act" means W.S. 31-2-401 through 31-2-409.

31-2-402. Registration selling agents; application for registration.

(a) Repealed by Laws 1992, ch. 50, § 3.

(b) The department of state parks and cultural resources through the division of state parks and historic sites shall in accordance with W.S. 36-4-123, appoint selling agents to sell snowmobile registrations and user fees. Each selling agent shall retain one dollar (\$1.00) for each user fee sold under W.S. 31-2-409(a)(ii) or for each registration sold. Designated department employees may sell snowmobile registrations and user fees, but no employee shall receive any commission on registrations or user fees collected.

(c) Repealed by Laws 1992, ch. 50, § 3.

(d) Except as hereafter provided, every person who owns or uses a snowmobile which will be operated within the state of Wyoming shall, for each snowmobile so owned or used file or cause to be filed each year beginning July 1, with any designated registration selling agent, an application for registration of the snowmobile which shall be in writing in duplicate. The application shall state the name and address of the owner and the name of the applicant and describe the snowmobile, including make, model, any identifying serial numbers located on the snowmobile and whether the snowmobile will be operated for private or commercial use. At the time of application, the applicant shall also present proof in a form approved by the department of revenue that all sales or use tax due on the snowmobile have been paid. Any person who knowingly presents a false or fraudulent statement of proof is subject to the provisions of W.S. 6-5-303, in addition to any penalties and interest due for nonpayment of sales or use tax on the snowmobile.

31-2-403. Required registration fee.

The owner of a snowmobile which will be operated within the state of Wyoming shall, upon the filing of an application, pay to the registration selling agent, in cash, money order, certified check or bank draft, a registration fee as provided by W.S. 31-2-404.

31-2-404. Amount of fee; ad valorem tax exemption; disposition of fees; duties of department of state parks and cultural resources.

(a) Except as provided in W.S. 31-2-408, the annual registration fee for a snowmobile is:

- (i) For a snowmobile intended for private use
..... \$5.00;
- (ii) For a commercial snowmobile..... \$75.00.

(b) Snowmobiles are hereby exempt from any and all ad valorem taxes.

(c) The registration selling agent shall forward to the department of state parks and cultural resources the original copy of the registration application together with:

- (i) Four dollars (\$4.00) of each registration fee as provided for in paragraph (a)(i) of this section;
- (ii) Seventy-four dollars (\$74.00) of each registration fee as provided in paragraph (a)(ii) of this section;
- (iii) All fees collected under subsection (f) of this section.

(d) Except as provided in this subsection, the fees forwarded to the department of state parks and cultural resources under this section shall be deposited in the snowmobile trails account created by W.S. 31-2-409(c) and may be expended by the department subject to approval by the legislature. All fees collected under subsection (f) of this section shall be deposited in the search and rescue account created by W.S. 19-13-301(a).

(e) The department of state parks and cultural resources of Wyoming shall:

- (i) Administer the snowmobile trails program;
- (ii) Furnish a sufficient quantity of numbered decals and necessary forms to each registration selling agent; and
- (iii) Keep full and complete records of all registered snowmobiles.

(f) In addition to the fees under subsection (a) of this section, persons registering snowmobiles in Wyoming may pay a

fee of one dollar (\$1.00) to fund search and rescue activities. Snowmobile registration forms shall contain information about the voluntary fee under this subsection.

31-2-405. Payment of fees; issuance of certificate and decal; trespass warning printed on decal.

(a) Snowmobile registration fees shall be paid before the expiration of sixteen (16) days after acquiring ownership of a snowmobile which will be operated within the state of Wyoming. Upon receipt of the registration fee the registration selling agent shall issue to the owner for each snowmobile a certificate of registration, setting forth the facts in the application, together with a numbered decal which shall bear a distinctive number assigned to the snowmobile which shall at all times be prominently displayed on the snowmobile.

(b) The decal issued under subsection (a) of this section shall contain the following language printed on the face of the decal: "Warning: trespass upon private property while operating a snowmobile is punishable by imprisonment up to six (6) months, a fine up to seven hundred fifty dollars (\$750.00), or both under W.S. 6-3-303."

31-2-406. Lost, mutilated or destroyed certificate or decal.

In the event of loss, mutilation or destruction of any registration certificate, or numbered decal, the owner of a snowmobile may obtain a duplicate registration certificate or a new numbered decal from any registration selling agent or any authorized department of state parks and cultural resources employee upon filing an affidavit showing the loss, mutilation or destruction of the original registration certificate or numbered decal and paying a fee of one dollar (\$1.00). The registration selling agent shall forward to the division of parks and historic sites within the department fifty cents (\$.50) of each duplicate registration certificate fee to be deposited to the general fund. It is unlawful for any person to willfully alter or mutilate any registration certificate or numbered decal.

31-2-407. Duration of certificate and number.

Every certificate and number issued pursuant to W.S. 31-2-401 through 31-2-409 shall be valid from July 1 of the year designated until June 30 of the following year. The use of license plates or decals issued during any registration year is

hereby authorized and legalized until and including the first day of August of the next succeeding registration year.

31-2-408. Exemptions.

(a) The following snowmobiles are exempt from W.S. 31-2-401 through 31-2-407:

(i) Mobile track-laying units;

(ii) Snowmobiles used solely for business and agricultural purposes; and

(iii) Snowmobiles owned by out-of-state residents if a valid registration sticker from the owner's state of residence is affixed to those snowmobiles or if the owner can demonstrate other proof of valid registration in his state of residence.

(b) This section does not exempt snowmobiles which are leased or rented.

31-2-409. Snowmobile user fee; amount of fee; disposition of fees; account created; duties of department of state parks and cultural resources; duration of decal; exemptions.

(a) In addition to the registration fees required under W.S. 31-2-403, there shall be collected by registration selling agents an annual snowmobile user fee as follows:

(i) For a snowmobile owned by a Wyoming resident for which the registration fee under W.S. 31-2-404(a)(i) has been paid..... \$20.00

(ii) For any other snowmobile not exempt under subsection (f) of this section..... \$25.00

(b) The registration selling agent shall forward to the department of state parks and cultural resources the original copy of the snowmobile user fee form together with:

(i) The amount required under W.S. 31-2-404(c)(i) and snowmobile user fee as provided in paragraph (a)(i) of this section;

(ii) Twenty-four dollars (\$24.00) of each snowmobile user fee as provided in paragraph (a)(ii) of this section.

(c) There is hereby created a snowmobile trails account. The monies collected under this section and forwarded to the department of state parks and cultural resources shall be deposited in the account created by this section and may be expended by the department subject to approval by the legislature for the administration of the snowmobile trails program.

(d) The department of state parks and cultural resources shall:

(i) Administer the snowmobile trails program;

(ii) Furnish a sufficient quantity of numbered decals and necessary forms to each registration selling agent;

(iii) Keep a full and complete record of all snowmobile user fees collected.

(e) The annual snowmobile user fee numbered decal shall be valid from July 1 of the year designated until June 30 of the following year.

(f) Snowmobiles for which registration fees have been paid under W.S. 31-2-404(a)(ii) and snowmobiles exempt under W.S. 31-2-408(a)(i) and (ii) are exempt from the provisions of this section. The snowmobile user fee prescribed by paragraph (a)(ii) of this section may be waived on an annual basis by the director of the department of state parks and cultural resources in an area designated by the department through a cooperative agreement whereby other governmental agencies agree to contribute to the snowmobile trail maintenance and grooming for that area.

(g) The decal issued under this section shall be prominently displayed on the exterior of the snowmobile.

ARTICLE 5 MOBILE HOMES

31-2-501. Definitions; application required.

(a) As used in this act:

(i) The definitions in W.S. 31-1-101 apply;

(ii) "Mobile home" means a transportable home defined in W.S. 31-1-101(a)(xxiv)(C);

(iii) "Mobile home dealer" means as defined in W.S. 35-18-102(a)(v) but includes a finance agency as defined in W.S. 34.1-2-104;

(iv) "This act" means W.S. 31-2-501 through 31-2-508.

(b) Except as provided by W.S. 31-2-502, every owner of a mobile home located in this state for which no Wyoming certificate of title has been issued to the owner, or the transferee upon transfer of ownership of a mobile home, shall apply for a certificate of title at the office of a county clerk within thirty (30) days of the date the mobile home became subject to this act, or upon a transfer, within thirty (30) days of the date of transfer.

31-2-502. Exclusions.

(a) No certificate of title shall be issued or required for mobile homes:

(i) Owned by the United States;

(ii) Being transported from a point outside this state;

(iii) Held for sale by a Wyoming mobile home dealer;

(iv) Installed on a permanent foundation, taxable as real property and which has no current title under this act.

(b) If a mobile home is installed on a permanent foundation and is taxable as real property, the certificate of title or manufacturer's certificate of origin, if any, shall be surrendered to and cancelled by the county clerk of the county in which the mobile home is located except that no title shall be cancelled under this subsection unless all liens on the home have been released. The county clerk may require the person surrendering the title for cancellation to disclose information necessary to determine whether cancellation is proper under law.

31-2-503. Applications; contents; effect.

(a) Applications for certificates of title shall be under oath and contain or be accompanied by:

(i) The name and address of the owner and the person to whom the certificate of title is to be transferred;

(ii) A description of the mobile home including make, vehicle identification number, year, size and model;

(iii) If a new mobile home purchased from a mobile home dealer in any state:

(A) The manufacturer's certificate of origin indicating the date of sale to and the name of the first person receiving it from the manufacturer and a certification the mobile home was new when sold by the manufacturer; and

(B) Certification by the dealer that the mobile home was new when sold to the applicant.

(iv) Certification of applicant's ownership and any liens or encumbrances upon the mobile home;

(v) The current title containing an assignment and warranty of title, if applicable;

(vi) Certification that all taxes due on the mobile home for the preceding and current year have been paid;

(vii) Such other information as required by the department or county clerk.

(b) If the application for title is for a new mobile home purchased from a Wyoming mobile home dealer, the application may be signed by the Wyoming mobile home dealer, include a statement of transfer by the dealer and of any lien retained by the dealer.

(c) If a mobile home to be titled has no vehicle identification number, the applicant shall apply for and obtain a number from the department.

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the mobile home for which application for certificate of title is made, issue a certificate of title, upon a form approved by and provided at cost to the county clerk by the department of transportation, in the name of the owner bearing the signature and seal of the county clerk's office. Each certificate of title shall bear a distinct serial number. The

title shall be completely filled out giving a description of the mobile home in a manner prescribed by the department, indicate all encumbrances or liens on the mobile home and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of a sale or transfer of title. Certificates of title are valid for the mobile home so long as the mobile home is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the mobile home for which the certificate was issued.

31-2-504. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a mobile home who sells or transfers his interest in a mobile home for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the mobile home with a statement of all liens and encumbrances thereon and that all taxes due thereon have been paid, which assignment, warranty and statement shall be subscribed by the owner before a notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the mobile home.

(b) If the transferee is a mobile home dealer who holds the mobile home for resale and procures the certificate of title from the transferor, the dealer is not required to obtain a new certificate of title but may transfer the mobile home by an assignment and warranty of title upon the certificate of title and deliver the certificate to a subsequent transferee.

(c) In the event of a transfer by operation of law of any interest in a mobile home as upon an order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or sales contract or otherwise than by voluntary act of the person whose title or interest is transferred, the administrator, receiver, trustee, sheriff, creditor or other representative or successor in interest of the person whose interest is transferred shall forward to the county clerk an application for a certificate of title together with a verified or certified statement of the transfer of interest. The statement shall set forth the reason for the involuntary transfer, the interest transferred, the name

of the transferee, the process or procedure effecting the transfer and other information requested by the county clerk. Evidence and instruments otherwise required by law to effect a transfer of legal or equitable title to or an interest in a mobile home in such cases shall be furnished with the statement. If a transfer of title to a creditor is accomplished in accordance with the provisions of this subsection, a creditor retains the right to seek any deficiency balance which may exist after sale, provided the creditor has complied with applicable law, and the transfer by itself shall not be considered a strict foreclosure or an election to retain the collateral in satisfaction of an obligation as provided by W.S. 34.1-9-620 and does not affect the debtor's right to redeem the collateral under W.S. 34.1-9-623. If from the records of the county clerk there appears to be any lien on the mobile home which was recorded prior to the lien of the creditor applying for title and which has not been released, the certificate of title shall contain a statement of the lien. The creditor repossessing and applying for title to the mobile home shall notify all persons holding liens on the mobile home by certified mail return receipt requested at least fifteen (15) days prior to filing the application for title. Any proceeds from the sale, lease or other disposition of the mobile home shall be distributed in accordance with the provisions of W.S. 34.1-9-610 and 34.1-9-615.

31-2-505. Duplicate titles.

Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE". No duplicate certificate shall be issued before the 11th day after the affidavit is filed unless the owner deposits an indemnity bond to the state of Wyoming with the county clerk in an amount of not less than double the value of the mobile home. The bond shall be executed by a surety duly authorized to carry on business in Wyoming or by individual sureties qualified as provided by W.S. 1-1-104 and 1-1-105. Bonds shall be conditioned for protection and indemnification of all persons who may have any interest in or dealing with the mobile home against any loss which may occur by reason of the

issuance of the duplicate certificate before the 11th day after the affidavit is filed.

31-2-506. Repealed By Laws 2002, Ch. 96, § 2.

31-2-507. Prohibited acts; penalties.

(a) No person shall knowingly make any false statement in any application or other document required under this act.

(b) No person shall sell or transfer his interest in a mobile home for which a certificate of title is required unless he has obtained a certificate and assigns his interest on the title except as otherwise provided by this act.

(c) Any person who violates any provision of W.S. 31-2-503 through 31-2-505 and this section is guilty of a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than two (2) years, or both. Any person who violates W.S. 31-2-508 is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

31-2-508. Payment of taxes, receipt and over-width permit for transportable homes.

Before any transportable home or portion thereof, whose original movement commences within the state of Wyoming is conveyed upon any street or highway, the owner shall present a proof of ownership for each portion of a prebuilt or modular home, or a certificate of title if for a mobile home, to the county treasurer of the county in which the transportable home is located, and pay the current year's taxes as computed by the county treasurer. In the event the ad valorem levy has not been set for the current year, the current year's tax shall be computed upon the levy for the previous year. Upon full payment of the current year's taxes due, the county treasurer shall issue a receipt describing the transportable home and indicating the current year's taxes are paid. Upon presentation of the receipt to the director of the department of transportation, or his authorized representative, the owner may be issued an over-width permit. Payment of the taxes due on a transportable home is not required for the issuance of an over-width permit if the transportable home is abandoned and is moved pursuant to W.S. 31-13-101 through 31-13-116. As used in this section, "transportable home" means as defined in W.S. 31-1-101(a)(xxiv).

ARTICLE 6
MOBILE MACHINERY

31-2-601. Renumbered as § 31-18-203 by Laws 1993, ch. 68, § 3.

31-2-602. Renumbered as § 31-18-204 by Laws 1993, ch. 68, § 3.

31-2-603. Renumbered as § 31-18-205 by Laws 1993, ch. 68, § 3.

31-2-604. Renumbered as § 31-18-206 by Laws 1993, ch. 68, § 3.

31-2-605. Renumbered as § 31-18-207 by Laws 1993, ch. 68, § 3.

31-2-606. Renumbered as § 31-18-208 by Laws 1993, ch. 68, § 3.

ARTICLE 7
OFF-ROAD RECREATIONAL VEHICLES

31-2-701. Definitions.

(a) Except as otherwise provided, as used in this act:

(i) "Off-road recreational vehicle" means as defined in W.S. 31-1-101(a)(xv)(K);

(ii) "Wyoming off-road recreational vehicle trail" means an off-road recreational vehicle trail or area specifically designated, marked or signed by the department of state parks and cultural resources as a Wyoming off-road recreational vehicle trail.

31-2-702. Registration selling agents; application for trail user registration decal; affidavit required if vehicle serial number not visible; penalty.

(a) The department of state parks and cultural resources through the division of state parks and historic sites, shall in accordance with W.S. 36-4-123, appoint agents to sell off-road recreational vehicle trail user registration decals. Each selling agent shall retain one dollar (\$1.00) for each trail

user registration decal sold. Designated department employees may sell trail registration user decals under this article and if decals are sold, the employee shall not receive any commission on user registration fees collected under this article.

(b) Beginning January 1, 2002, each owner of an off-road recreational vehicle shall for each vehicle used on Wyoming off-road recreational vehicle trails as established and administered by the department, annually file in writing and in duplicate with any designated registration selling agent, an application for trail user registration of the off-road recreational vehicle. The application shall state the name and address of the owner, the name of the applicant and the make, model and identifying serial number of the off-road recreational vehicle. If the vehicle identifying serial number is not legible or visible, the applicant shall upon a form provided by the department, provide proof of ownership by affidavit certified in writing. Any person knowingly presenting a false or fraudulent statement under this subsection is subject to the penalties provided by W.S. 6-5-303.

(c) Any person who operates an off-road recreational vehicle on any Wyoming off-road recreational vehicle trail without a decal required under this article or in violation of the provisions of W.S. 31-5-1601 is guilty of a misdemeanor and upon conviction, shall be fined not more than one hundred dollars (\$100.00).

31-2-703. Required user registration fee; disposition of fees; duties of department of state parks and cultural resources.

(a) The owner of an off-road recreational vehicle which will be operated on Wyoming off-road recreational vehicle trails shall, upon filing of an application, pay to the registration selling agent an annual user registration fee of fifteen dollars (\$15.00).

(b) The registration selling agent shall forward to the department of state parks and cultural resources the original copy of the user registration application together with fourteen dollars (\$14.00) collected under subsection (a) of this section.

(c) There is created an off-road recreational vehicle trails account. The fees received by the department of state parks and cultural resources under this article shall be

deposited into the account created by this subsection and shall be expended by the department for the administration of the off-road recreational vehicle trails program.

(d) The department of state parks and cultural resources shall:

(i) Administer the Wyoming off-road recreational vehicle trails program;

(ii) Furnish a sufficient quantity of numbered decals and application forms to each registration selling agent;

(iii) Keep full and complete records of all registered off-road recreational vehicles; and

(iv) Consult with the Wyoming trails advisory council to assist the department to establish and maintain adequate off-road recreational vehicle trails.

31-2-704. Payment of fees; issuance of numbered decal; trespass warning printed on decal.

(a) Upon receipt of user registration fees imposed under this article, the selling agent shall issue a numbered decal which shall be prominently displayed on the off-road recreational vehicle.

(b) Numbered decals issued under this article shall contain the following language: "Warning: trespass upon private property while operating an off-road recreational vehicle is punishable by imprisonment up to six (6) months, a fine up to seven hundred fifty dollars (\$750.00), or both, under W.S. 6-3-303."

31-2-705. Lost, mutilated or destroyed decal.

In the event of loss, mutilation or destruction of any numbered decal, the owner of an off-road recreational vehicle may obtain a duplicate or new numbered decal from any authorized selling agent or any employee of the department of state parks and cultural resources upon filing an affidavit explaining the loss, mutilation or destruction of the original numbered decal and paying a fee of two dollars (\$2.00). The selling agent shall forward to the department of state parks and cultural resources one dollar (\$1.00) of each fee collected under this section to be deposited in the account created by W.S. 31-2-703(c).

31-2-706. Duration of decal.

Each decal issued under this article is effective for the calendar year and shall expire on December 31 of the registration year.

31-2-707. Exemptions.

(a) Off-road recreational vehicles owned or used by a governmental agency are exempt from this article.

(b) In addition to subsection (a) of this section, the off-road recreational vehicle trail user registration required under this article may be waived on an annual basis by the director of the department of state parks and cultural resources for any area designated by the department through a cooperative agreement whereby other governmental agencies agree to contribute to the off-road recreational vehicle trail maintenance and grooming for that area.

ARTICLE 8
MOTOR VEHICLE SECURITY INTERESTS

31-2-801. Perfection of a security interest in a vehicle or motor vehicle.

(a) Two (2) steps are required for perfection of a security interest in a vehicle or motor vehicle required to be licensed as hereinafter defined:

(i) A financing statement or security agreement must be filed in the office of the county clerk of the county in which the vehicle is located; and

(ii) A notation of the security interest must be endorsed on the certificate of title to the vehicle or motor vehicle, the endorsement to be made concurrently with the filing of the financing statement or security agreement.

(b) Each owner of a vehicle or motor vehicle concerning which an original or substitute certificate of title has been issued who encumbers the title thereto, shall deliver the certificate to the holder of the security interest who, within five (5) days thereafter, shall deliver the certificate to the clerk of the county in which the vehicle is located, and the clerk shall then endorse on the face of the certificate appropriate notation showing the date and amount of the security

interest, and the name of the secured party. If such clerk issued the certificate, he shall immediately endorse the same security interest data on the certificate copy on file in his office. If the certificate was issued in some other county or state, he shall promptly transmit to the state or county officer who issued the certificate the same security interest data and such other officer shall promptly endorse same on the certificate copy on file in his office. Every financing statement or security agreement when filed pursuant to the provisions of this subsection shall take effect and be in force from and after the time of filing and not before, as to all creditors, subsequent purchasers, and holders of a security interest in good faith for valuable consideration and without notice.

(c) When a termination statement has been filed pursuant to W.S. 34.1-9-513, the owner of the motor vehicle shall present the certificate of title to the county clerk in whose office the financing statement has been filed, and the county clerk shall endorse a statement of the termination of the security interest on the face of the certificate. If the clerk issued the certificate of title, he shall endorse a like statement of termination of the security interest on the certificate copy on file in his office, but otherwise he shall promptly transmit to the state or county officer who issued the certificate of title the statement of termination for endorsement on the certificate copy on file in his office.

(d) The term "vehicle or motor vehicle required to be licensed" and the words "vehicle" and "motor vehicle" as used in this section means and includes all vehicles, motor vehicles, house trailers, trailers, semitrailers, motor coaches, trailer coaches, trucks, motorcycles, multipurpose vehicles and mobile homes required by the motor vehicle laws of the state of Wyoming to have a certificate of title or required to be registered or licensed under the laws of this state and includes off-road recreational vehicles for which a certificate of title has been issued under the laws of this state.

(e) Repealed by Laws 2003, Ch. 129, § 2.

(f) When the certificate of title to the vehicle or motor vehicle is not available for perfection under subsection (a) of this section, a "transitional ownership document", on a form prescribed by the department of transportation, may be filed with the financing statement or security agreement and the fee as specified in W.S. 18-3-402(a)(xvi)(T) to enable a security

interest to be perfected in a timely manner. The transitional ownership document serves to perfect a lien upon the date of filing as to all creditors, subsequent purchasers and holders of a security interest in good faith for valuable consideration and without notice. No endorsement on the transitional ownership document is required to perfect the security interest. Within ninety (90) days from the date of the financing statement or security agreement, the certificate of title shall be filed along with a five dollar (\$5.00) fee with the county clerk. If the certificate of title is not timely filed, the transitional ownership document is invalid, without force and effect.

31-2-802. Terminal rental adjustment clause.

(a) Notwithstanding any other provision of law, in the case of a motor vehicle or trailer that is not leased, or used, primarily for personal, family or household purposes, a transaction does not create a sale or security interest merely because the contract on which the transaction is based contains a terminal rental adjustment clause.

(b) As used in this section, "terminal rental adjustment clause" means a provision in a contract permitting or requiring the rental price of a motor vehicle or trailer to be adjusted either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

(c) Nothing in this section exempts a motor vehicle or trailer from the payment of any fees or taxes required at the time of titling or registering a vehicle under article 1 of this chapter.

CHAPTER 3
GENERAL FEES

31-3-101. Registration fees; exemptions.

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a vehicle:

(i) A county registration fee computed as follows, or five dollars (\$5.00), whichever is greater:

(A) 3% of 60% of the factory price for a vehicle in its first year of service;

(B) 3% of 50% of the factory price for a vehicle in its second year of service;

(C) 3% of 40% of the factory price for a vehicle in its third year of service;

(D) 3% of 30% of the factory price for a vehicle in its fourth year of service;

(E) 3% of 20% of the factory price for a vehicle in its fifth year of service;

(F) 3% of 15% of the factory price for a vehicle in its sixth year of service and thereafter.

(ii) A state registration fee computed as follows:

(A) Passenger cars \$15.00

(B) School buses \$10.00

(C) House trailers \$15.00

(D) Motorcycles and multipurpose vehicles .. \$12.00

(E) Other noncommercial vehicles based on unladen weight:

(I) 1,000 pounds or less..... \$ 2.00

(II) 1,001 to 3,500 pounds..... \$15.00

(III) 3,501 to 4,500 pounds..... \$20.00

(IV) 4,501 to 5,500 pounds..... \$30.00

(V) 5,501 to 6,000 pounds..... \$40.00

(VI) 6,001 pounds or more..... \$60.00

(F) Commercial vehicles, except passenger cars, school buses, house trailers, multipurpose vehicles and motorcycles for which the fees shall be computed based on gross vehicle weight pursuant to W.S. 31-18-401;

(G) For vehicles equipped with nonpneumatic tires of an unladen weight in excess of 3,500 pounds, increase the fees

prescribed by subparagraph (E) of this paragraph and W.S. 31-18-401(a)(ii)(A) by twenty dollars (\$20.00);

(H) Commercial vehicles being operated as a combination of two (2) or more vehicles shall be registered on the gross combined weight and pay fees as prescribed by W.S. 31-18-401(a)(ii)(A) and 31-18-401(a)(iii).

(iii) Except as otherwise provided in W.S. 31-18-201(d)(iii), an equalized highway use tax collected by the department in lieu of the county registration fee imposed by paragraph (a)(i) of this section for commercial vehicles or fleets proportionally registered under W.S. 31-18-201(d)(ii).

(b) The fees prescribed by subsection (a) of this section are modified for owners of the following vehicles:

(i) Repealed by Laws 1987, ch. 90, § 2.

(ii) Repealed by Laws 1987, ch. 90, § 2.

(iii) War veteran owners of vehicles entitled to exemptions pursuant to W.S. 39-11-105(a)(xxiv) and 39-13-105 may claim unused exemptions against the fees prescribed by paragraph (a)(i) of this section;

(iv) Repealed by Laws 1987, ch. 90, § 2.

(v) Repealed by Laws 1997, ch. 154, § 3.

(vi) Any veteran as defined by W.S. 39-13-105(a) who was a prisoner of war while serving in the armed forces of the United States is exempt from the fees provided by subsection (a) of this section for one (1) vehicle owned by the claimant. In order to receive the exemption, the claimant shall file with the county treasurer a sworn claim at the time of registration indicating the claimant's right to the exemption. County assessors shall file notice of the number of exemptions granted and revenue lost in the same manner provided by W.S. 39-13-102(k);

(vii) Fees prescribed in subsection (a) of this section for vehicles not previously qualified for operation in this state are reduced by the proportionate share of the year prior to first operation if the vehicles have not been illegally operated on the highways of this state prior to application for registration;

(viii) A farmer, rancher, logger or well servicer who owns a commercial vehicle or combination of commercial vehicles operated by him or his employees primarily in agricultural operations, logging operations from the source to the mill, or in the servicing of well field operations and registered with the county treasurer under W.S. 31-18-201(b)(ii) shall pay twenty-five percent (25%) of the fee prescribed in subparagraph (a)(ii)(F) of this section;

(ix) An owner of a commercial vehicle or combination of vehicles registered with the county treasurer under W.S. 31-18-201(b)(ii), except for a vehicle owner whose fee is modified pursuant to paragraph (viii) of this subsection, shall pay a percentage of the state registration fee prescribed by subparagraph (a)(ii)(F) of this section as provided in the table below if the owner states under oath on a form prescribed and furnished by the department that the owner will not operate the vehicle or combination of vehicles more than the applicable number of miles stated in the table below on highways in the calendar year of registration:

NUMBER OF MILES OPERATED	PERCENTAGE OF STATE FEE
2,500 miles or less	15%
2,501 to 5,000	20%
5,001 to 10,000 miles	25%
10,001 to 20,000 miles	50%
20,001 to 30,000 miles	75%

(x) The department shall prescribe by rule and regulation a means to identify conspicuously the vehicle or combination of vehicles for which a percentage of the state fee is paid at the time of registration pursuant to paragraphs (viii) and (ix) of this subsection. The department shall furnish the means of identification to each county treasurer to be issued at the time of registration. The vehicle owner shall display the means of identification as required by rules and regulations of the department. Failure to display the identification as required shall result in the penalties provided by law for failure to display a license plate;

(xi) If an owner of a commercial vehicle or combination of vehicles who pays a percentage of the state fee pursuant to paragraph (ix) of this subsection desires to increase the authorized amount of mileage for which the vehicle or combination of vehicles is registered, he shall pay an

additional fee equal to the fee due for the additional amount of miles less the amount of fee paid at the time of registration. If the department determines through an audit, a verification of mileage statements or other means that the owner of a commercial vehicle or combination of vehicles has exceeded the authorized amount of mileage, an additional fee shall be due equal to twice the amount that should have been paid for the actual amount of miles driven less the fee paid pursuant to this paragraph and paragraph (ix) of this subsection;

(xii) The fees prescribed in subparagraph (a)(ii)(F) and paragraph (a)(iii) of this section may be paid at the option of the registrant in two (2) equal installments in the calendar year nineteen hundred ninety (1990). The equal installments are due and payable on March 31, 1990, and on July 31, 1990. For the calendar year nineteen hundred ninety-one (1991) and thereafter the fees are due as provided in W.S. 31-2-201(a)(i) and (ii);

(xiii) A vehicle designed and used exclusively for the purpose of removing, towing or transporting wrecked, disabled or replacement vehicles incidental to an accidentally wrecked or disabled vehicle shall be considered a single unit and the fees prescribed by subparagraph (a)(ii)(F) and paragraph (a)(iii) of this section shall be based only on the gross weight of the towing vehicle;

(xiv) From and after January 1, 1993, vehicles owned and primarily operated by an enrolled member of the Eastern Shoshone or Northern Arapaho Indian tribe who resides within the exterior boundaries of the state of Wyoming on the Wind River Indian Reservation or on other Indian country as defined by 18 U.S.C. § 1151 are exempt from fees provided by paragraph (a)(i) of this section. In order to receive the exemption, the claimant shall file a sworn claim with the county treasurer at the time of registration indicating the claimant's right to the exemption. County treasurers shall file notice of the exemptions granted and revenue lost and may be reimbursed by the state treasurer for all or a portion of revenue lost from funds appropriated for that purpose, in the same manner and subject to the same time limitation as provided for veteran exemptions under W.S. 39-13-102(k). The department, in consultation with the state treasurer, shall prescribe forms and procedures necessary to implement this paragraph;

(xv) A disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of veteran's affairs is exempt from the

fees imposed under subsection (a) of this section for one (1) vehicle, other than a bus or motor home, owned by the claimant. Application for the exemption under this paragraph shall be in accordance with W.S. 31-2-215. County treasurers shall file notice with the department of revenue of the number of exemptions granted and the fiscal impact on revenues.

(c) When no factory price is available for the computation of fees as required by this act an affidavit of valuation executed by the owner may be accepted. When an affidavit is presented for a homemade trailer the valuation given shall not be less than the actual cost of construction of the trailer. The county clerk or treasurer may also utilize a valuation for any trailer set by the county assessor.

(d) The fees prescribed by subsection (a) of this section collected for the registration of a vehicle are in lieu of taxes provided by W.S. 39-13-101 through 39-13-111.

(e) Repealed by Laws 1990, ch. 93, § 3.

(f) Repealed by Laws 1990, ch. 93, § 3.

(g) Owners of the following vehicles are exempt from the payment of fees provided by subsections (a) and (b) of this section:

(i) Vehicles owned by the United States, state of Wyoming, county, city, town or political subdivision of Wyoming or a joint powers board created under W.S. 16-1-101 through 16-1-109, or vehicles owned by an irrigation district created under W.S. 41-7-201 through 41-7-210 or vehicles owned by a weed and pest control district created under W.S. 11-5-101 et seq. provided the vehicles are essential to the operation and maintenance of the district and are used for no business or commercial activity unrelated to the operation and maintenance of the district, or vehicles owned by a senior citizen center that is providing services to senior citizens under W.S. 18-2-105;

(ii) Motor vehicles which will not be operated or driven upon Wyoming highways during the registration year upon the verified affidavit by the owner stating facts entitling him to relief;

(iii) Antique motor vehicles;

(iv) Vehicles held for sale by licensed Wyoming dealers or manufacturers.

(h) Any owner of a vehicle who wishes to donate money to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts shall be provided space on the registration form to do so pursuant to W.S. 31-2-201(b)(v). Any money received under this subsection shall be forwarded by the county treasurer to the state treasurer to be deposited into a separate account to be used as provided by W.S. 35-5-118.

31-3-102. Miscellaneous fees.

(a) The following fees shall be collected for the instruments or privileges indicated:

(i) Distinctive license plates indicating public ownership issued to governmental agencies..... Cost

(ii) License plates not indicating public ownership issued to governmental agencies..... No Fee

(iii) Repealed by Laws 1985, ch. 207, § 3.

(iv) Motorcycle dealer or motorcycle manufacturer license plates..... \$ 5.00

(A) and (B) Repealed by Laws 1985, ch. 67, § 1.

(v) All other demo or manufacturer license plates\$ 25.00

(A) Repealed by Laws 1985, ch. 67, § 1.

(B) Repealed by Laws 1985, ch. 67, § 1.

(C) Full use plates.....\$125.00

(vi) Duplicate certificate of registration \$ 4.00

(A) New or duplicate license plates upon loss, mutilation or destruction of initial plates..... \$ 8.00

(B) New validation stickers upon loss, mutilation or destruction of initial stickers..... \$ 6.00

- (vii) Certificate of title, including a nontransferable certificate for registration purposes under W.S. 31-2-102(a)(iii), original or duplicate.....\$9.00
- (viii) Personalized license plates, payable only if plates are issued..... \$ 30.00
- (ix) Dealer certificate, each principal place of business within each county..... \$100.00
- (x) Temporary license permits..... Cost
- (xi) Repealed by Laws 1997, ch. 154, § 3.
- (xii) Following transfer of ownership of a vehicle between two (2) or more joint owners, or by an owner to his spouse, child, brother, sister or parent for new registration\$ 4.00
- (xiii) Antique motor vehicles
 - (A) Initial license plates..... \$ 10.00
 - (B) Transfer of license plates..... \$ 2.00
- (xiv) Radio amateur license plates..... \$ 30.00
- (xv) Loaded vehicle demonstration permit under W.S. 31-18-404(d)..... \$ 15.00
- (xvi) Demonstration permit under W.S. 31-2-201(g) \$ 10.00
- (xvii) Manufacturer certificate, each established place of business..... \$100.00
- (xviii) Antique vehicle dealer certificate \$250.00
- (xix) Veteran license sticker.....Cost

(b) A five dollar (\$5.00) fee shall be collected for each vehicle identification number or rebuilt salvage vehicle decal inspected pursuant to W.S. 31-2-103(a)(vi) or 31-2-108(d). If a vehicle is presented for inspection of both vehicle inspection number and rebuilt salvage vehicle decal at the same time, only

one (1) fee of five dollars (\$5.00) shall be collected. The fee shall be deposited as follows:

(i) If the inspection is performed by a city or town's police officer then in the city or town's general fund;

(ii) If the inspection is performed by a county sheriff then in the county's general fund;

(iii) If the inspection is performed by a state trooper then in the state's general fund; or

(iv) If the inspection is performed by a law enforcement officer in a state other than Wyoming then in the general fund of the county where application for certificate of title is made.

31-3-103. Distribution of fees; refunds.

(a) Fees collected pursuant to W.S. 31-3-101(a)(i) for the registration of Wyoming based commercial vehicles or fleets pursuant to this act shall be distributed monthly to the county in which each vehicle or fleet is principally located and for the registration of non-Wyoming based commercial vehicles or fleets, rental vehicles, utility trailers and rental trucks shall be distributed monthly to the counties in the ratio that the total miles of primary, secondary and interstate highways in each county bears to the total miles of primary, secondary and interstate highways in the state.

(b) Fees collected pursuant to W.S. 31-3-101(a)(i) and subsection (a) of this section shall be distributed by county treasurers in the same proportions and manner as property taxes are distributed.

(c) All other fees shall be credited to the state highway fund except as otherwise provided.

(d) Except as otherwise provided no fees shall be refunded unless paid and collected by mistake.

(e) Fifty percent (50%) of the fees collected pursuant to W.S. 31-3-102(a)(vi)(A) and (B) and (xii) shall be distributed to the county general fund in the county where the fees were collected.

(f) One dollar (\$1.00) of the fees collected pursuant to W.S. 31-3-102(a)(vii) shall be credited to the county abandoned vehicle account created by W.S. 31-13-111(b).

(g) Fees collected by U-Drive-It motor vehicle or car rental companies pursuant to W.S. 31-3-104 in excess of registration fees paid on trucks or passenger vehicles in Wyoming shall be distributed as follows:

(i) Fifty percent (50%) of the fees shall be distributed to the state highway fund;

(ii) Fifty percent (50%) of the fees shall be distributed to the counties in the ratio that the total miles of primary, secondary and interstate highways in each county bears to the total miles of primary, secondary and interstate highways in the state.

(h) Of the fees collected pursuant to W.S. 31-3-101(a)(ii)(D), seven dollars (\$7.00) of each registration shall be deposited in the motorcycle safety education program account created by W.S. 31-5-1506.

(j) Eighty percent (80%) of the fees collected for demo or manufacturer license plates pursuant to W.S. 31-3-102(a)(v) shall be distributed to the state highway fund. Twenty percent (20%) of the fee shall be distributed to the county general fund in the county where the fees were collected.

(k) The fees collected for full use plates pursuant to W.S. 31-3-102(a)(v)(C) shall be distributed by the county treasurers as follows:

(i) Eighty percent (80%) shall be distributed in the same proportions and manner as property taxes are distributed;

(ii) Twelve percent (12%) of the fee shall be distributed to the state highway fund;

(iii) Eight percent (8%) of the fee shall be distributed to the county general fund in the county where the fees were collected.

31-3-104. Surcharge on rental of passenger and U-Drive-It motor vehicles.

(a) Rental companies engaged in the business of renting passenger or U-Drive-It motor vehicles for periods of twenty-nine (29) days or less shall collect, at the time the vehicle is rented in Wyoming, a four percent (4%) surcharge on each rental contract. For purposes of this section, a vehicle is rented in Wyoming if possession is obtained by the renter in Wyoming. The surcharge shall be computed on the total dollar amount stated in the rental contract, except that taxes imposed by chapters 15 and 16 of title 39 shall not be used in computing the surcharge. The surcharge paid under this section shall not be subject to the taxes imposed by chapters 15 and 16 of title 39.

(b) The surcharge shall be noted in the rental contract and collected in accordance with the terms of the contract. Except as provided in subsection (c) of this section, the surcharge shall be retained by the vehicle owner or the rental company engaged in the business of renting passenger or U-Drive-It motor vehicles as reimbursement for registration fees paid under W.S. 31-3-101.

(c) On February 15 of each year, all rental companies which collect surcharges pursuant to this section shall file a report with the department stating the total amount of registration fees paid in Wyoming on its passenger or U-Drive-It motor vehicles for the preceding calendar year, the total amount of passenger or U-Drive-It motor vehicle rental revenues earned on rentals in Wyoming for the preceding calendar year and the amount by which the total amount of the surcharges collected for the preceding calendar year exceeds the total amount of Wyoming registration fees on passenger or U-Drive-It motor vehicles paid for the preceding calendar year. All surcharge revenues collected in excess of the total amount of Wyoming registration fees paid on passenger or U-Drive-It motor vehicles shall be remitted to the department for distribution in accordance with W.S. 31-3-103. For a period of three (3) years after filing the report required under this subsection:

(i) The rental company shall retain copies of rental contracts;

(ii) The department may require rental companies to furnish copies of rental contracts for purposes of ensuring compliance with this section.

(d) Any rental company which makes a false report to the department with the intent to misrepresent the amount of registration fees paid on passenger or U-Drive-It motor vehicles

or the amount of surcharges collected is guilty of a misdemeanor and upon conviction is subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each violation constitutes a separate offense.

(e) The department may promulgate rules and regulations necessary to implement the provisions of this section and shall provide the forms necessary to meet the filing requirements of this section.

CHAPTER 4
GENERAL OFFENSES AND PENALTIES

31-4-101. General prohibitions.

(a) No person shall knowingly operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle:

(i) Unless a valid certificate of title or nontransferable certificate under W.S. 31-2-102(a)(iii), certificate of registration and license plates or temporary permits have been issued for the vehicle except as otherwise provided by this act;

(ii) Unless valid license plates or permits issued for the vehicle are displayed on the vehicle as provided by this act except as otherwise provided by this act;

(iii) With license plates, validation stickers or license permits altered, mutilated or obscured so as to prevent the license plate number from being easily read.

(b) No person shall alter or mutilate any valid license plate, sticker or permit.

(c) Repealed by Laws 1991, ch. 116, § 2.

(d) No person shall sell or transfer his interest in a vehicle for which a certificate of title is required unless he has obtained a certificate and assigns his interest on the title except as otherwise provided by this act.

31-4-102. Falsifications; alterations, forgery or counterfeiting; penalties.

(a) No person shall knowingly make a false statement in any application or other document required under this act.

(b) No person shall alter with fraudulent intent, forge or counterfeit any certificate of title, certificate of registration, or assignment of a certificate of title. No person shall hold or use any certificate of title or certificate of registration knowing the same to have been altered, forged or counterfeited.

(c) Any person convicted of a violation of subsection (a) or (b) of this section is guilty of a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than two (2) years, or both.

31-4-103. Failure to maintain liability coverage; penalties; exceptions.

(a) No owner of a motor vehicle required to be registered shall operate or permit the operation of his motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b) or a bond in amounts provided by W.S. 31-9-102(a)(xi). Violation of this subsection is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or both. On a second or subsequent violation of this subsection, the person may be fined not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500.00), imprisoned for not more than six (6) months, or both. In addition to the fine or imprisonment imposed for a second or subsequent violation of this subsection, the judge shall require the defendant to deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued, and the registration and license plates shall be held by the county treasurer until such time as the judge determines that the defendant has met all obligations imposed by law. Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to conditions imposed by the judge which shall include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the county treasurer

for the county where the citation was issued. This subsection does not apply to a vehicle owned by a nonresident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulations of that state is in effect or unless it otherwise complies with the laws of that state concerning compulsory financial responsibility. The department shall report any violation of this subsection to the motor vehicle administrator in the state wherein the vehicle is registered. A vehicle owned by a nonresident and registered in a state not requiring insurance is exempt from this subsection.

(b) Any police officer as defined by W.S. 31-5-102(a)(xxxiii), issuing a citation for any moving violation under W.S. 31-5-101 through 31-5-1402 or inspecting any vehicle, shall require the operator of any motor vehicle required to be registered to produce evidence of whether the operator or owner of the motor vehicle has in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b) or a bond in amounts provided by W.S. 31-9-102(a)(xi). If the operator cannot show written proof of financial responsibility, the driver shall have seven (7) days to produce such proof. Any operator or owner of a motor vehicle required to be registered who is not able to demonstrate evidence of compliance with subsection (a) of this section may be charged with violating that subsection. Additionally, the judge may order any driver failing to produce written proof of financial responsibility to pay restitution in accordance with W.S. 7-9-101 through 7-9-115. Effective January 1, 1993, the displaying or exhibiting of a validly issued insurance identification card as provided by W.S. 31-8-201 by an operator or owner of the motor vehicle constitutes compliance with this section. No operator or owner of a motor vehicle charged with violating this section shall be convicted if he produces in court one (1) of the following which was valid at the time of arrest or at the time the citation was issued:

(i) A liability insurance policy previously issued to him;

(ii) Evidence of a bond on file with the department in amounts provided by W.S. 31-9-102(a)(xi).

(c) Upon receipt of a notice of a conviction under subsection (a) of this section, the department shall require the person convicted to file and maintain, for a three (3) year period, proof of financial responsibility as required by W.S.

31-9-401 through 31-9-414. Failure to provide proof of financial responsibility within thirty (30) days after notification shall result in the suspension of the person's driver's license and nonresident operating privileges. The suspension shall remain in effect until the required proof of financial responsibility is received by the department.

(d) This section does not apply to:

(i) Self-insurers pursuant to W.S. 31-9-414;

(ii) A vehicle owned by the United States government, any state or political subdivision thereof which is self-insured;

(iii) A vehicle meeting the requirements of W.S. 31-9-408 and 31-9-409;

(iv) A commercial vehicle registered or proportionally registered in this and any other jurisdiction provided the vehicle is covered by a vehicle insurance policy complying with the laws of any other jurisdiction in which it is registered.

(e) The department shall adopt by rule and regulation an on-line verification system for motor vehicle insurance or bond as required by this section, subject to the following:

(i) The verification system shall be accessible through the Internet, World Wide Web or a similar proprietary or common carrier electronic system by authorized personnel of the department, the courts, law enforcement personnel, any other entities authorized by the department, and insurers authorized by the insurance department to issue the insurance required by this section;

(ii) The verification system shall be available twenty-four (24) hours a day to verify the insurance status of any vehicle registered in Wyoming through the vehicle's identification number, policy number, registered owner's name or other identifying characteristic or marker as prescribed by the department in its rules and regulations;

(iii) The verification system shall be installed and operational no later than July 1, 2008, following an appropriate testing period;

(iv) The department may contract with a private vendor to assist in establishing and maintaining the verification system,

which may include a database of information reported to the department by insurers or may provide for direct inquiry of insurers' records by authorized personnel;

(v) The verification system shall include appropriate provisions, consistent with industry standards, to secure its data against unauthorized access and to maintain a record of all information requests;

(vi) Information contained in the verification system shall only be available for inspection under W.S. 16-4-201 through 16-4-205 as provided in W.S. 16-4-203(d)(x);

(vii) Notwithstanding the provisions of subsection (b) of this section and W.S. 31-8-203(a), any police officer as defined by W.S. 31-5-102(a)(xxxiii), during a traffic stop or accident investigation, may access information relating to a motor vehicle or an operator subject to the traffic stop, or to a motor vehicle or operator involved in an accident, from the on-line verification system to establish compliance with this section and to verify the current validity of the policy described on any insurance identification card issued pursuant to W.S. 31-8-201 and produced by the operator of a motor vehicle during the traffic stop or accident investigation.

31-4-104. General penalty.

Any person who violates any provision of this act for which no separate penalty is provided upon conviction shall be punished by a fine not to exceed seven hundred fifty dollars (\$750.00), imprisonment not to exceed six (6) months, or both.

31-4-105. Renumbered as § 31-18-707 by Laws 1993, ch. 68, § 3.

CHAPTER 5
REGULATION OF TRAFFIC ON HIGHWAYS

ARTICLE 1
IN GENERAL

31-5-101. Short title.

This act may be cited as the "Uniform Act Regulating Traffic on Highways".

31-5-102. Definitions.

(a) Except as otherwise provided, as used in this act:

(i) Repealed by Laws 2002, Ch. 68, § 2.

(ii) "Authorized emergency vehicles" means:

(A) Vehicles of fire departments, fire patrols, game and fish law enforcement personnel, livestock board law enforcement personnel, brand inspectors, law enforcement agencies, public and private ambulances, medical rescue units and extrication rescue units;

(B) Privately-owned vehicles used by members of a fire department or emergency service organization while performing or traveling to perform assigned fire fighting or emergency service duties are authorized emergency vehicles if:

(I) Authorized in writing by the appropriate governing body of the city, town or county in which the emergency services organization is located;

(II) Equipped with at least one (1) flashing red, white or amber light visible from the front of the vehicle; and

(III) Equipped with a marker on the front of the vehicle indicating the department or organization with which affiliated.

(iii) "Bicycle" means every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels except scooters and similar devices;

(iv) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(v) "Business district" means the territory contiguous to and including a highway when within any six hundred (600) feet along the highway where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings, which buildings occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;

(vi) "Commission" means the Wyoming transportation commission;

(vii) "Controlled-access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;

(viii) "Crosswalk" means:

(A) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one (1) side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline;

(B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(ix) "Department" or "highway department" means the department of transportation of the state of Wyoming;

(x) "Driver" means every person who drives or is in actual physical control of a vehicle;

(xi) "Explosives" means any chemical compounds, mixtures or devices, the primary or common purpose of which is to function by explosion, e.g., with substantially instantaneous release of gas and heat, unless the compounds, mixtures or devices are otherwise specifically classified. Explosives are classified as follows, commensurate with the degree of hazard:

(A) Class A -- detonating, or otherwise of maximum hazard, e.g. black powder;

(B) Class B -- rapid combustion rather than detonation, e.g. igniter;

(C) Class C -- minimum hazard, e.g. fireworks.

(xii) "Farm tractor" means every motor vehicle designed and used exclusively as a farm implement for drawing implements of husbandry;

(xiii) "Flammable liquid" means any liquid which has a flash point below one hundred degrees Fahrenheit (100° F) and has a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred degrees Fahrenheit (100° F);

(xiv) "Repealed by Laws 1991, ch. 241, § 4.

(xv) "House trailer" means:

(A) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

(B) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subparagraph (A) of this paragraph, but which is used instead permanently or temporarily for advertising, sales display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(xvi) "Implement of husbandry" means a vehicle designed and used exclusively for agricultural operations and only incidentally operated or moved upon a highway;

(xvii) "Intersection" means:

(A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(B) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highway shall be regarded as a separate intersection;

(C) The junction of an alley with a street or highway does not constitute an intersection.

(xviii) "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

(xix) "Local authorities" means every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state;

(xx) "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material;

(xxi) "Moped" means a motor-driven cycle both with foot pedals to permit muscular propulsion by human power and with a motor which produces no more than two (2) brake horsepower and which is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface. If an internal combustion engine is used, the displacement shall not exceed more than fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the driver after the drive system is engaged;

(xxii) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding off-road recreation vehicles as defined in W.S. 31-1-101(a)(xv)(K), but including a motor vehicle designed as a recreational vehicle primarily for off-road use to be ridden astride and to travel on four (4) wheels;

(xxiii) "Motor-driven cycle" means any motorcycle, including motor scooters and motorized bicycles having an engine with less than one hundred fifty (150) cubic centimeters displacement or with five (5) brake horsepower or less but does not include motorized skateboards;

(xxiv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power and motorized skateboards as defined by paragraph (a)(lxii) of this section;

(xxv) "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(xxvi) "Owner" means a person who holds the legal title of a vehicle or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act;

(xxvii) "Park" when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;

(xxviii) "Pedestrian" means any person afoot;

(xxix) "Pedestrian vehicle" means any self-propelled conveyance designed, manufactured and intended for the exclusive use of persons with a physical disability, but in no case shall the vehicle:

(A) Exceed forty-eight (48) inches in width.

(B) Repealed by Laws 1989, ch. 155, § 2.

(C) Repealed by Laws 1989, ch. 155, § 2.

(xxx) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about easily as a pedestrian;

(xxxii) "Pneumatic tire" means every tire in which compressed air is designed to support the load;

(xxxiii) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads as poles, pipes or structural members capable, generally,

of sustaining themselves as beams between the supporting connections;

(xxxiii) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(xxxiv) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(xxxv) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(xxxvi) "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(xxxvii) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(xxxviii) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business;

(xxxix) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

(xl) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

(xli) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians

and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

(xlii) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school, but not including buses operated by common carriers in urban transportation of school children;

(xliiii) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(xliv) "Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

(xlv) "Snowmobile" means any mechanically driven vehicle of a type which utilizes sleet type runners, or skis or any endless belt tread or combination of these, designed primarily for operation over snow;

(xlvi) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

(xlvii) "Stop" when required means complete cessation from movement;

(xlviii) "Stop, stopping or standing" when prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;

(xlix) "Street or highway" means the entire width between the boundary lines of every way publicly maintained or if not publicly maintained, dedicated to public use when any part thereof is open to the use of the public for purposes of vehicular travel;

(l) "Superintendent" means the director of the department of transportation;

(li) "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to a stop sign, yield sign or other official traffic control devices, when the signs or devices are erected as provided in this act;

(lii) "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel;

(liii) "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed;

(liv) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight and that of its load rests upon or is carried by another vehicle;

(lv) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;

(lvi) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(lvii) "Urban district" means the territory contiguous to and including any public street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more;

(lviii) "Vehicle" means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks;

(lix) "This act" means W.S. 31-5-101 through 31-5-1601;

(lx) "Emergency services" means fire fighting, first aid, medical services, rescue, transportation and other related activities necessary to ensure the health or safety of a person or property in imminent peril;

(lxi) "Golf cart" means a motor vehicle which:

(A) Has not less than three (3) wheels in contact with the ground;

(B) Has an unladen weight of less than one thousand three hundred (1,300) pounds;

(C) Is designed to be or is operated at not more than fifteen (15) miles per hour;

(D) Is designed to carry golf equipment and not more than four (4) persons including the driver; and

(E) Is being used to transport an occupant directly to, or from or on a golf course, or is being used for special events or circumstances authorized by the city, town or county.

(lxii) "Motorized skateboard" means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in this act as a "motor vehicle", "motorcycle", "motor-driven cycle" or "pedestrian vehicle";

(lxiii) "Multipurpose vehicle" means as defined in W.S. 31-1-101(a)(xv)(M).

31-5-103. Applicability of provisions to vehicles being operated upon highways.

(a) The provisions of this act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(i) Where a different place is specifically referred to in a given section;

(ii) The provisions of W.S. 31-5-225, 31-5-229, 31-5-233 and 31-5-1101 through 31-5-1112 apply upon highways and elsewhere throughout the state.

31-5-104. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, authorized flagman, or fireman with authority to direct, control or regulate traffic.

31-5-105. Applicability of provisions to drivers of public vehicles.

(a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned and operated by the United States, this state, or any county, city, town, special district or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles.

(b) Unless specifically made applicable, the provisions of this act except those contained in W.S. 31-5-225, 31-5-229 and 31-5-233 do not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway but shall apply to the persons and vehicles when traveling to or from work.

31-5-106. Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may:

(i) Park or stand, irrespective of the provisions of this act;

(ii) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(iii) Exceed the maximum speed limits so long as he does not endanger life or property;

(iv) Disregard regulations governing direction of movement or turning in specified directions.

(b) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall this section protect the driver from the consequences of his reckless disregard for the safety of others.

31-5-107. Persons riding animals or driving animal-drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway is granted all the rights and is subject to all of the duties applicable to the driver of a vehicle by this act except those provisions of this act which by their very nature can have no application.

31-5-108. Local regulations.

The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Local authorities may, however, adopt by ordinance, traffic regulations for all streets within their city limits and highways under their corporate jurisdiction and shall have the express authority to enforce the traffic regulations so adopted, by action in their respective local municipal courts.

31-5-109. General powers of local authorities.

(a) This act does not prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(i) Regulating or prohibiting stopping, standing or parking;

(ii) Regulating traffic by means of police officers, authorized flagmen or official traffic-control signals;

(iii) Regulating or prohibiting processions or assemblages on the highways;

(iv) Designating particular highways or roadways for use by traffic moving in one (1) direction as authorized by W.S. 31-5-208;

(v) Repealed By Laws 2002, Ch. 68, § 2.

(vi) Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;

(vii) Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee;

(viii) Regulating or prohibiting the turning of vehicles or specified types of vehicles;

(ix) Altering or establishing speed limits as authorized by this act;

(x) Requiring written accident reports as authorized by W.S. 31-5-1106;

(xi) Designating no-passing zones as authorized in W.S. 31-5-207;

(xii) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic as authorized in W.S. 31-5-213;

(xiii) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

(xiv) Establishing minimum speed limits as authorized by W.S. 31-5-304(b);

(xv) Designating and regulating traffic on play streets;

(xvi) Regulating persons propelling push carts;

(xvii) Regulating persons upon skates, coasters, sleds, motorized skateboards and other toy vehicles;

(xviii) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

(xix) Prohibiting drivers of ambulances from exceeding maximum speed limits;

(xx) Adopting such other traffic regulations as are specifically authorized by this act.

(b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any state highway to stop before entering or crossing

any intersecting highway unless approval in writing has first been obtained from the highway department.

(c) No ordinance or regulation enacted under paragraphs (a)(iv), (v), (vi), (viii), (ix), (x), (xiii) or (xv) of this section is effective until official traffic-control devices giving notice of the local traffic regulations are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

31-5-110. Limitations upon powers of local authorities; exceptions as to municipal authorities.

(a) Except as otherwise provided, local authorities shall not require any person to pay any fee or license for the use or exclude any person from the free use of the public highways or in any other way regulate the operation of motor vehicles or their speed upon or use of the public highways. Local authorities may, within their legal corporate limits:

(i) Regulate the operation of vehicles offered for hire, or forming a part of processions, assemblages or parades on public highways or public grounds;

(ii) Close for a reasonable time a specified highway for speed contests or races, with proper safety restrictions and regulations;

(iii) Exclude motor vehicles from any cemetery or burial ground; and

(iv) Exclude motor vehicles used solely for commercial purposes from any park or part of a park system.

31-5-111. Right of real property owners to prohibit or regulate public vehicular use; handicapped parking.

(a) Nothing in this act prevents the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as matter of right, from prohibiting the use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating use of the real property as determined by the owner.

(b) With the approval of the board of county commissioners or the local governing body having jurisdiction, the real

property owner may reserve parking spaces for the handicapped and erect signs in accordance with W.S. 31-5-501(b). The signs reserving parking spaces for the handicapped under this section shall be enforceable under W.S. 31-5-501(c) or any existing municipal ordinance adopted by the governing body of the municipality with jurisdiction.

31-5-112. Adoption of uniform system of traffic-control devices.

The department shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with this act for use upon highways within this state. The uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" and other standards issued or endorsed by the federal highway administrator.

31-5-113. Placement and maintenance of traffic-control devices by department.

(a) The department shall place and maintain such traffic-control devices, conforming to the department's manual and specifications, upon all state highways as it deems necessary to indicate and to carry out this act or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the highway department except with the highway department's permission.

31-5-114. Renumbered as § 31-18-602 by Laws 1993, ch. 68, § 4.

31-5-115. Operation of motorcycles and pedestrian vehicles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars, or obstructs his vision, or interferes with the operation of the motorcycle.

(d) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(e) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. Two (2) motorcycles may be driven abreast in the same lane by consent of both motorcycle drivers.

(f) The operator of a motorcycle shall not overtake and pass any vehicle in the same lane occupied by the vehicle being overtaken, except another motorcycle. The operator of a motorcycle overtaking another motorcycle in the same lane shall first match the speed of the motorcycle being overtaken.

(g) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(h) Subsections (f) and (g) of this section do not apply to police officers in the performance of their official duties.

(j) Motorcycles shall not be operated three (3) or more abreast in a single lane.

(k) No person riding upon a motorcycle shall attach himself or the motorcycle to any other moving vehicle on a roadway. This does not prohibit attaching a motorcycle trailer or motorcycle semitrailer to a motorcycle if the trailer or semitrailer was designed for the attachment.

(m) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.

(n) No person shall operate any motorcycle with handlebars so positioned that the hands of the operator, when upon the grips, are above shoulder height when the operator is sitting

astride the vehicle seat with the vehicle in an upright position.

(o) No minor shall operate or ride nor shall the operator permit a minor to ride upon a motorcycle unless he is wearing protective headgear securely fastened on his head, and of a type which complies with standards established by the superintendent. This subsection does not apply to persons riding within an enclosed cab nor to persons operating or riding a moped. This subsection only applies to motorcycles used on public highways, streets and thoroughfares.

(p) Any person operating a motorcycle or pedestrian vehicle shall have the headlamps of the motorcycle or pedestrian vehicle activated at all times, including daylight hours.

(q) Operators of motorcycles operating in an officially authorized parade are exempt from subsections (e) through (o) of this section.

(r) The superintendent is authorized to approve or disapprove protective headgear required herein, and to issue and enforce regulations establishing standards and specifications for the approval thereof and to the sale and use of the equipment as provided in W.S. 31-5-932 through 31-5-934 for other vehicle safety equipment. The standard for protective headgear shall meet or exceed the Z90.1-1971 standard of the American National Standards Institute. However, all existing equipment meeting the Z90.1-1966 standard of the American National Standards Institute shall be accepted.

(s) This section applies to motor-driven cycles unless otherwise provided.

31-5-116. Obstruction to driver's view or driving mechanism.

(a) No person shall drive a vehicle when it is loaded, or when there are in the front seat enough people, exceeding three (3), to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

31-5-117. Dropping or throwing material on highway; removal of injurious material.

(a) Except in the process of highway construction or repair, any person who drops, or permits to be dropped or thrown, upon a highway any material shall immediately remove the material or cause it to be removed.

(b) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other substance dropped upon the highway from the vehicle.

31-5-118. Regulations relative to school buses.

(a) The state superintendent of public instruction shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state and the regulations shall by reference be made a part of any contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to the regulations.

(b) Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with the regulations in any contract executed by him on behalf of a school district is guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with the regulations is guilty of breach of contract and the contract shall be cancelled after notice and hearing by the responsible officers of the school district.

31-5-119. Clinging to vehicles.

(a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach it or himself to any vehicle upon a roadway.

(b) This section does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if the trailer or semitrailer was designed for the attachment.

(c) No person operating a vehicle shall permit a passenger to ride on the fender or running board of the vehicle nor shall

any passenger ride on the fender or running board of a vehicle. This subsection does not apply to a commercial vehicle or a vehicle operated by or for a political subdivision of this state designed to permit a passenger to ride on a fender or running board, such as a fire department or trash collection truck.

31-5-120. Driving upon sidewalk.

No person shall drive any vehicle except motorized wheelchairs other than by human power upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

31-5-121. Opening and closing vehicle doors.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

31-5-122. Riding in house trailers.

No person shall occupy a house trailer while it is being towed upon a public highway.

31-5-123. Funeral processions; right-of-way; limitations.

(a) A funeral procession led by a funeral car or escorted by a police vehicle and displaying flashing lights authorized under W.S. 31-5-928 has the right-of-way in the lane or portion of the roadway upon which it is traveling subject to the following:

(i) The driver of the lead vehicle of the procession shall comply with all traffic control devices except when otherwise directed by a law enforcement officer. Vehicles in the procession displaying headlamps may follow the lead vehicle without stopping at stop signs or traffic signals. Vehicles in the procession shall yield the right-of-way to authorized emergency vehicles;

(ii) Vehicles in a funeral procession shall be driven on the right-hand side of the roadway and, if a laned roadway, in the right-hand lane nearest the right-hand edge of the roadway.

(b) Drivers of oncoming vehicles are required to yield the right-of-way to funeral processions.

31-5-124. Off-road recreational vehicles; multipurpose vehicles; limitation on use; equipment.

(a) No person shall operate an off-road recreational vehicle as defined in W.S. 31-1-101(a)(xv)(K) upon public streets or highways except:

(i) For incidental operation of vehicles specified in W.S. 31-1-101(a)(xv)(K), upon a public street or highway located outside the limits of an incorporated municipality pursuant to agricultural operations as defined in W.S. 31-18-801(a)(i). An off-road recreational vehicle operated upon a public street or highway under this paragraph is subject to the same equipment requirements under this act as an implement of husbandry, except that vehicles specified in W.S. 31-1-101(a)(xv)(K)(II), when operated pursuant to this paragraph, shall:

(A) Wherever practicable, only be operated off the main traveled portion of the roadway. Crossings of main traveled roadways shall be made at right angles to the roadway or as nearly so as practicable, but in any case yielding the right-of-way to all traffic in the main traveled roadway;

(B) If the operator is a minor, or if a minor is a rider, be operated with a helmet in accordance with W.S. 31-5-115(o);

(C) Be operated only by a person who possesses a valid driver's license with a motorcycle endorsement pursuant to W.S. 31-7-109(d)(vi).

(ii) For operation of a vehicle in accordance with the provisions of W.S. 31-5-1601.

(b) Multipurpose vehicles may be operated on public streets or highways, subject to the following:

(i) Multipurpose vehicles shall not be operated on interstate highways;

(ii) If a multipurpose vehicle is incapable of achieving the maximum speed allowed on the specific highway, it shall be operated on the extreme right hand edge of the roadway and shall be equipped with either a reflectorized flag as described in

W.S. 31-5-960(a)(vi) or a slow moving vehicle emblem as described in W.S. 31-5-921(h);

(iii) Multipurpose vehicles designed for operation at speeds less than twenty-five (25) miles per hour shall be equipped with a slow moving vehicle emblem as described in W.S. 31-5-921(h).

ARTICLE 2
OPERATION OF VEHICLES GENERALLY

31-5-201. Driving on right side of roadway; exceptions.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(i) When overtaking and passing another vehicle proceeding in the same direction under the rules governing the movement;

(ii) When a stationary obstruction exists making it necessary to drive to the left of the center of the highway but any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(iii) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

(iv) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways except one-way streets any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway.

(c) Upon any roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway except when authorized by official traffic-control devices designating certain lanes to the left side of the center

of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under paragraph (a)(ii) of this section. This subsection does not prohibit the crossing of the center line in making a left turn into or from an alley, private road or driveway.

31-5-202. Passing of vehicle approaching from opposite direction.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half (1/2) of the main-traveled portion of the roadway as nearly as possible.

31-5-203. Rules governing overtaking on the left.

(a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(i) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle;

(ii) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

31-5-204. General limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

31-5-205. Additional limitations on driving on the left; exceptions.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

(i) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(ii) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic-control devices;

(iii) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) Subsection (a) of this section does not apply:

(i) Upon a one-way roadway;

(ii) Under the conditions described in W.S. 31-5-201(a)(ii);

(iii) To the driver of a vehicle turning left into or from an alley, private road or driveway.

31-5-206. Overtaking on the right.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(i) When the vehicle overtaken is making or about to make a left turn;

(ii) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. The movement shall not be made by driving off the roadway.

31-5-207. No-passing zones.

(a) The superintendent and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in subsection (a) of this section no driver shall drive on the left side of the roadway within a no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(c) This section does not apply under the conditions described in W.S. 31-5-201(a)(ii) nor to the driver of a vehicle turning left into or from any alley, private road or driveway.

31-5-208. One-way roadways and rotary traffic islands.

(a) The superintendent and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one (1) direction at all or such times as is indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic a vehicle shall be driven only in the direction designated at all or such times as indicated by official traffic-control devices.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

31-5-209. Driving on roadways laned for traffic.

(a) Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(i) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the

lane until the driver has first ascertained that the movement can be made with safety;

(ii) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making or completing a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and the allocation is designated by official traffic-control devices;

(iii) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device;

(iv) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadways and drivers of vehicles shall obey the directions of every such device.

31-5-210. Following too closely.

(a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(b) The driver of any vehicle when traveling upon a roadway outside of a business or residence district, and which is following another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

31-5-211. Driving on divided highways.

Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any dividing space, barrier or section except through an opening in the physical barrier or dividing section or space or at a cross-over or intersection as established, unless specifically permitted by public authority.

31-5-212. Driving onto or from controlled-access highways.

No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

31-5-213. Restrictions on use of controlled-access highways.

(a) The department may by rule or regulation, and local authorities may by ordinance, with respect to any controlled-access highway under their respective jurisdictions prohibit or regulate the use of the highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The department or the local authority adopting any prohibitory regulation under subsection (a) of this section shall erect and maintain official traffic-control devices on the controlled-access highway on which the regulations are applicable and when so erected no person shall disobey the restrictions stated on the devices.

31-5-214. Required position and method of turning at intersections.

(a) The driver of a vehicle intending to turn shall do so as follows:

(i) Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

(ii) Left turns: The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane

lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered;

(iii) Two-way left turn lanes: Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(A) A left turn shall not be made from any other lane;

(B) A vehicle shall not be driven in the lane except when preparing for making a left turn from or onto the roadway or when preparing for a U-turn when otherwise permitted by law.

(b) The highway department and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when the devices are so placed no driver shall turn a vehicle other than as directed and required by the devices.

31-5-215. Limitations on turning around.

(a) The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

31-5-216. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until the movement can be made with reasonable safety.

31-5-217. Turning movements and required signals.

(a) No person shall turn a vehicle or move right or left upon a roadway unless and until the movement can be made with

reasonable safety nor without giving an appropriate signal in the manner provided by this section.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal required by this act to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

(d) The signals required on vehicles by W.S. 31-5-218(b) shall not be flashed on one (1) side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one (1) side only of a parked vehicle except as may be necessary for compliance with this section.

(e) No person shall drive a motor vehicle upon private or public property to gain access to another roadway for the purpose of avoiding a traffic-control device.

31-5-218. Signals by hand and arm or signal lamps.

(a) Any stop or turn signal when required under this act shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b) of this section.

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

31-5-219. Manner of giving hand and arm signals.

(a) All signals required under this act given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- (i) Left turn: Hand and arm extended horizontally;
- (ii) Right turn: Hand and arm extended upward;
- (iii) Stop or decrease speed: Hand and arm extended downward.

31-5-220. Approaching or entering intersection.

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The right-of-way rules declared in subsections (a) and (b) of this section are modified at through highways and otherwise as stated in this act.

31-5-221. Turning left at intersection.

The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

31-5-222. Stop signs and yield signs.

(a) Preferential right-of-way may be indicated by stop signs or yield signs as authorized in W.S. 31-5-503.

(b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when the driver is moving across or within the intersection or junction of roadways. The driver shall yield the right-of-way to pedestrians within an adjacent crosswalk.

(c) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. The driver shall yield the right-of-way to pedestrians within an adjacent crosswalk. If the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

31-5-223. Entering or crossing roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

31-5-224. Operation of vehicles upon approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of W.S. 31-5-928 and 31-5-952, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. When an authorized emergency vehicle making use of any visual signals provided for in W.S. 31-5-928(d) is parked, the driver of every other vehicle, as soon as it is safe:

(i) When driving on an interstate highway or other highway with two (2) or more lanes traveling in the direction of the emergency vehicle, shall merge into the lane farthest from

the emergency vehicle, except when otherwise directed by a police officer;

(ii) When driving on a two (2) lane road, shall slow to a speed that is twenty (20) miles per hour less than the posted speed limit, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

31-5-225. Fleeing or attempting to elude police officers; penalty.

(a) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, is guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

(b) Every person convicted of fleeing or attempting to elude a police officer shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than six (6) months, or both.

31-5-226. Limitations on backing.

(a) The driver of a vehicle shall not back the vehicle unless the movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the vehicle upon any shoulder or roadway of any controlled-access highway.

31-5-227. Driving through defiles or canyons or on mountain highways.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold the motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of the motor vehicle upon approaching any curve

where the view is obstructed within a distance of two hundred (200) feet along the highway.

31-5-228. Loads on vehicles.

No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. This section does not prohibit the necessary spreading of any substance in highway maintenance or construction operations.

31-5-229. Reckless driving.

Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

31-5-230. Coasting.

(a) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of the vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

31-5-231. Following fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or stop the vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm.

31-5-232. Driving over fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties.

(a) As used in this section:

(i) "Alcohol concentration" means:

(A) The number of grams of alcohol per one hundred (100) milliliters of blood;

(B) The number of grams of alcohol per two hundred ten (210) liters of breath; or

(C) The number of grams of alcohol per seventy-five (75) milliliters of urine.

(ii) "Controlled substance" includes:

(A) Any drug or substance defined by W.S. 35-7-1002(a)(iv);

(B) Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.

(iii) "Conviction" means as defined in W.S. 31-7-102(a)(xi);

(iv) "Driver's license" means as defined in W.S. 31-7-102(a)(xxv) and includes nonresident operating privileges as defined in W.S. 31-7-102(a)(xxx);

(v) "Other law prohibiting driving while under the influence" means a statute of another state, the United States or a territory or district of the United States or an ordinance of a governmental entity of this or another state or of an Indian tribe which prohibits driving while under the influence of intoxicating liquor, alcohol, controlled substances or drugs;

(vi) "Child passenger" means a person traveling in a vehicle who is under sixteen (16) years of age.

(b) No person shall drive or have actual physical control of any vehicle within this state if the person:

(i) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more; or

(ii) To a degree which renders him incapable of safely driving:

(A) Is under the influence of alcohol;

(B) Is under the influence of a controlled substance;

or

(C) Is under the influence of a combination of any of the elements named in subparagraphs (A) and (B) of this paragraph.

(c) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or being in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(i) If there was at that time an alcohol concentration of five one-hundredths of one percent (0.05%) or less, it shall be presumed that the person was not under the influence of alcohol;

(ii) If there was at that time an alcohol concentration of more than five one-hundredths of one percent (0.05%) and less than eight one-hundredths of one percent (0.08%), that fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining whether the person was under the influence of alcohol to a degree which renders him incapable of safely driving a motor vehicle.

(d) Subsection (c) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcohol, including tests obtained more than three (3) hours after the alleged violation. The fact that any person charged with a violation of subsection (b) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge under subsection (b) of this section.

(e) Except as otherwise provided, a person convicted of violating this section shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) at or before sentencing. The cost of the substance abuse assessment shall be assessed to and paid by the offender. Except as otherwise provided in this subsection or subsection

(h) or (m) of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. On a second conviction within five (5) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than seven (7) days nor more than six (6) months, he shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail. In addition, the person may be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). On a third conviction within five (5) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months, shall receive a substance abuse assessment pursuant to W.S. 7-13-1302 and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least thirty (30) days in jail except that the court shall consider the substance abuse assessment and may order the person to undergo outpatient alcohol or substance abuse treatment during any mandatory period of incarceration. The minimum period of imprisonment for a third violation shall be mandatory, but the court, having considered the substance abuse assessment and the availability of public and private resources, may suspend up to fifteen (15) days of the mandatory period of imprisonment if, subsequent to the date of the current violation, the offender completes an inpatient treatment program approved by the court. In addition, the person may be fined not less than seven hundred fifty dollars (\$750.00) nor more than three thousand dollars (\$3,000.00). The judge may suspend part or all of the discretionary portion of an imprisonment sentence under this subsection and place the defendant on probation on condition that the defendant pursues and completes an alcohol education or treatment program as prescribed by the judge. Notwithstanding any other provision of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall not exceed three (3) years for up to and including a third conviction. On a fourth or subsequent conviction within five (5) years for a violation of this section

or other law prohibiting driving while under the influence, he shall be guilty of a felony and fined not more than ten thousand dollars (\$10,000.00), punished by imprisonment for not more than two (2) years, or both.

(f) Any person convicted under this section or a municipal ordinance which substantially conforms to the provisions of this section shall, in addition to the penalty imposed, have his driver's license suspended or revoked pursuant to W.S. 31-7-127 or 31-7-128. The court shall forward to the department a copy of the record pertaining to disposition of the arrest or citation.

(g) The court may, upon pronouncement of any jail sentence under subsection (e) of this section, provide in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from his place of employment or school. Unless the defendant is indigent, the court shall require him as a condition of special treatment under this subsection to pay a reasonable amount for room and board as determined by the sheriff.

(h) As used in this subsection, "serious bodily injury" means bodily injury which creates a reasonable likelihood of death or which causes miscarriage or serious permanent disfigurement or protracted loss or impairment of any bodily member or organ. Whoever causes serious bodily injury to another person resulting from the violation of this section shall be punished upon conviction as follows:

(i) If not subject to the penalty under paragraph (ii) of this subsection, by a fine of not less than two thousand dollars (\$2,000.00) nor more than five thousand dollars (\$5,000.00), imprisonment for not more than ten (10) years, or both;

(ii) If previously convicted and sentenced under this subsection, or any other law substantially conforming to the provisions of this subsection, by imprisonment for not more than twenty (20) years; and

(iii) Any person convicted under this subsection shall have his driver's license revoked as provided in W.S. 31-7-127.

(j) Any person charged under this section or a municipal ordinance which substantially conforms to the provisions of this section shall be prosecuted under this section or the ordinance and not under a reduced charge or dismissed unless the prosecuting attorney in open court moves or files a statement to reduce the charge or dismiss, with supporting facts, stating that there is insufficient evidence to sustain the charge.

(k) Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with W.S. 31-6-105(a).

(m) Any person eighteen (18) years of age or older who has a child passenger in the vehicle during a violation of this section shall be punished upon conviction as follows:

(i) For a first conviction under this subsection, by imprisonment for not more than one (1) year;

(ii) If previously convicted and sentenced under this subsection, or any other law substantially conforming to the provisions of this subsection, by imprisonment for not more than five (5) years.

31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.

(a) As used in this section:

(i) "Alcohol concentration" means:

(A) The number of grams of alcohol per one hundred (100) milliliters of blood;

(B) The number of grams of alcohol per two hundred ten (210) liters of breath; or

(C) The number of grams of alcohol per seventy-five (75) milliliters of urine.

(ii) "Driver's license" means as defined by W.S. 31-7-102(a)(xxv) and includes nonresident operating privileges as defined by W.S. 31-7-102(a)(xxx);

(iii) "Peace officer" means as defined by W.S. 7-2-101(a)(iv)(A), (B) and (G);

(iv) "Conviction" means as defined by W.S. 31-7-102(a)(xi).

(b) A person younger than twenty-one (21) years of age shall not operate or be in actual physical control of a vehicle in this state with an alcohol concentration of two one-hundredths of one percent (0.02%) or more.

(c) Repealed by Laws 2002, Ch. 93, § 2.

(d) When a peace officer has probable cause to believe that a person may be violating or has violated subsection (b) of this section, the peace officer may request that the person submit to a chemical test or tests to be administered in compliance with W.S. 31-6-108. Prosecution for a violation of this section is a bar to prosecution under W.S. 12-6-101(b) or any similar municipal ordinance.

(e) A person convicted of violating this section shall be guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). A person convicted of violating this section a second time within one (1) year of the first conviction is guilty of a misdemeanor punishable by imprisonment for not more than one (1) month, a fine of not more than seven hundred fifty dollars (\$750.00), or both. A person convicted of a third or subsequent conviction under this section within two (2) years shall be guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. The court may order the person to undergo a substance abuse assessment and complete any recommended treatment for any conviction under this section as a condition of probation. Notwithstanding any other provision of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall in no case exceed three (3) years.

(f) A person convicted under this section or a municipal ordinance which substantially conforms to the provisions of this section shall, in addition to the penalty imposed in subsection (e) of this section, have his driver's license denied or suspended pursuant to W.S. 31-7-128(h). The court shall forward a copy of the conviction to the department.

(g) The court may, upon pronouncement of any jail sentence under subsection (e) of this section, provide in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from his place of employment or school. Unless the defendant is indigent, the court shall require him as a condition of special treatment under this subsection to pay a reasonable amount for room and board as determined by the sheriff.

(h) Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with W.S. 31-6-105(a).

31-5-235. Consumption and possession of alcoholic beverages in opened containers by operator of vehicle prohibited; definitions; penalty.

(a) As used in this section;

(i) "Alcoholic beverage" means alcoholic liquor or malt beverage as defined in W.S. 12-1-101(a)(i), (vii) and (x);

(ii) "Recreational vehicle" means a self-propelled motor vehicle designed primarily with living quarters for recreational, camping, vacation or travel use but excludes any vehicle that does not have plumbing and an electrical system that operates above twelve (12) volts.

(b) No person shall consume, transport or possess any alcoholic beverage in a motor vehicle while the motor vehicle is in motion on a public street or public highway unless the beverage is:

(i) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed. Notwithstanding this section, a resealed bottle of wine may be transported as provided in W.S. 12-4-410(e);

(ii) In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion;

(iii) In the unoccupied back of a pickup truck out of reach of the driver even though access is available through a window;

(iv) In an unoccupied rear compartment of a vehicle not equipped with a trunk or other outside compartment and the rear compartment is not readily accessible to the driver and not normally occupied by passengers while the vehicle is in motion;
or

(v) Secured in a cabinet or compartment of a recreational vehicle, and the cabinet or compartment is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.

(c) Any person violating the provisions of this section shall:

(i) For a first conviction or a subsequent conviction not occurring within one (1) year after the first conviction, be punished by a fine of not more than two hundred dollars (\$200.00);

(ii) For a second conviction within one (1) year after the first conviction, be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or both;

(iii) For a third or subsequent conviction within one (1) year after the first conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both.

(d) This section shall not apply to any passenger in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of passengers for compensation. The driver of any vehicle under this subsection is prohibited from consuming or having an alcoholic beverage within the driver's zone of control.

(e) This section shall not apply within the boundaries of any incorporated municipality that has adopted an ordinance prohibiting transportation or possession of any open container of an alcoholic beverage in a vehicle on a public street or public highway.

ARTICLE 3
SPEED REGULATIONS

31-5-301. Maximum speed limits.

(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, the limits specified in this subsection or established as otherwise authorized shall be maximum lawful speeds and no person shall drive a vehicle on a highway at a speed in excess of maximum limits:

(i) Twenty (20) miles per hour when passing a school building, the grounds thereof, within any other area or space in the vicinity of a school designated by an official traffic control device as a school zone with a reduced speed limit or a school crossing if appropriate signs giving notice of a reduced speed limit are erected;

(ii) Thirty (30) miles per hour in any urban district;

(iii) Seventy-five (75) miles per hour on interstate highways. Nothing in this paragraph shall be construed to:

(A) Affect the authority of the superintendent to otherwise designate lower maximum speed limits on interstate highways except as provided for in W.S. 31-5-303(b) in accordance with other laws; or

(B) Authorize noncompliance with posted speed limits on interstate highways.

(iv) Sixty-five (65) miles per hour in other locations;

(v) Repealed By Laws 1997, ch. 61, § 2.

(c) The maximum speed limits set forth in this section may be altered as authorized in W.S. 31-5-302 and 31-5-303.

(d) Speeding violations of up to eighty (80) miles per hour where the posted speed limit is at least sixty-five (65) miles per hour, or less than six (6) miles per hour over the posted speed limit in all other instances and zones, except violations for exceeding the speed limit in a school zone, or construction zone, and violations received while operating a commercial motor vehicle as defined by W.S. 31-7-102(a)(viii), shall not be made a part of the abstracts or records kept by the department of transportation pursuant to W.S. 31-5-1214 or 31-7-120.

31-5-302. Establishment of specific maximum speed limits by superintendent.

Whenever the superintendent determines upon the basis of an engineering and traffic investigation, or in the event of a vehicle or weather emergency, that a maximum speed greater or less than that authorized herein is required for safe and reasonable vehicle operation under the conditions found to exist at any intersection or other place or upon any part of the state highway system, the superintendent, except as provided for in W.S. 31-5-303(b), may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. The maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the signs and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs. This section does not grant power to the superintendent to declare statewide or countywide maximum speed limits but grants power to declare maximum speed limits for the public safety in localized geographic areas.

31-5-303. Establishing maximum speed limits by local authorities.

(a) Repealed By Laws 2002, Ch. 68, § 2.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and a traffic investigation the proper maximum speed for all streets and highways within their city limits under their corporate jurisdiction and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.

(c) Any altered limit established under this section shall be effective during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon the street or highway.

(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities is not effective until the alteration has been approved by the superintendent.

(e) Not more than six (6) alterations authorized under this section shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than fifteen (15) miles per hour.

31-5-304. Minimum speed limits.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the superintendent or local authorities within their respective jurisdictions determine on the basis of an engineering and a traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the superintendent or local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law and that limit is effective when posted upon appropriate fixed or variable signs.

(c) Notwithstanding any minimum speed that may be authorized and posted pursuant to this section, no person shall operate a vehicle in the extreme left-hand lane of a controlled-

access highway for a prolonged period in a manner which impedes the flow of other traffic traveling at a lawful rate of speed.

31-5-305. Special speed limit at bridges and other elevated structures.

(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is signposted as provided in this section.

(b) The superintendent and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if he or they find that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act, the superintendent or local authorities shall determine and declare the maximum speed of vehicles which the structure can safely withstand and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(c) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the superintendent and the existence of the signs constitutes conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

31-5-306. Charging violations; burden of proving proximate cause.

(a) In every charge of violation of any speed regulation in this act except a charge under W.S. 31-5-301(a) the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

(b) The provision of this act declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

31-5-401. Duty of local authorities to place and maintain.

Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All traffic-control devices hereafter erected shall conform to the state manual and specifications.

31-5-402. Obedience to devices; exceptions.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with this act unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

(b) No provision of this act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section is effective even though no signs are erected or in place.

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this act, the devices are presumed to have been so placed or held by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(d) Any official traffic-control device placed or held pursuant to the provisions of this act and purporting to conform to the lawful requirements pertaining to the devices is presumed to comply with the requirements of this act unless the contrary is established by competent evidence.

31-5-403. Signal legend generally.

(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a symbol or word legend, and

the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(i) Green indication:

(A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited;

(B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indicators shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(C) Unless otherwise directed by a pedestrian-control signal, as provided by W.S. 31-5-404, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(ii) Steady yellow indication:

(A) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter;

(B) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided by W.S. 31-5-404, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(iii) Steady red indication:

(A) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection

and shall remain standing until an indication to proceed is shown except as provided in subparagraph (C) of this paragraph;

(B) Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by the red arrow is shown except as provided by subparagraph (C) of this paragraph;

(C) Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street after stopping as required by subparagraphs (A) and (B) of this paragraph. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(D) Unless otherwise directed by a pedestrian-control signal as provided by W.S. 31-5-404, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(b) If an official traffic-control signal is erected and maintained at a place other than an intersection, this section is applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal.

31-5-404. Pedestrian-control signals.

(a) Whenever special pedestrian-control signals exhibiting the symbols or words "Walk" or "Don't Walk" are in place the signals shall indicate as follows:

(i) Flashing or steady walk: Any pedestrian facing the signal may proceed across the roadway in the direction of the signal and every driver of a vehicle shall yield the right-of-way to him;

(ii) Flashing or steady don't walk: No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing.

31-5-405. Flashing signals.

(a) Whenever an illuminated flashing red or yellow signal is used with or in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(i) Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed is subject to the rules applicable after making a stop at a stop sign;

(ii) Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules provided by W.S. 31-5-510.

31-5-406. Display of unauthorized signs; advertising on traffic signs.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any official traffic-control device bearing thereon any commercial advertising except for business signs included as a part of official motorist service

panels or roadside information panels approved by the highway department.

(c) This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every prohibited sign, signal or marking is a public nuisance and the authority having jurisdiction over the highway may remove the same or cause it to be removed without notice.

ARTICLE 5 STOPPING, STANDING AND PARKING

31-5-501. Authority to place signs prohibiting, regulating or restricting parking; handicapped parking; obedience to signs required; free parking areas.

(a) The highway department with respect to highways under its jurisdiction, and boards of county commissioners of the counties or any duly appointed board of trustees of any fairgrounds, airports, parks, pleasure grounds or recreational systems or other duly constituted state or local public boards, with respect to public lands under their supervision and control, may place signs prohibiting, regulating the time of or restricting the parking of vehicles where in the opinion of the commission or board having jurisdiction thereof, parking is dangerous to those using highways, public ways or areas where the parking of vehicles would unduly interfere with the free movement of traffic thereon, or where it is necessary to regulate parking for the welfare of the general public or for the proper use of public lands.

(b) Signs reserving parking spaces for the handicapped in public places under the jurisdiction of the government agencies described in subsection (a) of this section or placed on private property by the real property owner pursuant to W.S. 31-5-111 shall be constructed of durable material, contain the international symbol of accessibility, be no less than twelve inches (12") by eighteen inches (18") in size and be placed above ground level so as to be visible at all times and not be obscured by a vehicle parked in that space. Parking spaces for the handicapped shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In public parking lots of ten (10) or more parking spaces, at least two percent (2%) of the total number of

available parking spaces but not less than one (1) space shall be reserved for the handicapped. Handicapped parking spaces shall allow easy entrance and exit for wheelchairs and be located on a level surface.

(c) The signs specified under this section and W.S. 31-5-111(b) shall be official signs and it is unlawful for any person to willfully park a vehicle in violation of the restrictions, regulations or prohibitions stated on the signs. This subsection shall not prohibit use of handicapped parking spaces provided under subsection (b) of this section by a person issued a distinctive handicapped license plate or transferable identification card by another state and displaying the plate or card on a vehicle used by this person.

(d) For public convenience, commissioners or boards having jurisdiction to regulate parking of vehicles shall provide free parking areas adequate to accommodate at least twenty percent (20%) of the number of vehicle parking spaces for which a fee is charged.

31-5-502. Penalty for violation of W.S. 31-5-501.

Every person who is convicted of a violation of W.S. 31-5-501 is guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, is subject to a fine of not more than fifty dollars (\$50.00).

31-5-503. Erection and maintenance of traffic-control devices to designate through highways.

The superintendent with reference to state highways and local authorities with reference to other highways under their jurisdiction may erect and maintain stop signs, yield signs or other traffic-control devices to designate through highways, or to designate intersections or other roadway junctions at which vehicular traffic on one (1) or more of the roadways should yield or stop and yield before entering the intersection or junction.

31-5-504. Specific places where prohibited.

(a) Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, no person shall:

(i) Stop, stand or park a vehicle:

(A) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(B) On a sidewalk;

(C) Within an intersection;

(D) On a crosswalk;

(E) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(F) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(G) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(H) On any railroad tracks;

(J) On any controlled-access highway;

(K) In the area between roadways of a divided highway, including crossovers;

(M) At any place where official traffic-control devices prohibit stopping.

(ii) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(A) In front of a public or private driveway;

(B) Within fifteen (15) feet of a fire hydrant;

(C) Within twenty (20) feet of a crosswalk at an intersection;

(D) Within twenty (20) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

(E) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;

(F) At any place where official traffic-control devices prohibit standing.

(iii) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(A) Within fifty (50) feet of the nearest rail of a railroad crossing;

(B) At any place where official traffic-control devices prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such a distance as is unlawful.

31-5-505. Roadways outside of business or residence districts.

(a) Outside a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave the vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicles shall be available for a distance of two hundred (200) feet in each direction upon the highway.

(b) This section and W.S. 31-5-504 do not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

31-5-506. Emerging from alley, building, private road or driveway.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or if there is no sidewalk

area, shall stop at a point nearest the street to be entered where the driver has a view of approaching traffic thereon.

31-5-507. Meeting or passing stopped school bus; markings and visual signals.

(a) The driver of a vehicle upon meeting or overtaking from either direction any stopped school bus shall stop before reaching the school bus when there is in operation on the school bus the flashing red lights as specified in W.S. 31-5-929 and the driver shall not proceed until the school bus resumes motion or the flashing red lights are no longer actuated.

(b) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "school bus" in letters not less than eight (8) inches in height, and in addition shall be equipped with red visual signals meeting the requirements of W.S. 31-5-929, which shall be actuated by the driver of the school bus whenever the vehicle is stopped and is receiving or discharging school children in designated school bus loading areas. When stopped to receive or discharge school children, the school bus driver shall keep the bus as far to the right of the roadway as reasonable. Except at a crosswalk, no school bus shall receive or discharge school children upon a roadway with four (4) or more lanes if the child would be required to cross a lane. The board of trustees of a school district may waive the requirement in this subsection that school bus drivers actuate visual signals if:

(i) The board finds the safety of children is not jeopardized; and

(ii) The bus is not on a public roadway.

(c) Before a school bus is sold by a school district all legal markings on the bus indicating it was once a school bus shall be concealed with paint unless sold to another school district in Wyoming.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

31-5-508. Removal of illegally stopped vehicles.

(a) Whenever any police officer finds a vehicle in violation of W.S. 31-5-505 the officer may move the vehicle, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway.

(b) Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in a position or under circumstances which obstruct the normal movement of traffic.

(c) Any police officer may remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

(i) Report has been made that the vehicle has been stolen or taken without the consent of its owner;

(ii) The person in charge of the vehicle is unable to provide for its custody or removal; or

(iii) When the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper judge without unnecessary delay.

31-5-509. Requirements before leaving motor vehicle unattended.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

31-5-510. Railroad crossings generally.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements apply when:

(i) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(ii) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train;

(iii) A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard;

(iv) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

31-5-511. Stopping requirements for certain vehicles at railroad crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether empty or carrying school children, or of any vehicle carrying a cargo or part of a cargo required to be placarded under United States department of transportation regulations, before crossing at grade any track or tracks of a railroad, shall:

(i) Actuate the vehicle's four-way hazard flashers prior to stopping at the grade crossing;

(ii) Stop the vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad;

(iii) While stopped, listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train and not proceed until he can do so safely;

(iv) Upon proceeding, cross the tracks without manually shifting gears and only in a gear of the vehicle which does not require manually changing gears while traversing the crossing; and

(v) After crossing the tracks, cancel the four-way hazard flashers.

(b) Except for school buses which will stop at all railroad crossings, this section shall not apply at:

(i) Any railroad grade crossing at which traffic is controlled by a police officer or flagman;

(ii) Any railroad grade crossing at which traffic is regulated by a traffic-control signal;

(iii) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(iv) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(c) The highway department may adopt such regulations as may be necessary describing additional vehicles which must comply with the stopping requirements of this section.

31-5-512. Parking alongside curbs or on edge of roadways; angle parking; power of highway department to place devices restricting parking.

(a) Except as otherwise provided in this section every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within eighteen (18) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) Local authorities may permit angle parking on any roadway, except that angle parking shall not be permitted on any

federal-aid or state highway unless the highway department has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The highway department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking, is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic. No person shall stop, stand or park any vehicle in violation of the restrictions indicated by the devices.

ARTICLE 6
PEDESTRIANS' RIGHTS AND DUTIES

31-5-601. Obedience to traffic-control devices; general privileges and restrictions.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him unless otherwise directed by a police officer.

(b) Pedestrians are subject to traffic-control signals at intersections as provided by W.S. 31-5-403 and 31-5-404.

(c) At all other places pedestrians shall be accorded the privileges and are subject to the restrictions stated in this act.

31-5-602. Right-of-way in crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way by slowing down or stopping if need be to yield, to any pedestrian within or entering a crosswalk at either edge of the roadway.

(b) When traffic-control signals are not in place or not in operation at a school crosswalk, the driver of a vehicle shall yield the right-of-way to any pedestrian within or entering a school crosswalk at either edge of the roadway by slowing down or stopping.

(c) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(d) Subsection (a) of this section does not apply under the conditions stated in W.S. 31-5-603(b).

(e) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

31-5-603. Crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices. When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to the crossing movements.

31-5-604. Use of right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

31-5-605. Walking along roadways or highways.

(a) Where a sidewalk is provided and its use is practicable it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction as far as practicable from the edge of the roadway.

(c) Except as otherwise provided in this act, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

31-5-606. Soliciting on streets and highways.

(a) No person shall be on a highway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle. This subsection does not apply to persons attempting to obtain assistance for disabled vehicles.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

31-5-607. Exercise of due care by drivers.

Notwithstanding other provisions of this act or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

31-5-608. Driving through or within safety zone.

No vehicle shall at any time be driven through or within a safety zone.

31-5-609. Right-of-way on sidewalks.

The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

31-5-610. Yielding of right-of-way to authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of W.S. 31-5-952 and visual signals meeting the requirements of W.S. 31-5-928, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

31-5-611. Blind pedestrian right-of-way.

The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

31-5-612. Pedestrians under influence of alcohol or controlled substances.

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders himself a hazard shall not walk or be upon a highway.

31-5-613. Passing through railroad crossing gate or barrier.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

ARTICLE 7
BICYCLES

31-5-701. Prohibited acts.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in W.S. 31-5-701 through 31-5-706.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provision of this act.

31-5-702. General rights and duties of riders.

Every person propelling a vehicle by human power or riding a bicycle has all of the rights and all of the duties applicable to the driver of any vehicle under this act, except as to special regulations in this act and except as to those provisions which by their nature can have no application.

31-5-703. Number of riders.

No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed or equipped except that an adult rider may carry a child securely attached to his person in a backpack or sling.

31-5-704. Riding on roadways and designated paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(c) Repealed By Laws 2007, Ch. 112, § 1.

31-5-705. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one (1) hand upon the handle bars at all times.

31-5-706. Lamps and other equipment.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the highway department which shall be visible from six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred

(500) feet to the rear may be used in addition to the red reflector.

(b) A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

ARTICLE 8 SNOWMOBILES

31-5-801. Operation on highways.

(a) Snowmobiles may be operated upon the highways of Wyoming subject to the following conditions:

(i) Snowmobiles may be operated within the right-of-way but not on the main traveled roadway except as provided hereafter;

(ii) Crossings of main-traveled roadways shall be made at right angles to the roadway or as nearly so as practicable, but in any case yielding the right-of-way to all traffic in the main-traveled roadway;

(iii) Snowmobiles may be operated on the highways within the cities and towns pursuant to ordinance;

(iv) Snowmobiles may be operated on the main-traveled roadway when the highway is closed to wheeled vehicular traffic or subject to approval of the state highway department, upon a designated and posted portion of a state roadway within the boundaries of a national park;

(v) If allowed by the county commissioners, snowmobiles may be operated on a designated and posted portion of a county roadway.

ARTICLE 9 EQUIPMENT

31-5-901. General requirements; applicability of provisions.

(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved

on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this act, or which is equipped in any manner in violation of this act, or for any person to do any act forbidden or fail to perform any act required under this act.

(b) Nothing contained in this act shall prohibit equipment required by the United States Department of Transportation nor the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this act.

(c) The provisions of W.S. 31-5-901 through 31-5-970 and regulations of the superintendent with respect to equipment required on vehicles shall not apply to vehicles moved solely by human power, motorcycles, motor-driven cycles, mopeds, multipurpose vehicles, implements of husbandry, highway construction machinery or farm tractors except as specifically made applicable.

(d) A federal motor vehicle safety standard which conflicts with a provision of this act shall supersede that provision as to any vehicle in compliance with the federal standard. The highway department shall report any conflict to the legislature and the superintendent may adopt a regulation to replace the superseded provision.

31-5-910. Lighted lamps and illuminating devices.

Every vehicle including those listed in W.S. 31-5-901(c), except as otherwise provided in this act, upon a highway within this state at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead shall display lighted head and other lamps and illuminating devices as respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stop lights, turn signals and other signaling devices shall be lighted as prescribed for those devices.

31-5-911. Visibility distance.

Whenever a requirement is declared by this act as to distance from which certain lamps and devices shall render objects

visible or within which the lamps or devices shall be visible, the provisions apply during the times stated in W.S. 31-5-910 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

31-5-912. Head lamps.

(a) A motor vehicle, including a multipurpose vehicle which is greater than fifty (50) inches in width, shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps comply with the regulations of the superintendent.

(b) A motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50) inches or less in width or moped shall be equipped with at least one (1) head lamp which shall comply with the regulations of the superintendent.

31-5-913. Tail lamps.

(a) A motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which shall comply with the regulations of the superintendent. The superintendent may by regulation allow one (1) tail lamp on any vehicle equipped with only one (1) when it was made. A motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50) inches or less in width or moped shall be equipped with at least one (1) tail lamp which shall comply with the regulations of the superintendent.

(b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate of all vehicles listed in subsection (a) of this section. The lamp shall comply with the regulations of the superintendent.

31-5-914. Rear reflectors.

Every motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall carry on the rear, either as a part of the tail lamps or separately, two (2) or more red

reflectors complying with the regulations of the superintendent. Motorcycles, motor-driven cycles, multipurpose vehicles which are fifty (50) inches or less in width or mopeds shall carry on the rear at least one (1) red reflector complying with the regulations of the superintendent.

31-5-915. Stop lamps; electric turn signal lamps.

(a) Every motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with two (2) or more stop lamps complying with the regulations of the superintendent. Every motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50) inches or less in width or moped shall be equipped with at least one (1) stop lamp complying with the regulations of the superintendent. The superintendent may by regulation allow one (1) stop lamp on any vehicle equipped with only one (1) when it was made.

(b) Every motor vehicle, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with electrical flashing turn signals complying with the regulations of the superintendent except that passenger cars and trucks less than eighty (80) inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

31-5-916. Additional lamps and reflectors.

The superintendent by regulation may require trucks, buses, motor homes, motor vehicles with truck-campers, trailers, semitrailers and pole trailers to have additional lamps and reflectors.

31-5-917. Color of lighting devices.

All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white.

31-5-918. Vehicles in combination.

Whenever motor vehicles and other vehicles are operated in combination during the time that lights are required, any lamp need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination.

31-5-919. Lamps, reflectors and flags on projecting loads.

Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of the vehicle there shall be displayed at the extreme rear end of the load, at the times specified in W.S. 31-5-910, two (2) red lamps, two (2) red reflectors located so as to indicate maximum width, and on each side one (1) red lamp located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four (4) feet beyond its rear, red or fluorescent orange flags, not less than twelve (12) inches square, marking the extremities of the load, at each point where a lamp would otherwise be required by this section. Lamps and reflectors required in this section shall comply with the regulations of the superintendent.

31-5-920. Parked vehicles.

(a) Every vehicle shall be equipped with one (1) or more parking lamps which shall comply with the regulations of the superintendent.

(b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and if there is sufficient light to reveal persons and vehicles within a distance of five hundred (500) feet upon the street or highway, no lights need be displayed upon the parked vehicle.

(c) Whenever a vehicle is parked or stopped upon a roadway or adjacent shoulder, whether attended or unattended, during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon the highway, the vehicle so parked or stopped shall display parking lamps complying with the requirements of the superintendent.

(d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

31-5-921. Farm and other vehicles and equipment; slow moving vehicle emblems.

(a) Every vehicle, including animal-drawn vehicles and vehicles referred to in W.S. 31-5-901(c) not specifically required by other provisions of this act to be equipped with lamps or other lighting devices, shall at the times specified in W.S. 31-5-910 be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of the vehicle and shall also be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances within six hundred (600) feet to the rear when illuminated by the lawful lower beams of head lamps.

(b) Every farm tractor and every self-propelled implement of husbandry manufactured or assembled after January 1, 1974, shall at all times, and every other such motor vehicle shall at all times mentioned in W.S. 31-5-910, be equipped with lamps and reflectors as follows:

(i) At least two (2) head lamps complying with the regulations of the superintendent;

(ii) At least one (1) red lamp visible when lighted from a distance of not less than one thousand (1,000) feet to the rear mounted as far to the left of the center of the vehicle as possible;

(iii) At least two (2) red reflectors visible from all distances within six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps.

(c) On every combination of farm tractors and towed farm equipment or towed implement of husbandry, the farm tractor shall be equipped as required by subsection (b) of this section, and the towed unit shall at all times mentioned in W.S. 31-5-910 be equipped with lamps and reflectors as follows:

(i) If the towed unit or its load extends more than four (4) feet to the rear of the tractor or obscures any light thereon, the unit shall be equipped on the rear with at least one (1) red lamp visible when lighted from a distance of not

less than one thousand (1,000) feet to the rear mounted as far to the left of the center of the towed vehicle as practicable, and at least two (2) red reflectors visible from all distances within six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps;

(ii) If the towed unit of the combination extends more than four (4) feet to the left of the center line of the tractor, the unit shall be equipped on the front with an amber reflector visible from all distances within six hundred (600) feet to one hundred (100) feet to the front when directly in front of lawful lower beams of head lamps. The reflector shall be so positioned to indicate as nearly as practicable, the extreme left projection of the towed unit.

(d) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry and special mobile equipment designed for operation at speeds not in excess of twenty-five (25) miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (e) of this section.

(e) Every combination of farm tractor and towed farm equipment or towed implement of husbandry or units towed by special mobile equipment normally operating at speeds not in excess of twenty-five (25) miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(i) Where the towed unit or any load thereon obscures the slow moving vehicle emblem on the towing unit, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(ii) Where the slow moving vehicle emblem on the towing unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(f) Use of the slow moving vehicle emblem is not required on highway construction and maintenance equipment when the vehicle is operated exclusively within areas guarded by a flagman or clearly visible warning signs.

(g) No person shall use the slow moving vehicle emblem except as required in this section nor display the emblem on a vehicle traveling at a speed in excess of twenty-five (25) miles per hour nor on a stationary object along the highway.

(h) The emblem required in subsections (d) and (e) of this section shall comply with current standards and specifications of the American Society of Agricultural Engineers.

31-5-922. Spot lamps.

Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

31-5-923. Vehicular traffic hazard lamps.

(a) Any vehicle including those referred to in W.S. 31-5-901(c) may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing.

(b) After January 1, 1986, every bus, truck, truck tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in over-all width or thirty (30) feet or more in over-all length shall be equipped with lamps complying with the regulations of the superintendent.

(c) Lamps allowed by this section shall comply with the regulations of the superintendent.

31-5-924. Multiple-beam lamps.

(a) Whenever a motor vehicle including those referred to in W.S. 31-5-901(c) if equipped with multiple-beam lamps is being operated on a highway during the times specified in W.S. 31-5-910, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(i) Whenever a driver of a vehicle approaches an oncoming vehicle, the driver shall, before coming within five hundred (500) feet of the oncoming vehicle use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost

distribution of light or composite beam, shall be aimed to avoid glare at all times, regardless of road contour and loading;

(ii) Whenever the driver of a vehicle approaches another vehicle within three hundred (300) feet from the rear, the driver shall use a distribution of light other than the uppermost distribution of light.

31-5-925. Single-beam lamps.

Head lamps which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to July 1, 1956, if the head lamps comply with the regulations of the superintendent.

31-5-926. Alternate lighting for slow-moving vehicles.

Any motor vehicle may be operated under the conditions specified in W.S. 31-5-910 when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects one hundred (100) feet ahead in lieu of head lamps otherwise required under this act if the vehicle is not operated at a speed in excess of twenty (20) miles per hour.

31-5-927. Number of driving lamps.

Whenever a motor vehicle including those referred to in W.S. 31-5-901(c) equipped with head lamps as required in this act is also equipped with any other driving lamps on the front thereof, not more than a total of four (4) of the lamps on the front of a vehicle shall be lighted at any one (1) time when upon a highway. Driving lamps do not include turn or hazard warning signal lamps.

31-5-928. General lighting restrictions; authorized emergency vehicles.

(a) During the times specified in W.S. 31-5-910, any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicle hazard warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(b) Except as required in W.S. 31-5-929 and this section, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon capable of displaying a red light or blue light visible from directly in front of the center thereof.

(c) Flashing lights are prohibited except as authorized by W.S. 31-5-915, 31-5-921, 31-5-929, 31-5-930, 31-5-931 and this section.

(d) Every authorized emergency vehicle, except police vehicles and as otherwise specified in this subsection, shall, in addition to any other equipment required by law, be equipped with at least one (1) red lamp visible from five hundred (500) feet in front of the vehicle. Except as otherwise provided in this subsection, every authorized emergency vehicle, may be equipped with one (1) or more blue, white or amber lights. Privately-owned vehicles used by members of a fire department or emergency service organization in performing or traveling to perform assigned duties in those organizations shall display at least one (1) flashing white, red or amber light, but no blue lights, visible from five hundred (500) feet in front of the vehicle.

(e) A police vehicle primarily engaged in traffic law enforcement shall be marked so as to be readily identifiable.

(f) The following vehicles are authorized to display flashing white and amber lights in addition to those otherwise authorized by law:

(i) Vehicles of civil emergency preparedness agencies;

(ii) Vehicles of municipalities and public service corporations;

(iii) Wreckers;

(iv) Funeral cars.

(g) In addition to these lights otherwise authorized by law, a wrecker is authorized to display flashing red and blue lights at the scene of any emergency.

31-5-929. School buses.

(a) Every school bus shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall be visible at five hundred (500) feet in normal sunlight.

(b) Any school bus shall, in addition to the lights required by subsection (a) of this section, be equipped with yellow signal lamps mounted near each of the four (4) red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two (2) alternately flashing yellow lights to the front and two (2) alternately flashing yellow lights to the rear, and these lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus at least one hundred (100) feet, but not more than five hundred (500) feet, before every stop at which the alternately flashing red lights required by subsection (a) of this section will be actuated.

(c) The superintendent is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with this act, but supplemental thereto. The standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers.

31-5-930. Highway construction and maintenance vehicles.

(a) The superintendent shall adopt specifications and rules governing the use of flashing lights on vehicles engaged in highway construction or maintenance operations.

(b) The driver of a vehicle engaged in highway construction or maintenance shall comply with rules adopted under this section.

31-5-931. Backup and side marker lamps.

(a) Any motor vehicle may be equipped with not more than two (2) backup lamps either separately or in combination with other lamps, but any such backup lamp shall not be lighted when the motor vehicle is in forward motion.

(b) Any vehicle may be equipped with one (1) or more side marker lamps and any side marker lamp may be flashed in conjunction with turn or vehicular hazard warning signals.

(c) Lamps allowed by this section shall comply with the regulations of the superintendent.

31-5-932. Approved sale of lighting devices; mounting.

(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, motorcycle, motor-driven cycle, moped or pole trailer, or use upon the vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder [under this division], or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the superintendent and approved by him. This section does not apply to equipment in actual use prior to January 1, 1956, or replacement parts therefor.

(b) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer any lamp or device mentioned in this section which has been approved by the superintendent unless the lamp or device bears thereon the trade-mark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer, semitrailer or pole trailer any lamps mentioned in this section unless the lamps are mounted, adjusted and aimed in accordance with instructions of the superintendent.

31-5-933. Repealed by Laws 1985, ch. 138, § 3.

31-5-934. Approved sale of equipment generally.

(a) A person shall not sell or offer for sale any lamp, reflector, hydraulic brake fluid, seat belt, safety glass, emergency disablement warning device, studded tire, motorcycle helmet, eye protection device for motorists, or red rear bicycle reflector unless and until it has been approved by the superintendent.

(b) A person shall not sell or offer for sale any item of equipment for which a standard has been adopted under W.S.

31-5-935 unless and until it has been approved by the superintendent.

31-5-935. Standards for safety equipment.

(a) The superintendent shall adopt standards for lamps, reflectors, hydraulic brake fluids, seat belts, safety glass, emergency disablement warning devices, studded tires, motorcyclist helmets, eye protection devices and red rear bicycle reflectors.

(b) The superintendent may adopt standards for safety equipment that comply with standards of the United States Department of Transportation.

(c) Standards adopted by the superintendent may conform with standards issued or endorsed by any recognized organization or agency such as the United States Department of Transportation and other federal agencies, Vehicle Equipment Safety Commission, American National Standards Institute and Society of Automotive Engineers.

31-5-936. Identification requirements for equipment.

Any equipment described in W.S. 31-5-934 or any package containing the equipment shall bear the manufacturer's trade mark or brand name unless it complies with identification requirements of the United States Department of Transportation or other federal agencies.

31-5-937. Approval of safety equipment by superintendent.

(a) The superintendent shall approve or disapprove any lighting device or other safety equipment, component or assembly of a type for which approval is specifically required in this act within a reasonable time after approval has been requested.

(b) The superintendent shall establish the procedure to be followed when request for approval of any lighting device or other safety equipment, component or assembly is submitted under this section. The procedure may provide for submission of the device, component or assembly to the American Association of Motor Vehicle Administrators as the agent of the superintendent and for the issuance of an approval certificate by the association in the name of the superintendent in lieu of submission of the device, component or assembly to the superintendent. Approval issued by the association shall have

the same force and effect as if it had been issued by the superintendent.

(c) The superintendent shall maintain and publish lists of all devices, components or assemblies which have been approved by him.

31-5-938. Duration of superintendent's approval.

Approvals shall remain valid unless revoked under W.S. 31-5-939 or unless the superintendent requires them to be renewed under regulations issued by him.

31-5-939. Revocation of superintendent's approval; reapproval.

(a) Whenever the superintendent has reason to believe that a device approved under W.S. 31-5-937 does not comply with his standards, he shall upon thirty (30) days notice to the one to whom the approval was issued conduct a hearing upon the question of the continued compliance of the approved device. After the hearing the superintendent shall determine whether the device meets the requirements of the applicable standard. If the device does not meet those requirements the superintendent shall give notice to the one to whom the approval has been issued of his intention to revoke the approval. If the holder of the approval fails to satisfy the superintendent that the device being sold or offered for sale meets the applicable standard within ten (10) days of the notice, the superintendent shall revoke the approval and shall require the withdrawal of all such devices from the market and may require that all devices sold since the notification be replaced by devices that do comply.

(b) When an approval has been revoked pursuant to this section, the device shall not be again approved unless and until it has been submitted to reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of the applicable standard. The superintendent may require that all previously approved items are being effectively recalled and removed from the market as a condition for reapproval.

31-5-940. Testing and enforcement program.

(a) The highway department may purchase and test equipment described in W.S. 31-5-934 to determine whether it complies with its standards.

(b) Upon identification of unapproved or substandard devices being sold or offered for sale, the superintendent shall give notice to the person selling them that he is in violation of W.S. 31-5-934 and that selling or offering them for sale is prohibited.

(c) In order to enforce the prohibition against the sale or offer for sale of unapproved or substandard devices, the superintendent may file a petition in the district court to enjoin any further sale or offer of sale of the unapproved or substandard devices. Upon a prima facie showing that the device is of a type required to be approved by the superintendent, it has not been approved and it is being sold or offered for sale, the injunction shall be issued.

31-5-950. General braking requirements.

(a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop the vehicle or combination within forty (40) feet from an initial speed of twenty (20) miles per hour on a level, dry, smooth, hard surface or within such shorter distance as may be specified by the superintendent.

(b) Every motor vehicle and combination of vehicles excluding motorcycles, motor-driven cycles and mopeds shall have a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material or which shall comply with performance standards issued by the superintendent.

(c) When necessary for safe operation, the superintendent may by regulation require additional braking systems.

(d) The superintendent may adopt performance requirements for braking systems under this section. In formulating these requirements, the superintendent shall consider standards of the United States Department of Transportation, recommendations of other agencies and organizations, different classes of vehicles, deceleration rates, speeds, weather, loads, terrain and all other factors bearing on safe highway operations.

(e) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles and mopeds unless specifically excluded.

31-5-951. Brakes on motor-driven cycles.

(a) The superintendent may require an inspection of the braking system on any motor-driven cycle and disapprove any brake which in his opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The department may refuse to register or may suspend or revoke the registration of any motor-driven cycle when it is notified by the superintendent that the brake thereon does not comply with the provisions of this section.

(c) No person shall operate on any highway any motor-driven cycle if the superintendent has disapproved the brake equipment upon that motor-driven cycle or type of motor-driven cycle.

31-5-952. Horns and warning devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use the horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. The theft alarm signal device may use a whistle, bell, horn or other audible signal but shall not use a siren.

(d) Every authorized emergency vehicle, except wreckers, shall be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the superintendent, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the vehicle shall sound the

siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

(e) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles and mopeds.

31-5-953. Mufflers.

(a) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation. No person shall use a muffler cut-out, bypass or similar device.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles and mopeds.

31-5-954. Mirrors.

(a) On or before January 1, 1986, every motor vehicle including motorcycles, motor-driven cycles, multipurpose vehicles and mopeds shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(b) Every motor vehicle except a motorcycle, motor-driven cycle or moped, shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

31-5-955. Windshields and wipers.

(a) No person shall drive any motor vehicle with any sign, poster or other material or substance upon or crack within the front windshield, side or rear windows of the vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the

windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. This subsection shall apply to multipurpose vehicles as defined in W.S. 31-1-101(a)(xv)(M) when equipped with a windshield and an enclosed cab.

(c) Every motor vehicle shall be equipped with a windshield and a windshield wiper which shall be maintained in good working order.

31-5-956. Tires; restriction of travel under hazardous conditions.

(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:

(i) Implements of husbandry with tires having protuberances which will not injure the highway;

(ii) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid;

(iii) Pneumatic tires having studs designed to improve traction without materially injuring the surface of the highway. Pneumatic tires having studs must be approved by the superintendent.

(d) The superintendent and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(e) Travel on a highway may be restricted to all wheel drive vehicles or motor vehicles equipped with tire chains or adequate snow tires when the superintendent or his authorized representative determines that travel is sufficiently hazardous due to snow, ice or other conditions.

(f) A person shall not operate any vehicle when one (1) or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than four thirty-seconds ($4/32$) inch in the case of tires which are used on the front wheels of a bus, truck or truck tractor, or two thirty-seconds ($2/32$) inch in other cases, measured in any two (2) adjacent tread grooves at three (3) equally spaced intervals around the circumference of the tire but the measurements shall not be made at the location of any tread wear indicator, tie bar, hump or fillet. No vehicle shall be operated on any tire that has fabric exposed through the tread or sidewall.

(g) A person in the business of selling tires shall not sell or offer for sale for highway use any tire which is in unsafe condition or which has a tread depth of less than two thirty-seconds ($2/32$) inch measured as specified in subsection (f) of this section.

(h) This section applies to motorcycles, motor-driven cycles, multipurpose vehicles and mopeds.

31-5-957. Required flares, lanterns or reflectors for certain vehicles.

(a) No person shall operate any truck more than eighty (80) inches in width, bus, truck-tractor or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway unless there is carried in the vehicle the following equipment except as provided in subsection (b) of this section:

(i) At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors, each of which shall meet the requirements in SAE Standards J596 and J597 and Federal Motor Vehicle Safety Standard No. 125. No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section unless the equipment is of a type which has been submitted to the superintendent and approved by him. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and

constructed as to be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps and unless it is of a type which has been submitted to the superintendent and approved by him;

(ii) At least three (3) red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(b) No person shall use or permit the use of any flame-producing emergency signal for protecting any vehicle transporting explosives, Class A or Class B, any cargo tank motor vehicle used for the transportation of any flammable liquid or flammable compressed gas, whether loaded or empty, or any motor vehicle using compressed gas as motor fuel. In lieu thereof, emergency reflective triangles, red electric lanterns or red emergency reflectors shall be used, the placement of which shall be in the same manner as prescribed in W.S. 31-5-958.

31-5-958. Display of warning devices when vehicle disabled.

(a) Whenever any truck, bus, truck tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lights meeting the requirements of W.S. 31-5-923 when warning signal lights are required by W.S. 31-5-923. The lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device or while the devices specified in subsections (b) through (g) of this section are in place.

(b) Whenever any vehicle of a type referred to in subsection (a) of this section is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of the vehicle shall display the following warning devices except as provided in subsection (c) of this section:

(i) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at

the traffic side of the vehicle in the direction of the nearest approaching traffic;

(ii) As soon thereafter as possible but in any event within the burning period of the fusee (ten (10) minutes), the driver shall place three (3) liquid-burning flares (pot torches), three (3) lighted red electric lanterns or three (3) portable red emergency reflectors on the roadway in the following order:

(A) One (1) approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;

(B) One (1) approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle;

(C) One (1) at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (b)(i) of this section, it may be used for this purpose.

(c) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten (10) minutes, within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

(d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten (10) minutes, upon any roadway of a divided highway during the time that lighted lamps are required, the appropriate warning devices prescribed in subsections (b) and (e) of this section shall be placed as follows:

(i) One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(ii) One (1) at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane;

(iii) One (1) at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

(e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas is disabled, or is stopped for more than ten (10) minutes, at any time or place mentioned in subsection (b), (c) or (d) of this section, the driver of the vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.

(f) The flares, fusees, red electric lanterns and portable red emergency reflectors to be displayed as required in this section shall conform with the requirements of W.S. 31-5-957 applicable thereto.

(g) The warning devices described in subsections (b), (c), (d) and (e) of this section need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet.

(h) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place described, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.

31-5-959. Vehicles transporting hazardous materials.

(a) Any person operating any vehicle transporting any hazardous materials, hazardous substance, hazardous waste, marine pollutant or radioactive material as a cargo or part of a cargo upon a highway shall at all times comply with regulations of the department adopted pursuant to W.S. 31-18-303. The regulations shall be consistent with current hazardous materials regulations of the United States department of transportation.

(b) No person shall dispose of or deposit any hazardous materials, hazardous substance, hazardous waste, marine pollutant or radioactive material upon any public street, road or highway in the state. However, the department of environmental quality or department of transportation may grant approval for the disposal or deposit of any material according to law.

(c) Any person convicted of willfully violating subsection (b) of this section is guilty of a felony punishable by a fine of not more than ten thousand dollars (\$10,000.00), imprisonment for not more than five (5) years, or both. Any person convicted of recklessly, as defined by W.S. 6-1-104(a)(ix), violating subsection (b) of this section is guilty of a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than three (3) years, or both. Any person convicted of criminal negligence, as defined by W.S. 6-4-104(a)(iii), in violating subsection (b) of this section is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

(d) As used in this section:

(i) "Hazardous materials" means a substance or material, including a hazardous substance, which has been determined by the United States secretary of transportation under title 49 of the Code of Federal Regulations to be capable of posing an unreasonable risk to health, safety and property and which has been so designated;

(ii) "Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the United States environmental protection agency as specified in 40 C.F.R. part 262;

(iii) "Marine pollutant" means a hazardous substance which is listed in appendix b, 49 C.F.R. part 172.101 and, when in a solution or mixture of one (1) or more marine pollutants, is packaged in a concentration which equals or exceeds:

(A) Ten percent (10%) by weight of the solution or mixture for materials that are listed in the appendix;

(B) One percent (1%) by weight of the solution or mixture for materials that are identified as severe marine pollutants in the appendix.

(iv) "Radioactive material" means any material having a specific activity greater than 0.002 microcuries per gram;

(v) "Specific activity" of a radionuclide means the activity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the activity per unit mass of the material.

31-5-960. Pedestrian vehicles.

(a) Every pedestrian vehicle operated upon a highway shall be equipped with the following equipment:

(i) A horn meeting the requirements of W.S. 31-5-952(a);

(ii) At least one (1) headlamp of either a single-beam or multiple-beam type which shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred (100) feet when operated at any speed less than twenty-five (25) miles per hour;

(iii) Two (2) tail lamps which shall be so wired as to be lighted whenever the headlamp is lighted and which, when lighted, shall emit a red light plainly visible from a distance of at least one hundred (100) feet to the rear;

(iv) Rear stop lamps and turn signals conforming to the requirements of the superintendent;

(v) A brake which conforms to the performance requirements of W.S. 31-5-951; and

(vi) A reflectorized flag mounted in a bracket permanently affixed to the vehicle. The flag, when mounted, shall be visible from all directions at a height of not less than forty-eight (48) inches nor more than seventy-two (72) inches measured from the level ground upon which the vehicle stands and shall conform to the following requirements:

(A) Be constructed of durable, all-weather type material;

(B) Be orange in color;

(C) Be triangular in shape with a minimum base length of eight and one-half (8 1/2) inches and a minimum side length of eleven and one-half (11 1/2) inches.

31-5-961. Television receivers; electronic displays.

(a) No motor vehicle operated on Wyoming highways shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat.

(b) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes, provided the use is approved by the highway department.

(c) This section does not prohibit the use of electronic displays used in conjunction with vehicle navigation systems.

31-5-962. Sunscreening devices.

(a) As used in this section:

(i) "Dealer" means any person or business engaged in the distribution or installation of sunscreening products or materials designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun;

(ii) "Light transmission" means the ratio of the amount of total light to pass through a product or material to the amount of the total light falling on the product or material;

(iii) "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or materials;

(iv) "Multipurpose passenger vehicle" means a motor vehicle designed to carry ten (10) persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation;

(v) "Nonreflective" means a product or material designed to absorb light rather than to reflect it;

(vi) "Sunscreening device" means film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

(b) No person may operate an enclosed motor vehicle that is registered or required to be registered in this state on any public highway, road or street that has a sunscreen device on the windshield, the front side wings and side windows adjacent to the right and left of the driver and windows adjacent to the rear of the driver that do not meet the requirements of this section.

(c) A sunscreening device when used in conjunction with the windshield shall be a nonreflective type and may not be red, yellow or amber in color. A sunscreening device may be used only along the top of the windshield and may not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield.

(d) A sunscreening device, when used in conjunction with the safety glazing materials of the side wings or side windows, or both, located at the immediate right and left of the driver, shall be a nonreflective type and have total light transmission through both the sunscreening device and glazing of not less than twenty-eight percent (28%).

(e) A sunscreening device, when used in conjunction with the safety glazing materials of the side windows behind the driver and the rearmost window, shall be a nonreflective type and have total light transmission through both the sunscreening device and glazing of not less than twenty-eight percent (28%).

(f) No sunscreening device or tinting film may be applied or affixed to any window of a motor vehicle that has a luminous reflectance of light exceeding twenty percent (20%).

(g) If any sunscreen device or tinting film is added to any windows behind the operator, one (1) left and one (1) right outside rearview mirror shall be required.

(h) The requirements of this section shall not apply to windows behind the driver of trucks, buses, motor homes, ambulances, limousines and multipurpose passenger vehicles, to windshields on motorcycles or motor-driven cycles. Except as provided in subsection (j) of this section, vehicle windows with a sunscreen device or tinting film applied prior to July 1, 1996

which do not meet the specifications established by this section shall be in violation after December 31, 1996.

(j) Notwithstanding the requirements of subsections (d) and (e) of this section, any sunscreening device applied prior to July 1, 1996, when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rearmost window shall be of a nonreflective type and have total light transmission through both the sunscreening device and the glazing of not less than thirteen percent (13%).

(k) No person or firm may apply or affix to the windows of any motor vehicle in this state, a sunscreen device or tinting film that is not in compliance with the requirements of this section.

(m) Notwithstanding the requirements of this section, a motor vehicle operated by or regularly used to transport any person with a medical condition which renders him susceptible to harm or injury from exposure to sunlight or bright artificial light may be equipped, on its windshield and any or all of its windows, with sun shading or tinting films or applications which reduce the transmission of light into the vehicle to levels not less than twenty-five percent (25%). The sun shading or tinting film when applied to the windshield of a motor vehicle shall not cause the total light transmittance to be reduced to any level less than seventy percent (70%), except for the upper five (5) inches of the windshield or the AS-1 line, whichever is closer to the top of the windshield. Vehicles equipped with sun shading or tinting films as provided in this subsection shall not be operated on any highway unless the driver or an occupant of the vehicle has in his possession a certificate issued by the director authorizing such operation. The director shall issue the certificate only upon receipt of a signed statement from a licensed physician or licensed optometrist identifying the person seeking the certificate and stating that, in the physician's or optometrist's professional opinion, the equipping of a vehicle with sun shading or tinting films or applications is necessary to safeguard the health of the person seeking the certificate. Certificates issued by the director under this subsection shall be valid so long as the condition requiring the use of sun shading or tinting films or applications persists or until the vehicle is sold, whichever first occurs. In the discretion of the director, one (1) or more certificates may be issued to an individual or a family.

(n) This section shall apply to multipurpose vehicles as defined in W.S. 31-1-101(a)(xv)(M) when equipped with a windshield and an enclosed cab.

31-5-970. Required safe mechanical condition.

No person shall drive or move on the highway any vehicle, including vehicles referenced in W.S. 31-5-901(c), unless the equipment upon the vehicle is in good working order and adjustment as required in this act and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

ARTICLE 10
SIZE AND WEIGHT LIMITS

31-5-1001. Renumbered as § 31-18-801 by Laws 1993, ch. 68, § 3.

31-5-1002. Renumbered as § 31-18-802 by Laws 1993, ch. 68, § 3.

31-5-1003. Renumbered as § 31-18-803 by Laws 1993, ch. 68, § 4.

31-5-1004. Renumbered as § 31-18-804 by Laws 1993, ch. 68, § 3.

31-5-1005. Renumbered as § 31-18-805 by Laws 1993, ch. 68, § 3.

31-5-1006. Renumbered as § 31-18-806 by Laws 1993, ch. 68, § 4.

31-5-1007. Renumbered as § 31-18-807 by Laws 1993, ch. 68, § 3.

31-5-1008. Renumbered as § 31-18-808 by Laws 1993, ch. 68, § 3.

31-5-1009. Prohibition of triple trailers.

Except for the provisions of W.S. 31-18-808 and 31-18-803(a) no vehicle combination composed of more than three (3) single vehicles shall operate by special permit, test permit, or otherwise on the highways of this state.

ARTICLE 11
ACCIDENTS

31-5-1101. Duty to stop vehicle where accident involves death or personal injuries; penalties.

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of W.S. 31-5-1103. Every stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with subsection (a) of this section shall, upon conviction, be imprisoned not more than one (1) year, fined not more than five thousand dollars (\$5,000.00), or both.

31-5-1102. Duty to stop vehicle where accident involves damage to attended vehicle or property; penalty.

The driver of a vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall forthwith return to and remain at the scene of the accident until he has fulfilled the requirements of W.S. 31-5-1103. Every stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with this section is guilty of a misdemeanor.

31-5-1103. Duty to give information and render aid.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's license to the person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and to any police officer at the scene of or who is investigating the accident. The driver shall also render to any person injured in the accident reasonable assistance, including the carrying, or

the making of arrangements for the carrying, of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that the treatment is necessary or if the carrying is requested by the injured person.

31-5-1104. Duty upon colliding with unattended vehicle or property.

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to the other vehicle or other property shall immediately stop and shall immediately either locate and notify the operator or owner of the vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on the vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving. Every stop shall be made without obstructing traffic more than is necessary.

31-5-1105. Notice required of driver.

The driver of a vehicle involved in an accident resulting in injury to or death of any person, in property damage to another or others to an apparent extent of at least one thousand dollars (\$1,000.00) or in any vehicle, excluding bicycles or any other vehicle moved solely by human power, becoming so disabled as to prevent its normal and safe operation, shall immediately by the quickest means of communication give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the nearest office of the state highway patrol or to the office of the county sheriff.

31-5-1106. Written reports required of driver and police officer; reporting of vehicles struck by bullets.

(a) The driver of a vehicle which is involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of one thousand dollars (\$1,000.00) or more shall, within ten (10) days after the accident, forward a written report of the accident to the highway department.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the

original report is insufficient in the opinion of the department.

(c) Every police officer who investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses shall forward a written report of the accident to the highway department within ten (10) days after his investigation of the accident.

(d) The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet, shall report to the local police department if the garage is located within a municipality, otherwise to the county sheriff or nearest office of the state highway patrol, within twenty-four (24) hours after the motor vehicle is received by the garage or repair shop, giving the identifying number, registration number and the name and address of the owner or driver of the vehicle.

31-5-1107. Duty of occupant and owner when driver incapable of reporting.

(a) An accident report is not required under W.S. 31-5-1106 from any person who is physically incapable of making report during the period of incapacity.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in W.S. 31-5-1105 and there was another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the driver.

(c) Whenever the driver is physically incapable of making a written report of an accident as required in W.S. 31-5-1106 and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within ten (10) days after the accident make the report not made by the driver.

31-5-1108. Report forms; failure to make report; false report.

(a) The highway department shall prepare and upon request supply to police departments, coroners, sheriffs and other suitable agencies or individuals, forms for accident reports

required hereunder, appropriate with respect to the persons required to make the reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the highway department and shall contain all of the information required therein unless not available.

(c) Every accident report shall also contain information sufficient to enable the department to determine whether the requirements for the deposit of security under any of the laws of this state are inapplicable by reason of the existence of insurance or other exceptions specified therein.

(d) Any person convicted of failing to make a report as required herein shall be punished as provided in W.S. 31-5-1201.

(e) A person shall not give information in oral or written reports as required in W.S. 31-5-1101 through 31-5-1111 knowing or having reason to believe that the information is false.

31-5-1109. Repealed by Laws 1985, ch. 212, § 4.

31-5-1110. Confidentiality of reports; exceptions.

(a) All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, except that:

(i) The highway department may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident;

(ii) The highway department shall disclose to any person requesting such information whether any person or vehicle was covered by a vehicle insurance policy and the name of the insurer.

(b) All accident reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of the reports be permitted except the reports and supplemental information may be examined by any person named therein or by his representative designated in writing.

(c) No written reports forwarded under this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except for prosecutions for filing false reports and, except that the highway department shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the highway department in compliance with law, and, if a report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers.

31-5-1111. Reports required by municipalities.

Any municipality may by ordinance require that the driver of a vehicle involved in an accident, or the owner of the vehicle, shall also file with a designated city department a report of the accident or a copy of any report herein required to be filed with the highway department. All reports shall be for the confidential use of the city department and subject to W.S. 31-5-1110.

31-5-1112. Tabulation and analysis of reports.

The department shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

ARTICLE 12
OFFENSES, PENALTIES AND ENFORCEMENT

31-5-1201. Violation of provisions to constitute misdemeanor; penalties.

(a) It is a misdemeanor for any person to violate any of the provisions of this act or rules and regulations authorized under this act unless the violation is by this act or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act or rules and regulations authorized under this act for which another penalty is not provided shall:

(i) For a first conviction be punished by a fine of not more than two hundred dollars (\$200.00), by imprisonment for not more than twenty (20) days, or both;

(ii) For a second conviction of the same offense within one (1) year thereafter, be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or both;

(iii) For a third or subsequent conviction of the same offense within one (1) year after the first conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both.

(c) Evidence of a prior conviction or convictions under subsection (a) of this section shall not be introduced during the trial of any case, but shall be introduced only after the completion of the trial for the purpose of determining the penalty to be imposed upon a conviction hereunder.

(d) Except as provided in subsection (g) of this section:

(i) Every person convicted of a violation of W.S. 31-5-301(b)(iii), for speeds of seventy-six (76) through eighty (80) miles per hour, or W.S. 31-5-301(b)(iv), for speeds of sixty-six (66) through seventy (70) miles per hour, shall be fined five dollars (\$5.00) for each mile per hour in excess of the legal speed limit not to exceed twenty-five dollars (\$25.00);

(ii) Every person convicted of a violation of W.S. 31-5-301(b)(iv), for speeds at or above seventy (70) miles per hour, shall be fined twenty-five dollars (\$25.00) plus three dollars (\$3.00) per mile for each mile per hour in excess of seventy (70) miles per hour with assessed court costs;

(iii) Every person convicted of a violation of W.S. 31-5-301(b)(iii), for speeds above eighty (80) miles per hour, shall be fined at the discretion of the judge but not less than thirty-five dollars (\$35.00) nor more than the maximum penalties

provided by subsection (b) of this section, with assessed court costs which shall also apply to a violation of W.S. 31-5-301(b)(iii) for a speed of eighty (80) miles per hour;

(iv) Convictions shall not be considered pursuant to W.S. 31-7-129(a)(i) for driver license suspensions for speeding violations of less than eighty (80) miles per hour where the posted speed limit is at least sixty-five (65) miles per hour or less than six (6) miles per hour over the posted speed limit in all other instances and zones, except speeding violations in school zones, or construction zones;

(v) Notwithstanding W.S. 5-4-207 and 5-9-107, court costs for violations of W.S. 31-5-301(b)(iii) or (iv) shall not be assessed for speeds up to four (4) miles per hour over the speed limits authorized by W.S. 31-5-301(b)(iii) or (iv).

(e) Any person convicted of a violation of W.S. 31-5-507(a) or convicted of exceeding the posted speed limit in a school zone as provided in W.S. 31-5-301(b)(i) by more than ten (10) miles per hour shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). Upon any subsequent conviction of either a violation of W.S. 31-5-507(a) or a conviction of exceeding the posted speed limit in a school zone as provided in W.S. 31-5-301(b)(i) by more than ten (10) miles per hour within one (1) year, a person shall be fined not less than four hundred dollars (\$400.00) nor more than one thousand dollars (\$1,000.00).

(f) Any person convicted of violating W.S. 31-5-229 shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(g) In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(iii) by exceeding a speed of eighty (80) miles per hour, or W.S. 31-5-301(b)(iv) by exceeding a speed of seventy (70) miles per hour, or W.S. 31-5-301(c) by exceeding the posted speed limit in a construction zone established under W.S. 31-5-302 by six (6) miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds shall be fined one hundred dollars (\$100.00).

31-5-1202. Parties to crime.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein [in this chapter] to be a crime, whether individually or in connection with one (1) or more other persons or as a principal, agent or accessory, is guilty of the offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this act is likewise guilty of the offense.

31-5-1203. Unlawful acts by persons owning or controlling vehicles.

It is unlawful for the owner or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law.

31-5-1204. Authority to make arrest; general arrest procedures; arrest of nonresidents.

(a) The authority of a police officer to make an arrest is the same as upon an arrest for a felony when the officer has reasonable and probable grounds to believe that the person arrested has committed any of the following offenses and the manner of making arrests shall be as in misdemeanor cases:

(i) Negligent homicide or homicide by vehicle;

(ii) Driving or being in actual physical control of a vehicle while under the influence of alcohol or any substance as prohibited by W.S. 31-5-233;

(iii) Failure to stop, failure to give information or failure to render reasonable assistance, in the event of an accident resulting in death or personal injuries as prescribed in W.S. 31-5-1101 and 31-5-1103;

(iv) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or other property as prescribed in W.S. 31-5-1102 through 31-5-1104;

(v) Reckless driving;

(vi) Racing on the highway; or

(vii) Willfully fleeing from or attempting to elude a police officer.

(b) Whenever any person is arrested as authorized in this section he shall be taken without unnecessary delay before the proper court as specified in W.S. 31-5-1205(g), except that in the case of any of the offenses designated in paragraphs (a)(iv) through (vii) of this section, a police officer shall have the same discretion as is provided in other cases in subsection (d) of this section.

(c) Whenever any person is halted by a police officer for any violation of this act, he shall be taken without unnecessary delay before the proper court as specified in W.S. 31-5-1205(g), in any of the following cases:

(i) When the person demands an immediate appearance before a judge; or

(ii) In any other event when the person is issued a traffic citation by a police officer and refuses to give his written promise to appear in court as hereinafter provided.

(d) Whenever any person is halted by a police officer for any violation of this act and is not required to be taken before a court as provided by subsection (c) of this section, the person shall, in the discretion of the officer, either be given a traffic citation or be taken without unnecessary delay before the proper judge, as specified in W.S. 31-5-1205(g), in any of the following cases:

(i) When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;

(ii) When the person is charged with a violation of W.S. 31-5-959, relating to vehicles transporting hazardous materials;

(iii) When the person is charged with a violation of W.S. 31-18-804.

(e) A police officer who arrests a nonresident of this state for any violation of this act may instead of issuing a traffic citation containing notice to appear in court, take the nonresident without unnecessary delay before the proper court, as specified in W.S. 31-5-1205(g) or pursuant to W.S.

31-5-1205(h) require that the bond be posted in accord with an adopted bond schedule and which may be accepted by the arresting officer for delivery to the court.

31-5-1205. Traffic citations; notice to appear in court; release upon written promise to appear; procedure before judge or court; arrest for driving under the influence.

(a) Whenever a person is halted by a police officer for any violation of this act punishable as a misdemeanor, and is not taken before a judge as required or permitted, the officer shall prepare a written traffic citation containing a notice to appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(c) The place specified in the notice to appear must be before a judge as designated in subsection (g) of this section.

(d) The person charged with the violation may give his written promise to appear in court by signing at least one (1) copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon, the officer shall not take the person into physical custody for the violation.

(e) Any officer violating any of the provisions of this section is guilty of misconduct in office and is subject to removal from office.

(f) Except for felonies and those offenses enumerated in W.S. 31-5-1204(a)(i), (ii) and (iii), a police officer at the scene of a traffic accident may issue a written traffic citation, as provided in subsection (a) of this section, to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this act in connection with the accident.

(g) Whenever any person is taken before a judge or is given a written traffic citation containing a notice to appear before a judge, the judge shall be a judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most

accessible with reference to the place where the alleged violation occurred. For the purpose of this section, the terms "judge" and "court" includes judges and courts having jurisdiction of offenses under this act as committing judges and courts and those having jurisdiction of the trials of the offenses.

(h) Whenever any person is taken into custody by a police officer for the purpose of taking him before a judge or court as authorized or required in this act upon any charge other than a felony or the offenses enumerated in W.S. 31-5-1204(a)(i), (ii) and (iii), and no judge is available at the time of arrest, and there is no bail schedule established by the judge or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the judge or court, the person shall be released from custody upon the issuance to him of a written traffic citation and his signing a promise to appear as provided in subsection (d) of this section.

(j) The procedure prescribed by this section is not exclusive to this act, but is applicable in all proceedings arising out of an alleged violation of a statute, ordinance or regulation relating to operation or use of any vehicle or to use of the highways.

(k) If a person is arrested, cited or issued a summons for violation of W.S. 31-5-233 or a municipal ordinance which substantially conforms to the provisions of W.S. 31-5-233 or for a violation as defined in W.S. 31-5-234(d), he shall surrender possession of his driver's license, whether issued in Wyoming or another jurisdiction, to the arresting or issuing officer. In addition to other requirements of this section and W.S. 31-5-1204, the officer shall issue a temporary license pursuant to W.S. 31-6-102, 31-6-108 or 31-7-138 to the person arrested or cited and shall forward the surrendered license to the department.

31-5-1206. Violation of promise to appear; appearance by counsel.

(a) It is unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which the citation was originally issued.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

(c) Failure to appear as defined in this section is a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

31-5-1207. Procedure not exclusive.

The provisions of W.S. 31-5-1204 through 31-5-1206 shall govern all police officers in making arrests without a warrant for violations of this act, but the procedure prescribed herein is not exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

31-5-1208. Inadmissibility of evidence of conviction.

No evidence of the conviction of any person for any violation of this act is admissible in any court in any civil action.

31-5-1209. Effect of conviction upon credibility of witness.

The conviction of a person upon a charge of violating any provision of this act or other traffic regulation less than a felony shall not affect or impair the credibility of the person as a witness in any civil or criminal proceeding.

31-5-1210. Traffic citation books.

The chief administrative officer of every traffic enforcement agency is responsible for the issuance of traffic citation books and shall maintain a record of every book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

31-5-1211. Disposition and records of traffic citations.

(a) Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

(b) Upon the deposit of the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, the original or copy of the traffic citation may be disposed of only by trial in court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to the traffic violations bureau by the person to whom the traffic citation was issued by the traffic enforcement officer.

(c) It is unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required by this act.

(d) The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) The chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

31-5-1212. Audit of traffic citation records; annual summary of traffic violation notices.

(a) Every record of traffic citations required in W.S. 31-5-1201 through 31-5-1214, shall be audited annually by the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible.

(b) The fiscal officer shall publish or cause to be published an annual summary of all traffic violation notices issued by the traffic enforcement agency and the dispositions thereof in at least one (1) local daily newspaper of general circulation.

31-5-1213. Use of citations as lawful complaints.

In the event the form of citation provided under W.S. 31-5-1210 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then the citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this act.

31-5-1214. Record of traffic cases; reports of convictions.

(a) Every judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to the court and shall keep a record of every official action by the court in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to the court.

(b) Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this act or other law regulating the operation of vehicles on highways every clerk of the court of record in which the conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(c) The abstract must be made upon a form furnished by the department and shall include the name and address of the party charged, the number, if any, of his driver's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

(d) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(e) The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section

constitutes misconduct in office and is grounds for removal therefrom.

(f) The department shall keep all abstracts received hereunder at its main office and the abstracts shall be open to public inspection during reasonable business hours.

ARTICLE 13
CHILD SAFETY RESTRAINT

31-5-1301. Short title.

This article is known and may be cited as the "Child Safety Restraint Act."

31-5-1302. Definitions.

(a) As used in this article:

(i) "Child safety restraint system" means any device which is designed to protect, hold or restrain a child in a privately owned, leased or rented noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident or sudden stop and which conforms to the standards prescribed by 49 C.F.R. 571.213 or to applicable federal motor vehicle safety standards in effect at the time of manufacture;

(ii) Repealed by Laws 2003, Ch. 197, § 2.

(iii) "Emergency vehicle" means any fire department vehicle, police, sheriff's department or highway patrol vehicle, civil defense vehicle, ambulance, hearse or other vehicle used primarily for emergency purposes;

(iv) "Motor vehicle" means every vehicle which is self-propelled;

(v) "Passenger vehicle" means a motor vehicle designed to carry people and that was equipped with safety belts at the time of manufacture, excluding:

(A) Emergency and law enforcement vehicles;

(B) School buses as defined under W.S. 31-5-102(a)(xliv), including buses registered to a private

school or church used to transport children to or from school or church or in connection with school or church activities;

(C) Buses, or other vehicles designed and used for public transportation, whether intrastate or interstate, that were not equipped with safety belts at the time of manufacture.

(vi) Repealed By Laws 2003, Ch. 197, § 2.

(vii) Repealed By Laws 2003, Ch. 197, § 2.

31-5-1303. Child safety restraint system; required use; exception.

(a) Except as otherwise provided in subsection (b) of this section, no person shall operate a passenger vehicle in this state unless each child who is a passenger in that vehicle and who has not reached his ninth birthday is properly secured in a child safety restraint system in a seat of the vehicle other than the front seat, except if the vehicle is only equipped with one (1) row of seats, or if all safety belts in the rows of seats behind the front seat are in use by other child passengers in the vehicle, the child may be properly secured in a child safety restraint system in the front passenger seat of the vehicle, except that a rear-facing infant seat shall not be placed in front of an active airbag.

(b) Any child who is within the age requirements specified in subsection (a) of this section need not be properly secured in a child safety restraint system if:

(i) A licensed physician has determined that the weight or physical or medical condition of the child requires that the child not be secured in such a system. The person operating a passenger vehicle transporting such a child shall carry in the vehicle the physician's signed statement certifying that the child should not be secured in a child restraint system;

(ii) Repealed By Laws 1998, ch. 86, § 2.

(iii) Repealed By Laws 1998, ch. 86, § 2.

(iv) Repealed By Laws 1998, ch. 86, § 2.

(v) Repealed By Laws 1998, ch. 86, § 2.

(vi) The driver of the vehicle is rendering aid or assistance to the child or his parent or guardian;

(vii) The lap and shoulder belts of the vehicle will fit properly across the collarbone, chest and hips of the child and the belts do not pose a danger to the neck, face or abdominal area of the child in the event of a crash or sudden stop.

31-5-1304. Penalty.

(a) Any person who violates this article shall be issued a citation and fined not more than fifty dollars (\$50.00) for the first offense, provided that the fine shall be waived by the court upon receipt of proof by the court that the offender, after the offense occurred, has purchased, leased or otherwise acquired a child safety restraint system which meets the requirements of this article. For a second or subsequent violation of this article, the offender shall be fined not more than one hundred dollars (\$100.00).

(b) Any person who uses a child safety restraint system in a manner other than in accordance with the manufacturer's instructions is guilty of a violation of this article and shall be fined as provided in subsection (a) of this section.

31-5-1305. Limiting application.

Violation of this article does not constitute evidence of negligence or recklessness and does not constitute a basis for criminal prosecution except as set forth in this article.

ARTICLE 14
SAFETY BELT USAGE

31-5-1401. Definitions.

(a) As used in this act:

(i) "Emergency vehicle" means as defined in W.S. 31-5-1302(a)(iii);

(ii) "Passenger vehicle" means a vehicle which is self-propelled and designed to carry eleven (11) persons or less and primarily used to transport persons, including pickup trucks but excluding emergency vehicles, motorcycles and buses;

(iii) "Police officer" means as defined in W.S. 31-5-102(a)(xxxiii);

(iv) "Safety belt" means a passenger restraint which was installed when the vehicle was manufactured;

(v) "Vehicle" means as defined in W.S. 31-5-102(a)(lviii);

(vi) "This act" means W.S. 31-5-1401 and 31-5-1402.

31-5-1402. Safety belts required to be used; exceptions; reduction in fine.

(a) Each driver and passenger of a motor vehicle operated in this state shall wear, and each driver of a motor vehicle shall require that a passenger under twelve (12) years of age shall wear, a properly adjusted and fastened safety belt when the motor vehicle is in motion on public streets and highways.

(b) Subsection (a) of this section does not apply to:

(i) Any person who has a written statement from a physician that it is not advisable for the person to wear a safety belt for physical or medical reasons;

(ii) Any passenger vehicle which is not required to be equipped with safety belts under federal law;

(iii) A carrier of the United States postal service performing duties as a postal carrier;

(iv) Any person properly secured in a child safety restraint system in accordance with W.S. 31-5-1301 through 31-5-1305; or

(v) Any person occupying a seat in a vehicle in which all operable safety restraints are being used by the driver or passengers and any person occupying a seat in a vehicle originally manufactured without a safety belt.

(c) No violation of this section shall:

(i) Be counted as a moving violation for the purpose of suspending a driver's license under W.S. 31-7-129;

(ii) Be grounds for increasing insurance premiums or made a part of the abstracts kept by the department pursuant to W.S. 31-5-1214.

(d) No motor vehicle shall be halted solely for a violation of this section.

(e) All citations for violations of the motor vehicle laws of this state and for violations of traffic ordinances or traffic regulations of a local authority shall contain a notation by the issuing officer indicating whether the driver and passengers complied with this section. Compliance with this section shall entitle a licensee to a ten dollar (\$10.00) reduction in the fine otherwise imposed by any court having jurisdiction over the alleged offense. The driver who violates this section may be issued a citation and may be subject to a fine of not more than twenty-five dollars (\$25.00). Any passenger who violates this section may be issued a citation and may be subject to a fine of not more than ten dollars (\$10.00).

(f) Evidence of a person's failure to wear a safety belt as required by this act shall not be admissible in any civil action.

ARTICLE 15
MOTORCYCLE SAFETY EDUCATION PROGRAM

31-5-1501. Definitions.

(a) As used in this act:

(i) "Department" means the Wyoming department of transportation;

(ii) "Director" means the director of the department of transportation;

(iii) "Program" means the Wyoming motorcycle safety education program established under W.S. 31-5-1502;

(iv) "This act" means W.S. 31-5-1501 through 31-5-1507.

31-5-1502. Motorcycle safety education program created.

(a) The department shall develop standards for, establish and administer the Wyoming motorcycle safety education program.

(b) The program shall provide for novice rider training courses in sufficient numbers and at locations throughout the state as necessary to meet the reasonably anticipated needs of state residents who desire to complete the course. The program shall also include instructor training courses and instructor approval.

(c) The program may include rider training courses for experienced riders, activities to increase motorcyclists' alcohol and drug effects awareness, motorcycle driver improvement efforts, motorcycle licensing improvement efforts, program promotion activities and other efforts to enhance motorcycle safety through education, including enhancement of public awareness of motorcycles.

(d) The director shall appoint a program coordinator to oversee and direct the program.

(e) Standards for the motorcycle rider training courses, including standards for course content, delivery, curriculum, materials, and student evaluation, and standards for the training and approval of instructors shall comply with the requirements of this act and shall meet or exceed established national standards for motorcycle rider training courses.

31-5-1503. Rider training courses; certificates; exemption for licensing skills test.

(a) The program shall offer motorcycle rider training courses designed to develop and instill the knowledge, attitudes, habits and skills necessary for the proper operation of a motorcycle. The courses shall be taught only by instructors approved under W.S. 31-5-1504 and shall include not less than eight (8) hours of hands-on instruction for a novice course.

(b) Rider training courses shall be open to any resident of the state who either holds a current valid driver's license for any classification or who is eligible for a motorcycle instruction permit.

(c) The department shall issue certificates of completion in a manner and form prescribed by the director to persons who satisfactorily complete the requirements of a motorcycle rider training course offered or authorized by the state program.

(d) The department may exempt applicants for a motorcycle driver's license or endorsement from the licensing skill test if they present evidence of successful completion of an approved rider training course which includes a similar test of skill.

31-5-1504. Instructor training and approval.

(a) The department shall approve instructors for the motorcycle rider training courses. No person shall be approved as an instructor unless the person meets the requirements of this act and regulations of the department and unless the person holds a currently valid instructor certification issued by the motorcycle safety foundation or another nationally recognized motorcycle safety instructor certifying body.

(b) The program shall offer instructor training courses as needed to prepare instructors to teach the motorcycle rider training courses. Successful completion of the instructor training course shall require the participant to demonstrate knowledge of the course material, knowledge of proper motorcycle operation, motorcycle riding proficiency and the necessary aptitude for instructing students. No person shall be approved as an instructor unless the person has successfully completed the instructor training course or an equivalent course offered in another state.

(c) The department shall establish by rule and regulation additional requirements for the approval of instructors.

31-5-1505. Implementing authority; rules and regulations.

(a) The department shall adopt rules and regulations to implement the motorcycle safety education program.

(b) The department may enter into contracts with public or private entities for course delivery and for the provision of services or materials necessary for implementation of the program.

(c) The department may offer motorcycle rider training courses directly and may approve courses offered by independent public or private entities as authorized program courses if they are administered and taught in full compliance with standards established for the state program.

(d) The department may establish reasonable enrollment fees to be charged for persons who participate in motorcycle rider

training courses. Any fees collected under this section by the department for courses provided directly by the department shall be deposited in the motorcycle safety education program account created by W.S. 31-5-1506. Any fees collected by independent public or private entities approved by the department to offer courses shall be retained by the entity providing the course. Fees established under this section shall be set as low as possible to encourage participation in the courses, but shall be set so that the total of fees and other funds credited to the motorcycle safety education program account defray the expenses of the motorcycle safety education program.

31-5-1506. Motorcycle safety education program account.

(a) The motorcycle safety education program account is created in the state highway fund and appropriated on a continual basis to the department which shall administer the account. Money in the account shall only be used for administration and implementation of the program, including defraying expenses in offering motorcycle rider training courses, either directly or by contract.

(b) At the end of each fiscal year, monies remaining in the account shall be retained in the account. The interest and income earned on money in the account, after deducting any applicable charges, shall be credited to the account.

(c) In addition to any fees collected under W.S. 31-5-1505, the following revenue shall be credited to the account:

(i) Seven dollars (\$7.00) of the annual registration fee for each registered motorcycle as provided in W.S. 31-3-101(a)(ii)(D);

(ii) The fee for each motorcycle driver's endorsement as provided in W.S. 31-7-113(a)(x).

31-5-1507. Advisory committee created; appointments; terms; duties; removal; compensation.

The director shall appoint a program advisory committee consisting of five (5) persons representing various interests in motorcycle safety to advise and assist the program coordinator in developing, establishing and maintaining the program. The committee shall monitor program implementation and report to the director as necessary with recommendations. The committee shall select from its membership a chairman and vice-chairman. The

term of office for each member shall be two (2) years. Members may be removed as provided in W.S. 9-1-202. Vacancies shall be filled by the director for the unexpired term. Of the initial committee, three (3) members shall be appointed to serve for two (2) years and two (2) members shall serve for one (1) year. Members of the committee shall serve without compensation, but shall be reimbursed in the same manner and the same amount as state employees for their travel and per diem expenses while engaged in committee business.

ARTICLE 16
OFF-ROAD RECREATIONAL VEHICLES

31-5-1601. Operation on highways.

(a) An off-road recreational vehicle may be operated upon streets, roads or highways within Wyoming subject to the following conditions:

(i) Off-road recreational vehicles may be operated on main-traveled roadways only upon that portion of a street, road or highway designated open by the state, local or federal agency with jurisdiction over the roadway and designated a Wyoming off-road recreational vehicle trail pursuant to W.S. 31-2-701 through 31-2-707 by the department of state parks and cultural resources. No portion of a street, road or highway shall be designated as a Wyoming off-road recreational vehicle trail by the department without the consent of the state, local or federal agency with jurisdiction over the roadway. Off-road recreational vehicles operated upon roadways designated as trails shall be subject only to the user registration fee prescribed by W.S. 31-2-703 and shall not be deemed a motorcycle as defined in W.S. 31-1-101(a)(xv)(E)(I) and 31-5-102(a)(xxii);

(ii) Crossings of main-traveled roadways shall be made at right angles to the roadway or as nearly so as practicable, but in any case yielding the right-of-way to all traffic in the main-traveled roadway;

(iii) When operating at any time from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise, the off-road recreational vehicle shall be equipped with lighted lamps and illuminating devices in accordance with W.S. 31-5-910 through 31-5-940;

(iv) The off-road recreational vehicle shall be equipped with an adequate braking device that may be operated either by hand or foot; and

(v) If operated on state or federal lands, the off-road recreational vehicle shall be equipped with:

(A) An approved spark arrester;

(B) A noise muffler which produces a propulsion noise level of not more than one hundred two (102) decibels at twenty (20) inches in a stationary test.

(b) Nothing in this section authorizes the operation of an off-road recreational vehicle upon a street, road or highway within Wyoming by a person who has not been issued a valid driver's license or permit.

CHAPTER 6
IMPLIED CONSENT TO CHEMICAL TESTING

31-6-101. Definitions.

(a) As used in this act:

(i) "Alcohol concentration" means as defined in W.S. 31-5-233(a)(i);

(ii) "Controlled substance" includes:

(A) Any drug or substance defined by W.S. 35-7-1002(a)(iv);

(B) Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.

(iii) "Department" means the department of transportation;

(iv) "Peace officer" means as defined in W.S. 7-2-101;

(v) "This act" means W.S. 31-6-101 through 31-6-108.

(b) The definitions provided by W.S. 31-5-102(a) apply in this act.

31-6-102. Test to determine alcoholic or controlled substance content of blood; suspension of license.

(a) If arrested for an offense as defined by W.S. 31-5-233:

(i) Any person who drives or is in actual physical control of a motor vehicle upon a public street or highway in this state is deemed to have given consent, subject to the provisions of this act, to a chemical test or tests of his blood, breath or urine for the purpose of determining the alcohol concentration or controlled substance content of his blood. The test or tests shall be:

(A) Incidental to a lawful arrest;

(B) Given as promptly as possible after the arrest;

(C) Administered at the direction of a peace officer who has probable cause to believe the person was driving or in actual physical control of a motor vehicle upon a public street or highway in this state in violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v). The peace officer who requires a test for alcohol concentration pursuant to this section may direct that the test shall be of blood, breath or urine. However, if the officer directs that the test be of the person's blood or urine, the person may choose whether the test shall be of blood or urine. The person shall not have the option if the peace officer has probable cause to believe there is impairment by a controlled substance which is not subject to testing by a breath test in which case a blood or urine test may be required, as directed by the peace officer.

(ii) For tests required under this act, the arrested person shall be advised that:

(A) His failure to submit to all required chemical tests requested by the peace officer shall result in the suspension of his Wyoming driver's license or his privilege to operate a motor vehicle for a period of six (6) months for a first offense or eighteen (18) months for a second or subsequent offense as provided by W.S. 31-6-107;

(B) If a test is taken and the results indicate the person is under the influence of alcohol or a controlled substance, he may be subject to criminal penalties and his

Wyoming driver's license or his privilege to operate a motor vehicle shall be suspended for ninety (90) days;

(C) After submitting to all required chemical tests requested by the peace officer at a place and in a manner prescribed by and at the expense of the agency employing the peace officer, the arrested person may go to the nearest hospital or clinic and secure any additional tests at his own expense;

(D) If he refuses to take all required tests, he shall not be eligible for limited driving privileges.

(b) Results of tests obtained at the arrested person's expense shall be made available to the arresting officer and the arrested person. Disclosure of the test results by the person administering the test is not a violation of the doctor-patient relationship.

(c) Any person dead, unconscious or otherwise in a condition rendering him incapable of refusal to submit to the tests is deemed to have given his consent provided by subsection (a) of this section and the tests may be administered subject to the provisions of this act.

(d) If a person under arrest refuses upon the request of a peace officer to submit to a chemical test designated by the agency employing the peace officer as provided in subsection (a) of this section, none shall be given except in cases where serious bodily injury or death has resulted. The peace officer shall submit his signed statement to the department. The statement submitted by the officer shall contain:

(i) His probable cause to believe the arrested person was driving or in actual physical control of a motor vehicle:

(A) On a public street or highway in this state;

(B) In violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v); and

(ii) That the person refused to submit to a test upon the request of the peace officer.

(e) If a person submits to chemical testing and the test result indicates the person has an alcohol concentration of

eight one-hundredths of one percent (0.08%) or more, the peace officer shall submit his signed statement to the department. Based upon the statement the department shall suspend the person's Wyoming driver's license or his privilege to operate a motor vehicle in this state for ninety (90) days. If a criminal conviction results from the same incident on which a suspension under this subsection is based, the suspension under W.S. 31-7-128(b) or revocation under W.S. 31-7-127(a)(ii) shall be reduced by ninety (90) days. The statement submitted by the officer shall contain:

(i) His probable cause to believe the arrested person was driving or in actual physical control of a motor vehicle:

(A) On a public street or highway in this state;

(B) In violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v).

(ii) That the person submitted to a test; and

(iii) The person had an alcohol concentration of eight one-hundredths of one percent (0.08%) or more.

(f) In addition to the signed statement submitted under subsection (d) or (e) of this section, the peace officer shall issue the person a temporary license similar to but in lieu of the license authorized under W.S. 31-7-138. This temporary license shall be valid for thirty (30) days, shall not be renewed, shall contain a notice that the person has twenty (20) days from the date of issuance within which to request a hearing from the department and that failure to timely request a hearing will result in the suspension automatically commencing upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the time the temporary license is issued. W.S. 31-7-138(d) and (e) apply to a license under this section. For purposes of this section, the peace officer acts as an agent for the department when providing notice of the suspension and notice of the opportunity for a hearing. W.S. 31-7-137 applies to a notice under this act. Failure to demand a hearing within the twenty (20) day period is a waiver of the right of hearing, and the suspension shall commence upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the

time the temporary license is issued. If a timely demand for hearing is made, the department shall forward the demand to the independent hearing examiner who shall schedule a hearing within forty-five (45) days after receipt of the request and provide the arrested person at least ten (10) days notice of the hearing. The hearing shall be conducted by the hearing examiner. If the hearing examiner fails to schedule the hearing within forty-five (45) days of the request, other than at the request of the licensee, the licensee, as his sole remedy, shall be given credit against any action upheld at the hearing for the time between the expiration of the forty-five (45) day period and the date the hearing was first scheduled.

(g) For the purposes of this section, the signed statement submitted by the peace officer shall be deemed a sworn statement and shall be subject to penalties for perjury.

31-6-103. Application for hearing; stay of suspension of license; scope of hearing.

(a) A timely request for a hearing shall stay the suspension until the order following the hearing is entered and all appellate review of the matter is completed, provided the stay of suspension is effective only so long as there is no suspension for a similar violation during the hearing and appeal period.

(b) The scope of a hearing for the purposes of this act shall cover the issues of whether a peace officer had probable cause to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon a public street or highway in this state in violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v), whether the person was placed under arrest, whether he refused to submit to a test upon request of the peace officer or if he submitted to a test whether the test results indicated that the person had an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, and whether, except for the persons described in this act who are incapable of refusing, he had been advised that his Wyoming driver's license or privilege to operate a motor vehicle shall be suspended for the period provided by W.S. 31-6-107 if he refused to submit to a test and suspended for ninety (90) days and subject him to criminal penalties if he submitted to the test and the results indicate the person is under the influence of alcohol. At the conclusion of the hearing, the hearing examiner shall order that the suspension either be rescinded or

sustained. If the person submitted to a chemical test, the hearing examiner has the same authority to modify a license suspension under this act as he does under W.S. 31-7-105.

(c) Prehearing discovery, available to any interested party is limited to access to the notice of suspension, signed statement and any accompanying documentation submitted by the arresting officer. Other types of discovery available under other law are not available in a hearing under this section.

31-6-104. Right to petition for subsequent hearing; suspension applies to all licenses held; persons not required to take test.

(a) If the suspension is sustained after a hearing, the person whose Wyoming driver's license or privilege to operate a motor vehicle has been suspended under this act may file a petition within thirty (30) days thereafter for a review of the record in the matter in the district court in the county in which the person resides, or in the case of suspension of a nonresident's operating privilege, then in Laramie county or the county where the offense is alleged to have occurred. The district court shall immediately set the matter for determination upon thirty (30) days written notice to the department.

(b) A suspension under this act applies to all driver's licenses held by the person and all driver's licenses shall be surrendered to the department. The department shall physically retain the license or licenses during the period of suspension except as provided in W.S. 31-7-138(f).

(c) Any person who furnishes proof that he is afflicted with hemophilia is exempt from the blood test required by this act. Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician is exempt from the blood test required by this act.

31-6-105. Method of performing chemical analysis; persons permitted to draw blood; request by arrested person for test; information made available; evidence of refusal to take test.

(a) Chemical analysis of the person's blood, breath or urine to be considered valid under this section, shall be performed according to methods approved by the department of health and by an individual possessing a valid permit to conduct the analysis. Permits shall be issued by the department of

health for this purpose. The department of health may promulgate and approve satisfactory methods in order to ascertain the qualifications of individuals permitted to conduct the analysis and shall issue to qualified individuals permits which are subject to termination or revocation by the department of health.

(b) When a person submits to a blood test at the request of a peace officer under this act, only a physician, registered nurse, qualified clinical or laboratory technician or other person who routinely does venipunctures at the direction of a physician may withdraw blood for the purpose of determining the alcohol concentration or controlled substance content therein. This limitation does not apply to the taking of other specimens.

(c) A person arrested for any offense allegedly committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance to a degree which renders him incapable of safely driving the vehicle, may request the peace officer to have a chemical test or tests made of the arrested person's blood, breath or urine for the purpose of determining the alcohol or controlled substance content of the arrested person's blood. If the tests are available they shall be performed in or near the locality where the arrest was made as promptly as possible after the arrest.

(d) The person tested may, at his own expense, have any qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer. The failure or inability to obtain an additional test by a person does not preclude the admissibility in evidence of the test or tests taken at the direction of a peace officer.

(e) Upon the request of a person who submits to a chemical test or tests at the request of a peace officer, full information concerning the test or tests shall be made available to the person or his attorney.

(f) If a person under arrest refuses to submit to a chemical test under this act, evidence of the refusal is admissible in any administrative, civil or criminal action or proceeding arising out of acts alleged to have been committed while the arrested person was driving or in actual physical control of a motor vehicle in violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v).

31-6-106. No liability incurred by persons requested to administer test.

No physician, registered nurse, qualified clinical or laboratory technician or other person who routinely does venipunctures at the direction of a physician or facility in which the blood is drawn shall incur any civil or criminal liability as a result of the proper administration of a blood test when requested in writing by a peace officer or any other person to administer the test.

31-6-107. Penalty for refusal to submit to chemical testing.

(a) Upon receipt of the statement provided for under W.S. 31-6-102(d), the department, subject to review as provided in this act, shall suspend the person's Wyoming driver's license or his privilege to operate a motor vehicle in this state as follows:

(i) Except as otherwise provided in paragraph (ii) of this subsection, the period of suspension shall be six (6) months;

(ii) The period of suspension shall be one (1) year and six (6) months, if:

(A) The person has previously been convicted under W.S. 31-5-233 or other law prohibiting driving while under the influence as defined by W.S. 31-5-233(a)(v); or

(B) The person's license or privilege to operate a motor vehicle has previously been suspended or revoked for refusal to submit to a chemical test of his blood, breath or urine for the purpose of determining the alcohol concentration or controlled substance content of his blood.

(iii) Suspension pursuant to this section shall not take effect if within ten (10) days of arraignment on the charge corresponding to the suspension, the person enters a plea of guilty to driving while under the influence.

31-6-108. Implied consent requirements for youthful drivers.

(a) If arrested for an offense as defined by W.S. 31-5-234:

(i) A person under twenty-one (21) years of age who drives or is in actual physical control of a motor vehicle within this state is deemed to have given consent, subject to the provisions of this section, to a chemical test or tests of his blood, breath or urine for the purpose of determining alcohol concentration in his blood;

(ii) The test or tests shall be administered at the direction of a peace officer, who has probable cause to believe that the driver was driving or in actual physical control of a motor vehicle in this state in violation of W.S. 31-5-234(b). The peace officer who requires a test pursuant to this section may direct that the test shall be of blood, breath or urine. However, if the officer directs that the test be of the person's blood or urine, the person may choose whether the test shall be of blood or urine.

(b) For tests required under this section, the person shall be advised that:

(i) His failure to submit to all required chemical tests shall result in the suspension or denial of his Wyoming driver's license or his privilege to operate a motor vehicle for a period of ninety (90) days without the right to apply for limited driving privileges;

(ii) If a test is taken and the results indicate an alcohol concentration of two one-hundredths of one percent (0.02%) or more, he may be subject to denial or suspension of his driver's license for the period specified by W.S. 31-7-128(h);

(iii) After submitting to all required chemical tests requested by the peace officer at a place and in the manner prescribed by and at the expense of the agency employing the peace officer, the arrested person may go to the nearest hospital or clinic and secure any additional tests at his own expense.

(c) Results of tests obtained at the person's expense shall be made available to the peace officer and the person. Disclosure of the test results by the person administering the test is not a violation of the doctor-patient relationship.

(d) Any person dead, unconscious or otherwise in a condition rendering him incapable of refusal to submit to the tests is deemed to have given his consent provided for in this

section, and the tests may be administered subject to this section.

(e) If the person refuses testing or submits to a test which discloses an alcohol concentration of two one-hundredths of one percent (0.02%) or more, the peace officer shall submit a signed statement to the department. The statement submitted by the officer shall contain:

(i) His probable cause to believe the person was driving or in actual physical control of a vehicle:

(A) In this state;

(B) In violation of W.S. 31-5-234(b).

(ii) That a test was requested pursuant to this section; and

(iii) That the person refused to submit to a test or submitted to a test which disclosed an alcohol concentration of two one-hundredths of one percent (0.02%) or more.

(f) If the person refuses testing or submits to a test which discloses an alcohol concentration of two one-hundredths of one percent (0.02%) or more, the peace officer shall issue the person a temporary license similar to but in lieu of the license authorized under W.S. 31-7-138. This temporary license shall be valid for thirty (30) days, shall not be renewed, shall contain a notice that the person has twenty (20) days from the date of issuance within which to request a hearing from the department pursuant to W.S. 31-7-105 and that failure to timely request a hearing will result in the period of suspension or license denial automatically commencing upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the time the temporary license is issued. For purposes of this section, the peace officer acts as an agent for the department when providing notice of the suspension and notice of the opportunity for a hearing. W.S. 31-7-137 applies to a notice under this act. Failure to demand a hearing within the twenty (20) day period is a waiver of the right of hearing, and the period of suspension or denial shall commence upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the time the temporary license is issued. A temporary license issued under this

subsection shall afford no driving privilege to a person who is not otherwise licensed to drive a motor vehicle.

(g) A timely request for a hearing shall stay the period of suspension or denial until the order following the hearing is entered and all appellate review of the matter is completed, provided the stay is effective only so long as there is no license suspension or denial for a similar violation during the hearing and appeal period.

(h) At the conclusion of the hearing, the hearing examiner shall order whether or not the person's driver's license shall be suspended or denied. The scope of the hearing shall be limited to the issues of:

(i) Whether the peace officer had probable cause to believe the person was driving or in actual physical control of a vehicle with an alcohol concentration of two one-hundredths of one percent (0.02%) or more;

(ii) Whether the person refused to submit to a test or if he submitted to a test, the results indicated there was an alcohol concentration of two one-hundredths of one percent (0.02%) or more;

(iii) Whether the person had been given the advisement required in subsection (b) of this section; and

(iv) Whether the person has shown good cause as to why his license should not be suspended or denied, regardless of the findings in paragraphs (i) through (iii) of this subsection.

(j) Prehearing discovery available to any party is limited to access to the signed statement and any accompanying documentation submitted by the peace officer. Other types of discovery available under other laws are not available under this section.

(k) If a person under arrest refuses to submit to a chemical test under this section, evidence of the refusal is admissible in any administrative, civil or criminal action or proceeding arising from acts alleged to have been committed while driving or in actual physical control of a vehicle.

(m) W.S. 31-6-102(g), 31-6-104(c), 31-6-105(a), (b) and (e) and 31-6-106 apply to this section.

(n) Upon receipt of the statement provided for under subsection (e) of this section indicating that the person refused to submit to a test to determine the driver's alcohol concentration, the department, subject to review as provided in W.S. 31-7-105, shall suspend the person's Wyoming driver's license or his privilege to operate a motor vehicle in this state or shall deny issuance of a driver's license to the person as follows:

(i) If the person has been issued a driver's license, the period of suspension shall be ninety (90) days without any right to limited driving privileges pursuant to W.S. 31-7-105;

(ii) If the person has not been issued a driver's license, he shall not operate a vehicle and the department shall not issue the person a driver's license or learner's permit for the time specified in paragraph (n)(i) of this section.

(o) Records of convictions or license suspensions under this section shall not be made a part of the abstracts or records kept by the department of transportation pursuant to W.S. 31-5-1214 or 31-7-120. Any records maintained by the department for administration of this section shall be maintained separately and shall not be available for public inspection except for inspection by any law enforcement officer or agency to enforce the provisions of this section. Any driver's license suspension or related records under this section shall not be the basis for any increase in insurance premiums or the cancellation of any insurance policy for a minor or his parents affected by this section.

CHAPTER 7 DRIVER'S LICENSES

ARTICLE 1 IN GENERAL

31-7-101. Short title.

This act shall be known and may be cited as the "Driver's License Act."

31-7-102. Definitions.

(a) As used in this act:

(i) "Alcohol" means any substance containing any form of alcohol, including but not limited to, ethanol, methanol, propanol and isopropanol;

(ii) "Alcohol concentration" means:

(A) The number of grams of alcohol per one hundred (100) milliliters of blood;

(B) The number of grams of alcohol per two hundred ten (210) liters of breath; or

(C) The number of grams of alcohol per seventy-five (75) milliliters of urine.

(iii) "Bus" means every motor vehicle designed to transport sixteen (16) or more passengers, including the driver;

(iv) "Cancellation" means the annulment or termination by formal action of the division of a person's license because of some error or defect in the license or because the licensee is no longer entitled to the license;

(v) "Commerce" means:

(A) Trade, traffic and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States; and

(B) Trade, traffic and transportation in the United States which affects any trade, traffic and transportation in subparagraph (A) of this paragraph.

(vi) "Commercial driver's license" means a license issued in accordance with the requirements of this act to an individual which authorizes the individual to drive a class of commercial motor vehicle;

(vii) "Commercial driver license information system" is the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31106, to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(viii) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property if the motor vehicle:

(A) Has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

(B) Is designed to transport sixteen (16) or more passengers, including the driver; or

(C) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material Regulations (49 CFR Part 172, Subpart F).

(ix) "Commission" means the transportation commission of Wyoming or any authorized employee of the commission charged with the administration of this act;

(x) "Controlled substance" includes:

(A) Any drug or substance defined by W.S. 35-7-1002(a)(iv);

(B) Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.

(xi) "Conviction" means a final conviction and shall include:

(A) An unvacated adjudication of guilt or a determination of a violation in a court of original jurisdiction or an administrative proceeding;

(B) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(C) A plea of guilty or nolo contendere accepted by the court;

(D) The payment of a fine or court cost; or

(E) Violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated.

(xii) "Department" means the department of transportation;

(xiii) "Disqualification" means a prohibition against driving a commercial motor vehicle;

(xiv) "Division" means the division within the department which is designated to administer this act;

(xv) "Drive" means to function as a driver in any place open to the general public for purpose of vehicular traffic;

(xvi) "Driver" means as defined by W.S. 31-5-102(a);

(xvii) "Employee" means any operator of a commercial motor vehicle, including full time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer;

(xviii) "Employer" means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle;

(xix) "Endorsement" means an authorization placed upon an individual's driver's license to permit the individual to operate certain types of motor vehicles;

(xx) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year;

(xxi) "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon;

(xxii) "Gross vehicle weight rating (GVWR)" means the weight specified by the manufacturer as the maximum loaded weight of a single vehicle;

(xxiii) "Hazardous materials" means as defined in the Hazardous Materials Transportation Act, 49 App. U.S.C. § 1803 (49 U.S.C. § 5102);

(xxiv) "Impaired person" means a person who is afflicted with or suffering from a mental, emotional, physical impairment or disease that may impair the person's ability to safely operate a motor vehicle;

(xxv) "License", "driver's license", "commercial driver's license", "instruction permit" or "intermediate permit" means a license or permit secured by a person from the division, in accordance with this act which grants the privilege to drive or operate a motor vehicle on the public highways, streets and roads of this state;

(xxvi) "License fee" means the fee imposed by this act;

(xxvii) "Motor vehicle" means every vehicle which is self-propelled and designed for normal use on the highways;

(xxviii) "Motorcycle" means as defined by W.S. 31-5-102(a);

(xxix) "Nonresident" means a person who is not a resident of this state;

(xxx) "Nonresident operating privilege" is the privilege conferred upon a nonresident by the laws of this state pertaining to the driving by the person of a motor vehicle or the use of a vehicle in this state;

(xxxi) "Other law prohibiting driving while under the influence" means a statute of another state, the United States, a territory or district of the United States or an ordinance of a governmental entity of this or another state or of an Indian tribe which prohibits driving while under the influence of intoxicating liquor, alcohol, controlled substances or drugs;

(xxxii) "Out-of-service" means a temporary prohibition against driving a commercial motor vehicle;

(xxxiii) "Owner" means as defined by W.S. 31-5-102(a);

(xxxiv) "Pedestrian vehicle" means as defined by W.S. 31-5-102(a);

(xxxv) "Registration" means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(xxxvi) "Representative vehicle" means a motor vehicle which represents the type and class of motor vehicle that the driver applicant operates or expects to operate;

(xxxvii) "Resident" means as defined in W.S. 31-1-101(a)(xxi)(A);

(xxxviii) "Restriction" means a restriction placed on an individual's license to indicate the driver's eligibility to operate a motor vehicle;

(xxxix) "Revocation" means the termination by formal action of the division of a person's license or privilege to drive a motor vehicle on the public highways;

(xl) "School bus" means every motor vehicle that is owned by or leased to or registered to a public school district and is used to transport children to or from school or in connection with school activities and is designed for and capable of carrying sixteen (16) or more passengers, but not including buses operated by common carriers in transportation of school children or buses owned by a community college or the University of Wyoming;

(xli) "Serious traffic violation" means:

(A) Excessive speeding, as defined by rule and regulation of the United States secretary of transportation involving any single offense for any speed of fifteen (15) miles per hour or more above the posted speed limit;

(B) Reckless driving as defined by W.S. 31-5-229;

(C) Repealed by Laws 2004, Ch. 11, § 2.

(D) Erratic lane changes;

(E) Following the vehicle ahead too closely;

(F) A violation of state or local law relating to motor vehicle traffic control, arising in connection with a fatal accident;

(G) Driving a commercial vehicle without obtaining a commercial driver's license;

(H) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession. An individual shall not be guilty of a violation of this subparagraph if the individual provides proof prior to or at a court or administrative hearing establishing that the individual held a valid commercial driver's license on the date of the citation; or

(J) Driving a commercial motor vehicle without the proper class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

(xlii) "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico;

(xliii) "State of domicile" means the state where a person has his true, fixed and permanent home and principal residence and to which he has the intention of returning whenever he is absent;

(xliv) "Suspension" means the temporary withdrawal for a specified period by formal action of the division of a person's license or privilege to drive a motor vehicle on the public highways;

(xlv) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the chassis of the vehicle. Such vehicles include, but are not limited to, cargo tanks and portable tanks. However, this definition does not include tanks having a rated capacity under one thousand (1,000) gallons;

(xlvi) "Vehicle" means as defined in W.S. 31-5-102(a)(lviii);

(xlvii) "Multipurpose vehicle" means as defined in W.S. 31-1-101(a)(xv)(M).

(xlviii) "This act" means W.S. 31-7-101 through 31-7-313.

31-7-103. Administration and enforcement.

The administration of this act shall be exercised by the department which may prescribe forms and reasonable rules and regulations in conformity with this act. The department shall keep records of all monies received and disbursed. The records shall be open to examination by the director of the state department of audit or his designee and the audit division of the legislative service office. The highway patrol and all peace officers of any county or municipality shall aid in the enforcement of this act.

31-7-104. Disposition of fees.

Except as provided in this section, the license fees levied and collected under this act are payable to the department and shall be transmitted to the state treasurer to be credited to the highway fund. The fees collected under W.S. 31-7-113(a)(x) shall be transmitted to the state treasurer to be credited to the motorcycle safety education account created by W.S. 31-5-1506.

31-7-105. Administrative hearings.

(a) Repealed by Laws 1992, ch. 30, § 3.

(b) A hearing examiner designated by the office of administrative hearings created by W.S. 9-2-2201 shall sit as the administrative hearing agency for the department to hear all:

(i) Contested cases involving implied consent refusals, per se suspensions involving a question of law, medical cancellations and denials, accident suspensions, commercial drivers license disqualifications and any other action as defined by department rule and regulation;

(ii) Appeals from the record review of the department.

(c) Any order of a hearing examiner may be appealed to the district court. The person whose license or driving privilege is affected may file a petition for a review of the record in the district court in the county where the person resides or in the case of a nonresident in Laramie county or the county where the offense is alleged to have occurred. The person shall have thirty (30) days from the date of the written order in which to file the petition for review. The district court shall

immediately set the matter for determination upon thirty (30) days written notice to the department.

(d) Before suspending, revoking, canceling or denying the license or driving privilege of any person under this act or disqualifying a person from driving a commercial motor vehicle pursuant to W.S. 31-7-305 and 31-7-307, the department shall immediately advise the licensee in writing:

(i) Of his right to request a hearing;

(ii) If the request for hearing is only to receive limited driving privileges, that the request shall be for a record review conducted by the department. The request for a record review under this paragraph shall be accompanied by a fee of fifteen dollars (\$15.00);

(iii) If the request for hearing is for any purpose other than specified under paragraph (d)(ii) of this section, that the request shall be for a hearing before a hearing examiner within the office of administrative hearings. The request for a hearing before the office of administrative hearings under this paragraph shall be accompanied by a fee of twenty-five dollars (\$25.00).

(e) The licensee has twenty (20) days from the date the department denies the license or gives the notice of intent to suspend, revoke or cancel the license or disqualify the licensee from driving a commercial motor vehicle within which to request a hearing or the opportunity for a hearing is waived. If the request for a hearing is timely and the request is for a contested case, the department shall forward the request and certified record to the hearing examiner who shall schedule a hearing within forty-five (45) days after receipt of the certified record at a time and place specified by the hearing examiner. The hearing examiner shall provide the licensee notice of the hearing at least ten (10) days in advance of the hearing. If the hearing examiner fails to schedule the hearing within forty-five (45) days of the request, other than at the request of the licensee, the licensee, as his sole remedy, shall be given credit against any action upheld at the hearing for the time between the expiration of the forty-five (45) day period and the date the hearing was first scheduled. The hearing examiner may administer oaths, subpoena and compel the attendance of witnesses or the production of relevant books, papers and other evidence reasonably necessary to resolve the matters under consideration in accordance with W.S. 16-3-101

through 16-3-115 and may require reexamination of the licensee. The hearing examiner shall issue subpoenas upon his own motion or upon the request of any party to the proceedings in compliance with the Wyoming Rules of Civil Procedure. Upon hearing, the hearing examiner shall either rescind or uphold the action or upon a showing of good cause, may continue or modify a suspension of the license.

(f) Upon receipt of a timely request, the department shall conduct a review of its records and issue an order granting or denying limited driving privileges. The discretion to continue or modify any order of suspension or denial to allow driving privileges is limited as follows:

(i) It shall be extended only in cases where failure to do so would cause an undue hardship;

(ii) Except as provided in paragraph (iv) of this subsection, it shall be extended only once to any person in a five (5) year period;

(iii) It may be extended to a person convicted under W.S. 31-5-233 or other law prohibiting driving while under the influence, or a person whose driver's license has been suspended or denied for a violation of W.S. 31-5-234, only if:

(A) Within the five (5) year period preceding the date of the most recent offense, the person has not been convicted under W.S. 31-5-233 or other law prohibiting driving while under the influence; and

(B) The person agrees to pursue and completes an alcohol education or treatment program as the department prescribes.

(iv) A person whose driving privileges have been suspended for nonpayment of child support may be granted limited driving privileges for a period not to exceed one hundred twenty (120) days upon receipt of the notice required under W.S. 20-6-111(n)(iii). A person granted limited driving privileges under this paragraph shall not be granted an extension of such privileges for twelve (12) months after the limited driving privileges expire unless the person has subsequently made full payment on his child support obligation in arrears, or is in full compliance with a payment plan approved by the department of family services;

(v) It shall not be granted in cases of:

(A) Revocation;

(B) A conviction under W.S. 31-5-233 or other law prohibiting driving while under the influence if there has been another conviction under W.S. 31-5-233 or other law prohibiting driving while under the influence within the five (5) year period preceding the date of the offense upon which the conviction at issue is based;

(C) A cancellation;

(D) A suspension under the Motor Vehicle Safety-Responsibility Act or W.S. 31-6-102;

(E) A denial under W.S. 31-7-108(b);

(F) A disqualification from driving a commercial motor vehicle under W.S. 31-7-305 and 31-7-307;

(G) A licensee under nineteen (19) years of age who has had his license suspended under W.S. 31-7-128(f) unless at least one-third (1/3) of the total license suspension period has elapsed and the licensee has complied with or is complying with all requirements or conditions imposed by the court resulting from the conviction;

(H) A suspension or denial of a driver's license for violation of W.S. 31-5-234 if the person refused to submit to the required chemical tests under W.S. 31-6-108.

31-7-106. License required; limited to one license.

(a) No person, unless exempt under this act shall drive, steer or exercise any degree of physical control of any motor vehicle or a vehicle being towed by a motor vehicle upon a highway in this state unless the person has been issued a driver's license for the class and type and applicable endorsements valid for the motor vehicle being driven.

(b) Repealed by Laws 1989, ch 176, § 3.

(c) No person shall have more than one (1) valid driver's license at any time. A person shall surrender to the division all valid driver's licenses in his possession or any person who has been previously licensed in this or any other state who does

not have in their possession the license previously issued in this or any other state shall complete an affidavit of "No License in Possession", before receiving a driver's license under this act.

(d) The division shall:

(i) Return any surrendered license to the issuing jurisdiction together with information if the licensee is now licensed in Wyoming; or

(ii) Send a copy of the affidavit of "No License in Possession" to the issuing jurisdiction together with information the licensee is now licensed in Wyoming.

(e) The division shall issue a driver's license to each qualified applicant not later than sixty (60) days from the date of the completed application.

(f) Any person licensed as a driver under this act may exercise the privilege upon all streets and highways in this state and shall not be required to obtain any other license from any county, municipal or local board, or any other body having authority to adopt local regulations.

31-7-107. Persons exempted.

(a) The following persons are exempt from the licensing requirement under this act:

(i) Any employee of the United States government while operating a motor vehicle owned by or leased to the United States government and being operated on official business unless the employee is required by the United States government or any agency thereof to have a state driver's license;

(ii) A nonresident who has in his immediate possession a valid license issued to him by the licensing authority in his place of residence;

(iii) A nonresident on active duty in the armed forces of the United States who has a valid license issued by his state of residence and the nonresident's spouse or dependent son or daughter who has a valid license issued by the person's state of residence;

(iv) Any person on active duty in the armed forces of the United States who has in his immediate possession a valid license issued in a foreign country by the armed forces of the United States but only for a period of forty-five (45) days from the date of his return to the United States;

(v) A nonresident full-time student at the University of Wyoming, a Wyoming community college, a school licensed in this state offering post-secondary education or at a parochial, church or religious school as defined by W.S. 21-4-101(a)(iv) offering post secondary education, who has in his immediate possession a valid license issued to him by the licensing authority of his place of residence;

(vi) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(vii) A resident possessing a valid driver's license issued by a member state of the Driver's License Compact, W.S. 31-7-201 and 31-7-202, provided:

(A) A resident possessing a commercial driver's license shall only be exempt from the licensing requirement under this act for thirty (30) days; and

(B) A resident possessing any other driver's license shall only be exempt from the licensing requirement under this act for one (1) year.

31-7-108. Persons not to be licensed; investigation by the division.

(a) No driver's license shall be issued to any person who is under the age of seventeen (17) years, except as provided in W.S. 31-7-110 and 31-7-117(c), or unless the person is at least sixteen (16) years of age and has held an intermediate permit pursuant to W.S. 31-7-110(g) or a similar permit from another jurisdiction for six (6) months and has completed a drivers education course approved by the appropriate school district, or taught by a person qualified as a driving instructor pursuant to W.S. 21-2-802(h), as evidenced by a passing grade or certificate.

(b) The division shall not issue or renew any driver's license to any person:

(i) Whose license or nonresident operating privilege is currently under suspension or revocation in this or any other state except as otherwise provided in this act;

(ii) Who is an habitual user of alcohol or any controlled substance to a degree rendering him incapable of safely driving a motor vehicle;

(iii) Who has previously been adjudged by a court of law to be mentally incompetent and who has not at the time of application been restored to competency by the methods provided by law;

(iv) Who has failed to successfully pass an examination required by this act;

(v) When the division has good cause from the examination administered to the person under W.S. 31-7-114 or 31-7-122 to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways;

(vi) Who is in violation of the immigration laws of the United States;

(vii) Repealed by Laws 2005, ch. 197, § 2.

(viii) When the division has received a written statement from a licensed treating physician or optometrist stating the person is not capable of safely operating a motor vehicle. The licensed treating physician or optometrist may request an examination by the division under W.S. 31-7-122.

(c) The division shall not issue a new license to a person who has had his Wyoming license revoked or restore a person's revoked nonresident operating privilege until the division determines after investigation of the character, habits and driving ability of the person that the person has met the requirements adopted by the division by rule and demonstrated his ability to drive a motor vehicle safely and it is appropriate to restore the person's privilege to drive a motor vehicle.

(d) Subject to W.S. 31-7-313, a commercial driver's license or commercial driver instruction permit shall not be issued to a person while the person is subject to a cancellation,

revocation, suspension or disqualification from driving a commercial motor vehicle.

(e) The division shall not issue, renew, upgrade or transfer a hazardous materials endorsement for a commercial driver's license to any person unless the Transportation Security Administration of the United States Department of Homeland Security has completed a security threat assessment of the person seeking the endorsement and determined that the person does not pose a security risk warranting denial of the endorsement.

31-7-109. Classes of licenses.

(a) Every driver's license issued by the division shall be classified by the class, type or endorsement of the vehicles the licensee may drive.

(b) License classification, type or endorsement shall take into account the operational characteristics of the vehicles operated.

(c) Qualifications of applicants may be determined by any test authorized by W.S. 31-7-114.

(d) Licensing classification plan:

(i) Class "A" consists of any combination of vehicles with a gross combination weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds, including all vehicles under classes "B" or "C", except motorcycles;

(ii) Class "B" consists of any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds or any such vehicle towing a vehicle which does not have a gross vehicle weight rating in excess of ten thousand (10,000) pounds, including all vehicles under class "C", except motorcycles;

(iii) Class "C" consists of any single vehicle or combination of vehicles, except motorcycles, that does not meet the definition of class "A" or class "B" vehicles under this subsection, but that is not designed to transport sixteen (16) or more passengers including the driver or is not placarded for transportation of hazardous materials;

(iv) Class "I" indicates an instruction permit issued pursuant to W.S. 31-7-110(a) and (b);

(v) Repealed by Laws 1989, ch. 176, §§ 2, 3.

(vi) Class "M" consists of motorcycles which may be added to a license valid for any other class or may be issued as the only class on a license if the applicant is not licensed for any other classification;

(vii) Class "I2" indicates an intermediate permit issued pursuant to W.S. 31-7-110(g).

(e) Repealed by Laws 1989, ch. 176, §§ 2, 3.

(f) Any person licensed to drive any class of vehicle pursuant to this section may also drive a moped, multipurpose vehicle or an off-road recreational vehicle as defined in W.S. 31-1-101(a)(xv)(K), upon public streets or highways pursuant to W.S. 31-5-124.

(g) Repealed by Laws 1989, ch. 176, §§ 2, 3.

(h) The following driver's license endorsements are special authorizations permitting the driver to operate certain types of motor vehicles or transport certain types of cargo if the endorsement is displayed on the driver license:

(i) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(ii) "N" authorizes the operation of a vehicle which is designed to transport as its primary cargo any liquid, bulk or gaseous material within a tank having a designed capacity of one thousand (1,000) gallons or more and attached to the vehicle;

(iii) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(iv) "T" authorizes a class "A" vehicle to be operated while pulling more than one (1) trailer;

(v) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(vi) "K" prohibits the operation of a class "A" or class "B" vehicle equipped with air brakes;

(vii) "IIR" authorizes the operation of a vehicle equipped with an ignition interlock device as provided in article 4 of this chapter.

(j) Repealed by Laws 1993, ch. 145, §§ 2, 5.

31-7-110. Instruction and temporary driver's permits.

(a) Any person who is at least fifteen (15) years of age may apply to the division for an instruction permit. The division, after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant an instruction permit which entitles the applicant while having the permit in his immediate possession to drive a specified type or class of motor vehicle for a period of one (1) year when accompanied by a person at least eighteen (18) years of age who holds a valid driver's license for the type or class of vehicle being used, who is fit and capable of exercising control over the vehicle and who is occupying a seat beside the driver.

(b) Any person at least fifteen (15) years of age may apply to the division for a motorcycle instruction permit. The division, after the applicant has successfully passed a written examination and a vision test may issue to the applicant an instruction permit which entitles the applicant to drive a motorcycle for a period of ninety (90) days without a passenger. If the applicant also passes a driving test, the division may issue an instruction permit which entitles the applicant to drive a motorcycle for a period of one (1) year, without a passenger. The motorcycle instruction permit for a person who is under seventeen (17) years of age shall be subject to restricted hours of operation as provided in W.S. 31-7-110(h)(ii)(B) through (E).

(c) The division may issue a temporary driver's permit to an applicant for a driver's license permitting him to drive a specified type or class of motor vehicle while the division is completing its investigation and determination of the facts relative to the applicant's eligibility to receive a driver's license. The permit or receipt for application thereof must be in his immediate possession while driving a motor vehicle of the type for which the license is to be issued. The permit or receipt is invalid upon expiration or when the applicant's license has been issued. If for good cause the issuance of a license has been refused, any temporary permit becomes invalid

and the division shall give notice to the permit holder who shall immediately return the temporary permit to the division.

(d) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(e) Any person who holds a valid Wyoming classified driver's license may apply to the division for a commercial driver instruction permit. The division may, after the person has successfully passed all required examination, other than the driving skills examination and paid the required fee, issue to the person a commercial driver instruction permit, which entitles the person to drive a commercial motor vehicle on a highway only when accompanied by a person who has a commercial driver's license valid for the type of vehicle driven and who occupies a seat beside the person for the purpose of giving instruction in driving the commercial motor vehicle. The commercial driver instruction permit may not be issued for a period to exceed one (1) year and only one (1) renewal may be granted within a two (2) year period.

(f) Any person who is at least fourteen (14) years of age and who has applied and been approved for a restricted license under W.S. 31-7-117(c), shall apply to the division for an instruction permit. The division, after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant an instruction permit which entitles the applicant while having the permit in his immediate possession to drive a class "C" motor vehicle for a period of sixty (60) days when accompanied by a person at least eighteen (18) years of age who holds a valid class "C" driver's license, who is fit and capable of exercising control over the vehicle and who is occupying a seat beside the driver.

(g) Any person, who is at least sixteen (16) years of age and has held an instruction permit pursuant to subsection (a) or (f) of this section, or in the case of an applicant for an intermediate motorcycle permit an instruction permit pursuant to subsection (b) of this section, or a similar permit from another jurisdiction and has completed practice driving of at least fifty (50) actual driving hours, including at least ten (10) hours of night driving, may apply to the division for an intermediate permit that entitles the applicant to drive a specified type or class of motor vehicle. No permit may be issued unless a parent or guardian certifies the applicant has completed the practice driving requirements.

(h) A person operating a motor vehicle, other than a motorcycle, with an intermediate permit:

(i) May not transport more than one (1) passenger under the age of eighteen (18) who is not a member of the permittee's immediate family unless accompanied by a person at least eighteen (18) years of age who holds a valid driver's license for the type or class of vehicle being used and provided that all occupants of the vehicle are in seats equipped with and are using proper safety belts;

(ii) Shall only be upon a public highway between the hours of 5:00 a.m. and 11:00 p.m. unless:

(A) Accompanied by a person at least eighteen (18) years of age who holds a valid driver's license for the type or class of vehicle being used;

(B) Required by medical necessity as evidenced by a signed statement from medical personnel;

(C) Driving to or from work as evidenced by a signed statement from the permittee's employer;

(D) Driving to or from school, a school activity, an organized youth sports activity or a religious activity as evidenced by a signed statement of a parent or guardian; or

(E) Required due to a medical emergency.

(j) A person with an intermediate motorcycle permit shall not operate the motorcycle with any passenger and shall be subject to the restrictions provided in subparagraph (h)(ii)(B) through (E) of this section.

(k) The division shall suspend for a period of thirty (30) days the intermediate operating permit of any person violating any provision of subsection (h) or (j) of this section. Records of convictions or license suspensions under this subsection shall not be made a part of the abstracts or records kept by the department of transportation pursuant to W.S. 31-5-1214 or 31-7-120. Any records maintained by the department for administration of this subsection shall be maintained separately and shall not be available for public inspection except for inspection by any law enforcement officer or agency to enforce the provisions of this section. Any driver's license suspension or related records under this subsection shall not be the basis

for any increase in insurance premiums or the cancellation of any insurance policy for a minor or his parents affected by this subsection.

(m) Subsections (a) and (f), paragraph (h)(i) and subparagraph (h)(ii)(A) of this section do not apply to motorcycle instruction permits.

(n) No motor vehicle shall be halted solely for a violation of subsection (h) or (j) of this section.

31-7-111. Application for license or permit generally.

(a) Every application for instruction permit, driver's license, commercial driver's license or commercial driver instruction permit shall be made upon a form furnished by the division. Every application shall be accompanied by the proper fee and, if the applicant has not previously been licensed in this state or another jurisdiction, a certified copy of the applicant's birth certificate.

(b) The application shall include:

(i) The full legal name and current mailing and residential address of the person;

(ii) A physical description of the person including sex, height and weight;

(iii) Date of birth;

(iv) The person's social security number or other numbers or letters deemed appropriate on applications for instruction permits, driver's licenses, commercial driver's licenses and commercial driver instruction permits;

(v) The person's signature;

(vi) Whether the applicant has previously been licensed as a driver specifying the state or country;

(vii) Information including dates, if any license or application has been refused, suspended, revoked or canceled;

(viii) An organ donor notation pursuant to W.S. 35-5-112;

(ix) A consent to release driving record information for persons applying for a commercial driver's license only;

(x) Any other information required by the department.

(c) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(d) Whenever application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, a driving record shall become a part of the driver's record in this state.

(e) Whenever the division receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

(f) No person shall be issued a driver's license within ten (10) days of issuance of an instruction or temporary driver's permit for the same vehicle class.

31-7-112. Application for license or permit of persons under 18.

The application of any person under the age of eighteen (18) years for an instruction permit or driver's license shall be signed by a parent or guardian having custody of the applicant. If there is no parent or guardian the application may be signed by the circuit court judge of the applicant's county of residence upon petition to the court and upon a finding by the court that the applicant is sufficiently mature to handle the responsibilities of driving a motor vehicle.

31-7-113. Fees.

(a) The following fees are imposed:

- (i) Driver's license..... \$20.00
- (ii) Instruction permit..... \$20.00
- (iii) Restricted license under W.S. 31-7-117(c)
..... \$10.00
- (iv) Duplicate or renewal..... \$15.00
- (v) Extension or renewal..... \$15.00

(vi) Commercial driver's license.....	\$25.00
(vii) Commercial driver instruction permit	\$20.00
(viii) Commercial license renewal or duplicate	\$20.00
(ix) Commercial driver's license skills test conducted by the department.....	\$40.00
(x) Initial or renewal of class "M" designation	\$ 3.00
(xi) Intermediate permit.....	\$15.00

(b) Except as provided in paragraph (a)(x) of this section, if the driver's license is issued for more than one (1) class, type or endorsement at the time of issuance there shall be no additional fee.

(c) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(d) If a driver's license with limited driving privileges is granted pursuant to W.S. 31-7-105(f), the fee shall be twenty-five dollars (\$25.00).

(e) Notwithstanding W.S. 31-7-131(c), if a driver's license is reinstated after a period of suspension or revocation, the fee for the reinstatement shall be fifty dollars (\$50.00) unless the final decision by the hearing examiner, or a court reverses the action taken by the department. If a driver's license is reinstated after suspension for nonpayment of child support pursuant to W.S. 20-6-111 or 20-6-112, the fee for reinstatement shall be not more than five dollars (\$5.00).

(f) Notwithstanding W.S. 31-7-115(b), any licensee on active duty in the armed forces of the United States who is stationed outside the state of Wyoming, or his spouse or dependent child who has a valid driver's license issued under this chapter, may obtain a license with an updated photograph and the same expiration date of the current license without payment of any fee, unless renewing under W.S. 31-7-119, if:

(i) While outside the state, the person surrenders the current license and submits an updated color photograph

certified by military officials to be a photograph of the person; or

(ii) While in the state, the person surrenders the current license and has his photograph taken by the division.

31-7-114. Examinations.

(a) The division shall examine every applicant for a driver's license and instructional permit. The examination shall include a test of the applicant's eyesight, his ability to read and understand official traffic control devices, his knowledge of safe driving practices, the traffic laws of the state and may include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles to be driven.

(b) The division may waive the knowledge and driving test of any person applying for a renewal license under this act.

(c) The division shall offer an examination within each calendar month in each county.

(d) Repealed by Laws 1993, ch. 145, §§ 2, 5.

(e) No person may be issued a commercial driver's license unless the person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle as prescribed by rules and regulations of the department which shall at a minimum include the standards established by the secretary of the United States department of transportation. Except as provided in subsections (f) and (g) of this section, the tests shall be prescribed and conducted by the department. The written test for a hazardous materials endorsement shall be taken and passed if the person seeks to retain the "H" endorsement authorized under W.S. 31-7-304(a)(ii)(A).

(f) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of local government including fire departments to administer the skills test specified by subsection (a) of this section, provided:

(i) The test is the same which the department would administer; and

(ii) The third party enters into an agreement with the department which complies with rules and regulations of the department which shall at a minimum include the requirements designated in rules and regulations of the United States department of transportation.

(g) The department may waive the skills test specified in subsection (e) of this section for a commercial driver license applicant who meets the requirements contained in rules and regulations of the department which shall at a minimum include the requirements designated in rules and regulations of the United States department of transportation.

31-7-115. Issuance, description and contents.

(a) Upon the satisfactory completion of any required examination, the division shall issue to every qualifying applicant a driver's license, and:

(i) The license shall be tamperproof to the maximum extent practicable and may include security features as deemed appropriate by the department;

(ii) The commercial driver's license and commercial driver's instruction permit shall be marked "Commercial Driver's License" or "CDL";

(iii) The driver's license shall include, but not be limited to, the following information:

(A) The class or type of motor vehicle or vehicles which the person is authorized to drive together with any authorized endorsements or required restrictions;

(B) The distinguishing number assigned to the licensee;

(C) The full legal name, any identifying numbers or letters deemed appropriate, date of birth, mailing address, height, weight and sex of the licensee. Unless otherwise required by federal law, the social security number of the person shall not be required on a driver's license. The division shall provide on the application form required by W.S. 31-7-111(a) an option for the applicant to include his social security number on his driver's license;

(D) A color photograph of the licensee;

(E) The space for identification as an anatomical organ donor as provided for in W.S. 31-7-139;

(F) The licensee's usual signature. No license is valid until it has been signed by the licensee;

(G) Date the license is issued;

(H) Date the license expires.

(b) Licenses issued to persons under twenty-one (21) years of age shall bear distinctive markings indicating the licensee is under twenty-one (21) years. After January 1, 1994, a license shall expire no later than when the licensee attains twenty-one (21) years of age. The department shall notify the licensee at least ninety (90) days prior to his twenty-first birthday of the expiration date of his license. A licensee may apply for a license within ninety (90) days of attaining the age of twenty-one (21) years, payment of the proper fee and surrender of the original license.

31-7-116. Carrying and displaying.

Every licensee shall have his driver's license in his immediate possession at all times when driving a motor vehicle and shall display the license upon demand of any judicial officer, municipal court judge, any officer or agent of the division or any police officer as defined in W.S. 31-5-102(a)(xxxiii). However, no person charged with violating this section shall be convicted if he produces in court a driver's license previously issued to him and valid at the time of his arrest. For the purposes of this section "display" means the surrender of his license to the demanding officer. After examination the officer shall immediately return the license to the licensee except as provided in W.S. 31-5-1205(k).

31-7-117. Restricted licenses.

(a) Upon issuing a driver's license the division for good cause may impose restrictions suitable to the licensee's driving ability. The restrictions may require special mechanical control devices on any motor vehicle which the licensee may drive and any other restrictions upon the licensee the division determines to be necessary and reasonably likely to assure the safe driving of any motor vehicle by the licensee. The division may issue a restricted license to a person whose license has otherwise been suspended or revoked, as provided in article 4 of this chapter.

(b) The division may issue a special restricted license or may state the restrictions on the license form.

(c) The division may issue a restricted class "C" or "M" license to a person who is between the ages of fourteen (14) and sixteen (16) years upon receipt of application, payment of the proper fees, an affidavit of extreme inconvenience signed by the parent or guardian having custody of the applicant and a finding by the highway patrol that extreme inconvenience actually exists. The applicant shall successfully pass the examination required by W.S. 31-7-114. The licensee may drive a vehicle only between the hours of 5:00 a.m. and 8:00 p.m., within a fifty (50) mile radius of his domicile and only at the direction of his parent or guardian. If any person while licensed under this subsection, receives a citation for a moving violation, the division, upon receipt of the notice of conviction, shall suspend the license and any other license or permit evidencing that person's privilege to operate a motor vehicle. For purposes of this subsection "extreme inconvenience" includes the following circumstances:

(i) The person must drive to school and the person's residence is more than five (5) miles from the school;

(ii) The person has a regular job more than five (5) miles from the person's residence;

(iii) The person must have the license to work in his parent's business; or

(iv) Any other circumstance which the highway patrol finds is an extreme inconvenience.

(d) Upon receiving satisfactory evidence of any violation of the restrictions of the license, the division may cancel, suspend or revoke the license but the licensee is entitled to a hearing under W.S. 31-7-105.

(e) It is a misdemeanor to drive a motor vehicle in violation of the restrictions imposed in a restricted license issued pursuant to this section.

(f) A person who is at least fifteen (15) years of age who holds a restricted class "C" license may drive beyond the hours and radius specified in subsection (c) of this section if the person is accompanied by a person who:

(i) Is at least eighteen (18) years of age;

(ii) Is licensed to drive as a driver for the type or class of vehicle being used;

(iii) Is fit and capable of exercising control over the vehicle; and

(iv) Is occupying a seat beside the driver.

(g) Except as provided in subsection (f) of this section, any license issued pursuant to subsection (c) of this section shall only be used for the situation creating the extreme hardship and shall only be valid when accompanied by and used in conjunction with the statement restriction listing the circumstances of the extreme inconvenience. The statement of restrictions is to be issued by the department pursuant to the highway patrol's investigation. Drivers convicted of violating this subsection shall be subject to the provisions of subsections (d) and (e) of this section.

31-7-118. Replacement license.

If a license issued under this act is lost, destroyed or if the licensee desires to withdraw or insert notice of anatomical organ donation, the person may obtain the appropriate replacement license upon payment of the proper fee and surrender of the original license, if available.

31-7-119. Expiration and renewal; required tests; extension.

(a) Every driver's license shall expire on the licensee's birthday in the fourth year following the issuance of the license. Every driver's license is renewable within one hundred twenty (120) days before its expiration upon application, payment of the required fee and satisfactory completion of the examination required or authorized by subsection (b) of this section. The division may renew a driver's license more than one hundred twenty (120) days before its expiration if the applicant states in writing that he will not be in the state during the one hundred twenty (120) days before the license expires.

(b) The division shall require every person applying for renewal of a driver's license to take and successfully pass a test of his eyesight. The division may require any applicant to take and successfully pass any additional tests or provide

affidavits required or authorized under the original application as the division finds reasonably necessary to determine his qualification according to the type or class of license. The written test for a hazardous materials endorsement shall be taken and passed if the person wants to retain an "H" endorsement.

(c) Notwithstanding subsection (f) of this section, the division may defer the expiration of the license of a licensee who is on active duty in the armed forces of the United States for successive four (4) year periods, upon terms and conditions as it may prescribe. The division may similarly defer the expiration of the license of the spouse or dependent child of the person in the armed forces if residing with that person.

(d) Except as provided in article 4 of this chapter, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked is not entitled to apply for a new license until the expiration of the period of revocation. Any person making false application for a new license before the expiration of the period of revocation is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(e) Notwithstanding subsection (a) of this section, the driver's license of any person who has not attained his twenty-first birthday may be renewed within thirty (30) days prior to the date of his twenty-first birthday upon application, payment of the required fee and satisfactory completion of the examination required or authorized by subsection (b) of this section.

(f) Once in any eight (8) year period, a driver's license may be extended for a four (4) year period without the examination required by subsection (b) of this section for a licensee:

(i) Whose license has not been suspended or revoked in the four (4) years immediately preceding the date of license expiration;

(ii) Who, according to affidavits required by the division indicates no medical impairment which might represent a hazard to public safety;

(iii) Whose license is not restricted pursuant to W.S. 31-7-117(c).

(g) The division shall send an application for license extension pursuant to subsection (f) of this section to the last known address of an eligible licensee within one hundred twenty (120) days prior to license expiration. The license extension application shall be returned to the division with a postmark at least thirty (30) days prior to the license expiration date. The application shall be accompanied by written evidence that the applicant's visual acuity is 20/40 or better with or without corrective lenses, as tested within one (1) year prior to submitting the application. Upon receipt of a completed application and the fee prescribed by W.S. 31-7-113(a)(v), the division shall issue a license extension to eligible licensees. The division shall provide a summary of changes in the law relating to motor vehicles to licensees who receive a license extension.

(h) The license extension shall be properly affixed to the reverse side of the license to validate extension.

31-7-120. Records to be kept by division; exceptions.

(a) The division shall maintain a readily available file of and suitable indexes for:

(i) All license applications denied with the reasons for denial noted thereon;

(ii) All applications granted;

(iii) Every licensee whose license has been suspended or revoked and the reasons for the action;

(iv) All accident reports and abstracts of court records of convictions received under the laws of this state with suitable notations for each licensee showing the convictions of the licensee and the traffic accidents in which he has been involved.

(b) Notwithstanding subsection (a) of this section the division shall twelve (12) months after conviction, expunge the record relating to the suspension of a driver's license of a minor pursuant to W.S. 31-7-128(f) for the violation of any law or ordinance relating to the possession or consumption of a controlled substance or alcohol, except a violation of W.S.

31-5-233. For any person whose records of a driver's license suspension were expunged under this subsection, the suspension under this subsection is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. Notwithstanding W.S. 31-5-1214, records of suspensions under W.S. 31-7-128(f) shall not be made available for public inspection except for inspection by any law enforcement officer or agency. Any driver's license suspension or related records under this subsection shall not be the basis for any increase in insurance premiums or the cancellation of any insurance policy for a minor or his parents affected by this section.

(c) The division is authorized to provide personally identifiable information in its records to the secretary of state for the implementation of the voter registration system. The provision of information shall be for the purpose of verifying voter registration data. The division shall do so in accordance with terms agreed upon by the secretary and the director of the department.

(d) The division is authorized to provide personally identifiable information in its records to the commissioner of social security for the purpose of having the applicable information matched with the information in the commissioner's records. The division shall do so in accordance with the Social Security Act, 42 U.S.C. 405(r), and the terms agreed upon by the commissioner of social security and the director of the department.

31-7-121. Repealed By Laws 1997, ch. 5, § 1.

31-7-122. Reexaminations.

(a) The division, having good cause to believe that a licensed driver is unsafe or otherwise not qualified to be licensed, may upon written notice of not less than ten (10) days to the licensee require him to submit to an appropriate examination. Upon the conclusion of the examination, or the refusal of the person to timely complete the examination, the division shall:

(i) Cancel or refuse to renew the person's license;

(ii) Permit him to retain the license; or

(iii) Issue him a license subject to restrictions as permitted under W.S. 31-7-117 or restrictions as to the type or class of vehicles that may be driven.

31-7-123. Authority of division to cancel license or permit.

The division may cancel any driver's license or instruction permit upon determining that the licensee or permittee was not entitled to the license or permit, that the licensee or permittee failed to give the required or correct information in his application, that the license or permit has been altered or upon receipt of a written statement from a licensed treating physician or optometrist stating that the licensee or permittee is not capable of safely operating a motor vehicle. The licensed treating physician or optometrist may request an examination under W.S. 31-7-122.

31-7-124. Suspension or revocation of privileges of nonresidents; reporting of convictions, suspensions and revocations by division.

(a) The privilege of a nonresident to drive a motor vehicle on the highways of this state is subject to suspension or revocation by the division under this act.

(b) The division, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense, shall forward a certified copy of the record to the motor vehicle administrator of the state of the driver's residence and to the state issuing the license.

(c) When a nonresident's operating privilege is suspended or revoked, the division shall forward a certified copy of the record of the action to the motor vehicle administrator of the state of the driver's residence and to the state issuing the license.

31-7-125. Suspension or revocation upon notice of conviction in another state or in federal court.

The division shall suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another state or in a federal court of an offense which, if committed in this state, would be grounds for the suspension, revocation or disqualification of the license of a driver under W.S. 6-2-106, 31-5-233, 31-7-127, 31-7-128, 31-7-134 or 31-7-305 or upon receiving notice of a violation of a statute which, if committed in this state, would be grounds for suspension under the Motor Vehicle Safety-Responsibility

Act. The division may suspend the license of any resident of the state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another state or federal court of an offense which, if committed in this state, would be grounds for the suspension of the license of a driver under W.S. 31-7-129.

31-7-126. Reporting of convictions and failure to appear by courts.

Every court having jurisdiction under any statute of this state or a municipal ordinance adopted by local authority regulating the driving of motor vehicles, shall forward to the division within ten (10) working days from the date of conviction a record of the conviction of any person in the court for a violation of any of those laws or ordinances, other than those regulating standing or parking of a motor vehicle. The court shall also forward to the division a report of any violation by any person of a written promise to appear in court as given to the arresting officer upon the issuance of a traffic citation and any failure to appear in court at the time specified by the court. Failure of a court to forward a record of conviction or violation under this section within the time specified in this section from the date of conviction or violation shall not affect the division's authority under this act.

31-7-127. Mandatory revocation of license for certain violations.

(a) The division shall revoke the license or nonresident operating privilege of any person, upon receipt of a record of conviction of the person of any of the following violations:

(i) Any felony which is the direct result of the manner in which a motor vehicle is driven;

(ii) A conviction under W.S. 31-5-233 or other law prohibiting driving while under the influence, if the person has been previously convicted two (2) or more times under W.S. 31-5-233 or other law prohibiting driving while under the influence within the five (5) year period preceding:

(A) The date of the offense upon which the conviction is based; or

(B) The date of the conviction at issue.

(iii) A conviction under W.S. 31-5-229, a similar local ordinance or a similar statute or ordinance in another jurisdiction, if the person has been previously convicted two (2) or more times under W.S. 31-5-229, a similar local ordinance or a similar statute or ordinance in another jurisdiction within a five (5) year period preceding:

(A) The date of the offense upon which the conviction is based; or

(B) The date of the conviction at issue.

(iv) Failure to stop and render aid when involved in a motor vehicle accident resulting in personal injury or death, as required by W.S. 31-5-1101, a similar local ordinance or a similar statute or ordinance in another jurisdiction;

(v) Perjury or the making of a false affidavit or statement under oath to the division under any statute relating to the ownership or operation of motor vehicles;

(vi) Conviction under W.S. 31-7-133(a)(v);

(vii) Conviction under W.S. 6-2-106 or a similar statute in another jurisdiction.

(b) The period of revocation for the violations in subsection (a) of this section is one (1) year except the period of revocation under paragraph (a)(ii) of this section is three (3) years.

(c) Any person whose driver's license or nonresident operating privilege has been revoked shall, for a three (3) year period beginning on the date of revocation, file and maintain proof of financial responsibility as required in W.S. 31-9-401 through 31-9-414.

31-7-128. Mandatory suspension of license or nonresident operating privilege for certain violations; suspension of registration.

(a) The division shall suspend the license or nonresident operating privilege of any driver upon receiving a record of the driver's conviction under W.S. 31-5-229, a similar local ordinance or a similar statute or ordinance in another jurisdiction for:

(i) Ninety (90) days, for the first conviction;

(ii) Six (6) months, if the person has been previously convicted once under W.S. 31-5-229, a similar ordinance or a similar statute or ordinance in another jurisdiction within the five (5) year period preceding:

(A) The date of the offense upon which the conviction is based; or

(B) The date of conviction at issue.

(b) Upon receiving a record of a driver's conviction under W.S. 31-5-233 or other law prohibiting driving while under the influence, the division shall suspend the license or nonresident operating privilege for:

(i) Ninety (90) days for the first conviction;

(ii) One (1) year, if the person has been previously convicted once under W.S. 31-5-233 or other law prohibiting driving while under the influence within the five (5) year period preceding:

(A) The date of the offense upon which the conviction is based; or

(B) The date of the conviction at issue.

(c) If a person has been convicted under W.S. 31-5-233 or other law prohibiting driving while under the influence at least once within the two (2) year period preceding the date of the most recent offense upon which a conviction under W.S. 31-5-233 or other law prohibiting driving while under the influence is based, the registration of the vehicle being driven if registered in this state to the convicted individual shall be suspended by the division for the period of the driver's license revocation or suspension. The division shall notify the county treasurer of the vehicle registration suspension. The county treasurer, during the period of registration suspension, shall not issue any new vehicle registrations to the convicted individual. Any peace officer may confiscate the license plate of a vehicle whose registration is solely in the name of the driver whose license has been suspended or revoked under state law.

(d) The division shall suspend the license or any nonresident operating privileges of any person failing to report an accident as required by W.S. 31-5-1106 through 31-5-1108 until the report has been filed.

(e) Any person whose driver's license or nonresident operating privilege has been suspended shall, for a three (3) year period beginning on the date of suspension, file and maintain proof of financial responsibility as required in W.S. 31-9-401 through 31-9-414. The requirement for filing and maintaining proof of financial responsibility under this subsection does not apply to a suspension under subsection (f), (g) or (n) of this section.

(f) Upon receiving a record of the conviction of a driver who is under nineteen (19) years of age for violating any law regarding the possession, delivery, manufacture or use of a controlled substance or alcohol, the division shall suspend the license or nonresident operating privilege for:

(i) Ninety (90) days for the first conviction;

(ii) Six (6) months, if the person has been previously convicted within the preceding twelve (12) months for violating any law regarding the possession, delivery, manufacture or use of a controlled substance or alcohol.

(g) Upon receiving notice from the department of family services that a driver is in arrears in a child support obligation, the division shall withhold or suspend the license or any nonresident operating privileges of any driver as specified in the notice until the division receives notice from the department of family services that the driver has made full payment of his child support obligation in arrears or has entered into and is complying with a payment plan approved by the department of family services.

(h) Upon receiving a record of a driver's violation of W.S. 31-5-234, the department shall suspend or deny the license or nonresident driving privileges as follows:

(i) A person who has been issued a driver's license shall be suspended:

(A) For a period of ninety (90) days for a first offense;

(B) For a period of six (6) months if the person has previously violated W.S. 31-5-234 once, or has previously been convicted once under W.S. 31-5-233 or other law prohibiting driving while under the influence within two (2) years preceding:

(I) The date of the offense upon which the conviction is based; or

(II) The date of conviction.

(C) Repealed By Laws 2002, Ch. 93, § 2.

(ii) A person who has not been issued a driver's license shall not operate a vehicle and the department shall not issue the person a driver's license or learner's permit for the time specified in paragraph (h)(i) of this section.

(j) The provisions of subsection (e) of this section do not apply to a denial or suspension under W.S. 31-5-234 if the denial or suspension is based solely on a violation of W.S. 31-5-234.

(k) Records of convictions or license suspensions under subsection (h) of this section shall not be made a part of the abstracts or records kept by the department of transportation pursuant to W.S. 31-5-1214 or 31-7-120. Any records maintained by the department for suspensions under subsection (h) of this section shall be maintained separately and shall not be available for public inspection except for inspection by any law enforcement officer or agency to enforce the laws of Wyoming. Records under this subsection shall be maintained so that, upon inquiry by any member of the public who is not otherwise entitled to inspect a record maintained under this subsection, the records relating to the subject of the inquiry shall not display information with respect to a license suspension under subsection (h) of this section. Any driver's license suspension or related records under subsection (h) of this section shall not be the basis for any increase in insurance premiums or the cancellation of any insurance policy for a person or his parents affected by subsection (h) of this section.

(m) Notwithstanding subsection (k) of this section, the department shall expunge the record relating to the suspension of a driver's license under subsection (h) of this section when the person under suspension attains twenty-one (21) years of age, unless the person's driver's license is under suspension at

that time, in which case the record shall be expunged when the suspension terminates and the person has paid the reinstatement fee required under W.S. 31-7-113(e).

(n) The division shall suspend the license or nonresident operating privilege of any driver upon receiving a record of the driver's second or subsequent conviction under W.S. 6-3-402(f), a similar local ordinance or a similar statute or ordinance in another jurisdiction for:

(i) Thirty (30) days, for the second conviction;

(ii) Ninety (90) days for the third and each subsequent conviction.

31-7-129. Discretionary suspension of license.

(a) The division may suspend the license of any driver for a period not to exceed twelve (12) months if the licensee:

(i) Is a repeated violator, such fact being established by a record of moving violations, accidents or by other evidence;

(ii) Has permitted an unlawful or fraudulent use of his license as defined in W.S. 31-7-133;

(iii) Has refused or neglected to submit to an examination required by the division under W.S. 31-7-122;

(iv) Has violated his written promise to appear in court, given to an arresting officer in this state or any other state upon the issuance of a traffic citation, or has failed to appear in court in this state or another state at the time specified by the court; or

(v) Violates any of the endorsements on his commercial driver's license.

(b) Upon receiving a record of the licensee's conviction, the division may suspend a license issued under W.S. 31-7-117(c) for:

(i) Ninety (90) days, for a first conviction;

(ii) One (1) year, for a subsequent conviction.

31-7-130. Commencement of cancellation, suspension or revocation.

(a) Except as otherwise provided by law, a cancellation, suspension or revocation by the division under this act or any other law shall commence the later of:

(i) Twenty (20) days after notice of intent to suspend or revoke is given by the division;

(ii) If a hearing is requested in a timely manner, at the conclusion of the hearing process; or

(iii) If the person's license or privilege to drive was suspended or revoked at the time an additional suspension or revocation would have commenced under paragraph (a)(i) or (ii) of this section or other law, on the date that prior suspension or revocation expires.

31-7-131. Surrender and return of license.

(a) Upon cancelling, suspending or revoking a license, the division shall require that the license be surrendered to the division.

(b) Any person whose license has been cancelled, suspended or revoked shall immediately return his license to the division.

(c) At the end of a period of a suspension, the division shall return a license to the licensee, if unexpired.

31-7-132. Restriction on operation under foreign license during cancellation, suspension or revocation in this state.

Any resident or nonresident whose driver's license or privilege to drive a motor vehicle in this state has been cancelled, suspended or revoked under this act, shall not drive a motor vehicle in this state under a license or permit issued by any other jurisdiction during the suspension or after cancellation or revocation until a new license is obtained or nonresident operating privileges are authorized under this act.

31-7-133. Unlawful use of license.

(a) It is an unlawful use of a license and is a misdemeanor for any person to:

(i) Display or permit to be displayed, or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently altered driver's license;

(ii) Lend his driver's license to any other person or knowingly permit its use by another;

(iii) Display or represent as one's own any driver's license not issued to him;

(iv) Fail or refuse to surrender to the department upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(v) Use a false or fictitious name in any application for a driver's license, knowingly make a false statement, knowingly conceal a material fact or otherwise commit a fraud in any application;

(vi) Permit any unlawful use of a driver's license issued to him; or

(vii) Drive a vehicle in violation of the endorsements on his driver's license or instruction or temporary permit.

31-7-134. Driving while license cancelled, suspended or revoked.

(a) No person shall drive a motor vehicle on any public highway in this state at a time when his driver's license, from this or any other jurisdiction, or nonresident operating privileges are cancelled, suspended or revoked under this act or any other law. Except as provided in subsection (c) of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than six (6) months, or both.

(b) Repealed By Laws 1998, ch. 113, § 2.

(c) A person convicted of a subsequent violation of subsection (a) of this section for driving during the same period of cancellation, suspension or revocation giving rise to the previous conviction, or a person convicted of driving during a period of cancellation, suspension or revocation arising from a previous conviction under W.S. 31-5-229 or 31-5-233, is guilty of a misdemeanor and shall be imprisoned for not less than seven

(7) days nor more than six (6) months and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). Notwithstanding any other provision of law, any person under the age of twenty-one (21) years convicted of being in control of a vehicle in this state with an alcohol concentration of between two one-hundredths of one percent (0.02%) and the amount specified in W.S. 31-5-233(b)(i) shall not be punished by imprisonment of at least seven (7) days in jail as otherwise provided under this section, but shall have his license administratively suspended for thirty (30) days.

(d) Notwithstanding any other provision of law, any person under the age of twenty-one (21) years convicted of being in control of a vehicle in this state with an alcohol concentration of between two one-hundredths of one percent (0.02%) and the amount specified in W.S. 31-5-233(b)(i) shall not be punished by imprisonment of at least seven (7) days in jail as otherwise provided by this section, but shall have his license administratively suspended for thirty (30) days.

31-7-135. Permitting unlicensed person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven or towed upon any highway by any person who is not licensed for the type or class of vehicles to be driven or is in violation of any provision of this act.

31-7-136. General penalties.

Except as otherwise provided by this act any person who violates any provision of this act is guilty of a misdemeanor and may be punished by a fine of not more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than ninety (90) days, or both. On conviction for a second or subsequent violation, the person may be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not to exceed six (6) months, or both.

31-7-137. Proof of receipt of notice or order; change of address or name.

(a) Evidence that a notice or order from the division under this act was mailed to the last known address of a person is prima facie proof the person received the notice or order five

(5) days after the notice or order was mailed. As used in this section, "last known address" means the address on file with the division.

(b) A person licensed under this act shall notify the division in writing within ten (10) days of any change of his address or name. The division shall maintain a record of the names and addresses of all persons licensed under this act and shall amend the record when notified under this subsection.

(c) When a licensee changes his name, mailing address or residence, an application for a duplicate license shall be made within ten (10) days of the date of the change.

31-7-138. Temporary license pursuant to W.S. 31-5-1205(k) (arrest for driving under the influence).

(a) The division shall provide to law enforcement agencies in this state temporary driver's license forms to be issued pursuant to W.S. 31-5-1205(k). The temporary license form shall be prescribed by the division, be completed by the issuing officer, be valid for thirty (30) days and shall specify:

(i) The date of issuance;

(ii) That the license is valid for thirty (30) days;

(iii) That the person may apply for an extension from the division, if eligible for a Wyoming driver's license;

(iv) That the person's license, whether a Wyoming license or a license from another jurisdiction was or was not surrendered to the arresting officer;

(v) That the license is not valid if at the time of issuance, the person does not have a valid driver's license authorizing the person to drive in this state.

(b) The division shall issue or renew a temporary license, without charge, to a licensee issued a temporary license under W.S. 31-5-1205(k) on a form prescribed by the division as valid for sixty (60) days if the licensee:

(i) Applies in person at a licensing station;

(ii) Surrenders or has surrendered his Wyoming driver's license;

(iii) Surrenders the temporary license issued under W.S. 31-5-1205(k); and

(iv) Is otherwise eligible to receive a Wyoming driver's license.

(c) The time limitations for renewal of a valid Wyoming license are extended during the time a person has a valid temporary license under this section.

(d) The Wyoming driver's license of any person provided a temporary license under W.S. 31-5-1205(k) is invalid until disposition of the arrest or citation and shall be surrendered to the division.

(e) Upon receipt of a record indicating the disposition of the arrest or citation which required surrender of the license:

(i) Each Wyoming license surrendered under this section or pursuant to W.S. 31-5-1205(k) shall be:

(A) Returned, if the licensee is not convicted and is otherwise entitled to receive the license; or

(B) Retained, if the licensee is convicted.

(ii) Otherwise, each record received shall be forwarded to the jurisdiction in which the license was issued and shall indicate:

(A) The licensee was not convicted and is otherwise entitled to receive his license or driving privileges; or

(B) The licensee was convicted.

(f) The division shall upon receipt of out-of-state driver's license from the arresting officer under W.S. 31-5-1205(k) and 31-6-104(b) return the license to the jurisdiction in which it was issued along with a copy of the temporary driver's license issued to licensee. The licensee is responsible for contacting the jurisdiction in which the license was issued for securing its return.

(g) As used in subsection (e) of this section:

(i) "Convicted" includes the department's suspension or denial of a license pursuant to W.S. 31-5-234 or 31-6-108;

(ii) "Otherwise entitled to receive the license" means the license is not currently under any suspension, revocation or cancellation for any reason, including suspension under W.S. 31-6-102 or 31-6-107 as a result of the same incident on which an arrest or citation was based.

31-7-139. Anatomical organ donor.

(a) The department shall, at the applicant's request, identify on the Wyoming driver's license or identification card that the person is an anatomical organ donor as provided by W.S. 35-5-112.

(b) Repealed by Laws 1990, ch. 18, § 3.

(c) Repealed by Laws 1990, ch. 18, § 3.

31-7-140. Nonresident Violator Compact of 1977; division to enter into compact.

The division shall execute all documents and perform other duties as necessary to enter into and carry out the provisions of the Nonresident Violator Compact of 1977.

ARTICLE 2
DRIVER LICENSE COMPACT

31-7-201. Compact provisions generally.

The Driver License Compact is enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

ARTICLE I

Findings and Declaration of Policy

(a) The party states find that:

(i) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles;

(ii) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property;

(iii) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(i) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles;

(ii) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

(a) As used in this compact:

(i) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(ii) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle;

(iii) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Report of Convictions

(a) The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall:

(i) Clearly identify the person convicted;

(ii) Describe the violation specifying the section of the statute, code or ordinance violated;

(iii) Identify the court in which action was taken;

(iv) Indicate whether a plea of guilty or not guilty was entered, or conviction was a result of the forfeiture of bail, bond or other security; and

(v) Include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct has occurred in the home state, in the case of convictions for:

(i) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(ii) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(iii) Any felony in the commission of which a motor vehicle is used;

(iv) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in the subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V

Applications for New Licenses

(a) Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(i) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated;

(ii) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one (1) year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant, if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways;

(iii) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this Compact for this state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this Compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

ARTICLE VIII

Entry Into Force and Withdrawal

(a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any party state thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

31-7-202. Definitions.

(a) As used in the Driver License Compact enacted in W.S. 31-7-201:

(i) "Licensing authority" means the department of transportation;

(ii) "Executive head" means the governor;

(iii) "Head of the licensing authority" means the director of the department of transportation.

ARTICLE 3
COMMERCIAL DRIVER'S LICENSE

31-7-301. Notification required by driver.

(a) Any driver of a commercial motor vehicle holding a driver's license issued by this state, who is convicted of violating any state or federal law or local ordinance relating to motor vehicle traffic control, in any state, or of violating any federal, provincial, territorial or municipal laws of Canada, other than parking violations, shall notify the department in writing, and shall also notify his employer in writing, within thirty (30) days of the date of the conviction.

(b) A driver whose driver's license is suspended, revoked or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify his employer of the action taken before the

end of the business day following the day the driver received notice of the action.

(c) A person who applies to be a commercial motor vehicle driver shall provide the employer, at the time of the application for employment, with the following information for the ten (10) year period preceding the date of application in a sworn statement:

(i) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(ii) The dates between which the applicant drove for each employer; and

(iii) The reason for leaving each employer.

31-7-302. Employer responsibilities.

(a) Each employer must require the applicant to provide the information required in W.S. 31-7-301.

(b) No employer may knowingly allow, permit or authorize a driver to drive a commercial motor vehicle during any period in which the driver has:

(i) Not been licensed to drive a commercial vehicle;

(ii) A driver license suspended, revoked or canceled by a state;

(iii) Lost the privilege to drive a commercial motor vehicle in a state;

(iv) Been disqualified from driving a commercial motor vehicle; or

(v) More than one (1) driver license.

31-7-303. Exemptions.

(a) Notwithstanding any other provision of this act, the department shall by rule and regulation grant an exemption from the licensing requirements of this article or with any rule or regulation adopted pursuant to the licensing requirements of this article to a class of persons or class of commercial motor

vehicles exempted by the secretary of the United States department of transportation pursuant to title 49 of the United States Code including:

(i) A farm or ranch vehicle when:

(A) Controlled and operated by a farmer or rancher;

(B) Used in agricultural operations as defined in W.S. 31-18-801(a)(i); and

(C) Not used in the operations of a contract or common motor carrier.

(ii) Firefighting equipment;

(iii) Military equipment operated by the department of defense, including the national guard, when operated by noncivilian personnel.

31-7-304. Issuance; classifications and endorsements.

(a) Commercial driver's licenses may be issued with the following classifications and endorsements. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles and vehicles which require a separate endorsement, unless the proper endorsement appears on the license:

(i) Classifications:

(A) Class "A" consists of any combination of vehicles with a gross combination weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds;

(B) Class "B" consists of any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or any such vehicle towing a vehicle which is not in excess of ten thousand (10,000) pounds;

(C) Class "C" consists of any single vehicle or combination of vehicles that does not meet the definition of a class "A" or class "B" vehicle as contained herein, but that either is designed to transport sixteen (16) or more passengers

including the driver or is placarded for transportation of hazardous materials.

(ii) The following driver's license endorsements are special authorizations permitting the driver to operate certain types of motor vehicles or transport certain types of cargo if the endorsement is displayed on the driver's license:

(A) "H" authorizes the operation of a vehicle transporting hazardous materials;

(B) "N" authorizes the operation of a vehicle which is designed to transport as its primary cargo any liquid, bulk or gaseous material within a tank having a designed capacity of one thousand (1,000) gallons or more and attached to the vehicle;

(C) "P" authorizes the driver to operate a bus or any motor vehicle as defined in W.S. 31-7-102(a)(iii) used for the transportation of passengers, providing the licensed driver has attained the age of eighteen (18) years;

(D) "T" authorizes a class "A" vehicle to be operated while pulling more than one (1) trailer;

(E) "X" represents a combination of "H" and "N" endorsements;

(F) Repealed By Laws 2004, Chapter 11, § 2.

(G) "S" authorizes the driver to operate a bus or any motor vehicle as defined in W.S. 31-7-102(a)(iii) used for the transportation of preschool, elementary or secondary school students from home to school, school to home or to and from school sponsored events.

(b) Before issuing a commercial driver's license, the department shall obtain driving record information through the commercial driver license information system, through the National Driver Register, and from each state in which the person has been licensed.

(c) Within ten (10) days after issuing a commercial driver's license, the department shall notify the commercial driver license information system of the issuance and provide all information required to ensure identification of the person.

(d) The commercial driver's license shall expire as provided by W.S. 31-7-119.

(e) When applying for renewal of a commercial driver's license, the applicant must complete the application form required by W.S. 31-7-111 and provide updated information and required certifications. The written test for a hazardous materials endorsement must be taken and passed if the person wants to retain an "H" endorsement.

(f) Before issuing or renewing a commercial driver's license, the department shall require that the applicant present a current federal medical qualification certificate.

31-7-305. Disqualification and cancellation; right to a hearing.

(a) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one (1) year if convicted of a first violation arising from separate incidents of:

(i) Driving or in actual physical control of a motor vehicle under the influence of alcohol or a controlled substance to a degree which renders him incapable of safely driving a motor vehicle;

(ii) Driving or in actual physical control of a commercial motor vehicle while the alcohol concentration of the person's blood, breath or other bodily substance is four one-hundredths of one percent (0.04%) or more;

(iii) Knowingly and willfully leaving the scene of an accident involving a motor vehicle driven by the person;

(iv) Using a motor vehicle in the commission of any felony;

(v) Refusal to submit to a test to determine the driver's alcohol concentration while driving or in actual physical control of a motor vehicle;

(vi) Driving a commercial vehicle when, as a result of prior convictions, the driver's driving privileges are cancelled, suspended or revoked, or the driver is disqualified from operating a commercial motor vehicle; or

(vii) Causing a fatality through the negligent operation of a commercial vehicle, including but not limited to homicide by motor vehicle, negligent homicide, motor vehicle manslaughter or a similar local ordinance or similar state law from another jurisdiction.

(b) If any of the violations provided in subsection (a) of this section occurred while transporting a hazardous material required to be placarded in accordance with 49 C.F.R. §§ 172.500 through 172.558, the person is disqualified for a period of not less than three (3) years.

(c) A person may be disqualified for life if convicted of two (2) or more violations of any of the offenses specified in subsection (a) of this section or any combination of those offenses arising from two (2) or more separate incidents. Only offenses committed after the effective date of this act apply to this subsection.

(d) The department shall issue regulations establishing guidelines and conditions under which a disqualification for life under subsection (c) of this section may be reduced to a period of not less than ten (10) years. The guidelines and conditions shall be in compliance with the Commercial Motor Vehicle Safety Act of 1986, P.L. 99-570 [49 U.S.C. 31101 et seq.].

(e) A person may be disqualified from driving a commercial motor vehicle for life who uses a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(f) A person may be disqualified from driving a commercial motor vehicle for a period of not less than sixty (60) days if convicted of two (2) serious traffic violations or one hundred twenty (120) days if convicted of three (3) serious traffic violations, committed in a motor vehicle arising from separate incidents occurring within a three (3) year period.

(g) A driver who is convicted of violating an out-of-service order may be disqualified for a period of:

(i) Not less than ninety (90) days nor more than one (1) year if the driver is convicted of a first violation of an out-of-service order;

(ii) Not less than one (1) year nor more than five (5) years if, during any ten (10) year period, the driver is convicted of two (2) separate violations of out-of-service orders in separate incidents;

(iii) Not less than three (3) years nor more than five (5) years if, during any ten (10) year period, the driver is convicted of three (3) or more violations of out-of-service orders in separate incidents;

(iv) Not less than one hundred eighty (180) days nor more than two (2) years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., or while operating motor vehicles designed to transport more than fifteen (15) passengers, including the driver. A driver is disqualified for a period of not less than three (3) years nor more than five (5) years if, during any ten (10) year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport more than fifteen (15) passengers, including the driver.

(h) For offenses specified in this subsection relating to a railroad-highway crossing, a person who holds, or is required to have, a commercial driver's license is disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of a first offense under this subsection, for a period of one hundred twenty (120) days if convicted of a second offense under this subsection in a separate incident within a three (3) year period, or for a period of one (1) year for a third or subsequent conviction under this subsection within a three (3) year period for driving a commercial motor vehicle in violation of state or local law or regulation pertaining to one (1) of the following offenses at a railroad-highway crossing:

(i) For drivers who are not required to stop at all railroad-highway crossings, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not required to stop at all railroad-highway crossings, failing to stop before reaching the crossing if the tracks are not clear;

(iii) For drivers who are always required to stop at all railroad-highway crossings, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(j) After suspending, revoking, disqualifying or canceling a commercial driver license, the state licensing authority shall update its records to reflect that action within ten (10) days. After suspending, revoking, disqualifying or canceling a nonresident commercial driver's privileges, the department shall notify the licensing authority of the state which issued the commercial driver license within ten (10) days.

(k) Before a person is disqualified from driving a commercial motor vehicle under this act, the department shall notify the person and provide an opportunity for a hearing and appeal in accordance with the provisions of W.S. 31-7-105.

(m) A disqualification under this section does not affect the department's authority to suspend, revoke, cancel or deny a license under any other law.

(n) A discharge or dismissal under W.S. 7-13-301 shall not limit the authority of the department to disqualify a driver from operating a commercial vehicle if the discharge or dismissal under W.S. 7-13-301 is from an offense specified in this section and the person has been placed on probation as provided in W.S. 7-13-301(a).

31-7-306. Commercial drivers prohibited from operating with any alcohol in system.

(a) Notwithstanding any other provision of this title, a person may not drive, operate or be in physical control of a commercial motor vehicle while having alcohol in his system.

(b) A person who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take a test to determine his alcohol concentration as provided by W.S. 31-7-307 shall be placed out-of-service for twenty-four (24) hours.

31-7-307. Implied consent requirements for commercial motor vehicle drivers.

(a) A person who drives or is in actual physical control of a commercial motor vehicle within this state is deemed to have given consent, subject to the provisions of this section to a chemical test or tests of his blood, breath or urine for the purpose of determining alcohol or controlled substance concentration in his blood.

(b) The test or tests shall be administered at the direction of a peace officer, who has probable cause to believe that the driver was driving or in actual physical control of a commercial motor vehicle in this state while having alcohol or a controlled substance in his system. The peace officer who requires a test pursuant to this section may direct that the test shall be of blood, breath or urine. However, if the officer directs that the test be of the person's blood or urine, the person may choose whether the test shall be of blood or urine. The person has this option unless the peace officer has probable cause to believe there is a controlled substance which is not subject to testing by a blood or breath test in which case a urine test may be required.

(c) For tests required under this section, the person shall be advised that:

(i) His failure to submit to all required chemical tests shall result in a disqualification of his commercial driver's license. The disqualification shall be from a minimum of one (1) year to life;

(ii) If a test is taken and the results indicate a blood alcohol concentration of four one-hundredths of one percent (0.04%) or more, it shall result in a disqualification for a period of not less than one (1) year to life;

(iii) If a test is taken and the results indicate a blood alcohol concentration of less than four one-hundredths of one percent (0.04%), he shall be placed out-of-service for twenty-four (24) hours;

(iv) He may go to the nearest hospital or clinic and secure any or all required tests at his own expense or any remaining required tests shall be administered by a person at a place and in a manner prescribed by and at the expense of the agency employing the peace officer.

(d) Results of tests obtained at the person's expense shall be made available to the peace officer and the person. Disclosure of the test results by the person administering the test is not a violation of the doctor-patient relationship.

(e) Any person dead, unconscious or otherwise in a condition rendering him incapable of refusal to submit to the tests is deemed to have given his consent provided for in this section, and the tests may be administered subject to this section.

(f) If the person refuses testing or submits to a test which discloses an alcohol concentration of four one-hundredths of one percent (0.04%) or more by weight of alcohol in the person's blood the peace officer shall submit a signed statement to the department. The statement submitted by the officer shall contain:

(i) His probable cause to believe the person was driving or in actual physical control of a commercial vehicle:

(A) In this state;

(B) With alcohol or a controlled substance in his system.

(ii) That a test was requested pursuant to this section; and

(iii) That the person refused to submit to a test or submitted to a test which disclosed an alcohol concentration of four one-hundredths of one percent (0.04%) or more.

(g) Upon receipt of the signed statement of a peace officer submitted under subsection (f) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under W.S. 31-7-305 subject to the hearing provision therein.

(h) A timely request for a hearing shall stay the disqualification until the order following the hearing is entered provided the stay of disqualification is effective only so long as there is no disqualification for a similar violation during the hearing and appeal period.

(j) At the conclusion of a hearing, the hearing examiner shall order the disqualification be rescinded or sustained. The scope of the hearing shall be limited to the issues of:

(i) Whether the peace officer had probable cause to believe the person was driving or in actual physical control of a commercial vehicle with alcohol or a controlled substance in his system;

(ii) Whether the person refused to submit to a test or if he submitted to a test, the results indicated there was at least four one-hundredths of one percent (0.04%) of alcohol in the person's blood; and

(iii) Whether the person had been given the advisement required in subsection (c) of this section.

(k) Prehearing discovery available to any party is limited to access to the notice of disqualification, signed statement, and any accompanying documentation submitted by the peace officer. Other types of discovery available under other laws are not available under this section.

(m) If a person under arrest refuses to submit to a chemical test under this section, evidence of the refusal is admissible in any administrative, civil or criminal action or proceeding arising from acts alleged to have been committed while driving or in actual physical control of a commercial vehicle.

(n) W.S. 31-6-102(g), 31-6-104(c), 31-6-105(a), (b) and (e) and 31-6-106 apply to this section.

31-7-308. Notification of traffic convictions.

Within ten (10) days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state or federal law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the

department shall notify the driver licensing authority in the licensing state of the conviction.

31-7-309. Driving record information to be furnished.

(a) Notwithstanding any other provision of law, the department shall furnish full information regarding the driving record of any person:

(i) To the driver license administrator of any other state or province or territory of Canada requesting the information;

(ii) To any employer or prospective employer upon request and payment of the required fee;

(iii) To insurers upon request and payment of the required fee.

(b) The department shall determine the amount of the fee prescribed by this section to cover the actual cost of providing the information.

31-7-310. Rulemaking authority.

The department shall adopt rules and regulations necessary to carry out the provisions of this article and the requirements of the federal motor carrier safety regulations in title 49, Code of Federal Regulations.

31-7-311. Authority to enter agreements.

The department may make agreements, arrangements or declarations to carry out the provisions of this article specifically, but not limited to certifying third parties to conduct tests of applicants required under this article.

31-7-312. Reciprocity.

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this state if the person has a commercial driver's license issued by any state or provinces or territories of Canada in accordance with the minimum federal standards for the issuance of a commercial motor vehicle driver's license, if the person's driver's license is not suspended, revoked or canceled and if the person is not

disqualified from driving a commercial motor vehicle or subject to an out-of-service order.

31-7-313. Temporary commercial driver license; fees.

If a person has his driving privileges suspended or revoked for a violation committed while driving a noncommercial vehicle the department shall not issue a temporary commercial driver's license to be used by the person to drive a commercial motor vehicle for the period of the suspension or revocation. The department may issue a noncommercial temporary license as specified in W.S. 31-7-105 if the person is otherwise eligible. The fee for the temporary license shall be the same as for a noncommercial driver's license under W.S. 31-7-113(a).

31-7-401. Ignition interlock licenses; definition; administration and enforcement.

(a) For purposes of this article, "ignition interlock device" means an alcohol breath screening device, located inside the vehicle near the driver's seat and connected to the engine's ignition system, that prevents the vehicle from starting when it detects an alcohol concentration over an established limit.

(b) The department shall prescribe reasonable rules and regulations for the certification of ignition interlock devices and ignition interlock installers.

(c) The department shall prescribe reasonable rules and regulations and prescribe forms related to the issuance of ignition interlock restricted licenses as provided in this article.

31-7-402. Issuance of ignition interlock restricted license; eligibility.

(a) A person whose driver's license has been suspended pursuant to W.S. 31-6-107(a)(i) or 31-7-128(b)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration, and who has served at least forty-five (45) days of the suspension period may apply to the department for an ignition interlock restricted license for the balance of the suspension period or one (1) year, whichever is greater.

(b) A person whose driver's license has been suspended pursuant to W.S. 31-6-107(a)(ii) or revoked pursuant to W.S. 31-7-127(a)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration, and who has served at least forty-five (45) days of the suspension or revocation period may apply to the department for an ignition interlock restricted license for the balance of the suspension or revocation period.

(c) An ignition interlock restricted license issued pursuant to subsection (a) or (b) of this section shall entitle the licensee to drive upon the highways of this state during the period his previously issued license is otherwise suspended or revoked, subject to the following conditions:

(i) The licensee agrees in writing to the terms and conditions of this article;

(ii) Ignition interlock devices shall be installed, at the applicant's expense, by a certified ignition interlock installer on all motor vehicles driven by the applicant;

(iii) The applicant shall produce written verification from a certified ignition interlock installer that an ignition interlock device has been installed on a vehicle owned or operated by the applicant;

(iv) A department official shall verify the installation of the ignition interlock device on the applicant's vehicle;

(v) The driver's license and driving record of any person issued an ignition interlock license shall clearly indicate that the licensee may only operate a motor vehicle equipped with a functioning ignition interlock device;

(vi) An applicant for an ignition interlock restricted license shall file and maintain proof of financial responsibility as required by W.S. 31-9-401 through 31-9-414 for the period of the restricted license.

31-7-403. Suspension or revocation of ignition interlock license.

(a) Subject to the administrative hearing provisions of W.S. 31-7-105, the department shall suspend a person's ignition

interlock restricted license when the department is notified that:

(i) An ignition interlock device required by this article is no longer installed or functional, except as required for normal repair and maintenance;

(ii) The licensee has failed to maintain proof of financial responsibility as required by this article.

(b) A suspension pursuant to subsection (a) of this section shall remain in effect until the licensee provides written evidence that the violation causing the suspension has been cured.

31-7-404. Driving without interlock device.

(a) No person licensed under this article shall drive any motor vehicle, without a functioning approved ignition interlock device.

(b) No person licensed under this article shall remove or otherwise circumvent an installed ignition interlock device during the period of the ignition interlock restricted license.

(c) A person violating subsection (a) or (b) of this section is guilty of a misdemeanor and shall be imprisoned for not less than seven (7) days nor more than six (6) months, and shall not be eligible for probation or suspension of sentence or release on any other basis until serving at least seven (7) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). A person convicted of a subsequent violation of subsection (a) or (b) of this section during the same license period is guilty of a misdemeanor and shall be imprisoned for not less than thirty (30) days nor more than six (6) months and shall not be eligible for probation, suspension of sentence or release on any other basis until serving at least thirty (30) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) and shall no longer be eligible for an ignition interlock restricted license.

31-7-405. Assisting another in defeating interlock device.

(a) A person who knowingly assists another in removing or circumventing an ignition interlock device, including starting

and operating a motor vehicle to be driven by an ignition interlock restricted licensee, is guilty of a misdemeanor.

(b) Subsection (a) of this section shall not apply to any person starting a vehicle when necessary in the interest of safety or for the repair of the device or vehicle.

CHAPTER 8
IDENTIFICATION CARDS

ARTICLE 1
IN GENERAL

31-8-101. Issuance to residents by department; restrictions.

(a) Any Wyoming resident may be issued an identification card by the department of transportation. The application shall state the legal name, correct age and any other identifying data the department may require and shall be signed and verified by the applicant. The identification card shall at the applicant's request indicate that the applicant is an anatomical organ donor as provided by W.S. 35-5-112.

(b) The department shall not issue an identification card until documentary evidence of the applicant's age and identity has been received.

31-8-102. Contents.

(a) The identification card shall resemble a Wyoming driver's license. It shall have:

- (i) A distinguishing number assigned to the registrant;
- (ii) His full legal name;
- (iii) His date of birth;
- (iv) His resident address;
- (v) A brief description including sex, height and weight;
- (vi) The registrant's picture;

(vii) The following: "State of Wyoming" - "Identification Card No." - "This card is provided solely for the purpose of identification of the person described on the card"; and

(viii) As provided for in W.S. 31-7-139.

31-8-103. Expiration; records; new cards.

(a) Identification cards shall not expire. The department shall keep records of data contained in identification cards.

(b) If an identification card is lost, destroyed or mutilated, the person to whom it was issued may obtain a new identification card upon furnishing the same documentary evidence as for an original identification card.

(c) If any information contained in the identification card becomes inaccurate, or if it is desired to withdraw or insert notice of anatomical organ donation, the person to whom it was issued may obtain a new card upon:

(i) Advising the department of his desire to withdraw or insert notice of an anatomical organ donation or furnishing proof of the inaccuracies to the department;

(ii) Furnishing the same documentary evidence as for an original identification card; and

(iii) Surrendering the original identification card.

31-8-104. Fees.

Every applicant for an identification card shall pay ten dollars (\$10.00) to the department. The state treasurer shall credit identification card fees to the highway fund.

31-8-105. Prohibited acts; penalties.

(a) No person shall:

(i) Possess any cancelled, fictitious, fraudulently altered or fraudulently obtained identification card;

(ii) Lend his identification card to any other person or knowingly permit its use by another;

(iii) Display or represent any identification card not issued to him as being his card;

(iv) Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card;

(v) Procure an identification card by false swearing, fraud or false statement of any kind or in any form.

(b) Any person who violates any provision of subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than ninety (90) days, or both.

ARTICLE 2
INSURANCE IDENTIFICATION CARDS

31-8-201. Issuance of identification card by insurers; information.

(a) Each insurer issuing the insurance policy required by W.S. 31-4-103 shall at the same time issue for each vehicle insured under the policy the identification card required under this section or issue temporary evidence of insurance valid for up to sixty (60) days after issue and issue the identification card required under this section within sixty (60) days. The identification card or valid temporary evidence of insurance shall be carried in the vehicle at all times. Temporary evidence of insurance shall contain:

(i) The name of the insurer;

(ii) The name of the insured;

(iii) A description of the vehicle including year, trade name and vehicle identification number.

(b) The identification card shall be in a form prescribed by the department and shall contain at least the following information:

(i) The name of the insurer;

(ii) The name of the insured;

(iii) The effective date of the coverage; and

(iv) A description of the vehicle including year, trade name and vehicle identification number.

31-8-202. Prohibited acts; penalty.

(a) No person shall:

(i) Possess any cancelled, fictitious, fraudulently altered or fraudulently obtained card;

(ii) Lend his identification card to another person for a fraudulent purpose;

(iii) Display or represent any identification card not issued to him as being his card.

(b) Any person who is convicted of violating this section, in addition to any other applicable penalty under W.S. 31-4-103, may be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both.

31-8-203. Verification of insurance; enforcement by insurance commissioner.

(a) If the department has reason to believe a vehicle owner is not insured as required under W.S. 31-4-103, it may request an insurer to verify the existence of an automobile liability policy in a form approved by the department not later than twenty (20) days from the date the request is made. In addition, insurers shall cooperate with the department in establishing and maintaining the insurance verification system provided by W.S. 31-4-103(e), and shall provide access to motor vehicle insurance policy status information as provided in the department's rules and regulations.

(b) The insurance commissioner may order insurers to comply with W.S. 31-8-201, rules and regulations promulgated by the department under W.S. 31-8-201 and this section.

CHAPTER 9
MOTOR VEHICLE SAFETY RESPONSIBILITY

ARTICLE 1
IN GENERAL

31-9-101. Short title.

This act may be cited as the "Motor Vehicle Safety-Responsibility Act".

31-9-102. Definitions.

(a) As used in this act:

(i) Repealed by Laws 1991, ch. 241, § 4.

(ii) "Driver" means as defined by W.S. 31-5-102(a);

(iii) "Division" means the division within the department of transportation charged with administration and enforcement of this act;

(iv) "Judgment" means any judgment that is final without further appeal. The judgment shall have been rendered by a court of competent jurisdiction of any state or of the United States. The cause of action shall result from damages occurring from a motor vehicle accident and may relate to bodily injury or death of person, or to damage or to loss of property;

(v) "License" means any driver's license, instruction permit or temporary license issued under the laws of this state pertaining to the licensing of drivers;

(vi) "Motor vehicle" means as defined by W.S. 31-5-102(a);

(vii) "Nonresident" means every person who is not a resident of this state;

(viii) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state;

(ix) "Operator" means every person who is in actual physical control of a motor vehicle;

(x) "Owner" means as defined by W.S. 31-5-102(a);

(xi) "Proof of financial responsibility" means evidence of ability to respond in damages for liability, resulting from accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars

(\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to the limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of twenty thousand dollars (\$20,000.00) because of injury to or destruction of property of others in any one (1) accident;

(xii) "Registration" means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(xiii) "State" means any state, territory or possession of the United States, the District of Columbia or any province of the Dominion of Canada;

(xiv) "This act" means W.S. 31-9-101 through 31-9-415.

31-9-103. Administration; administrative review.

(a) The administration of this act shall be exercised by the department of transportation which may prescribe forms and reasonable rules and regulations in conformity with this act. The administration of this act may be delegated by the department to the division.

(b) W.S. 31-7-105 and 31-7-130 apply to all suspensions under this act.

31-9-104. Disclosure of driving record.

The department shall adopt rules and regulations concerning disclosure of the driving record of any person subject to this act.

31-9-105. Return of license and registration to division.

Any person whose license or registration is suspended under this act, or whose policy of insurance or bond, when required under this act, is cancelled or terminated, or who neglects to furnish other proof upon request of the division shall immediately return his license and registration to the division. If any person fails to return to the division the license or registration as required, the division shall direct any peace officer to confiscate and return the license or registration to the division.

31-9-106. General penalties.

(a) Any person willfully failing to return a license or registration as required in W.S. 31-9-105, shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned not more than thirty (30) days, or both.

(b) Any person who forges or, without authority, signs any notice provided for under W.S. 31-9-202 that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned not more than six (6) months, or both.

(c) Any person who violates any provision of this act for which no penalty is otherwise provided shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned not more than ninety (90) days, or both.

31-9-107. Government motor vehicles.

This act does not apply with respect to any motor vehicle owned by the United States, this state or any political subdivision of this state.

31-9-108. Other lawful processes.

Nothing in this act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

31-9-109. Uniformity of laws.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

ARTICLE 2
ACCIDENT REPORT; SUSPENSION OF LICENSE
AND REGISTRATIONS GENERALLY

31-9-201. Repealed by Laws 1989, ch. 173, § 2.

31-9-202. Suspension of license and registration after accident report; exclusions and security requirements.

(a) Within thirty (30) days after receipt of an investigating officer's report of a motor vehicle accident within this state as required under W.S. 31-5-1106 through 31-5-1108 or after a demand for additional security under W.S. 31-9-207(b), the division shall with respect to each driver and motor vehicle involved in the accident, and except as provided in subsection (b) of this section, suspend:

(i) The Wyoming driver's license of each driver of a motor vehicle required to be registered in this state;

(ii) All Wyoming registrations of each owner whose motor vehicle is required to be registered in this state;

(iii) The nonresident driving privilege of each driver of a motor vehicle required to be registered in this state; and

(iv) The nonresident driving privilege of each owner of a motor vehicle required to be registered in this state.

(b) The suspension in subsection (a) of this section shall be imposed unless the driver, the owner or both file proof of financial responsibility.

(c) This section does not apply to:

(i) An owner if the owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in the accident;

(ii) The driver, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(iii) The driver or owner whose liability for damages resulting from the accident is, in the judgment of the division, covered by any other form of liability insurance policy or surety bond;

(iv) Any person qualifying as a self-insurer under W.S. 31-9-414; or

(v) The owner or driver, if a personal surety bond is filed with the division in an amount required by the division under this act with at least two (2) individual sureties each

owning real estate within the state, which real estate shall be scheduled in the bond to be approved by a judge of the district court.

(d) No insurance policy or surety bond is effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if the motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, the policy or bond is not effective under this section unless the insurance company or surety company if not authorized to do business in this state executes a power of attorney authorizing the division to accept service on its behalf of notice or process in any action upon the policy or bond arising out of the accident. Every policy or bond shall be subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to the limit for one (1) person, to a limit of not less than fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty thousand dollars (\$20,000.00) because of injury to or destruction of property of others in any one (1) accident.

(e) Upon receipt of notice of the accident, the insurance company or surety company which issued the policy or bond shall furnish for filing with the division a written notice that the policy or bond was in effect at the time of the accident. This subsection does not apply to any person holding a motor carrier permit or certificate under W.S. 31-18-209 who furnishes proof of financial responsibility by filing a certificate of insurance under W.S. 31-9-402(a)(i) or a bond under W.S. 31-9-402(a)(ii) if the certificate or bond:

(i) Is a continuing certificate or bond;

(ii) Remains in full force and effect until cancelled;

and

(iii) May not be cancelled until notice in writing of the cancellation has been on file with the division for thirty (30) days.

31-9-203. Exceptions to W.S. 31-9-202.

(a) The requirements as to security and suspension in W.S. 31-9-202 shall not apply:

(i) To the driver or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the driver or owner;

(ii) To the driver or the owner of a motor vehicle legally parked at the time of the accident;

(iii) To the owner of a motor vehicle if at the time of the accident the vehicle was being driven without his permission, express or implied, or was parked by a person who had been driving the motor vehicle without permission;

(iv) If, prior to the date that the division would otherwise suspend license and registration or nonresident's operating privilege under W.S. 31-9-202, there shall be filed with the division satisfactory evidence that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a warrant for confession of judgment, payable in installments as the parties have agreed, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

31-9-204. Reciprocal suspension of nonresidents' operating privileges and residents' licenses; notice to and from other states.

(a) When a nonresident's operating privilege is suspended pursuant to W.S. 31-9-202, the division shall transmit a certified copy of the record of the action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of the other state provides for action in relation thereto similar to that provided for in subsection (b) of this section.

(b) Upon receipt of certification that the driving privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or

for failure to deposit both security and proof of financial responsibility, under circumstances which would require the division to suspend a nonresident's operating privilege had the accident occurred in this state, the division shall suspend the license of the resident and all of his registrations. Suspension shall continue until the resident furnishes evidence of his compliance with the law of the other state relating to the deposit of security and until the resident files proof of financial responsibility if required by the law.

31-9-205. Requirements for release of suspension.

(a) The license and registration and nonresident's operating privilege suspended as provided in W.S. 31-9-202 shall not be renewed nor shall any license or registration be issued to the person until:

(i) The person deposits or there shall be deposited on his behalf the security required under W.S. 31-9-202; or

(ii) One (1) year has elapsed following the date of the accident and satisfactory evidence has been filed with the division that during the period no action for damages arising out of the accident has been instituted; or

(iii) Satisfactory evidence has been filed with the division of a release from liability, a final adjudication of nonliability, a warrant for confession of judgment or an acknowledged written agreement, in accordance with W.S. 31-9-203(a)(iv). If there is any default in the payment of any installment under any confession of judgment, then, upon notice of default, the division shall suspend the license and registration or nonresident's operating privilege of the person defaulting which shall not be restored until the entire amount provided for in the confession of judgment is paid. If there is any default in the payment of any installment under any acknowledged written agreement, then, upon notice of default, the division shall forthwith suspend the license and registration or nonresident's operating privilege of the person defaulting which shall not be restored until:

(A) The person deposits and thereafter maintains security as required under W.S. 31-9-202 in such amount as the division determines; or

(B) One (1) year has elapsed following the date when the security was required and during the period no action upon the agreement was instituted in a court in this state.

31-9-206. Unlicensed driver or unregistered motor vehicle in accident.

If the driver or the owner of a motor vehicle involved in an accident within this state has no license or registration, he shall not be allowed a license or registration until he has complied with the requirements of W.S. 31-9-202, 31-9-203 and 31-9-205 through 31-9-209 to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

31-9-207. Form and amount of security; reduction or increase.

(a) The security required under W.S. 31-9-202, 31-9-203 and 31-9-205 through 31-9-209 shall be in such form and in such amount as the division may require but in no case in excess of the limits specified in W.S. 31-9-202. The person depositing security shall specify in writing the person on whose behalf the deposit is made and, at any time while the deposit is in the custody of the division or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons. A single deposit of security is applicable only on behalf of persons required to furnish security because of the same accident.

(b) The division may reduce or increase the amount of security ordered in any case within six (6) months after the date of the accident if, in its judgment, the amount ordered is excessive or insufficient. If the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding W.S. 31-9-208.

31-9-208. Disposition of security; judgments payable therefrom; return of balance.

Security deposited in compliance with the requirements of W.S. 31-9-202, 31-9-203 and 31-9-205 through 31-9-209 shall be placed by the division in the custody of the state treasurer and shall be applicable only to the payment of a judgment rendered against the person on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law,

begun not later than one (1) year after date of the accident, or within one (1) year after the date of deposit of any security under W.S. 31-9-205(a)(iii), and any balance thereof shall be returned to the depositor or his personal representative when satisfactory evidence has been filed with the division that there has been a release from liability, a final adjudication of nonliability, a warrant for confession of judgment or an acknowledged agreement, in accordance with W.S. 31-9-203(a)(iv), or whenever, after the expiration of one (1) year from the date of the accident, or within one (1) year after the date of deposit of any security, W.S. 31-9-205(a)(iii), the division is given reasonable evidence that there is no action pending and no judgment rendered in any action left unpaid.

31-9-209. Evidence of negligence.

Neither the reports required by W.S. 31-5-1106 through 31-5-1108, the action taken by the division pursuant to W.S. 31-9-202, 31-9-203 and 31-9-205 through 31-9-209, the findings, if any, of the division upon which the action is based, nor the security filed as provided in W.S. 31-9-202, 31-9-203 and 31-9-205 through 31-9-209 shall be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

31-9-210. Transfer of registration after suspension.

If an owner's registration has been suspended under this act, the registration shall not be transferred nor the motor vehicle in respect of which registration was issued registered in any other name until the division is satisfied that the transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this act. Nothing in this section shall be held to apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised the right and has repossessed the motor vehicle from a person whose registration has been suspended under this act.

ARTICLE 3
SUSPENSION OF LICENSE AND REGISTRATION
FOR UNSATISFIED JUDGMENT

31-9-301. Notice of failure to satisfy judgment.

(a) Whenever any person fails within thirty (30) days to satisfy any judgment subject to this act, the clerk of court, or the judge of a court which has no clerk, in which the judgment is rendered within this state, shall forward to the division immediately a certified copy of the judgment.

(b) If the defendant named in any certified copy of a judgment reported to the division is a nonresident, the division shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

31-9-302. Suspension upon receipt of judgment; consent to continued license and registration.

(a) Upon the receipt of a certified copy of a judgment, the division shall suspend the license and registration and the nonresident's operating privilege of any person against whom judgment was rendered except as provided in W.S. 31-9-305.

(b) If the judgment creditor consents in writing, in a form prescribed by the division, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the judgment debtor may be allowed by the division until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installments thereof prescribed in W.S. 31-9-305, provided the judgment debtor furnishes proof of financial responsibility.

31-9-303. Continued suspension until judgment satisfied; discharge in bankruptcy.

Except as provided in W.S. 31-9-305, the license, registration and nonresident's operating privilege shall not be renewed, nor shall any license or registration be issued in the name of the person, including any person not previously licensed, until every judgment is stayed, satisfied or discharged, except that a discharge in bankruptcy does satisfy the judgment for the purposes of this section.

31-9-304. When judgments deemed satisfied.

Judgments in excess of the amounts specified in W.S. 31-9-102(a)(xi) shall, for the purpose of this act only, be deemed satisfied when payments in the amounts so specified have been credited thereon. Payments made in settlement of any claims because of bodily injury, death or property damage arising from

a motor vehicle accident shall be credited in reduction of the respective amounts so specified.

31-9-305. Payment of judgments in installments; failure to meet payments.

(a) A judgment debtor upon notice to the judgment creditor may apply to the court in which judgment was rendered for the privilege of paying the judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may order and fix the amounts and times of payment of the installments.

(b) The division shall not suspend a license, registration or a nonresident's operating privilege, and shall restore any license, registration or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of the judgment in installments, and while the payment of any installment is not in default.

(c) If the judgment debtor fails to pay any installment as specified by the order, then upon notice of default, the division shall suspend the license, registration or nonresident's operating privilege of the judgment debtor until the judgment is fully satisfied, as provided in this act.

ARTICLE 4

PROOF OF FINANCIAL RESPONSIBILITY

31-9-401. Suspension and revocation of license and registrations until proof maintained; when proof required.

(a) Whenever the division, under any law of this state, mandatorily suspends or revokes the license of any person, the division shall also suspend the registration for all motor vehicles registered in the name of the person, except that the registration shall not be suspended, unless otherwise required by law, if the person has given or gives and maintains proof of financial responsibility with respect to all motor vehicles registered by the person.

(b) The license and registration shall not be renewed nor shall any license be issued to the person, nor shall any motor vehicle be registered in the name of the person until permitted under the motor vehicle laws of this state and until he shall give and maintain proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be issued to the person and no motor vehicle shall continue to be registered or be registered in the name of the person until he shall give and maintain proof of financial responsibility.

(d) Whenever the division suspends or revokes a nonresident's operating privileges, the privileges shall remain so suspended or revoked unless the person has given or gives and maintains proof of financial responsibility.

(e) Proof of financial responsibility required to be given and maintained under this act shall be maintained for three (3) years from the date it is required except as provided in W.S. 31-9-413.

(f) Subsections (a) through (e) of this section do not apply to the suspension of a license or nonresident operating privilege under W.S. 31-7-128(f), (g) or (n).

31-9-402. Types of proof.

(a) Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give proof and may be given by filing:

(i) A certificate of insurance as provided in W.S. 31-9-403 or 31-9-404;

(ii) A bond as provided in W.S. 31-9-408; or

(iii) A certificate of deposit of money or securities as provided in W.S. 31-9-409.

31-9-403. Certificate of insurance carrier.

(a) Proof of financial responsibility may be furnished by filing with the division the written certificate of any insurance carrier authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof

of financial responsibility. The certificate shall give the effective date of the motor vehicle liability policy which shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless the motor vehicle is designated in the certificate.

31-9-404. Nonresidents.

(a) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the division a written certificate of an insurance carrier authorized to transact business in the state in which the motor vehicle described in the certificate is registered, or if the nonresident does not own a motor vehicle, then in the state in which the insured resides, if the certificate otherwise conforms to the provisions of this act. The division shall accept the certificate upon condition that the insurance carrier complies with the following provisions with respect to the policies certified:

(i) The insurance carrier shall execute a power of attorney authorizing the division to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(ii) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any undertaking or agreement, the division shall not accept as proof any certificate of the carrier so long as the default continues.

31-9-405. "Liability policy" defined; required coverage; additional clauses.

(a) As used in this act "liability policy" means an owner's or an operator's policy of liability insurance, certified as

provided in W.S. 31-9-403 or 31-9-404 as proof of financial responsibility, and issued, except as otherwise provided in W.S. 31-9-404, by an insurance carrier authorized to transact business in this state, to or for the benefit of the person named as insured.

(b) An owner's policy of liability insurance shall:

(i) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is to be granted; and

(ii) Insure the person named and, except for persons specifically excluded pursuant to W.S. 26-35-105, any other person, as insured, using any covered motor vehicle with the express or implied permission of the named insured against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the motor vehicle within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs with respect to each motor vehicle, as follows: twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to the limit for one (1) person, fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and twenty thousand dollars (\$20,000.00) because of injury to or destruction of property of others in any one (1) accident.

(c) An operator's policy of liability insurance shall insure the person named as insured against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as provided by subsection (b) of this section.

(d) The motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided in accordance with the coverage defined in this act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this act.

(e) The motor vehicle liability policy shall not insure any liability under any worker's compensation law nor any liability

on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle nor any liability or damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(i) The liability of the insurance carrier with respect to the insurance required by this act shall become absolute whenever injury or damage covered by the motor vehicle liability policy occurs. The policy may not be cancelled or annulled as to the liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on his behalf and no violation of the policy shall defeat or void the policy;

(ii) The satisfaction by the insured of a judgment for injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage;

(iii) The insurance carrier may settle any claim covered by the policy, and if settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b)(ii) of this section;

(iv) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with this act shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and the excess or additional coverage is not subject to this act. With respect to a policy which grants excess or additional coverage the "liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make

under the terms of the policy except for the provisions of this act.

(j) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(k) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one (1) or more insurance carriers which policies together meet the requirements.

(m) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for the policy.

31-9-406. Cancellation or termination of insurance; exclusion of named driver.

When an insurance carrier has certified a motor vehicle liability policy under W.S. 31-9-403 or a policy under W.S. 31-9-404, the insurance certified shall not be cancelled, renewed with exclusions pursuant to W.S. 26-35-105 or terminated until at least ten (10) days after a notice of cancellation, renewal with exclusions or termination of the insurance certified is filed with the division, except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

31-9-407. Excepted insurance policies.

(a) This act does not apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and the policies, if they contain an agreement or are endorsed to conform to the requirements of this act, may be certified as proof of financial responsibility under this act.

(b) This act does not apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

31-9-408. Surety bonds.

(a) Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two (2) individual sureties each owning real estate within this state, which real estate shall be scheduled in the bond approved by a judge of a court of record. The bond shall be conditioned for payment of the amounts specified in W.S. 31-9-102(a)(xi). Except as provided in W.S. 31-9-202(d), the bond shall be filed with the division and is not cancelable except after ten (10) days written notice to the division. The bond constitutes a lien in favor of the state upon the real estate scheduled of any surety and the lien shall exist in favor of any holder of a final judgment against the person who has filed the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after the bond was filed, upon the filing of notice to that effect by the division in the office of the proper clerk or court of the county or city where the real estate is located. The notice shall be recorded and indexed in the same manner as now provided by law for real estate mortgages.

(b) If a judgment, rendered against the principal on the bond is not satisfied within thirty (30) days after it becomes final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the state against the company or persons executing the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed the bond. The foreclosure shall be by proceeding in the district court of the county where the real estate is located unless it is in more than one (1) county in which case the action shall be brought in any county in which any of the property is situated.

31-9-409. Cash and securities deposited with state treasurer.

(a) Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him twenty-five thousand dollars (\$25,000.00) in cash, or securities as provided by W.S. 9-4-821 or as may legally be purchased for trust funds of a market value of twenty-five thousand dollars (\$25,000.00). The state treasurer shall not accept any deposit and issue a certificate therefor and the division shall not accept the certificates unless accompanied by evidence that there are no unsatisfied

judgments of any character against the depositor in the county where the depositor resides.

(b) The deposit shall be held by the state treasurer to satisfy, in accordance with this act, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after the deposit was made. Money or securities so deposited is not subject to attachment or execution unless the attachment or execution arises out of a suit for damages as provided by this subsection.

31-9-410. Proof by owner in lieu of driver.

Whenever any person required to give proof of financial responsibility is or later becomes a driver in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the division shall accept proof given by the owner in lieu of proof by the other person to permit the other person to drive a motor vehicle for which the owner has given proof as herein provided.

31-9-411. Substitution of proof.

The division shall consent to the cancellation of any bond or certificate of insurance or the division shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this act.

31-9-412. When further proof required.

Whenever any proof of financial responsibility filed under this act no longer fulfills the purposes for which required, the division shall require other proof as required by this act and shall suspend the license and registration of the nonresident's operating privilege pending the filing of other proof.

31-9-413. Cancellation or return; reestablishment.

(a) Proof of financial responsibility is not required to be maintained if:

(i) Repealed by Laws 1989, ch. 173, §§ 1, 2.

(ii) The person on whose behalf proof was filed dies or is unable to drive a motor vehicle due to permanent incapacity; or

(iii) The person who has given proof surrenders his license and registration to the division.

(b) The division shall not consent to the cancellation of any bond or the return of any money or securities if any action for damages upon a liability covered by the proof is then pending or any judgment upon any liability is then unsatisfied, or if the person who has filed bond or deposited money or securities has, within one (1) year immediately preceding the request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for the injury or damage, is sufficient evidence thereof in the absence of evidence to the contrary in the records of the division.

(c) Whenever any person whose proof has been cancelled or returned under paragraph (a)(iii) of this section applies for a license or registration within a period of three (3) years from the date proof was originally required, the application shall be refused unless the applicant shall reestablish proof for the remainder of the three (3) year period.

31-9-414. Self-insurer.

(a) Any person in whose name more than twenty-five (25) motor vehicles are registered may qualify as a self-insurer by filing cash, securities or a surety bond in the amount of two hundred thousand dollars (\$200,000.00) plus one hundred dollars (\$100.00) for each vehicle in excess of twenty-five (25) to be covered, which cash, securities or surety bond shall otherwise meet the requirements of W.S. 31-9-408 and 31-9-409.

(b) The division may upon application issue a certificate of self-insurance to a person who has satisfied the requirements under subsection (a) of this section. The certificate of self-insurance shall apply to the owner and all operators and shall expire three (3) years from the date of issue.

(c) Upon not less than ten (10) days notice and a hearing pursuant to notice, the division may upon reasonable grounds cancel a certificate of self-insurance. Reasonable grounds for cancellation shall be:

(i) Failure to pay any judgment within thirty (30) days after judgment is final;

(ii) Failure within thirty (30) days to requalify under subsection (a) of this section when any portion of the bond on file has been used to satisfy a judgment; or

(iii) A showing the person no longer has twenty-five (25) motor vehicles registered in his name.

31-9-415. Proof of group financial responsibility.

(a) Any religious or charitable tax exempt group pursuant to Section 501(c)(3) of the Internal Revenue Code that is able to demonstrate to the state auditor that the group has met financial commitments and obligations of this nature of the individuals who comprise the group for the five (5) previous years and whose members combined own more than five (5) registered motor vehicles may qualify as a self-insurer by filing cash, securities or a surety bond in the amount of fifty thousand dollars (\$50,000.00), which cash, securities or surety bond shall otherwise meet the requirements of W.S. 31-9-408 and 31-9-409.

(b) The department may upon application issue a certificate of self-insurance to each group who has satisfied the requirements under subsection (a) of this section. The certificate of self-insurance shall apply to the owners and all operators who are members of the group and shall expire three (3) years from the date of issue.

(c) Upon not less than ten (10) days notice and a hearing pursuant to notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Reasonable grounds for cancellation shall include:

(i) Failure to pay, or enter into an agreement to pay, any judgment within sixty (60) days after judgment is final;

(ii) Failure within thirty (30) days to requalify under subsection (a) of this section when any portion of the bond on file has been used to satisfy a judgment;

(iii) A showing that the tax exempt group no longer has five (5) motor vehicles registered to the members of the group; or

(iv) A failure to report that a member of the group no longer qualifies.

CHAPTER 10
UNINSURED MOTOR VEHICLE COVERAGE

31-10-101. Required coverage; rejection.

No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death as provided by W.S. 31-9-102(a)(xi), under provisions approved by the insurance commissioner for the protection of persons insured thereunder or legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom. The named insured may reject the coverage. Unless the named insured requests the coverage in writing, the coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

31-10-102. Scope of term "uninsured motor vehicle".

For the purpose of coverage under W.S. 31-10-101, the term "uninsured motor vehicle", subject to the terms and conditions of the coverage, includes an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency.

31-10-103. Insolvency protection.

The insolvency protection afforded by W.S. 31-10-102 is applicable only to accidents occurring during the policy period

in which the uninsured motor vehicle coverage is in effect. Any insurer may provide insolvency protection under terms and conditions more favorable to its insureds than is provided under W.S. 31-10-101 through 31-10-104.

31-10-104. Subrogation.

In the event of payment to an insured under the coverage required by W.S. 31-10-101 through 31-10-104 and subject to the terms and conditions of the coverage, the insurer making the payments is entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of the insured against any person or organization legally responsible for the bodily injury or death for which the payment is made, including the proceeds recoverable from the assets of the insolvent insurer. Whenever an insurer makes payment under the coverage required by this section which is occasioned by an insolvency, the insurer's right of recovery or reimbursement shall not include any rights against the insured of the insolvent insurer, but the paying insurer may proceed directly against the insolvent insurer or its receiver, and in pursuance of this right the paying insurer shall possess any rights which the insured of the insolvent company might otherwise have had, if the insured of the insolvent insurer had personally made payment.

CHAPTER 11
IDENTIFICATION OF VEHICLES AND
PREVENTION OF THEFT

31-11-101. Definitions.

(a) As used in this act:

(i) "Calendar year" means the twelve (12) calendar months beginning January 1 and ending December 31;

(ii) "Dealer" means all persons engaged in the business or vocation of manufacturing, buying, selling, trading, dealing, destroying, disposing of, storing or salvaging vehicles, or secondhand or used vehicle parts, equipment, attachments, accessories or appurtenances common to or a part of vehicles;

(iii) "Department" means the Wyoming department of transportation;

(iv) "Driver" means the person operating, driving or in control of a vehicle;

(v) "Officer" means any duly constituted peace officer of this state, or of any town, city or county in this state;

(vi) "Owner" means as provided by W.S. 31-5-102(a)(xxvi);

(vii) "Public highway" means any public street, thoroughfare, roadway, alley, lane or bridge in any county, town or city in the state;

(viii) "Vehicle" means as defined by W.S. 31-5-102(a)(lviii) except bicycles;

(ix) "Vehicle identification number" means any identifying number, serial number, engine number if the model year is prior to 1956 or other distinguishing number or mark, including letters, if any, placed on a vehicle or vehicle component by its manufacturer or by authority of the department;

(x) "This act" means W.S. 31-11-101 through 31-11-111.

31-11-102. Unauthorized use of vehicle; penalty.

Any person who without specific authority of the owner or his authorized and accredited agent willfully, wantonly, or maliciously takes possession of, or drives, propels or takes away, or attempts to take possession of, drive, propel, or take away a vehicle, the property of another, for the purpose of temporarily making use of the vehicle, or who knowingly aids, abets or assists another in so doing, upon conviction, is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

31-11-103. Alteration of vehicle identification numbers; penalty.

(a) No person shall:

(i) Remove, change, alter or obliterate the vehicle identification number of a vehicle with intent to defraud by altering or disguising the identity of a vehicle; or

(ii) Possess a vehicle or vehicle component with knowledge that it has a vehicle identification number which has

been removed, changed, altered or obliterated in violation of paragraph (i) of this subsection.

(b) A person who violates this section is guilty of a felony punishable by imprisonment for not more than ten (10) years.

31-11-104. Sale of seized vehicles; disposition of proceeds; proof of ownership after sale.

All vehicles seized under W.S. 31-11-111 remaining unclaimed after ninety (90) days from the date of seizure, shall be sold by the department or its authorized representative, at public auction, to the highest bidder. Notice of sale shall be published not less than ten (10) days preceding the date of the sale, in a newspaper of general circulation in the county where the vehicle is to be sold, giving a full description of the vehicle together with engine or serial numbers or marks, if any. All expenses incident to the sale and storage of the vehicle shall be first paid from the receipts from the sale, and any residue shall be paid by the department to the state treasurer for credit to the general fund. Should any claimant prove ownership of a vehicle sold by the department under this act within six (6) months after the date of sale, the state auditor shall upon proper proof of ownership approved by the department, draw a warrant upon the state treasurer in favor of the claimant for the amount which was paid into the state treasury.

31-11-105. Special vehicle identification number.

(a) An owner of a vehicle for which a Wyoming certificate of title has been issued who replaces any part of the vehicle on which the vehicle identification number appears or who incorporates a part containing the vehicle identification number into another vehicle, shall apply to the department forthwith for a special vehicle identification number. The department shall determine that the applicant for the special vehicle identification number is the lawful owner of the vehicle. An application blank shall be furnished by the department for the registration of the special vehicle identification number containing a complete description of the vehicle, the name and address of the owner, from whom purchased and other information as required by the department. The owner shall pay a registration fee of one dollar (\$1.00) for the special vehicle identification number.

(b) In designating special vehicle identification numbers for vehicles the department shall assign the numbers consecutively, beginning with the number five hundred one (501), preceded by the letter "S" and followed by the letter "W" in the order of the filing of applications for special vehicle identification numbers. The department shall not register or reregister any vehicle with a defective vehicle identification number.

31-11-106. General penalties.

Any person violating any provision of this act unless otherwise specifically provided for in this act, is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

31-11-107. Daily records of vehicle dealers; penalties for violations.

(a) Every dealer shall keep and maintain in his place of business, a permanent legibly written daily record of all vehicles and vehicle components which carry a vehicle identification number coming into his possession except those vehicles received by him for the express purpose of repairs that do not require the replacement of any component that bears a vehicle identification number. The record shall include the name and address of the owner or vendor, the date of the transactions, the model year, make and style, vehicle identification number, the state registration license number and the purpose and disposition of the vehicle or component. The record is to be open at all times to the inspection by the department or any peace officer and available for use as evidence. Daily records may be destroyed after retention for three (3) years.

(b) Every person offering or delivering to a dealer for resale or consignment any vehicle or vehicle component which carries a vehicle identification number shall register his name, address and the name and address of the owner in the record kept by the dealer. The driver, on request or demand of the dealer or his agent, shall produce for examination the vehicle state registration license certificate issued to the driver or to the owner of the vehicle.

(c) Any person knowingly violating any provision of this section shall be punished by a fine not to exceed seven hundred

fifty dollars (\$750.00), by imprisonment not to exceed six (6) months, or both.

(d) Any person knowingly and with intent to defraud violating any provision of this section shall be punished by a fine not to exceed five thousand dollars (\$5,000.00), by imprisonment not to exceed five (5) years, or both.

31-11-108. Examination of vehicle identification numbers; notification where number altered; penalties for violations.

(a) Every dealer shall examine, without charge, the vehicle identification number of every vehicle coming into his possession except those vehicles received by him for the express purpose of repairs that do not require the replacement of any component that bears a vehicle identification number. The dealer is not required to examine the vehicle identification number of the same vehicle more than once in the same calendar year when the dealer knows that the person in possession of the vehicle is the lawful owner. The dealer shall promptly notify the local sheriff's office if the vehicle identification number of the vehicle has been altered, changed or obliterated as to make the number indecipherable or if the vehicle identification number or the state registration license number of the vehicle does not correspond with the vehicle identification number of the vehicle state registration certificate.

(b) Any person knowingly violating this section shall be punished by a fine not to exceed seven hundred fifty dollars (\$750.00), by imprisonment in the county jail not to exceed six (6) months, or both.

(c) Any person knowingly and with intent to defraud violating this section shall be punished by a fine not to exceed five thousand dollars (\$5,000.00), by imprisonment not to exceed five (5) years, or both.

31-11-109. Report of stored or parked vehicles; offenses and penalties.

(a) Whenever any vehicle has been stored, parked or left in a garage, or any type of storage or parking lot for more than thirty (30) days, the owner of the garage or lot shall report the make, engine number, vehicle identification number and serial number of the vehicle in writing to the sheriff of the county in which the garage or lot is located.

(b) Nothing in this section applies where:

(i) Arrangements have been made for continuous storage or parking by the owner of the vehicle parked or stored;

(ii) Arrangements for towing or storage have been made by a law enforcement agency; or

(iii) The owner of the vehicle is personally known to the owner or operator of the garage or lot.

(c) Any person who fails to submit the report required under this section at the end of thirty (30) days shall forfeit all claims for storage of the vehicles.

31-11-110. Surrender and cancellation of certificate of title; penalties for violations.

(a) The owner of any vehicle for which a Wyoming certificate of title has been issued, upon the destruction or dismantling of the vehicle or upon its being changed in such a manner that it is no longer a vehicle, or upon its being sold or otherwise disposed of as salvage, shall surrender his certificate of title to the department and take a receipt therefor. Upon the owner's procuring the consent of the holders of any security interest noted on the certificate of title and shown to be unreleased, the certificate may be cancelled.

(b) Any person who knowingly violates this section shall be punished by a fine not to exceed seven hundred fifty dollars (\$750.00), by imprisonment not to exceed six (6) months, or both.

(c) Any person who, with intent to defraud, violates this section shall be punished by a fine not to exceed five thousand dollars (\$5,000.00), by imprisonment not to exceed five (5) years, or both.

31-11-111. Seizure of vehicles by officers.

All officers, having probable cause, may take and hold possession of any vehicle for a reasonable time not to exceed ninety (90) days as may be necessary if the vehicle identification number of the vehicle has been altered, removed, changed or obliterated. Any officer taking possession of a vehicle shall immediately notify the local sheriff's office and the rightful owner, if known. The notification shall contain a

description of the vehicle and any other facts that may assist in locating the rightful owner or in prosecuting any person for a violation of law.

CHAPTER 12
DAMAGE TO HIGHWAYS

ARTICLE 1
IN GENERAL

31-12-101. Metal tires with projections.

(a) Motor vehicles, trailers and all other vehicles, contrivances or devices having metal tires shall not be operated over any of the oil, asphalt or concrete surfaced highways of the state, if the vehicle has on the periphery of any of the road wheels, any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the highway is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent the vehicles from damaging the highway except:

(i) This prohibition does not apply to tractors equipped with what is known as caterpillar treads, when the caterpillar does not contain any projection of any kind likely to injure the surface of the road;

(ii) It is permissible to move farm machinery other than tractors having protuberances that will not injure the highways;

(iii) It is permissible to use tire chains of reasonable proportions upon any vehicle when required because of snow, ice or other conditions tending to cause the vehicle to slide or skid.

31-12-102. Penalties.

Any person violating W.S. 31-12-101 is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), by imprisonment in the county jail for not more than thirty (30) days, or both.

31-12-103. General liability.

Any person operating, driving or moving any vehicle, object or contrivance over a street, highway or bridge is liable for all

damages which the street, highway, bridge or appurtenances thereto or other structures in connection therewith, may sustain, as a result of any illegal or negligent operation or as a result of operating, driving or moving any vehicle, object or contrivance in excess of the maximum weight or height specified and prescribed by law although authorized by a special permit issued as provided by law.

31-12-104. Liability for cost of safety precautions; applicability of liability to vehicle owner, lessee or bailee.

(a) The liability provided by W.S. 31-12-103 through 31-12-105 shall include the cost of necessary safety precautions, such as warning traffic and the removal of debris resulting from accidents.

(b) The liability provided by W.S. 31-12-103 through 31-12-105 shall apply to an owner, lessee or bailee of a vehicle, object or contrivance which is operated, driven or moved under his employ or with his express or implied permission. The owner, lessee or bailee and the driver or operator shall be jointly and severally liable for any damage.

31-12-105. Claims by governmental agencies.

The department, in respect to streets, highways, bridges or appurtenances thereto or structures in connection therewith, under its jurisdiction may present claims for liability under W.S. 31-12-103 and 31-12-104, bring actions in the name of the transportation commission of Wyoming for recovery thereon, together with the costs and expenses incurred in any action, and may settle and compromise claims which may arise. Local authorities in respect to streets, highways, bridges or appurtenances thereto or structures in connection therewith, under their respective jurisdictions may present claims for liability under this act [§§ 31-12-103 through 31-12-105], bring actions for recovery thereon, together with the costs and expenses incurred in any action, and settle and compromise claims which may arise.

CHAPTER 13
ABANDONED VEHICLES

31-13-101. Definitions.

(a) As used in this act:

(i) Repealed by Laws 1991, ch. 241, § 4.

(ii) "Department" means the department of transportation;

(iii) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(iv) "Lienholder" means a person holding a valid security interest in a vehicle;

(v) "Local authorities" means as provided by W.S. 31-5-102(a)(xix);

(vi) "Owner" means as provided by W.S. 31-5-102(a)(xxvi);

(vii) "Police officer" means as provided by W.S. 31-5-102(a)(xxxiii);

(viii) "Registration" means the certificate of title or certificates and registration card issued under the laws of this state pertaining to the registration of vehicles;

(ix) "Vehicle" means:

(A) As provided by W.S. 31-5-102(a)(lviii) excepting every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations;

(B) A housetrailer as provided by W.S. 31-1-101(a)(xxiii)(A) which is not installed on a permanent foundation and which is not taxable as real property; or

(C) A transportable home as provided by W.S. 31-1-101(a)(xxiv)(C) which is not installed on a permanent foundation and which is not taxable as real property.

(x) "This act" means W.S. 31-13-101 through 31-13-116.

31-13-102. Powers and duties of department; responsibility of the county.

(a) The department shall administer the provisions of this act.

(b) The department may adopt rules and regulations as necessary to carry out the provisions of this act.

(c) The removal, preservation, custody, storage and sale of abandoned vehicles impounded by a police officer are the responsibility of the county in which the vehicle is impounded.

31-13-103. Uniformity of provisions.

The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions therein but any city or town may enact or enforce any ordinance on a matter covered by this act which shall supersede this act to the extent that any conflict exists.

31-13-104. Abandonment on highway or property; removal; presumption of abandonment; title to vehicle; notice of intent to impound.

(a) No person shall abandon a vehicle upon any highway.

(b) No person shall abandon a vehicle upon any public or private property without the express consent of the owner or person in lawful possession or control of the property.

(c) Any police officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle, or cause it to be removed, at the expense of the owner to a place of impoundment designated by the county commissioners of the county in which the vehicle is impounded. Removal of an abandoned vehicle from private property by a police officer shall be upon the written request, upon a form prescribed by the department, of the owner or person in lawful possession or control of the property. The police department having jurisdiction shall immediately send a written report of the removal by a police officer to the sheriff of the county in which the vehicle is impounded, which report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal, and place of impoundment of the vehicle. The sheriff of the county in which the vehicle is impounded shall submit the report provided by the police department to the department with a determination of the retail value of the vehicle as required in this subsection. Upon receipt of a report as provided, the department shall provide written notification to the vehicle owner of record and to lienholders of record, stating the grounds for removal by a police officer and the name of the place of impoundment of the

vehicle. Notice shall not be required if the retail value of an abandoned vehicle removed by a police officer is six hundred dollars (\$600.00) or less as determined by the sheriff of the county in which the vehicle is impounded. As to vehicles not registered in this state, the department shall make a reasonable effort to notify the owner or any lienholder of removal by a police officer and the place of impoundment of the vehicle. The department shall forward a copy of the notice to the owner or person in charge of the place of impoundment of a vehicle removed by a police officer.

(d) For purposes of this section a vehicle is presumed to be abandoned if it is left unattended on a highway for more than twenty-four (24) hours after a notice of intent to impound has been placed on it pursuant to subsection (f) of this section, or on any public or private property without express consent of the owner or person in lawful possession or control of the property for more than five (5) days after a notice of intent to impound has been placed on it pursuant to subsection (f) of this section. Notwithstanding any other provisions of law to the contrary, any vehicle left unattended on private property for thirty (30) days after the expiration of the consent, oral or written, of the owner or the person in lawful possession or control of the property is presumed abandoned five (5) days after a notice of intent to impound has been placed on it pursuant to subsection (f) of this section. A transportable home impounded pursuant to this section shall be disposed of in accordance with W.S. 31-13-109.

(e) Except as otherwise provided by law, title to any vehicle impounded by a police officer not reclaimed by the registered owner or any lienholder within thirty (30) days of the notice provided by subsection (c) of this section shall vest with the county government where the vehicle is impounded.

(f) A notice of intent to impound an abandoned vehicle by a police officer shall be placed in a prominent position on a vehicle when a police officer reasonably believes it is abandoned. The notice of intent shall remain on the vehicle at least twenty-four (24) hours prior to removal if abandoned on a highway and five (5) days if abandoned on public or private property and impounded by a police officer.

31-13-105. Limitations on possession; presumption of abandonment; exceptions; expense of removal.

(a) No person shall possess four (4) or more abandoned vehicles on his property or on property which is in his lawful possession or control, if any four (4) or more of the vehicles are visible from a highway for more than thirty (30) consecutive days.

(b) For purposes of this section a vehicle shall be presumed to be abandoned if it is in an inoperable condition and is not currently registered.

(c) This section shall not apply to:

(i) Antique or historic motor vehicles as defined by W.S. 31-1-101(a)(xv)(A);

(ii) Vehicles kept in an enclosed garage or storage building;

(iii) Vehicles used for riprap on rivers, streams or reservoirs, or for erosion control;

(iv) Persons licensed in accordance with W.S. 31-13-114;
or

(v) Vehicles used for educational or instructional purposes.

(d) A police officer may remove, or cause to be removed, any vehicle which has been abandoned under this section, at the expense of the person possessing the vehicle, to a place of impoundment designated by the county commissioners of the county in which the vehicle is impounded. Vehicles impounded under this section shall be disposed of in the manner provided by this act.

(e) Repealed by Laws 1989, ch. 256, § 4.

(f) Repealed by Laws 1989, ch. 256, § 4.

(g) Repealed by Laws 1989, ch. 256, § 4.

(h) Repealed by Laws 1989, ch. 256, § 4.

31-13-106. Mailing of notice of impoundment by a police officer; notice by publication.

(a) The notice required by W.S. 31-13-104 shall be provided by the department by personal delivery thereof to the person to

be notified or by deposit in the United States mail of the notice in an envelope with postage prepaid, addressed to the person at his address as shown by the records of the department. Notice by mail is complete upon the expiration of four (4) days following deposit of the notice. Proof of the providing of notice shall be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen (18) years of age, naming the person to whom notice was provided and specifying the time, place and manner thereof.

(b) The notice required by W.S. 31-13-104, if the identity of the vehicle owner of record or lienholders of record, if any, cannot be determined or if the registration contains no address for the owner, shall be by one (1) publication in a newspaper of general circulation in the county where the vehicle was abandoned. Notice by publication may contain multiple listings of abandoned vehicles. Any notice shall be in compliance with the provisions of subsection (a) of this section.

31-13-107. Redemption.

Any person upon satisfactory proof of ownership or right to possession may redeem an impounded vehicle by paying the charges of towing, storage, notice, all other costs of impoundment, and any penalties imposed by the law of this state.

31-13-108. Disposition of abandoned vehicles impounded by a police officer; payment of expenses; extinguishment of liens.

(a) As to vehicles impounded by a police officer having a retail value of six hundred dollars (\$600.00) or more after thirty (30) days have elapsed from the date notice was given as provided in W.S. 31-13-106, the sheriff shall sell the vehicle and its contents, if any, at public auction to the highest bidder or cause an action to be filed pursuant to W.S. 31-13-112(e). Notice of the sale shall be published once in a newspaper of general circulation in the county where the vehicle is impounded not less than ten (10) days preceding the date of the sale, giving a full description of the vehicle together with engine or serial numbers or marks, if any, and the amount of money claimed to be due thereon and the time and place of sale. All expenses incident to the removal, preservation, custody, sale and storage of the vehicle shall be paid and any proceeds shall be distributed pursuant to W.S. 31-13-111. After any vehicle has been sold under this section, the former owner, any lienholder or person entitled to possession of the vehicle has no further right, title, claim or interest in or to the vehicle

or its contents, and all liens, encumbrances and security interests are extinguished.

(b) As to vehicles having a retail value of less than six hundred dollars (\$600.00) and impounded by a police officer, they shall be disposed of by contract to persons licensed under this act or by auction.

(c) Repealed by Laws 1989, ch. 256, § 4.

(d) Repealed by Laws 1989, ch. 256, § 4.

(e) Repealed by Laws 1989, ch. 256, § 4.

(f) The sheriff may sell for any person an abandoned vehicle as defined in this act and may charge a fee for the sale equal to ten dollars (\$10.00) plus the actual costs of publication and all other costs related to the sale. Except as otherwise provided in W.S. 31-13-111(f), the proceeds of the sale conducted pursuant to this subsection less the expenses of the sale and the amount of any liens on the vehicle shall be given to the person on whose property the vehicle was abandoned.

31-13-109. Disposition of vehicles left unattended on private property and sold by the property owner or through a court action.

(a) Any vehicle left unattended on private property without the express consent of the owner or person in lawful control of the property for at least thirty (30) consecutive days may be sold by the owner or person in lawful control of the property at public auction to the highest bidder or may be sold following an action filed pursuant to W.S. 31-13-112(e). The thirty (30) day period begins on the first day the owner or person in lawful control of the property has knowledge the vehicle is left unattended without consent. For purposes of a vehicle left unattended without express consent at an establishment for the service, repair or maintenance of the vehicle, the thirty (30) day period begins on the day following the period when pursuant to an agreement the vehicle was to remain at the establishment.

(b) After the time period provided in subsection (a) of this section has expired, the owner or person in lawful control of the property shall give a written report to the department on a form prescribed by the department containing the following information:

(i) A description of the make, year, model, license plate number and state indicator, and vehicle identification number of the vehicle;

(ii) The names and addresses of the vehicle owner or driver and any lienholders if known;

(iii) The name and address of the owner of the property where the vehicle was left unattended;

(iv) The date the vehicle was left unattended without the express consent of the owner or person in lawful control of the property;

(v) If the vehicle is removed, the date, time and location of removal and the name and address of the person who removed the vehicle; and

(vi) The address of the current location of the vehicle.

(c) Upon receipt of the report provided in subsection (b) of this section, the department shall make reasonable efforts to identify the owner and any lienholders of record. The department shall forward the information obtained to the owner or person in lawful control of the property.

(d) The owner or person in lawful control of the property shall give a written notice of sale after the thirty (30) day time period provided in subsection (a) of this section expires but not less than ten (10) days preceding the date of sale to the sheriff of the county in which the vehicle is sold and by certified mail to the owner and any lienholder of record, if they are identified through reasonable efforts. The owner or person in lawful control of the property shall publish notice of the sale once per week for two (2) consecutive weeks in a newspaper of general circulation in the county where the vehicle is abandoned. The notice shall contain the following:

(i) A complete description of the make, year, model, license plate number and state indicator, and vehicle identification number of the vehicle;

(ii) The amount of money claimed for expenses incident to the removal, preservation, custody, storage and sale and if the vehicle is left unattended at an establishment for service, repair or maintenance, the cost of the services; and

(iii) The time and place of the sale.

(e) All proceeds from the sale pursuant to this section may be retained by the person selling the vehicle. The owner or lienholder is entitled to recover from the person selling the vehicle any proceeds of the sale in excess of the costs of the sale and monies owed for expenses related to removal, preservation, custody, storage and sale and if left unattended at an establishment for service, repair or maintenance, the cost of the services provided an action is filed in the proper court for recovery within one hundred twenty (120) days of the sale.

(f) Upon receipt of satisfactory evidence from the seller that he has complied with this section and sold the vehicle, the sheriff shall execute a certificate of sale in duplicate for a fee of seven dollars and fifty cents (\$7.50) to be deposited in the county general fund. W.S. 31-13-110 and 31-13-111(a) and (f) apply to any sale under this subsection. Satisfactory evidence of compliance requires the following:

(i) A copy of the record required to be filed with the department;

(ii) A copy of the information provided by the department pursuant to subsection (c) of this section; and

(iii) Copies of the notice of the sale and proof of mailing and publication required by subsection (d) of this section.

(g) At any time prior to a sale under this section, the owner or lienholder of record may reclaim the vehicle upon payment of expenses incident to removal, preservation, custody, storage and sale, and if a vehicle was left unattended at an establishment for service, repair or maintenance, the cost of the services. Storage expenses shall be computed at the rate of five dollars (\$5.00) per day.

(h) A sheriff who executes a certificate of sale under this section is not liable to any person for damages resulting from the sale of a vehicle under this section.

(j) No person shall sell a vehicle under this section if a written court order prohibiting the sale is served on the proposed seller. The court order shall be served on the person selling the vehicle prior to the sale and shall not be issued except for good cause.

(k) Upon the sale of a vehicle under this section, the former owner, any lienholder or any person entitled to possession of the vehicle has no further right, title, claim or interest in or to the vehicle or its contents and all liens, encumbrances and security interests are extinguished.

31-13-110. Certificate of sale; certificate of title and registration card.

When any vehicle is sold, the sheriff, at the time of payment of the purchase price, shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the sheriff. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the vehicle and a stipulation that no warranty is made as to the condition or title of the vehicle. The purchaser upon presentation of the certificate of sale to the county clerk of any one (1) of the counties of Wyoming, and payment of the fees required by law shall be issued a certificate of title and a registration card for the vehicle.

31-13-111. Transmission of return of sale and sale proceeds to county treasurer; payment of expenses and taxes; county abandoned vehicle account; duplicate receipts for proceeds; action for recovery of proceeds.

(a) When any vehicle is sold under this act the sheriff selling the vehicle shall transmit to the county treasurer of the county in which the vehicle was impounded, in duplicate, a return of sale setting forth a description of the vehicle, the purchase price, the name and address of the purchaser, the costs incurred in the sale, removal, preservation, custody and storage of the vehicle.

(b) The sheriff shall transmit to the county treasurer of the county in which the vehicle was impounded by a police officer, with the return of sale, the proceeds of the sale. Upon receipt of the return of sale and proceeds, the county treasurer shall deposit the proceeds in the general funds in the county treasury to the credit of an account to be known as the county abandoned vehicle account. The account is continuously appropriated only for the purpose of this act. When the account totals an amount necessary to carry out the purposes of this act, as set by the board of county commissioners for that county, but not to exceed one dollar (\$1.00) for each resident

in the county, according to the most recent decennial federal census, all revenues thereafter received under this subsection and W.S. 31-3-103(f), together with all interest earned on the account, shall be transferred to the general funds of the county treasurer. Upon receipt of the return of sale disclosing the costs incurred the costs shall be paid from the county abandoned vehicle account to each person or transferred to each governmental entity incurring the expenses. If the expenses exceed the sale proceeds, the allowable expenses prescribed in paragraph (g)(ii) of this section shall be paid.

(c) The county treasurer shall forward to the sheriff duplicate receipts for proceeds received by the county treasurer under subsection (b) of this section. The sheriff shall file one (1) of each receipt with the county clerk.

(d) Repealed by Laws 1993, ch. 27, § 2.

(e) The owner or lienholder of a vehicle impounded by a police officer and sold pursuant to W.S. 31-13-108 is entitled to recover from the county any proceeds of the sale in excess of the costs of the sale, monies owed for expenses related to removal, preservation, custody, storage and sale of the vehicle and taxes provided an action is filed in the proper court for recovery within one hundred twenty (120) days of the sale.

(f) Notwithstanding any other provision in this act, the proceeds of the sale of any housetrailer or transportable home as defined in W.S. 31-13-101(a)(ix)(B) and (C) which is abandoned and sold pursuant to this act shall first satisfy the costs incurred in the sale, removal, preservation, custody and storage of the vehicle. Any balance then remaining shall be paid against any taxes due and owing. In the event the ad valorem levy has not been set for the current year, the current year's tax shall be computed upon the levy for the previous year. Any remaining taxes due and owing are cancelled.

(g) If the vehicle was abandoned on a highway or other public property, the allowable expenses shall be paid from the county abandoned vehicle account provided for by W.S. 31-13-111(b) and administered as follows:

(i) The county shall make reasonable efforts to locate the owner of the abandoned vehicle if the owner is known to be a resident of the county in which the vehicle is abandoned and to collect the expenses from the local owner;

(ii) The allowable expenses are:

(A) Removal or towing costs of four dollars (\$4.00) for every mile the vehicle is towed or sixty dollars (\$60.00) whichever is greater;

(B) Storage charges with a maximum amount allowed of thirty dollars (\$30.00);

(C) Sale and title costs not to exceed thirty dollars (\$30.00); and

(D) A two hundred dollar (\$200.00) limit for the total expenses associated with each abandoned vehicle.

(iii) Payment of the expenses associated with vehicles abandoned on private property shall not be provided from the county abandoned vehicle account.

31-13-112. Release of liability for removal and storage of, and for lost or damaged items in, abandoned vehicles; disposition of personal property within a vehicle; optional court action.

(a) A person who removes or stores a vehicle under this act or otherwise at the request of a police officer, shall not incur any civil liability for the removal or storage except for failure to exercise reasonable care in the performance of the removal or storage.

(b) If any vehicle is removed from any highway, or public or private property as provided herein, the owner of the vehicle may not institute in any state court a suit in law or equity against any police officer or his agents for the recovery of the value of any item in or on the vehicle that may be lost, stolen or damaged resulting therefrom.

(c) A person who has custody of a vehicle removed or stored or otherwise at the request of a police officer shall release the personal property within the vehicle to the owner of the vehicle or a person acting as agent for the owner during regular office hours upon presentation of proper identification. No charge may be assessed against the owner or agent for the removal or release of the personal property.

(d) If the owner of a vehicle or his agent removes the personal property from a vehicle which is stored at the request

of a police officer, the vehicle shall be deemed abandoned unless within ten (10) days from the date of removal the owner or agent enters into a written agreement to pay the full charges for towing and storage. The owner or agent shall be informed in writing of this provision by the person who has custody of the vehicle before the personal property is released. A vehicle deemed abandoned under this section may be disposed of as are other abandoned vehicles.

(e) A property owner or person in lawful control of the property upon which a vehicle is abandoned or any sheriff who is authorized to sell an abandoned vehicle pursuant to this act may in lieu of selling the vehicle, file or cause to be filed by the county attorney if a sheriff, an action in the county where the vehicle is impounded in the circuit court. The action shall be in rem and against the vehicle, vehicle owner, and all known and unknown parties with an interest in the vehicle. The defendants in the action shall be served as provided in the Wyoming Rules of Civil Procedure. Judgment in the civil action is limited to the value of the vehicle as determined by its sale price at the sale conducted by the sheriff after judgment is entered. All expenses incident to the removal, preservation, custody, sale and storage of the vehicle shall be paid. Except as otherwise provided in W.S. 31-13-111(f), any remaining proceeds:

(i) Shall be distributed pursuant to W.S. 31-13-111 if a vehicle is impounded by a police officer pursuant to W.S. 31-13-104; or

(ii) May be retained by the property owner or person in lawful control of the property upon which a vehicle is abandoned who files an action pursuant to this subsection.

(f) After any vehicle has been sold under subsection (e) of this section, the former owner, any lienholder or person entitled to possession of the vehicle has no further right, title, claim or interest in or to the vehicle or its contents, and all liens, encumbrances and security interests are extinguished.

(g) As used in this section:

(i) "Personal property" means all property within the vehicle which is not mounted, attached or affixed to the vehicle. The cargo carried on commercial vehicles is not considered personal property;

(ii) "Proper identification" means identification which would be sufficient to establish authorization to release the vehicle.

31-13-113. Repealed by Laws 1993, ch. 27, § 2.

31-13-114. Licensing of storage and disposal facilities; records by licensees.

(a) No person shall, unless licensed to do so by the department:

(i) Sell as a business used parts of or used accessories for vehicles;

(ii) Wreck or dismantle vehicles as a business for resale of the parts thereof;

(iii) Rebuild wrecked or dismantled vehicles as a business; or

(iv) Engage as a business in the storage or disposal of vehicles, the parts of which are suitable for reuse or recycling.

(b) Application for a license shall be made on a form prescribed by the department containing the name of the applicant, the address or addresses where the business or activity is to be conducted, the nature of the business or activity, enumerated in subsection (a) of this section, the residence address of the applicant if an individual, the names and residence addresses of the partners of the applicant if a partnership, the names and residence of the principal officers of the applicant, and the state of its incorporation if a corporation. The application shall be verified by the oath or affirmation of the applicant if a sole proprietorship, by a partner if a partnership, or by an officer if a corporation. The application shall be accompanied by a fee of twenty-five dollars (\$25.00) to be paid into the highway fund.

(c) The department shall issue to an applicant a license to carry on and conduct a business or activity as specified in the application for a period of one (1) year following the date on which the license is issued. The department shall reissue the license to the applicant when it is satisfied the applicant has complied with this act and the laws of this state relating to registration and certificates of titles of vehicles.

(d) The department shall suspend or revoke a license, upon fifteen (15) days prior written notice by certified mail and after giving the licensee an opportunity for a hearing, if it finds:

(i) The license was fraudulently procured or erroneously issued; or

(ii) The applicant, or any partner or principal officer of the applicant, if a partnership or a corporation, has failed to comply with this section and the laws of the state relating to registration of and certificates of title of vehicles.

(e) Every licensee shall maintain for three (3) years, in the form the department prescribes, a record of:

(i) Every vehicle or vehicle body, chassis or engine of or for a vehicle received or acquired by him, its description and identifying number, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired;

(ii) Every vehicle or vehicle body, chassis or engine disposed of by him, its description and identifying number, the date of its disposition, and the name and address of the person to whom disposed; and

(iii) Every vehicle wrecked or dismantled by him and the date of its wrecking or dismantling. Every such record shall be open to inspection by any representative of the department or police officer during reasonable business hours.

(f) The department shall not issue a license under this law to any person who is located in any area with a residential zoning.

31-13-115. Providing disposal facilities by state.

If otherwise not economically available to resident owners of vehicles, the department or appropriate state agency shall provide, by contract to private persons or political subdivisions, facilities for the collection and proper disposal of the vehicles at the request of the owner.

31-13-116. Penalty for violation.

Every person convicted of violating this act may be fined not to exceed five hundred dollars (\$500.00), imprisoned for not more than six (6) months, or both.

CHAPTER 14
MOTOR CLUB SERVICES

31-14-101. Short title; administration.

This act may be cited as the "Motor Club Services Act" and shall be administered by the insurance commissioner.

31-14-102. Definitions.

(a) As used in this act:

(i) "Bail bond service" means the furnishing or procuring by a motor club of a cash deposit or undertaking required by law in order that a person accused of violation of any law may enjoy personal freedom pending trial;

(ii) "Buying and selling service" means an arrangement by a motor club whereby the holder of a service contract with the club is aided in any way in the purchase or sale of an automobile;

(iii) "Claim adjustment service" means an act by a motor club for the purpose of adjusting claims on behalf of the holder of a service contract with the club, when the claim results from injury or damage to person or property arising out of an accident, in connection with the ownership, maintenance, operation and use of a motor vehicle;

(iv) "Club agent" means a person other than the motor club itself who acts or aids in any manner in the solicitation, delivery or negotiation of any service contract, or of the renewal or continuance thereof;

(v) "Commissioner" means the insurance commissioner of this state;

(vi) "Discount service" means an arrangement by a motor club resulting in giving special discounts, rebates or reductions of price on gasoline, oil, repairs, parts, accessories or service for motor vehicles to holders of service contracts with the club;

(vii) "Emergency road service" means the adjustment, repair or replacement by a motor club of the equipment, tires or mechanical parts of a motor vehicle so as to permit it to be operated under its own power;

(viii) "Financial service" means an arrangement by a motor club whereby loans or other advances of money are made to holders of service contracts with the club;

(ix) "Insurance service" means the selling or giving, with a service contract or as a result of membership in or affiliation with a motor club, of a policy of insurance written by an authorized insurance carrier covering liability or loss by the holder resulting from injury or damage to person or property arising out of an accident the liability or loss being the consequence of the ownership, maintenance, operation or use of a motor vehicle;

(x) "License service" means the rendering of assistance by a motor club to any person obtaining:

(A) Registration of a motor vehicle with the state;

(B) A driver's license;

(C) A transfer of legal ownership or registration in the records of the department of transportation.

(xi) "Map service" means the furnishing of a motor club of road maps without cost to holders of service contracts with the club;

(xii) "Motor club" means a person directly or indirectly engaged, either as principal or agent, in selling or offering for sale, furnishing or procuring motor club service;

(xiii) "Motor club service" means the rendering or procuring of any of the services defined in this act to any person in connection with the ownership, operation, use or maintenance of a motor vehicle by the person upon any of the following considerations:

(A) The person is or will become a member of the club rendering or furnishing the service;

(B) The person is or will become in any manner affiliated with the club;

(C) The person is or will become entitled to receive membership or other motor club service from the club by virtue of any agreement or understanding with the club.

(xiv) "Service contract" means a written agreement whereby any person promises for a consideration to render, furnish or procure motor club service for any other person;

(xv) "Theft service" means an act by a motor club for the purpose of locating, identifying or recovering a stolen or missing motor vehicle owned or controlled by the holder of a service contract with the club or for the purpose of detecting or apprehending the person guilty of the theft;

(xvi) "Touring service" means the furnishing by a motor club of touring information without cost to holders of service contracts with the club;

(xvii) "Towing service" means the drafting or moving by a motor club of a motor vehicle from one place to another under other power than its own;

(xviii) "This act" means W.S. 31-14-101 through 31-14-131.

31-14-103. Required security.

(a) A person shall not render or agree to render motor club service without first depositing and thereafter continuously maintaining security in one (1) of the following forms with the commissioner:

(i) One hundred thousand dollars (\$100,000.00) in cash;

(ii) Securities approved by the commissioner having a market value of one hundred thousand dollars (\$100,000.00) and approved by the commissioner and legal for investment by admitted insurers issuing nonassessable policies on a reserve basis;

(iii) A surety bond in the principal sum of one hundred thousand dollars (\$100,000.00) with an admitted surety insurer as surety.

(b) In lieu of the deposit required by subsection (a) of this section, a foreign or alien motor club may deposit evidence

satisfactory to the commissioner that it has on deposit with an officer of a state of the United States of America, authorized by the law of such state to accept the deposit:

(i) Securities which meet the requirements of subsection (a) of this section of at least a like amount for the benefit and security of all members and creditors of the motor club; or

(ii) A surety bond in the principal sum of one hundred thousand dollars (\$100,000.00) which meets the requirements of W.S. 31-14-104 issued by a bonding company authorized to do business in the state of Wyoming and in the state where the bond is posted.

31-14-104. Purpose of security; conditions.

(a) The security shall be:

(i) For the protection, use and benefit of all persons whose applications for membership in a motor club have been accepted by the club or its representative;

(ii) Subject to the following conditions and, if a bond, shall be so expressly conditioned:

(A) The club will faithfully furnish and render to members any and all of the motor club services sold or offered for sale by it;

(B) The club will pay any fines, fees or penalties imposed upon it under or pursuant to this act.

31-14-105. Suit on bond; aggregate liability of surety.

If a bond, or evidence of a bond filed in another state, is filed, any person defrauded or injured by any wrongful act, misrepresentation or failure on the part of a motor club with respect to the selling or rendering of any of its services may bring suit on the bond in his own name but the aggregate liability of the surety for all suits shall not exceed the sum of the bond.

31-14-106. Conditions applicable to deposit of cash or securities.

A deposit of cash or securities, in lieu of bond, shall be subject to the conditions applying to the bond and is also subject to execution on judgments against the club.

31-14-107. Approval of name by commissioner.

The name of a motor club shall be submitted to the commissioner for approval before the commencement of business. The commissioner may reject any name so submitted when the proposed name would interfere with the transactions of a motor club already doing business in this state or is so similar to one already appropriated as to confuse or mislead the public.

31-14-108. Required certificate of authority.

A person shall not render or agree to render motor club service in this state without first procuring from the commissioner a certificate of authority to act.

31-14-109. Prerequisites to issuance of certificate of authority.

(a) The commissioner shall not issue a certificate of authority to any motor club until:

(i) It files with him the following:

(A) A formal application for the certificate in such form and detail as the commissioner requires, executed under oath by its president or other principal officer;

(B) A certified copy of its charter or articles of incorporation and its bylaws.

(ii) It pays to the commissioner an annual license fee of one hundred dollars (\$100.00);

(iii) It deposits the required cash, securities, bond or evidence of deposit in another state as provided by W.S. 31-14-103 with the commissioner;

(iv) Its name is approved by the commissioner under W.S. 31-14-107.

31-14-110. Expiration of certificate of authority.

Every certificate of authority issued to a motor club shall expire annually on July 1, of each year, unless sooner revoked or suspended.

31-14-111. Revocation or suspension of certificate of authority.

(a) The commissioner shall revoke or suspend the certificate of authority of a motor club whenever, after a hearing, he finds in accordance with the procedure provided by W.S. 26-2-125 through 26-2-129, that any of the following circumstances exist:

- (i) The club has violated any provision of this act;
- (ii) It is insolvent;
- (iii) Its assets are less than its liabilities;
- (iv) It or its officers refuse to submit to an examination;
- (v) It is transacting business fraudulently.

(b) The commissioner shall give notice of revocation or suspension to the public in such manner as he deems proper.

31-14-112. Examination of clubs; financial statement in lieu thereof.

(a) Every motor club is subject to examination by the commissioner in the manner and under the conditions provided for examination of insurers pursuant to W.S. 26-2-116 through 26-2-118 and 26-2-120 through 26-2-122. In the examination the assets of any motor club are such assets as are deemed by the insurance commissioner to be available for the payment of the obligations of the motor club.

(b) The expense of examination shall be paid by the motor club.

(c) In lieu of examination under subsection (a) of this section, the commissioner may accept a copy of the most recent financial statement of the motor club which has been audited by an independent certified public accountant demonstrating that the motor club is solvent as determined by generally accepted accounting principles on a going-concern basis.

31-14-113. Appointment of commissioner as club's attorney; service of process thereon.

Every motor club desiring to transact business in this state shall file with the commissioner a duly executed instrument whereby the motor club shall appoint and constitute the commissioner and his successor or successors in office the true and lawful attorney of the motor club upon whom all lawful process in any action or legal proceeding against it on a contract issued or cause of action arising in this state may be served, and shall agree that any lawful process against it which may be served upon its attorney as provided in this section shall be of the same force and validity as if served upon the motor club and that the authority thereof shall continue in force irrevocably so long as any liability of the motor club in the state remains outstanding.

31-14-114. Approval of service contract by commissioner.

A service contract shall not be executed, issued or delivered in this state until the form thereof is approved in writing by the commissioner.

31-14-115. Membership card or certificate; date and signature on service contract.

Every service contract executed, issued or delivered in this state shall be accompanied by a membership card or certificate and shall be dated and signed by the motor club issuing it.

31-14-116. Contents of service contract.

(a) A service contract shall not be executed, issued or delivered in this state unless it contains the following:

(i) The exact corporate or other name of the club;

(ii) The exact location of its home office and of its usual place of business in this state, giving street number and city;

(iii) A provision that the contract may be canceled at any time by either the club or the holder, and that the holder will, if he has actually paid the consideration, thereupon be entitled to the unused portion of the consideration paid for the

contract, calculated on a pro rata basis over the period of the contract, without any deductions;

(iv) A provision plainly specifying:

(A) The services promised;

(B) That the holder will not be required to pay any sum, in addition to the amount specified in the contract, for any services thus specified;

(C) The territory wherein services are to be rendered;

(D) The date when service will commence.

(v) A statement in not less than fourteen (14) point modern type at the head of the contract stating, "This is not an automobile liability or physical damage insurance contract."

31-14-117. Solicitation to purchase service contract.

A person shall not solicit or aid in the solicitation of another person to purchase a service contract issued by a club not having a certificate of authority procured pursuant to this act.

31-14-118. Misrepresentations as to service contracts.

A club or an officer or agent thereof shall not in any manner misrepresent the terms, benefits or privileges of any service contract issued or to be issued by it.

31-14-119. Validity of service contract.

Any service contract made, issued or delivered contrary to any provision of this act, shall nevertheless be valid and binding on the club.

31-14-120. Required agent's license.

No person shall act as a club agent in this state without first procuring a license to act from the commissioner.

31-14-121. Application for agent's license.

(a) Application for a license as a club agent shall be made to the commissioner upon forms prescribed and furnished by him. As a part of, or in connection with, any application, the

applicant shall furnish information concerning his identity, personal history, experience, business record and other pertinent facts which the commissioner may reasonably require.

(b) If the applicant is a firm, partnership or corporation, the application, in addition to the requirements of subsection (a) of this section, shall:

(i) Contain the names of all members and officers of the firm, partnership or corporation; and

(ii) Designate who is to exercise the powers to be conferred by the license on the firm, partnership or corporation.

(c) The commissioner shall require each individual of a firm, partnership or corporation to furnish information to him as though applying for an individual license.

(d) Any person willfully misrepresenting any fact required to be disclosed in any application is subject to the penalties provided by W.S. 31-14-131.

31-14-122. General conditions for issuance or renewal of agent's license.

(a) For the protection of the people of this state, the commissioner shall not:

(i) Issue or renew any club agent's license except in compliance with this act;

(ii) Issue or renew any club agent's license to, or to be exercised by, any person found by him to be untrustworthy or incompetent, or who has not established to the satisfaction of the commissioner that he is qualified therefor in accordance with this act.

31-14-123. Qualifications for agent licensee.

(a) The commissioner shall license as a club agent only an individual who has otherwise complied with this act, and who has furnished evidence satisfactory to the commissioner that he:

(i) Is an adult;

(ii) Has been a bona fide resident of this state for at least three (3) months or is a resident of a state which will permit residents of this state to act as club agents in such other state;

(iii) Is a trustworthy person with a good reputation;

(iv) Has never been convicted of a felony;

(v) Holds an insurance agent or an insurance broker's license if the service includes insurance.

31-14-124. Form and contents of agent's license.

(a) The commissioner shall prescribe the form of the club agent's license, but it shall contain:

(i) The name of the licensee and his business address;

(ii) The date of issuance and the date of expiration;

(iii) The name of the represented motor club.

31-14-125. Annual renewal of agent's license; fee.

(a) Club agents' licenses are renewable on July 1 of each year.

(b) The license fee is ten dollars (\$10.00) a year.

31-14-126. Grounds for suspension, revocation or refusal to renew agent's license generally.

(a) The commissioner may suspend, revoke or refuse to renew any club agent's license issued under this act for any cause specified in any other provision of this act, or for any of the following causes:

(i) If the licensee willfully violated or knowingly participates in the violation of any provision of this act;

(ii) If the licensee has obtained or attempted to obtain any license through willful misrepresentation or fraud;

(iii) If the licensee has misappropriated or converted to his own use or has illegally withheld monies required to be held in a fiduciary capacity;

(iv) If the licensee has, with intent to deceive, materially misrepresented the terms or effect of any contract, or has engaged in any fraudulent transaction;

(v) If the licensee has been convicted, by final judgment, of a felony;

(vi) If, in the conduct of his affairs under the license, the licensee has shown himself to be incompetent, untrustworthy or a source of injury and loss to the public;

(vii) If the licensee fails to maintain his insurance agent's license in full force and effect if the service includes insurance.

31-14-127. Grounds for suspension, revocation or refusal of agent's license of firm, partnership or corporation.

The club agent's license of any firm, partnership or corporation may be suspended, revoked or refused for any cause which relates to any individual designated in the license to exercise its powers.

31-14-128. Surrender of revoked or suspended license certificate.

The holder of any club agent's license which has been revoked or suspended shall immediately surrender the license certificate to the commissioner.

31-14-129. Further grounds for suspension or revocation of agent's license.

A club agent's license shall be suspended or revoked by the commissioner for the same applicable grounds and in the manner provided for agents of insurers in W.S. 26-9-211.

31-14-130. Exemptions.

(a) This act does not apply to:

(i) A duly authorized attorney at law acting in the usual course of his profession;

(ii) Any authorized insurer;

(iii) Any association of motor carriers providing one (1) or more of the services defined in W.S. 31-14-102, to its members.

31-14-131. Penalty for violation.

Each violation of this act is punishable as provided by W.S. 26-1-107.

CHAPTER 15
MULTISTATE HIGHWAY TRANSPORTATION

31-15-101. Renumbered by Laws 1993, ch. 68, § 3.

31-15-102. Renumbered by Laws 1993, ch. 68, § 3.

CHAPTER 16
MOTOR VEHICLE FRANCHISES

31-16-101. Definitions.

(a) As used in this act:

(i) "Coerce" means compelling another to do what he is not otherwise required to do or not to do what he otherwise has a right to do;

(ii) "Department" means the department of transportation;

(iii) "Designated family member" means:

(A) The spouse, child, grandchild, parent, brother or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or applicable intestate laws;

(B) A person who has been nominated by the owner of a new motor vehicle dealership as the successor to the dealership in any written instrument filed with the manufacturer; or

(C) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(iv) "Director" means the director of the department;

(v) "Distributor" means a person who has a franchise from a manufacturer of vehicles to distribute vehicles in this state, and who in whole or in part sells or distributes new vehicles to vehicle dealers or who maintains distributor representatives;

(vi) "Distributor branch" means a branch office maintained by a distributor for the same purposes for which a factory branch is maintained;

(vii) "Distributor representative" means a person engaged as a representative of a distributor or distributor branch for the purpose of making or promoting the sale of its vehicles or for supervising or contacting its dealers or prospective dealers;

(viii) "Factory branch" means a branch office maintained by a manufacturer for the sale of vehicles to distributors, for the sale of vehicles to vehicle dealers or for directing or supervising, in whole or in part, its representatives;

(ix) "Factory representative" means a person engaged as a representative of a manufacturer or by a factory branch for the purpose of making or promoting a sale of its vehicles, or for supervising or contacting its dealers or prospective dealers;

(x) "Franchise or dealer's selling agreement", hereinafter referred to as the "sales and services agreement", means a contract or agreement between a vehicle dealer and a manufacturer or its distributor or factory branch by which the dealer is authorized to engage in the business of selling any specified make of new vehicles;

(xi) "Motor vehicle" means a self-propelled vehicle, excluding a motor home and which:

(A) Is intended for registration and use on the public highways; and

(B) Has at least three (3) wheels.

(xii) "New vehicle" means a motor vehicle which is in the possession of a manufacturer or has been sold by a manufacturer for distribution in the United States to the holders of a valid sales and service agreement, franchise or contract granted by the manufacturer for sale of the new motor vehicle and which is

in fact new and on which the original motor vehicle title has not been issued from the franchised dealer;

(xiii) "Manufacturer" means a person engaged in the business of constructing or assembling vehicles which are subject to registration in this state and, except where otherwise provided, "manufacturer" means a distributor, a factory branch, distributor branch or other representative thereof, but excludes any person whose principal business is wholesale and retail financing;

(xiv) "Principal place of business" means:

(A) For dealers selling fewer than twelve (12) vehicles in any twelve (12) consecutive month period, a permanent commercial building located within the state of Wyoming at which the business of a new motor vehicle dealer may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public may contact the vehicle dealer or his vehicle salesman at all reasonable times, and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business. The business shall be sufficiently identified with an exterior sign permanently affixed to the building or land with letters clearly visible from the highway facing the site and designated to indicate the nature of the business and the landline telephone number of the business. A landline telephone shall be required in the principal place of business;

(B) For dealers selling twelve (12) or more vehicles in any twelve (12) consecutive month period, a site upon which a permanent building is located containing adequate facilities to carry on the business of a licensed dealer and used to conduct business as a dealer and not primarily used as, or attached directly to, a residence, with space thereon or contiguous thereto adequate to permit the display of at least five (5) vehicles and sufficiently identified with an exterior sign permanently affixed to the building or land with letters clearly visible from the highway facing the site and designated to indicate the nature of the business. The facilities, sign and space for display shall be in compliance with all applicable zoning ordinances prescribed by the municipality or county in which they are located and in which building the public may contact the vehicle dealer or the dealer's salespersons during the declared business hours, and at which place of business shall be kept and maintained the books, records and files as

required by W.S. 31-11-107(a) and (b) necessary to conduct the business. A landline telephone shall be required in the principal place of business with a published phone number listed to the principal place of business;

(xv) "Relevant market area" means that marketing area as defined by the sales and service agreement granted by the manufacturer, distributor or wholesaler and held by a new vehicle dealer;

(xvi) "Used vehicle" means any vehicle other than a new vehicle;

(xvii) Repealed By Laws 2001, Ch. 24, § 2.

(xviii) "Vehicle dealer" or "dealer" means any person engaged in the business of selling or exchanging vehicles or who buys and sells, or exchanges retail three (3) or more vehicles or six (6) or more new vehicles with a gross vehicle weight rating over twenty-six thousand (26,000) pounds in any twelve (12) consecutive month period, but does not include any insurance company, finance company, public utility company or person coming into possession of any vehicle as an incident to its regular business who sells that vehicle, or who sells that vehicle under any contractual rights it may have with respect thereto. Vehicle dealers are classified as follows:

(A) A "new vehicle dealer" means a vehicle dealer that deals solely in new vehicles or in new and used vehicles. It also includes a person who in the ordinary course of business is engaged in the business of selling new motor vehicles to consumers or other end users and who holds a valid sales and service agreement, franchise or contract, granted by a manufacturer, distributor or wholesaler for the sale of its motor vehicles;

(B) A "used vehicle dealer" means a vehicle dealer that deals solely in used vehicles;

(C) Repealed by Laws 1997, ch. 154, § 3.

(xix) "Wholesaler" means a person who sells used vehicles to Wyoming vehicle dealers;

(xx) "This act" means W.S. 31-16-101 through 31-16-127;

(xxi) "Antique vehicle" means a motor vehicle which is at least twenty-five (25) years old;

(xxii) "Established place of business" means each place actually occupied either continuously or at regular periods by a manufacturer where the manufacturer's books and records are kept and a large share of the manufacturer's business is conducted;

(xxiii) "Recreational vehicle" means a vehicle designed primarily as living quarters for recreational, camping, vacation or travel use which has an electrical system which operates above twelve (12) volts and has a plumbing and heating system;

(xxiv) "Retail vehicle sale" means the lease of a vehicle or transfer of title of a vehicle to another person in exchange for value but excludes a transfer for the purpose of resale;

(xxv) "Vehicle" means as defined in W.S. 31-1-101(a)(xxvi);

(xxvi) A "Wyoming based manufacturer" means a person with an established place of business in Wyoming who is engaged in the business of manufacturing, constructing or assembling new and unused vehicles or their major component parts or both and sells new and unused vehicles to dealers, wholesalers, distributors or the general public. The term includes a factory branch office of the manufacturer, or any partnership, firm, association, joint venture, corporation or trust which is controlled by the manufacturer;

(xxvii) "Agent" means a person other than a holder of any vehicle dealer's license issued by the department who, for salary, commission or compensation of any kind, negotiates in any way for the sale, purchase, order or exchange of vehicles;

(xxviii) "Applicant" means any person, corporation, limited liability company, limited partnership or any other entity that files an application with the department for a vehicle dealer's license under this act;

(xxix) "Licensed dealer" means a vehicle dealer that is licensed by the department pursuant to this act as a new vehicle dealer or a used vehicle dealer;

(xxx) "Salesperson" means an individual who, for salary, commission or compensation of any kind, is employed either directly, indirectly, regularly or occasionally by any new

vehicle dealer or any used vehicle dealer to sell, purchase or exchange vehicles.

(b) Notwithstanding paragraph (a)(xxv) of this section, for purposes of W.S. 31-16-108 through 31-16-124 "vehicle" means a motor vehicle as defined in paragraph (a)(xi) of this section.

31-16-102. Unlicensed vehicle dealers and manufacturers prohibited.

No person shall hold himself out as being in the business of a retail seller of vehicles, or act as a retail vehicle dealer or Wyoming based manufacturer without a valid license issued by the department under this act. No person shall act as a vehicle dealer of a new vehicle without a valid license as a new vehicle dealer for new vehicles of the same line make issued by the department under this act. No person other than a licensed vehicle dealer shall display a vehicle for sale unless the title is in the name of the displayer. No person shall solicit sales of vehicles without a vehicle dealer's license, unless the title is in the name of the person soliciting sales.

31-16-103. Licenses; applications; issuance, suspension and revocation; change in ownership; rulemaking.

(a) An applicant for a license required under this act shall, before commencing business and annually thereafter submit an application to the department in a form prescribed by the department containing the following:

(i) The legal name and residence address of the applicant and the trade name, if any, under which the applicant intends to conduct his business. If the applicant is a partnership, the name and residence address of each partner, whether a limited or general partner, and the name under which the partnership business is to be conducted. If the applicant is a corporation, the name of the corporation and the name and address of each of its principal officers and directors. If the applicant is a limited liability company, the name and address of the members and managers;

(ii) A complete description, including the address, of the principal place of business and any other place of business for activities requiring a license under this act operated and maintained by the applicant in conjunction with the principal place of business in each county in this state;

(iii) For a new vehicle dealer's license, copies of letters of franchise for the new vehicles that the applicant has been enfranchised to sell or exchange and the name and addresses of any manufacturer or distributor who has enfranchised the applicant;

(iv) For a manufacturer's license, the name and address of each distributor, factory branch and factory representative;

(v) Any other information the department may reasonably require, including financial statements of new applicants, past or present judicial, civil or administrative dispositions of criminal, civil or administrative actions relating to the conduct of the business if currently licensed or a new applicant, telephone numbers, sales and use tax numbers for the business and declared business hours. Any new applicant for a license issued under this act, including all officers of a corporation or members of a limited liability company or limited partnership, shall provide information necessary for a state and national criminal history record background check and release of information as provided in W.S. 7-19-106(k)(ii) and consent to the release of any criminal history information to the department;

(vi) If a renewal of dealer's license, the number of retail vehicle sales each month during the twelve (12) full calendar months preceding the month in which the renewal application is made;

(vii) For a Wyoming based manufacturer's license, a description of the location of each established place of business in this state, the number of manufacturer license plates requested, a statement of the need for the plates including, but not limited to, the number of employees, annual sales, and such other information as required by the department.

(b) Pending determination by the department that the applicant has met the requirements under this act, it may issue a temporary license to any applicant. A temporary license shall not exceed a period of ninety (90) days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license. The temporary license terminates when the applicant's license has been issued or refused. When the department determines the applicant has complied with all licensing requirements, the department shall issue a license or renewal to an applicant upon submission of a complete application to the department

indicating the applicant is qualified and will operate from a principal place of business if a dealer or from an established place of business if a Wyoming based manufacturer, and upon filing of a bond and payment of a license fee of twenty-five dollars (\$25.00) for dealers selling fewer than twelve (12) vehicles in any twelve (12) consecutive month period and one hundred dollars (\$100.00) for dealers selling twelve (12) or more vehicles in any twelve (12) consecutive month period as follows:

(i) Repealed by Laws 1997, ch. 154, § 3.

(ii) Repealed by Laws 1997, ch. 154, § 3.

(iii) Any additional place of business to be licensed under this act has sufficient facilities such that it could qualify as a principal place of business and is located in the same county in which the principal place of business is located;

(iv) To a dealer who had at least twelve (12) retail sales or exchanged at least twelve (12) vehicles or six (6) or more new vehicles with a gross vehicle weight rating over twenty-six thousand (26,000) pounds in the twelve (12) full calendar months preceding the date of application;

(v) To a dealer selling self-propelled motor homes or drilling and service rigs;

(vi) To a person who did not hold a certificate at the time of the application;

(vii) To a person engaged in the business of repossessing vehicles if that person repossessed at least twelve (12) vehicles in the twelve (12) full calendar months preceding the date of application, but the person need not have a principal place of business as defined in this act;

(viii) To a banking or lending institution engaged in the business of making loans secured by vehicles;

(ix) To a person selling antique vehicles and paying the annual license fee of two hundred fifty dollars (\$250.00);

(x) To the applicant who has not had a license issued under this chapter suspended or revoked without reinstatement, and has not violated the provisions of this chapter or any rule or regulation adopted under this chapter, if the applicant is:

(A) A partner in a partnership;

(B) A director or stockholder of a corporation duly registered and doing business in Wyoming; or

(C) A member or manager of a limited liability company duly registered and doing business in Wyoming.

(xi) To any additional place of business that may qualify under this act.

(c) The department may deny, suspend, revoke or refuse to renew a license or temporary permit issued under this act if it finds the person, applicant, vehicle dealer, salesperson, agent or Wyoming based manufacturer:

(i) Knowingly violated any rule, regulation or statute or any federal law regulating dealers and manufacturers, or any federal vehicle safety standards applicable to dealers or Wyoming based manufacturers;

(ii) Knowingly made a materially false statement in applying for a license, demo plates, full use plates, temporary registration permits, or dealer reassignment documents used by the applicant;

(iii) Failed to furnish or keep in force the required bond;

(iv) Has any previous administrative or criminal actions or has lost a civil action in this state or any other state relating to the conduct of the business license or applied for during the ten (10) years preceding the date of the application;

(v) Used or permitted the use of demo or full use plates in an unauthorized manner or for an unauthorized purpose;

(vi) Used or permitted the use of temporary registration permits in an unauthorized manner or for an unauthorized purpose;

(vii) Has been convicted of a felony involving fraud, conspiracy to commit fraud, forgery, embezzlement, obtaining money under false pretenses, larceny or extortion within the immediate ten (10) year period prior to the date of license application;

(viii) Has been convicted of a felony under W.S. 6-2-302;

(ix) Failed to furnish any requested information to the department.

(d) If a new vehicle dealer changes to, or adds, another franchise for the sale of new vehicles, cancels or otherwise loses a franchise for the sale of new vehicles, the dealer shall immediately notify the department. If there is a cancellation or loss of franchise, and the department determines the dealer may be licensed as a used vehicle dealer, the vehicle dealer shall surrender the new vehicle dealer's license and a used vehicle dealer's license shall be issued. The dealer may continue in the business for which a vehicle dealer is relicensed to dispose of the stock of new vehicles which the dealer had on hand at the time of the relicensing.

(e) The dealer or manufacturer shall immediately notify the department which shall issue a new dealer or Wyoming based manufacturer license for the unexpired portion of the original license at no charge if the dealer changes the site or location of his principal place of business, or the Wyoming based manufacturer changes the site or location of his established place of business.

(f) Sixty (60) days after transfer of ownership of a dealership or the business of a Wyoming based manufacturer, except as a result of transfer of shares of stock in a corporate dealership or Wyoming based manufacturer duly incorporated in Wyoming, the dealer license, Wyoming based manufacturer license, demo plates, full use plates, manufacturer plates and temporary permits are void and shall immediately be delivered to the department. The new owner shall apply for a new dealer license, demo plates, full use plates, manufacturer plates and temporary permits immediately upon transfer of ownership. Upon transfer of ownership or termination of business the former dealer or Wyoming based manufacturer shall notify the department and, if not a transfer of ownership, immediately deliver the dealer license, Wyoming based manufacturer license, demo plates, full use plates, manufacturer plates and temporary permits to the department.

(g) A Wyoming licensed dealer may establish and operate an additional place of business or operate in an organized motor vehicle show as a vehicle dealer if:

(i) Each additional place of business except those located in an enclosed shopping mall, shall meet the same criteria as set forth in W.S. 31-16-101(a)(xiv);

(ii) Before operating in an organized motor vehicle show, a licensed dealer shall notify the department in writing not later than fourteen (14) days prior to the date of the show and obtain a letter of authorization from the department to operate in an organized motor vehicle show within the county of the principal place of business, or within the dealer's relevant market area as defined by W.S. 31-16-101(a)(xv). A vehicle dealer may operate in not more than four (4) shows in any calendar year and each show shall not exceed seven (7) consecutive days. The letter of authorization to operate in an organized motor vehicle show shall be displayed in a location at the motor vehicle show where any peace officer or designated member of the department can examine it. As used in this subsection, "organized motor vehicle show" means an exhibition and sale by one (1) or more licensed motor vehicle dealers in a private or public assembly, facility or area.

(h) An applicant for a license to operate as a dealer or Wyoming based manufacturer shall also file with the department a bond in the sum of twenty-five thousand dollars (\$25,000.00) with a corporate surety duly licensed to do business within this state. The bond shall:

(i) Be approved as to form by the attorney general;

(ii) Guarantee the return of the dealer or Wyoming based manufacturer license, manufacturer plates, full use and demo plates, and temporary permits; and

(iii) Be conditioned that the applicant shall not practice any fraud, fraudulent misrepresentations, or violate any federal or state law, rules or regulations relating to the conduct of the business.

(j) The department shall promulgate rules necessary to implement and enforce this act, including rules relating to the authorized use of demo, full use or manufacturer plates, the form of the plates and the number of manufacturer plates issued.

(k) If the director has reasonable cause to believe that a licensee or other person has violated or is violating any provision of this act or any other law related to the conduct of a vehicle dealer or has violated or is violating any rule or

order adopted or issued by the department pursuant to law, in addition to any other remedies existing in this act, the director may bring and maintain, in the name and on behalf of the department, an action in the proper court against a licensee or other person to restrain or enjoin the licensee or other person from continuing the violation. In the action, the court shall proceed as in other actions for injunction.

31-16-104. Classes of licenses and permits; expiration.

(a) Licenses issued under this act shall be the following classes:

(i) New vehicle dealer's license which permits the licensee to engage in the business of selling or exchanging new vehicles or both new and used vehicles;

(ii) Motor vehicle manufacturer's license which permits the out-of-state manufacturer to engage in the business of constructing or assembling motor vehicles of the type subject to registration in this state;

(iii) Repealed by Laws 1997, ch. 154, § 3.

(iv) Repealed by Laws 1997, ch. 154, § 3.

(v) Wyoming based manufacturer's license which permits the licensee to engage in the manufacturing, constructing or assembling of new and unused vehicles or their major component parts or both in the state of Wyoming and sell new and unused vehicles;

(vi) Used vehicle dealer's license which permits the licensee to engage in the business of selling or exchanging used vehicles;

(vii) Temporary ninety (90) day vehicle dealer permit allows an applicant to operate a business under this act for a period of ninety (90) days while the department is completing an investigation for any purpose relative to the business. The temporary permit terminates when the applicant's license has been issued or refused but in no case shall the temporary permit exceed ninety (90) days;

(viii) Temporary recreational vehicle display and sales permit pursuant to W.S. 31-16-127.

(b) Repealed by Laws 2005, ch. 159, § 2.

(c) Repealed by Laws 1997, ch. 154, § 3.

(d) Except for temporary vehicle dealer permits and special recreational vehicle display and sales permits, licenses issued under this act shall be valid for one (1) year and shall expire at midnight preceding the anniversary date.

31-16-105. Display, form and custody of dealer's license.

The department shall prescribe each form of the license. Each dealer shall conspicuously display his own license in his place of business.

31-16-106. Required principal place of business.

The department shall not issue a dealer's license to any applicant without a principal place of business. If the dealer changes the site or location of his principal place of business, he shall immediately notify the department. A new license shall be granted if the new location meets all the requirements of a principal place of business. If a dealer ceases to have a principal place of business he shall immediately surrender his license to the department until the dealer obtains a principal place of business. The dealer's license shall be reissued without charge if a principal place of business is established. Nothing in this act shall be construed to prevent a dealer from conducting the business for which he is licensed at one (1) or more licensed supplemental lots or locations not contiguous but operated and maintained in conjunction with the dealer's principal place of business.

31-16-107. Right of action.

Any person injured because he refuses to agree to a proposal which would be in violation of this act, may bring an action for damages and equitable relief, including injunctive relief.

31-16-108. Unlawful acts.

(a) No vehicle dealer or other person required to be licensed under this act, or any salesperson or agent shall:

(i) Knowingly publish or circulate any misleading or inaccurate advertisement which misrepresents any of the products

sold or furnished by a licensed dealer or use any false or misleading advertisement in the conduct of its business;

(ii) Violate this act or any of the rules and regulations promulgated under it;

(iii) Knowingly purchase, sell, acquire or dispose of a stolen vehicle;

(iv) Violate any law of this state respecting commerce in vehicles or any state agency rule or regulation;

(v) Engage in the business for which a dealer is licensed without maintaining a principal place of business as required by this act;

(vi) Engage in a type of business respecting the sale or exchange of new or new and used vehicles for which he is not licensed;

(vii) Knowingly purchase a vehicle which has an altered or removed vehicle identification number or to alter or remove a vehicle identification number plate;

(viii) Repealed by Laws 1997, ch. 154, § 3.

(ix) Violate any provision of the federal motor vehicle safety standards;

(x) Display for sale, exchange or sell any new motor vehicle for which the vehicle dealer does not hold a valid franchise;

(xi) Import, display for sale, exchange, or sell, any new vehicle, or any used vehicle originally sold by a manufacturer for distribution outside the United States unless the vehicle is in compliance with all federal regulations governing vehicles that were manufactured for distribution outside the United States and subsequently imported into the United States. Any dealer required to be licensed under this act shall maintain records in his principal place of business necessary to verify compliance with this provision if requested by the department or any law enforcement officer;

(xii) Advertise, display, demonstrate, exchange or sell any vehicle with less than one thousand (1,000) miles on the odometer, unless the person is a properly licensed dealer, or

the person has obtained a valid Wyoming title in his name or business name and has paid the applicable sales or use tax on the vehicle in his name before advertising, displaying, demonstrating, exchanging or selling the vehicle.

(b) No manufacturer licensed under this act shall require or coerce or attempt to require or coerce any new vehicle dealer in this state:

(i) To order or accept delivery of any new vehicle, vehicle part or accessory, equipment or any other commodity not required by law which the new vehicle dealer has not voluntarily ordered. This paragraph does not modify or supersede any terms or provisions of the franchise requiring new vehicle dealers to market a representative line of the vehicles covered by the franchise, to promote the sale, leasing and rental of the vehicles and to carry a reasonable inventory of models offered for sale by the manufacturer;

(ii) To order or accept delivery of any new vehicle with special features, accessories or equipment not included in the list price of those vehicles as publicly advertised by the manufacturer or distributor unless they are required by law;

(iii) To participate monetarily in an advertising campaign or contest or to purchase any promotional materials, training materials, showroom or other display decorations or materials at the expense of the new vehicle dealer. This paragraph does not modify any provisions of the franchise requiring the dealer to advertise and promote the sale of vehicles covered by the franchise and does not apply to campaigns, contests, advertising and other promotional programs in which the dealer voluntarily participates;

(iv) To enter into any agreement with the manufacturer or to prejudice the new vehicle dealer by threatening to terminate or cancel a franchise or any contractual agreement existing between the dealer and the manufacturer. This paragraph does not preclude the manufacturer or distributor from insisting on compliance with the reasonable terms or provisions of the franchise or other contractual agreement. Notice in good faith from a manufacturer or distributor to any new vehicle dealer of the new vehicle dealer's violation of those terms or provisions does not constitute a violation of this act;

(v) To change the capital structure of the new vehicle dealer or the new vehicle dealer's financing means if the new

vehicle dealer meets any reasonable capital standards determined by the manufacturer in accordance with uniformly applied criteria. A new vehicle dealer may change its capital structure in accordance with reasonable capital standards if the change does not change the principal management or ownership in whole or in part or result in the sale of the franchise. If a change in capital structure results in a sale of the franchise, the manufacturer or distributor may not unreasonably withhold any necessary consent to the change;

(vi) To refrain from participation in the management of, investment in or the acquisition of any other line of new vehicle or related products. This paragraph does not apply unless the new vehicle dealer maintains a reasonable line of credit for each make or line of new vehicle, the new vehicle dealer remains in compliance with any reasonable facilities and other franchise requirements of the manufacturer and no change is made in the principal management of the new vehicle dealer;

(vii) To prospectively agree to relieve any person from liability imposed by this law or to require any controversy between a new vehicle dealer and a manufacturer, distributor or their representatives, to be referred to any person other than the duly constituted courts of the state or the United States, or to the director if the referral would be binding upon the new vehicle dealer;

(viii) To establish, after becoming a new vehicle dealer, exclusive facilities, personnel or display space for a line make when such requirements would not be justified by reasonable business considerations;

(ix) To expand facilities without making available a sufficient supply of new vehicles to justify an expansion considering the market and economic conditions;

(x) To modify significantly an existing dealership or to construct a new vehicle dealership facility without a sufficient supply of new vehicles to justify a modification or construction considering the market and economic conditions.

(c) No manufacturer licensed under this act shall:

(i) Delay, refuse or fail to deliver new vehicles or new vehicle parts or accessories in a reasonable time and quantity relative to the new vehicle dealer's facilities and sales potential in the new vehicle dealer's relevant market area after

acceptance of an order from a new vehicle dealer having a franchise for the retail sale of any new vehicle sold or distributed by the manufacturer, any new vehicle, parts or accessories to new vehicles as are covered by the franchise, if the vehicle, parts or accessories are publicly advertised as being available for delivery or actually delivered. Failure caused by acts or causes beyond the control of the manufacturer is not a violation of this act;

(ii) Refuse to disclose to any new vehicle dealer handling the same line make the manner and mode of distribution of the line make within the relevant market area;

(iii) Without the consent of the dealer, obtain money, goods, services or other benefit from a person who does business with the new vehicle dealer in relation to the transaction between the new vehicle dealer and the person other than as compensation for services rendered and products provided, unless the benefit is promptly transmitted or credited to the new vehicle dealer;

(iv) Increase prices of new vehicles ordered by the new vehicle dealer for consumers prior to the new vehicle dealer's receipt of the written official price increase notification. A sales contract signed by a consumer is evidence of each order if the vehicle is delivered to the customer. In the event of manufacturer price reductions or cash rebates paid to the new vehicle dealer intended by the manufacturer to be passed on to the consumer, the amount of any reduction or rebate received by a new vehicle dealer passes to the private retail consumer by the new vehicle dealer. Price reductions apply to all unused, undamaged and unsold vehicles in the dealer's inventory which were subject to the price reduction. Price differences applicable to a new model or series are not a price increase or price decrease. Price changes caused by the following are not subject to this paragraph:

(A) The addition to a vehicle of required or optional equipment or a change in the capacity, performance, size, weight or design specifications of a vehicle;

(B) Changes in the rate of exchange of the United States dollar, in the case of foreign-made vehicles or components; and

(C) An increase in transportation charges due to increased rates imposed by a carrier.

(v) Release to any other party, except under subpoena or as otherwise required by law or in an administrative, judicial or arbitration proceeding involving the manufacturer or new vehicle dealer, any business, financial, or personal information which is provided by the new vehicle dealer to the manufacturer without the express written consent of the new vehicle dealer;

(vi) Deny any new vehicle dealer the right of free association with any other new vehicle dealer for any lawful purpose;

(vii) Unfairly compete with a new vehicle dealer in the same line make and operating under an agreement or franchise from the manufacturer in the relevant market area. A manufacturer is not competing when operating a dealership either temporarily for a reasonable period or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions;

(viii) Unfairly discriminate among its new vehicle dealers with respect to warranty reimbursement;

(ix) Unreasonably withhold consent to the sale, transfer or exchange of the franchise to a qualified buyer capable of being licensed as a new vehicle dealer in this state;

(x) Fail to respond in writing to a request for consent as specified in paragraph (ix) of this subsection within sixty (60) days of receipt of a written request. Failure to respond within the time specified is consent to the request;

(xi) Prevent or attempt to prevent any new vehicle dealer from changing the executive management control of the new vehicle dealer unless the manufacturer shows the change of executive management will result in executive management or control by a person who is not of good moral character or who does not meet reasonable, preexisting and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards. This paragraph does not prevent a manufacturer or distributor from withholding consent based upon the prospective buyer's character, automotive experience, capital and other reasonable

qualifications for appointment as a dealer, and the effect of the proposed transaction upon competition. If the manufacturer rejects a proposed change in executive management control, written notice of his reasons shall be given to the dealer within sixty (60) days of notice to the manufacturer by the dealer of the proposed change or the change in the executive management of the new vehicle dealer shall be presumptively deemed approved;

(xii) Terminate, cancel or fail to renew any franchise solely because of the death or incapacity of an owner who is not listed in the franchise as one on whose expertise and abilities the manufacturer relied in granting the franchise;

(xiii) Prevent or attempt to prevent the new vehicle dealer from receiving the fair market value of the dealership in a sale transaction or from transferring the new vehicle dealership to a spouse or legal heir as specified in this act;

(xiv) Engage in any predatory practice or discrimination against any new vehicle dealer;

(xv) Use any false or misleading advertisement in the conduct of his business as a manufacturer or distributor in this state;

(xvi) Make any false or misleading statement, either directly or through any agent or employee, to induce any new vehicle dealer to enter into any agreement or franchise.

(d) No manufacturer or any officer, agent or representative shall coerce or attempt to coerce any new vehicle dealer in this state to sell, assign or transfer any retail installment sales contract obtained by the dealer in connection with the sale by him in this state of new vehicles manufactured or sold by the manufacturer to a specified finance company, class of companies or to any other specified person.

(e) Any statement, threats, promises, acts, contracts or offers of contracts which lessen or eliminate competition or tend to create a monopoly are unfair trade practices, unfair methods of competition and are prohibited.

(f) No manufacturer or agent or employee of a manufacturer shall use a written instrument, agreement or waiver to attempt to nullify any of the provisions of this section. Any such agreement, written instrument or waiver is null and void.

(g) No person shall directly or indirectly impose unreasonable restrictions on the new vehicle dealer relative to the sale, transfer, right to renew, termination, discipline, noncompetition covenants, site control (whether by sublease, collateral pledge of lease, or otherwise), right of first refusal to purchase, option to purchase, compliance with subjective standards and assertion of legal or equitable rights.

(h) This act applies to all written franchise agreements between a manufacturer and a new vehicle dealer, including but not limited to, the franchise offering, the franchise agreement, sales of goods, services or advertising, promises to pay, security interests, pledges, insurance contracts, advertising contracts, construction or installation contracts, servicing contracts and all other agreements where the manufacturer has any direct or indirect interest.

(j) No motor vehicle manufacturer or distributor licensed under this act, directly or indirectly, shall offer to sell or sell new motor vehicles to a consumer except through a new vehicle dealer who holds a valid sales and service agreement, franchise, or contract granted by the manufacturer, distributor or wholesaler for the sale of its motor vehicles. This subsection shall not apply to sales to affiliates of the manufacturer, distributor or wholesaler, sales to the federal government, charitable organizations or sales to employees of the manufacturer, distributor or wholesaler.

31-16-109. Termination, cancellation or nonrenewal of franchise.

(a) Notwithstanding the terms, provisions or conditions of any franchise or waiver, no manufacturer shall cancel, terminate or fail to renew any franchise with a licensee unless the manufacturer has satisfied the notice requirement of subsection (b) of this section and has good cause for cancellation, termination or nonrenewal.

(b) Prior to the termination, cancellation or nonrenewal of any franchise, the manufacturer shall furnish notification of termination, cancellation or nonrenewal to the department and the licensee:

(i) Not less than ninety (90) days prior to the effective date of the termination, cancellation or nonrenewal;

(ii) Not less than fifteen (15) days prior to the effective date of the termination, cancellation or nonrenewal with respect to any of the following which shall constitute good cause for cancellation, termination or nonrenewal:

(A) Insolvency of the licensee, or filing of any petition by or against the licensee under any bankruptcy or receivership law;

(B) Failure of the licensee to conduct sales and service operations during customary business hours for seven (7) consecutive business days, except for acts of God or circumstances beyond the direct control of the licensee;

(C) Conviction of the dealer, or any owner or principal manager of the dealer in a court of original jurisdiction of a felony or any crime involving theft, dishonesty or false statement;

(D) Revocation of any license which the licensee is required to have to operate a dealership;

(E) A fraudulent misrepresentation by the new motor vehicle dealer to the manufacturer, which is material to the franchise; or

(iii) Not less than one hundred eighty (180) days prior to the effective date of the termination or cancellation, where the manufacturer is discontinuing the sale of the product line.

(c) Notification under this section shall be in writing, by certified mail or personally delivered to the licensee and shall state the intention to terminate, cancel or not to renew the franchise, reasons for the termination, cancellation or nonrenewal and the date on which the termination, cancellation or nonrenewal takes effect.

(d) Good cause for termination, cancellation or nonrenewal of a franchise shall include but not be limited to:

(i) Failure by the licensee to comply with a provision of the franchise, which is both reasonable and of material significance to the franchise relationship, provided that the dealer has been notified in writing of the failure within one hundred eighty (180) days prior to termination, cancellation or nonrenewal;

(ii) Failure of the licensee to comply with reasonable performance criteria established by the manufacturer if the licensee was apprised by the manufacturer in writing of the failure and:

(A) The notification stated that notice was provided of failure of performance pursuant to this section;

(B) The licensee was afforded a reasonable opportunity, for a period of not less than six (6) months, to comply with the criteria; and

(C) The licensee did not demonstrate substantial compliance with the performance criteria of the manufacturer during such period.

(e) Within twenty (20) days of receiving the notice or within twenty (20) days after the end of any appeal procedure provided by the manufacturer, the dealer may file with the department to protest the termination, cancellation or nonrenewal. When a protest is filed, the department shall inform the manufacturer that a timely protest has been filed. The manufacturer shall have twenty (20) days to respond to the protest. The manufacturer shall not terminate, cancel or nonrenew the franchise until the department has held a hearing and determined that there is good cause for permitting the termination, cancellation or nonrenewal.

(f) The department will select a hearing examiner to conduct a hearing and to render proposed findings of fact. The proposed findings of fact shall be conclusive unless clearly erroneous and unsupported by the record. The hearing shall be conducted and the department shall render its final determination within one hundred twenty (120) days after the manufacturer responds to the licensee's protest. The department may forbid the termination, cancellation or nonrenewal of the franchise if it is determined good cause does not exist.

(g) All costs of the department, including but not limited to, the cost of the investigation, the cost of the hearing examiner and the cost of preparing the record, shall be borne equally by the parties. The department may, in its discretion, award costs to the prevailing party in any hearing held pursuant to this chapter provided, however, if the department should determine by a preponderance of the evidence, that the protest is without merit, it shall award costs and reasonable attorney fees to the prevailing party.

(h) The manufacturer shall have the burden of proof under this section.

(j) Upon the termination, nonrenewal or cancellation of any franchise by the manufacturer pursuant to this section, the licensee shall be allowed fair and reasonable compensation by the manufacturer for the:

(i) New vehicle inventory which is unused, undamaged, unsold and acquired from the manufacturer within the prior twelve (12) months and prior to the dealer receiving notice of termination;

(ii) Supplies and parts which are unused, undamaged, unsold and in original packaging and have been acquired from the manufacturer prior to the dealer receiving notice of termination and are listed in the manufacturer's current parts catalog or price list;

(iii) Equipment and furnishings purchased from the manufacturer or its approved sources in order to comply with the dealer's obligations under the franchise; and

(iv) Special tools acquired from the manufacturer or a source approved by the manufacturer which were recommended by the manufacturer in writing and are in good and usable condition, except for reasonable wear and tear.

(k) Fair and reasonable compensation under subsection (j) of this section shall be paid or credited by the manufacturer within ninety (90) days of the tender of the property, provided the licensee has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

(m) In the event of a termination, cancellation or nonrenewal by the manufacturer under this section, except as provided in subparagraph (b)(ii)(C) of this section, the manufacturer shall pay:

(i) A sum equivalent to rent of the unexpired term of the lease or one (1) year rent based upon reasonable rental value, whichever is less, if the motor vehicle dealer is leasing its motor vehicle dealership facility from a lessor other than manufacturers or distributors; or

(ii) A sum equivalent to reasonable rental value of the dealership facility for one (1) year or the reasonable rental value of the facility until facilities are leased or sold, whichever is less, if the motor vehicle dealer owns the motor vehicle dealer facility.

(n) The rental payment required under subsection (m) of this section is only required to the extent that the facilities were used for the sale and service of the manufacturer's or distributor's product, and only to the extent they are not leased for other purposes. Payment under subsection (k) of this section entitles the manufacturer or distributor to possession and use of the facility.

(o) This section shall not relieve a new motor vehicle dealer, lessor or other owner of an established place of business from the obligation to mitigate damages.

31-16-110. Succession to franchise ownership.

(a) Notwithstanding the terms, provisions or conditions of any franchise:

(i) Any owner or a licensee may appoint by will, or any other written instrument, a designated family member to succeed in the ownership interest of the owner in the new vehicle dealer;

(ii) Unless there exists good cause for refusal to honor succession by the manufacturer, any designated family member of a deceased or incapacitated owner of a new vehicle dealer may succeed to the ownership of the new vehicle dealer under the existing franchise if:

(A) The designated family member gives the manufacturer written notice of intent to succeed to the ownership of the new vehicle dealer within thirty (30) days of the owner's death or incapacity; and

(B) The designated family member agrees to be bound by all the terms and conditions of the franchise.

(iii) The manufacturer may request and the designated family member shall promptly provide personal and financial data reasonably necessary to determine whether the succession should be honored;

(iv) If a manufacturer believes good cause exists for refusing to honor the succession to the ownership of a new vehicle dealer by a family member of a deceased or incapacitated owner of a new vehicle dealer under the existing franchise agreement, the manufacturer may serve upon the designated family member and the department notice of its refusal to honor the succession and of its intent to discontinue the existing franchise with the dealer no sooner than sixty (60) days from the date the notice is served. The notice may only be served not more than sixty (60) days following receipt of:

(A) Notice of the designated family member's intent to succeed to the ownership of the new vehicle dealer; or

(B) Any personal or financial data which it has requested.

(v) The notice in paragraph (iv) of this subsection shall state the specific grounds for the refusal to honor the succession and of its intent to discontinue the existing franchise with the new vehicle dealer no sooner than sixty (60) days from the date the notice is served;

(vi) If notice of refusal and discontinuance is not timely served upon the family member, the franchise shall continue in effect subject to termination only as otherwise permitted under this act;

(vii) Within twenty (20) days of receiving the notice after the end of any appeal procedure provided by the manufacturer, the designated family member may file with the department to protest the refusal to honor the successor. When such a protest is filed, the department shall inform the manufacturer that a timely protest has been filed and the manufacturer has sixty (60) days to respond to the protest after actually being informed by the department of the protest. The manufacturer shall not terminate or discontinue the existing franchise until the department has held a hearing under the Wyoming Administrative Procedure Act and determined that there is good cause for not permitting the succession. All hearing costs shall be borne as prescribed under W.S. 31-16-109(g);

(viii) In determining whether good cause for the refusal to honor the succession exists, the manufacturer or importer has the burden of proof;

(ix) This act does not preclude the owner of a new vehicle dealer from designating any person as his successor by written instrument filed with the manufacturer. If there is a conflict between the written instrument and this section and the written instrument has not been revoked by the owner of the new dealer in writing to the manufacturer the written instrument shall govern;

(x) As used in this section, "manufacturer" includes a manufacturer, a distributor, a factory branch, distributor branch or other representative.

31-16-111. Limitations on establishing or relocating new vehicle dealers.

(a) If a manufacturer seeks to enter into a franchise establishing an additional new vehicle dealer or relocating an existing new vehicle dealer within a radius of ten (10) miles from where the same line make is then represented the manufacturer shall in writing notify the department and each new vehicle dealer in that line make within a ten (10) mile radius of the intention to establish an additional dealer or to relocate an existing dealer within the ten (10) mile radius. Within twenty (20) days of receiving the notice or within twenty (20) days after the end of any appeal procedure provided by the manufacturer, any new vehicle dealer notified may file with the department to protest the establishing or relocating of the new vehicle dealer. When a protest is filed, the department shall inform the manufacturer that a timely protest has been filed, and the manufacturer has forty-five (45) days to respond to the protest. The manufacturer shall not establish or relocate the proposed new vehicle dealer until the department has held a hearing under the Wyoming Administrative Procedure Act, nor thereafter, if the department has determined that there is good cause for not permitting the addition or relocation of the new vehicle dealer which determination shall be made within sixty (60) days of receipt by the department of the response to the protest from the manufacturer. All hearing costs shall be borne as prescribed in W.S. 31-16-109(g).

(b) This section does not apply:

(i) To the relocation of an existing new vehicle dealer within that dealer's relevant market area, provided that the relocation not be at a site within seven (7) miles of a new vehicle dealer for the same line make of vehicle;

(ii) If the proposed new vehicle dealer is to be established at or within two (2) miles of a location at which a former new vehicle dealer for the same line make had ceased operating within the previous two (2) years;

(iii) To the reopening of a new vehicle dealer who temporarily has been out of business;

(iv) If the protesting new vehicle dealer has not established to the department that he:

(A) Is a licensed new motor vehicle dealer of the same line make located within ten (10) miles of the proposed location of the additional new vehicle dealer or of the proposed relocation site of an existing new vehicle dealer;

(B) Is providing facilities, equipment, parts, capital and personnel in substantial compliance with its contractual obligations to the manufacturer; and

(C) Has attained in the last three (3) years sales penetration for the manufacturer in his area of responsibility that is equal to or greater than the average penetration of all same line make new vehicle dealers in the state; or

(v) Where the relocation is two (2) miles or less from the existing location of the relocating new vehicle dealer.

(c) In determining whether good cause has been established for not entering into or relocating an additional new vehicle dealer for the same line make, the department shall take into consideration the existing circumstances including, but not limited to:

(i) Permanency of the investment of both the existing and proposed new vehicle dealers;

(ii) Growth or decline in population and new motor vehicle registrations in the relevant market area;

(iii) Effect on the consuming public in the relevant market area;

(iv) Whether it is injurious or beneficial to the public welfare for an additional new vehicle dealer to be established;

(v) Whether the new vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient customer care for the vehicles of the line make in the market area, including the adequacy of vehicle sales and service facilities, equipment, supply of vehicle parts and qualified service personnel;

(vi) Whether the establishment of an additional new vehicle dealer would increase competition and be in the public interest.

(d) The protesting new vehicle dealer shall have the burden of establishing that good cause does not exist for the establishment of an additional new vehicle dealer or the relocation of an existing new vehicle dealer.

31-16-112. Penalty.

(a) Any person, Wyoming based manufacturer, vehicle dealer, salesperson or agent who violates this act or any rule or regulation promulgated under this act is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(b) The highway patrol division and other enforcement officers as the department designates are charged with the duty of policing and enforcing the provisions of this act. The designated enforcement officers have authority to issue citations for violations of any of the provisions of this act.

31-16-113. Product liability responsibility.

A manufacturer shall file with the department a copy of the delivery and preparation obligations required to be performed by a new vehicle dealer prior to the delivery of a new vehicle to a buyer. These delivery and preparation obligations constitute the new vehicle dealer's only responsibility for product liability as between the new vehicle dealer and the manufacturer, except for a loss caused by the new vehicle dealer's failure to adhere to these obligations, a loss caused by the new vehicle dealer's negligent, reckless or intentional misconduct or loss caused by the new vehicle dealer's modification of a product without manufacturer's authorization. Any mechanical, body or parts defects arising from an express or implied warranty of the manufacturer constitute the manufacturer's product or warranty liability only as between the

manufacturer and the new vehicle dealer. This section shall not affect the obligation of new vehicle dealers to perform warranty repair, other service and maintenance as may be required by law or contract.

31-16-114. Product liability indemnification.

Notwithstanding the terms of any franchise agreement, no new vehicle manufacturer shall fail to indemnify and hold harmless its franchised new vehicle dealers against any judgment or settlement for damages including, but not limited to, court costs and reasonable attorney fees of the new vehicle dealer, arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, warranty, express or implied, or rescission of the sale to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly or design of new vehicles, parts or accessories or other functions by the manufacturer beyond the control of the new vehicle dealer. This section does not absolve any new vehicle dealer from responsibility for the negligent, reckless or intentional misconduct of the new vehicle dealer and his employees and agents.

31-16-115. Disclosure of damage required.

On any new vehicle, any uncorrected damage or any corrected damage exceeding six percent (6%) of the manufacturer's suggested retail price measured by the claim for reimbursement to the manufacturer or transportation or insurance carrier shall be disclosed in writing prior to delivery. Damage to glass, tire and bumpers and any damaged components, body panels, or options which can be replaced by identical components without welding are excluded from the six percent (6%) rule when replaced by identical manufacturer's original equipment.

31-16-116. Grounds for revocation; cessation of right to revocation.

Repaired damage to a customer-ordered new vehicle, not exceeding the six percent (6%) rule, does not constitute grounds for revocation of the customer order. The customer's right of revocation ceases upon his acceptance of delivery of the vehicle if disclosure required in this act is made prior to delivery.

31-16-117. Payment for delivery preparation and warranty service.

(a) Each new vehicle manufacturer shall specify in writing to each of its new vehicle dealers licensed in this state the dealer's obligations for predelivery preparation and warranty service on its products, compensate the new vehicle dealer for service required of the dealer by the manufacturer and provide the dealer a schedule of compensation to be paid the dealer for parts, work and service in connection therewith, and the time allowance for the performance of that work and service.

(b) No schedule of compensation shall fail to include reasonable compensation for diagnostic work, repair service and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. The hourly labor rate charged by the dealer for warranty service shall not exceed the hourly labor rate charged to nonwarranty customers for nonwarranty service and repairs, provided that rate is reasonable. Reimbursement for parts purchased by the dealer for use in performing work pursuant to a manufacturer's express warranty shall be dealer cost plus thirty percent (30%).

(c) No new vehicle manufacturer shall fail to perform any warranty obligations, fail to include in written notices of factory recalls to new vehicle owners and dealers, the expected date by which necessary parts and equipment will be available to dealers for the correction of those defects or fail to compensate any of the new vehicle dealers in this state for repairs affected by recall.

(d) All claims made by new vehicle dealers pursuant to this section for labor and parts shall be paid or credited within thirty (30) days following their approval. The manufacturer may audit claims and charge the dealer for unsubstantiated or incorrect, claims for a period of one (1) year following payment except where the manufacturer reasonably suspects fraud. A manufacturer that reasonably suspects fraud may audit claims for a period of four (4) years and charge the dealer for fraudulent claims as otherwise provided by law. All claims shall be either approved or disapproved within thirty (30) days after their receipt, on forms or by computerized communication and in the manner specified by the manufacturer including a computerized communications system. Any claim not specifically disapproved in writing or through electronic communication within thirty (30) days after receipt is construed to be approved and payment shall be made within thirty (30) days.

(e) This section shall apply to each manufacturer or distributor of motor vehicles, medium duty or heavy duty truck components or engines who provides integral parts of vehicles or major components by selling directly to dealers or enters into a contract with a motor vehicle, medium duty or heavy duty truck dealer which authorizes the dealer to perform warranty or other services on products produced or distributed.

31-16-118. Repair or replacement of an odometer.

Nothing in this act shall be construed to prohibit the service, repair or replacement of an odometer, provided the indicated mileage remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to read zero and a notice shall be attached permanently to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. No person shall fail to adjust an odometer or affix a notice regarding that adjustment, as required under this section. No person shall with intent to defraud remove or alter any notice affixed to a vehicle under this section.

31-16-119. Disconnecting, turning back or resetting of odometer prohibited.

No person shall disconnect, turn back, or reset the odometer of any vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

31-16-120. Selling vehicle knowing odometer turned back unlawful.

No person shall sell a vehicle in this state if he has knowledge that the odometer on the vehicle has been turned back unless he notifies the buyer prior to the time of the sale that the odometer has been turned back or that he has reason to believe that the odometer has been turned back.

31-16-121. Selling vehicle knowing odometer replaced unlawful.

No person shall sell a vehicle in this state if he has knowledge that the odometer on the vehicle has been replaced with another odometer unless he notifies the buyer prior to the time of the

sale that the odometer has been replaced or that he believes the odometer to have been replaced.

31-16-122. Selling, advertising, using or installing device which causes other than true mileage to be registered.

No person shall advertise for sale, sell, use or install on any part of a vehicle or on an odometer in a vehicle, any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section, the true mileage driven is that driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

31-16-123. Purchaser plaintiff to recover costs and attorney's fee.

(a) The purchaser of a vehicle may recover from the seller of the vehicle court costs and reasonable attorney fees fixed by the court, if:

(i) The suit or claim is based substantially upon the purchaser's allegation that the odometer on the vehicle has been tampered with contrary to this act or replaced contrary to this act; and

(ii) It is found in such suit that the seller of the vehicle or any of his employees or agents knew or had reason to know the odometer on the vehicle had been tampered with or replaced and failed to disclose the knowledge to the purchaser prior to the time of sale.

31-16-124. Applicability of provisions.

(a) Any person who engages directly or indirectly in purposeful contacts within this state in connection with the offering or advertising for sale or has business dealings with respect to a new vehicle sale within this state is subject to this act and is subject to the jurisdiction of the courts of this state.

(b) The applicability of this act is not affected by a choice of law clause in any franchise, agreement, waiver, novation or other written instrument.

(c) Any provision of any agreement, franchise, waiver, novation or other written instrument which is in violation of

any section of this act is null and void and without force and effect.

(d) No manufacturer or other franchisor shall use any subsidiary corporation, affiliated corporation or any other controlled corporation, partnership, association or person to accomplish what would otherwise be illegal conduct under this act on the part of the manufacturer.

(e) Nothing in this act shall be construed to impair the obligations of a contract entered into prior to the date this act becomes effective or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this act, from requiring performance of the prior written contract entered into with any licensee nor shall the requirement of that performance constitute a violation of this act if the contract, or the terms thereof, requiring performance, was freely entered into and executed between the contracting parties. This act applies to any amendments, novations, records or modifications of prior contracts and to any contracts entered into subsequent to the date this act becomes effective.

(f) Any assignment or delegation by a manufacturer or other franchisor, except an assignment or delegation agreed to by the affected new vehicle dealer does not relieve the manufacturer or other franchisor of liability for performance of obligations under any franchise agreement or in any way limit the application of this act to the manufacturer or other franchisor.

31-16-125. Demo, full use, and Wyoming based manufacturer plates.

(a) Any licensed dealer who sells or exchanges retail twelve (12) or more vehicles in any twelve (12) consecutive month period shall apply to the county treasurer in the county in which the business is licensed for demo and full use license plates. After presentation of a current dealer's license and payment of fees, the treasurer shall assign the requested number of plates to an approved applicant for use in the business located in the county. The treasurer shall not assign plates to a dealer in excess of the number approved by the department.

(b) The department shall authorize any licensed dealer who sells or exchanges retail twelve (12) or more vehicles in any one (1) calendar year to purchase the following number of demo license plates annually:

(i) If the dealer applied for a renewal certificate based on the total number of retail sales by the dealer during the twelve (12) full calendar months preceding the date of application for renewal:

(A) Three (3) demo plates plus one (1) demo plate for each twenty-five (25) retail vehicle sales or fractional part thereof for the first one thousand (1,000) retail vehicle sales;

(B) One (1) demo plate for each fifty (50) retail vehicle sales or fractional portion thereof from one thousand one (1,001) through one thousand five hundred (1,500) retail vehicle sales;

(C) One (1) demo plate for each one hundred (100) retail vehicle sales or fractional portion thereof in excess of one thousand five hundred (1,500) retail vehicle sales;

(D) In addition to demo plates otherwise authorized under this paragraph, one (1) plate for each four (4) retail vehicle sales or fractional part thereof if the vehicle is a truck with an unladen weight greater than six thousand (6,000) pounds or a recreational vehicle;

(E) One (1) demo plate if the applicant is an antique vehicle dealer.

(ii) If the dealer applied for a new dealer license, he may purchase demo plates in the same amount specified in paragraph (i) of this subsection, except authorization to purchase demo license plates shall be based on the dealer's reasonable estimate of the number of retail vehicle sales the dealer will make during the first year of business. The department may revise the estimate and reduce or increase the number of demo license plates authorized under this paragraph at any time, but not less than ninety (90) days after the certificate is issued if, from the number of retail sales made, it appears the estimate is substantially inaccurate. No dealer shall hold demo or full use license plates in excess of the number authorized. No refund shall be granted for demo or full use license plates returned under this paragraph.

(c) The department shall authorize and the county treasurer upon application and payment of the fees shall assign one (1) demo plate to any dealer selling fewer than twelve (12) vehicles per calendar year.

(d) The department shall authorize a licensed dealer to purchase full use license plates not to exceed fifty percent (50%) of the total number of demo plates allowed by subsection (b) of this section.

(e) A banking or lending institution engaged in the business of making loans secured by vehicles, or persons engaged in the business of repossessing vehicles, may acquire demo or full use license plates after presentation of a current dealer's license and upon payment of fees required by dealers and may use the demo or full use license plates solely for the repossession and sale of vehicles.

(f) Licensed Wyoming based manufacturers may apply to the department for one (1) or more manufacturer license plates, or, if the department authorizes, to the county treasurer in a county where the manufacturer has an established place of business. After presentation of a current manufacturer certificate and payment of fees, the department or treasurer, if authorized, shall assign to the manufacturer the number of license plates approved by the department for use in the usual and customary conduct of the manufacturer's business including, demonstrating, testing, transporting or selling a vehicle.

(g) Licensed dealers who have received demo license plates may apply for and receive temporary license permits from the department upon payment of fees.

(h) The department may authorize a dealer to purchase demo license plates in addition to the number authorized under subsection (b) of this section upon a showing of a substantial increase in the dealer's business or for other good cause shown.

(j) Every dealer or manufacturer upon transferring a vehicle by sale, lease or otherwise to any person other than a dealer or manufacturer shall immediately give written notice of the transfer to the department upon the official form provided by the department. The notice shall contain the date of the transfer, the names and addresses of the transferor and transferee, and a description of the vehicles required on the form.

31-16-126. Use of demo, full use plates; temporary permits.

(a) Vehicles while included as a part of a licensed dealer's inventory may be operated on highways with demo license plates issued pursuant to W.S. 31-16-125, provided that:

(i) Demo plates may only be displayed on vehicles owned by or consigned to the dealership;

(ii) Notwithstanding paragraph (v) of this subsection, a dealer demo plate may only be used on a vehicle operated by a prospective buyer, by a dealership employee with a prospective buyer in the vehicle, or for conducting legitimate dealership business by a dealership employee during normal business hours and for no other purpose except as authorized by the department for good cause shown;

(iii) A dealer demo plate may not be used on any vehicle which has been sold and is in the possession of the purchaser, or upon any vehicle leased or rented by a dealer;

(iv) A demonstration by a prospective buyer cannot exceed seven (7) calendar days;

(v) Owners and employees of the dealership may not operate a vehicle with demo plates for their private purposes or use a demo plate for commercial purposes except as provided by this section;

(vi) Demo plates cannot be displayed on any of the following vehicles owned by the dealership which shall be titled and registered in the name of the dealership:

(A) Tow vehicles;

(B) Parts and delivery vehicles;

(C) Service department loaners;

(D) Courtesy shuttle vehicles;

(E) Rental vehicles; and

(F) Haulers.

(vii) Except as authorized by the department for good cause shown, a dealer demo plate shall not be loaned to charitable organizations, parades or shows;

(viii) A dealer demo plate shall not be loaned or given to any person other than prospective buyers for demonstration purposes;

(ix) Demo plates shall be designated by "DEMO" above or below the plate numbers;

(x) The number of demo plates issued to a dealer shall be subject to W.S. 31-16-125.

(b) Vehicles while included as a part of a licensed dealer's inventory may be operated on highways with full use license plates issued pursuant to W.S. 31-16-125 provided that full use license plates:

(i) Shall be designated by "FULL USE" above or below the plate numbers;

(ii) Shall be limited to no more than fifty percent (50%) of a dealer's allotted demo plates;

(iii) Shall be valid for one (1) year;

(iv) May be used only on vehicles owned and offered for sale by the dealer. Full use plates shall not be used on vehicles owned by the dealership that are commonly used by that dealer as tow trucks, parts vehicles, rental vehicles, courtesy shuttles or haulers;

(v) May be transferred from one (1) vehicle to another freely and without notification to the department;

(vi) May be assigned by a vehicle dealer to the following persons:

(A) Owner or co-owners;

(B) Employees;

(C) To any person including former, current and prospective customers in order to serve the legitimate business interests of the dealership;

(D) A spouse living in the same household as the licensed dealer.

(c) A vehicle dealer may not use a demo, full use or manufacturer license plate on any vehicle type the dealer is not licensed to sell, as indicated on the dealer's application for a dealer license. No demo, full use, or Wyoming based manufacturer license plate shall be used upon any vehicle rented, or leased by a dealer or Wyoming based manufacturer or upon a wrecker or delivery truck used by a dealer or Wyoming based manufacturer, except that a demo, full use or Wyoming based manufacturer license plate may be used on a vehicle lawfully being repossessed by a dealer or Wyoming based manufacturer. A demo, full use or manufacturer license plate for trailers may be used on a trailer being used by a dealer or Wyoming based manufacturer to transport a boat if the boat:

(i) Is being transported for the purpose of demonstration or sale; and

(ii) Is included in the dealer's or manufacturer's inventory.

(d) Vehicles may be operated without registration for forty-five (45) days from the date of purchase when displaying a temporary license permit issued by a licensed dealer or the department. The form and display of the temporary license permit shall be prescribed by the department.

31-16-127. Temporary recreational vehicle display and sales permit.

(a) No out of state recreational vehicle dealer shall display, demonstrate, exchange or sell a recreational vehicle, as defined in W.S. 31-16-101(a)(xxiii), in this state without a permit as provided in subsection (b) of this section.

(b) The department shall issue a temporary recreational vehicle display and sales permit to an out of state recreational vehicle dealer not currently licensed in Wyoming, subject to the following conditions:

(i) The applicant shall submit an application accompanied by an application fee of five hundred dollars (\$500.00) to the department at least ninety (90) days prior to the recreational vehicle display and sales event. The application shall be on a form approved by the department and shall include:

(A) The legal name and residence address of the applicant and the trade name, if any, under which the applicant

intends to conduct his business. If the applicant is a partnership, the name and residence address of its managing partner, whether a limited or general partner, and the name under which the partnership business is to be conducted. If the applicant is a corporation, the name of the corporation and the name and address of its principal officer. If the applicant is a limited liability company, the name and address of the managing members;

(B) Any other information the department may reasonably require, including financial statements of new applicants, past or present judicial, civil or administrative dispositions of criminal, civil or administrative actions relating to the conduct of the business if currently licensed or a new applicant, telephone numbers, sales and use tax numbers for the business and declared business hours. Any new applicant for a permit issued under this section shall submit to fingerprinting and provide information necessary for a state and national criminal history record background check and release of information as provided in W.S. 7-19-106(k)(ii) and consent to the release of any criminal history information to the department;

(C) An additional fee of fifty dollars (\$50.00) for two (2) temporary recreational vehicle demo plates;

(D) An additional fee of five dollars (\$5.00) for ten (10) temporary permits for issuance to purchasers of recreational vehicles at the event;

(E) Any additional fees required by state and federal agencies for processing of criminal history record information and fingerprint searches.

(ii) The applicant is a licensed recreational vehicle dealer in its state of residence;

(iii) The recreational vehicle display and sales event is in conjunction with a state, regional or national recreational vehicle rally at which at least one hundred fifty (150) owned units are preregistered to attend;

(iv) The application shall be accompanied by a written statement from the owner or manager of the location where the recreational vehicle display and sales event will be conducted, describing the associated recreational vehicle rally and the display and sales event;

(v) The owner or manager of the location where the recreational vehicle display and sales event will be conducted shall notify all licensed Wyoming recreational vehicle dealers when a temporary recreational vehicle display and sales event is planned. Notice shall be timely, but not less than six (6) months prior to the event;

(vi) Wyoming licensed dealers shall have a first right of refusal to purchase space for the purpose of displaying and selling recreational vehicles, exercisable for three (3) months following the date of the notice required by paragraph (v) of this subsection, at any event for which a permit is required under this section;

(vii) Wyoming licensed recreational vehicle dealers holding a current exclusive franchise or dealer agreement with a recreational vehicle manufacturer shall have the first right of refusal to be the sole representative for that manufacturer, as provided in the exclusive franchise or dealer agreement;

(viii) Recreational vehicle dealers in a state allowing sales by out of state recreational vehicle dealers on terms substantially equal to those provided for in this section shall have a second right of refusal to purchase space for the purpose of displaying and selling recreational vehicles, exercisable for one (1) month following expiration of the first right of refusal provided by paragraph (vi) of this subsection, at any event for which a permit is required under this section;

(ix) A permit pursuant to this section shall be valid for a period up to seven (7) consecutive days, beginning on the first day of the scheduled event;

(x) Not more than three (3) permits as provided in this section shall be issued to any one (1) out of state recreational vehicle dealer in one (1) calendar year;

(xi) The application shall be accompanied by a cash or surety bond in the amount of fifty thousand dollars (\$50,000.00) with a corporate surety duly licensed to do business within this state. The bond shall:

(A) Be approved as to form by the attorney general;

(B) Be conditioned that the applicant shall not practice any fraud, make fraudulent misrepresentations, or

violate any federal or state law, rules or regulations relating to the conduct of the business;

(C) Guarantee the return of the temporary recreational vehicle display and sales permit, recreational vehicle demo plates, unused temporary permits and stubs of temporary permits issued to purchasers;

(D) Be forfeited to the department upon any violation of this act;

(E) Be returned by the department to the bond holder within thirty (30) days after the last day of the event if no sales were consummated in Wyoming, or one (1) year after the last date of any sales transacted at the event if all conditions and guarantees of the bond have been met.

(xii) The permit shall be prominently displayed at the sales event in the location where the permit holder conducts business;

(xiii) Out of state dealers at a temporary recreational vehicle sales and display event, prior to consummation of a vehicle sale to a Wyoming resident, shall provide written notice to the buyer of the location of the manufacturer authorized service facility nearest to the event.

(c) For purposes of this section:

(i) "Out of state recreational vehicle dealer" means a dealer as defined in W.S. 31-16-101(a)(xviii) who is engaged in the business of selling or exchanging recreational vehicles and who is not licensed as a new vehicle dealer or used vehicle dealer as provided in this act;

(ii) "Recreational vehicle display and sales event" means any temporary private or public assembly of recreational vehicles at which recreational vehicles are displayed to the public for the purpose of sale or exchange.

(d) The department shall adopt rules and regulations to implement the provisions of this section.

CHAPTER 17
COMMERCIAL DRIVER LICENSES

31-17-101. Repealed by Laws 1993, ch. 145, § 5.

31-17-102. Repealed by Laws 1993, ch. 145, § 5.

31-17-103. Renumbered as § 31-7-301 by Laws 1993, ch. 145, § 3.

31-17-104. Renumbered as § 31-7-302 by Laws 1993, ch. 145, § 3.

31-17-105. Repealed by Laws 1993, ch. 145, § 5.

31-17-106. Renumbered as § 31-7-303 by Laws 1993, ch. 145, § 3.

31-17-107. Repealed by Laws 1993, ch. 145, § 5.

31-17-108. Repealed by Laws 1993, ch. 145, § 5.

31-17-109. Repealed by Laws 1993, ch. 145, § 5.

31-17-110. Repealed and Renumbered.

(a) Repealed by Laws 1993, ch. 145, § 5.

(b) through (f) Renumbered as § 31-7-304(a) through (e) by Laws 1993, ch. 145, § 3.

31-17-111. Renumbered as § 31-7-305 by Laws 1993, ch. 145, § 4.

31-17-112. Renumbered as § 31-7-306 by Laws 1993, ch. 145, § 3.

31-17-113. Renumbered as § 31-7-307 by Laws 1993, ch. 145, § 4.

31-17-114. Renumbered as § 31-7-308 by Laws 1993, ch. 145, § 3.

31-17-115. Renumbered as § 31-7-309 by Laws 1993, ch. 145, § 3.

31-17-116. Renumbered as § 31-7-310 by Laws 1993, ch. 145, § 3.

31-17-117. Renumbered as § 31-7-311 by Laws 1993, ch. 145, § 3.

31-17-118. Renumbered as §§ 31-7-312 by Laws 1993, ch. 145, § 3.

31-17-119. Repealed by Laws 1993, ch. 145, § 5.

31-17-120. Repealed by Laws 1993, ch. 145, § 5.

CHAPTER 18
COMMERCIAL VEHICLES

ARTICLE 1
GENERALLY

31-18-101. Definitions.

(a) As used in this act:

(i) Repealed By Laws 1998, ch. 46, § 2.

(ii) "Authority" means a document issued under this act by the department, granting intrastate authority to a person to operate a motor vehicle as a motor carrier transporting persons or property;

(iii) "Commercial vehicle" means any vehicle or vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit and shall include, but not be limited to:

(A) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand (26,000) pounds;

(B) A power unit having three (3) or more axles regardless of weight; or

(C) Is used in combination when the weight of such combination exceeds twenty-six thousand (26,000) pounds of gross vehicle weight.

(iv) "Compensation" means money or other recompense given, either directly or indirectly, for the transportation of persons or property by a motor carrier;

(v) "Department" means the department of transportation;

(vi) Repealed By Laws 1998, ch. 46, § 2.

(vii) Repealed By Laws 1998, ch. 46, § 2.

(viii) "Gross vehicle weight" means as defined in W.S. 31-1-101(a)(vii);

(ix) "Highway" means any road, thoroughfare or public way of any kind in Wyoming;

(x) "Motor carrier" or "carrier" means a contract or private commercial vehicle operating on state highways as hereafter defined:

(A) "Contract motor carrier" means any person engaged in the intrastate transportation of persons or property by motor vehicle on state highways for compensation;

(B) Repealed By Laws 1998, ch. 46, § 2.

(C) Repealed By Laws 1998, ch. 46, § 2.

(D) "Private motor carrier" means any person engaged in business and operating a vehicle which has a gross vehicle weight exceeding twenty-six thousand (26,000) pounds who, without compensation, transports intrastate over state highways his employees or property of which the person is the owner, lessee or bailee, used in the furtherance of any commercial enterprise. As used in this paragraph "commercial enterprise" means activities of those persons engaged in the exchange, purchase or selling of commodities or rendering a service in related financial transactions;

(E) Repealed By Laws 1998, ch. 46, § 2.

(xi) "Motor vehicle" means every self-propelled vehicle intended primarily for use and operation on highways;

(xii) Repealed By Laws 1998, ch. 46, § 2.

(xiii) Repealed By Laws 1998, ch. 46, § 2.

(xiv) Repealed By Laws 1998, ch. 46, § 2.

(xv) Repealed By Laws 1998, ch. 46, § 2.

(xvi) Repealed By Laws 1998, ch. 46, § 2.

(xvii) "State highway" means any highway now or subsequently designated as a state highway by the state transportation commission;

(xviii) "Trailer" means a vehicle without propelling power designed to be drawn by a motor vehicle. The term includes the following vehicles as hereafter defined:

(A) "House trailer" means a trailer designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and equipped for use as a conveyance on highways;

(B) "Semitrailer" means every vehicle of a trailer type not equipped with propelling power so designed for carrying property and used in conjunction with a motor vehicle that some part of its weight and that of its load rests upon or is carried by another vehicle;

(C) "Utility trailer" means any trailer less than six thousand (6,000) pounds gross vehicle weight ordinarily pulled by or attached to a motor vehicle.

(xix) "This act" means W.S. 31-18-101 through 31-18-903;

(xx) "Intrastate" means the transportation of persons or property between points within Wyoming.

31-18-102. Repealed By Laws 1998, ch. 46, § 2.

31-18-103. Exemptions.

(a) The provisions contained in W.S. 31-18-104, 31-18-209, 31-18-301 and 31-18-304 do not apply to:

(i) Motor carriers operating wholly within the confines of any Wyoming municipality;

(ii) Motor carriers transporting persons or property solely between a Wyoming municipality and airports considered adjacent thereto;

(iii) Motor carriers operating wholly within the confines of any highway construction project. Any operation on the highway outside of the actual construction site is not exempt;

(iv) Transportation on his own motor vehicle or combination of vehicles having a gross vehicle weight of less than fifty-five thousand (55,000) pounds by any farmer or rancher, or the employee of a farmer or rancher exclusively in his service, transporting produce or commodities for his own use to and from his farm or ranch;

(v) The exchange of transportation in their own motor vehicles, or combination of vehicles having a gross vehicle weight of less than fifty-five thousand (55,000) pounds by farmers or ranchers, or the employees of farmers or ranchers exclusively in their service, when the exchange is between farmers or ranchers, or their employees, in the immediate community;

(vi) The exclusive transportation of children to and from school;

(vii) The transportation of sick, injured or deceased persons by ambulance or hearse;

(viii) Transportation by motor vehicle when the motor vehicle is owned or operated by the United States, the state of Wyoming or any subdivision thereof;

(ix) Motor carriers engaged in the exclusive transportation of the United States mail;

(x) Repealed By Laws 1998, ch. 46, § 2.

(xi) Transportation by motor vehicle on nonstate highways;

(xii) Repealed By Laws 1998, ch. 46, § 2.

(xiii) The intrastate transportation of livestock for show, performance or competition for noncommercial purposes.

31-18-104. Powers and duties of the department.

(a) The department shall:

(i) Supervise and regulate the operations of motor carriers to:

(A) Preserve the safety of the highways;

- (B) Repealed By Laws 1998, ch. 46, § 2.
 - (C) Repealed By Laws 1998, ch. 46, § 2.
 - (ii) Repealed By Laws 1998, ch. 46, § 2.
 - (iii) Issue or refuse to issue authority to operate as a contract or private motor carrier;
 - (iv) Repealed By Laws 1998, ch. 46, § 2.
 - (v) Repealed By Laws 1998, ch. 46, § 2.
 - (vi) Promulgate and enforce rules and regulations as are necessary to carry out this act;
 - (vii) Repealed By Laws 1998, ch. 46, § 2.
 - (viii) Make and enforce rules of procedure for holding hearings including fixing reasonable fees for filing complaints and other pleadings subject to the Wyoming Administrative Procedure Act;
 - (ix) Exercise such other powers as are reasonably necessary to carry out and enforce this act.
- (b) The department may initiate appropriate civil proceedings in the courts of this state to enforce and cause to be prosecuted criminal violations of this act, or of orders, rules or regulations. The district and county and prosecuting attorneys of this state shall prosecute all criminal violations. Other persons affected by violations of this act or the orders, rules or regulations of the department, may seek redress by appropriate remedy in the courts of this state or upon proper complaint or application to the department. The department may revoke any authority upon conviction of a carrier of any violation under W.S. 31-18-701(a) or after notice and hearing upon good cause shown.
- (c) Repealed By Laws 1998, ch. 46, § 2.
 - (d) Repealed By Laws 1998, ch. 46, § 2.
 - (e) Repealed By Laws 1998, ch. 46, § 2.

ARTICLE 2

REGISTRATION, AUTHORITY AND PERMITS

31-18-201. Commercial vehicles; registration; exemptions.

(a) As used in this article:

(i) "Instate miles" means the total number of miles operated by a commercial vehicle or fleet of commercial vehicles in Wyoming during the preceding year and in the case of Wyoming based commercial fleet vehicles may include miles accrued by fleet vehicles in jurisdictions that require no apportionment and grant reciprocity;

(ii) "Preceding year" means a period of twelve (12) consecutive months fixed by the commission which shall be within the eighteen (18) months immediately preceding the commencement of the registration year for which registration is sought;

(iii) "Reciprocity" means the exemption of a vehicle from registration and payment of Wyoming registration fees;

(iv) "Registration year" means the calendar year;

(v) "Total miles" means the total number of miles operated by a commercial vehicle or fleet of commercial vehicles in all jurisdictions during the preceding year;

(vi) "Wyoming based commercial vehicle" means a commercial vehicle:

(A) The owner of which maintains an established place of business in Wyoming, the operational records of which are maintained or readily available in Wyoming and mileage of which is accrued in Wyoming; or

(B) Which is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled from or in Wyoming.

(b) Except as otherwise provided by W.S. 31-18-202 and subsections (h) and (j) of this section, every owner of a commercial vehicle or fleet of commercial vehicles shall comply with the requirements for certificates of title contained in W.S. 31-2-101 through 31-2-105 and register and license the vehicle or fleet for operation in Wyoming in accordance with the time requirements contained in W.S. 31-2-201(a)(i) and (ii) as follows:

(i) With the department if an owner of a commercial vehicle or fleet of commercial vehicles which will be operated in Wyoming and any other jurisdiction;

(ii) With the county treasurer of the county in which the owner resides or in which the vehicle or fleet is based if a commercial vehicle or fleet of commercial vehicles which will not be proportionally registered for operation in Wyoming and any other jurisdiction.

(c) Applications for registration of commercial vehicles pursuant to this section shall contain the following information and such other information as required by the department:

(i) If registering under paragraph (b)(i) of this section:

(A) Instate miles during the preceding year, or if none, an estimate of instate miles to be accrued by the vehicle or fleet during the registration year;

(B) Total miles during the preceding year, or if none, an estimate of total miles to be accrued by the vehicle or fleet during the registration year;

(C) A description and identification of the vehicle;

(D) Evidence of compliance with W.S. 31-2-101;

(E) Information required by W.S. 31-2-103;

(F) A declaration of the gross vehicle weight for each commercial vehicle or combination of commercial vehicles.

(ii) If registering under paragraph (b)(ii) of this section, the information required by subparagraphs (c)(i)(C), (D), (E) and (F) of this section. If the commercial vehicle is under twenty-six thousand (26,000) pounds gross vehicle weight rating, application shall be made to the department of transportation for the county treasurer to issue commercial license plates.

(d) Applications made pursuant to paragraph (b)(i) of this section shall be accompanied by an administrative fee of six dollars (\$6.00) for each motor vehicle, trailer or semitrailer

to be registered and an additional fee to be computed as follows:

(i) In the case of a Wyoming based commercial vehicle or fleet, or a commercial vehicle or fleet based in a jurisdiction permitting proportional registration of similar Wyoming based commercial vehicles or fleets which will be operated under intrastate for hire operating authority granted by the department, except trailers, divide instate miles by total miles and multiply times the county fee prescribed by W.S. 31-18-401(a)(i) and the state fee prescribed by W.S. 31-18-401(a)(ii), and an additional fee of fifteen dollars (\$15.00) to the counties for each vehicle to be registered;

(ii) Except as otherwise provided by paragraph (iii) of this subsection, in the case of a commercial vehicle or fleet based in a jurisdiction permitting proportional registration of similar Wyoming based commercial vehicles or fleets which will not require intrastate for hire operating authority from the department, divide instate miles by total miles and multiply times the equalized highway use tax prescribed by W.S. 31-18-401(a)(iii) and the state fee prescribed by W.S. 31-18-401(a)(ii) for each vehicle to be registered;

(iii) Notwithstanding the provisions of paragraph (ii) of this subsection and W.S. 31-18-401(a)(iii) an owner of a commercial vehicle as defined in paragraph (ii) of this subsection may file an application with the department prior to January 1 of the year in which registration is due requesting payment of the proportioned county fee in lieu of the equalized highway use tax prescribed in W.S. 31-18-401(a)(iii). The department shall authorize the taxpayer to pay the lesser of the county registration fee prescribed in W.S. 31-18-401(a)(i) times instate miles divided by total miles or the equalized highway use tax if the department receives the information which is necessary to calculate the county fee and the equalized highway use tax prior to the time prescribed by this paragraph. The department shall notify the taxpayer of the amount due under this paragraph within thirty (30) days of the date the necessary information is received. The taxpayer shall pay the amount due as determined by the department pursuant to this paragraph prior to April 1 of the year in which registration is due. Fees collected pursuant to this paragraph shall be distributed to the state highway fund.

(e) Every owner engaged in the business of renting utility trailers shall register a number of trailers equal to the

average number of utility trailers rented in or through Wyoming during the preceding year. Thereafter, all utility trailers rented or leased by the owner and properly identified and licensed in any jurisdiction may operate in Wyoming on an interstate and intrastate basis. The owner shall submit verifiable data to the department as to the average number of trailers rented or operated in Wyoming during the preceding year and such other information as may be required by the department. All applicable fees shall be paid to and, if necessary, license plates issued by the department.

(f) Every owner engaged in the business of renting rental vehicles shall collect and pay the surcharge as provided in W.S. 31-3-104. A "rental transaction" occurs in the jurisdiction in which the rental vehicle first comes into the possession of the user. Thereafter, all rental vehicles rented or leased by the owner and properly identified and licensed in any jurisdiction may operate in Wyoming on an interstate and intrastate basis. Before commencing business and annually thereafter any person who engages in the business of renting rental vehicles from an office or branch office located in Wyoming shall apply to the department for a certificate or a renewal of a certificate to operate as a passenger car rental agency. A certificate or renewal certificate is valid for one (1) year. Applications shall be accompanied by a fee of one hundred dollars (\$100.00) and contain information with respect to the name and address of the applicant and the name and physical location of the rental agency or business located in Wyoming. Failure of the certificate holder to comply with the rules and regulations or any other provisions of this subsection shall result in cancellation of the certificate and subject the certificate holder to other penalties as provided by law. The department shall promulgate and enforce rules and regulations necessary to carry out the provisions of this subsection.

(g) Every owner engaged in the business of renting rental trucks less than twenty-six thousand (26,000) pounds gross weight operated as part of an identifiable one-way fleet shall register a number of rental trucks equal to instate miles divided by total miles times the number of rental vehicles in the fleet. Thereafter, all fleet rental trucks may operate in Wyoming on an interstate and intrastate basis. The owner shall submit verifiable data and pay applicable fees to the department. The department shall issue evidence of registration of the fleet.

(h) The department may enter into agreements relating to proportional registration of commercial vehicles with authorities of one (1) or more jurisdictions to facilitate administration. Every agreement shall be in writing and filed in the office of the secretary of state. Every agreement shall contain a provision authorizing the department to cancel and revoke the agreement with respect to Wyoming upon thirty (30) days notice to other parties thereto. Agreements shall provide for the submission of an application containing the information required by subsection (c) of this section to the department in the case of Wyoming based commercial vehicles and to the department or an authorized agency in another jurisdiction, in the case of non-Wyoming based commercial vehicles. As used in this subsection "commercial vehicle" includes utility trailers, rental vehicles and rental trucks.

(j) Agreements may also provide for the following:

(i) Full reciprocity for non-Wyoming based commercial vehicles operated solely in interstate commerce of specified types, or gross or unladen weights, in exchange for equivalent reciprocity for Wyoming based commercial carriers;

(ii) Reciprocal audits of records of owners or commercial vehicles by jurisdictions parties to the agreement;

(iii) A definition of "fleet" which varies from W.S. 31-1-101(a)(vi);

(iv) Such other matters which will facilitate the administration of the agreement, including exchange of information for audits and enforcement activity and collection and disbursement of proportioned registration fees for other jurisdictions in the case of Wyoming based commercial vehicles.

(k) Upon application and payment of fees as prescribed by subsection (d) of this section, the department shall register commercial vehicles and in the case of Wyoming based commercial carriers issue distinctive Wyoming license plates. In the case of non-Wyoming based commercial vehicles the department may issue distinctive Wyoming license plates, distinctive stickers, or other suitable visual identification devices in such form as prescribed by the department which shall be affixed to the vehicle as required by the department. The department may also issue a registration card for each vehicle registered identifying the vehicle which shall be carried in the vehicle at all times.

(m) Commercial vehicles or fleets registered as provided by this section are fully licensed and registered in Wyoming for any type of movement or operation excluding those instances in which a grant of authority is required for intrastate movement or operation in which case no vehicle shall be operated in intrastate commerce unless the owner or operator has intrastate authority or rights from the department.

(n) If the department determines that mileage records or mileage estimates of any owner are not satisfactory for the purpose of registration under this section, the department may prescribe or permit an alternate method designed to present a more accurate representation of the proportion of the preceding year to be ascribed to the owner's commercial vehicle or fleet in substitution for the quotient prescribed by subsection (d) of this section. If the department determines that the quotient used for the preceding registration year varies substantially from the quotient submitted for the registration year under application, the department may recompute the quotient for the preceding registration year on the basis of information contained in the application or from the applicant's records or from such other information as it may have available to it and charge such additional fees as may be required by the redetermined quotient.

(o) Vehicles acquired by an owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for the fleet for the registration period to the fees otherwise due with respect to the vehicle for the remainder of the registration year. This subsection does not apply to any commercial vehicle operated by the owner as a lessee of another owner who has in the registration year proportionally registered the vehicle in Wyoming if the lessor establishes to the satisfaction of the department that he maintains and will submit complete annual mileage data for the vehicle for all jurisdictions, including, by individual jurisdictions, all miles operated in service by the lessor and his lessee and that the vehicle or its replacement will, in the normal course of operations, be included in the lessor's proportional registration application in Wyoming for the succeeding license year.

(p) If a commercial vehicle is withdrawn from a proportionally registered fleet during any registration year the owner shall so notify the department. The department shall

require the owner to surrender proportional registration cards and such other identification devices which have been issued with respect to the vehicle. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the owner the unused portion of the registration fee paid with respect to the vehicle, which is a sum equal to the amount of registration fee paid with respect to the vehicle for the registration year reduced by one twelfth (1/12) for each calendar month and fraction elapsing between the first day of the month of the registration year and the date the notice of withdrawal is received by the department, shall be credited to the proportional registration account of the owner. The credit shall be applied against liability for subsequent additions to be prorated during the registration year. If the credit is less than five dollars (\$5.00) per vehicle withdrawn no credit shall be made or entered. In no event shall the amount be credited against fees other than those for the registration year nor is any amount subject to refund.

(q) Any owner registering a vehicle pursuant to this section shall preserve the records on which the application is based for three (3) years following the registration year for which registration was permitted. Upon request of the department, the owner shall make his records available during reasonable business hours for audit as to accuracy of computations, payments and assessment of deficiencies or allowances for credit. The department may enter into agreements with agencies of other jurisdictions administering motor vehicle registration laws for reciprocal audits of the records of any owner. Audits performed by agencies of other jurisdictions may be accepted and utilized by the department in the same manner as if the audit had been performed by personnel of the department.

(r) Any sums found to be due and owing upon audit bear interest of one and three-quarters percent (1.75%) per month from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and willful intent to evade the requirements of this section, an additional penalty of one percent (1%) per month of sums found to be due and owing on audit from the date when they should have been paid shall be also assessed.

(s) Except as otherwise provided in this section, owners of commercial vehicles meeting the registration requirements of another jurisdiction and subject to registration in Wyoming and not entitled to exemption from registration or licensing under

this section may, as an alternative to registration or proportional registration secure a temporary permit from the department to make a single trip into, within or out of Wyoming for a period of not to exceed ninety-six (96) hours for a fee of twenty dollars (\$20.00) for each single unit operated as a single unit or forty dollars (\$40.00) for each legal combination of units including only one (1) power unit. In lieu of the fee required by W.S. 39-17-106(g) or 39-17-206(d) for license and taxation of gasoline or diesel fuels the operator may secure a temporary permit from the department to operate in Wyoming for a period of not to exceed ninety-six (96) hours for a fee of seven dollars and fifty cents (\$7.50) for each single unit operated as a single unit or fifteen dollars (\$15.00) for each legal combination of units including only one (1) power unit.

(t) An owner of a commercial vehicle engaged in the motion picture industry whose vehicle is properly registered in another state and not entitled to the registration or licensing exemption under W.S. 31-2-201(d) or this section may, as an alternative to registration or proportional registration and in lieu of the fee required by W.S. 39-17-106(g) and 39-17-206(d), apply to the department for a temporary permit to operate the vehicle in Wyoming for ninety (90) days upon payment of the appropriate fees prescribed in subsection (s) of this section. As used in this subsection, "motion picture industry" includes all filming in this state for commercial purposes including advertising. Any person operating a vehicle in Wyoming beyond the period authorized in the temporary permit is subject to a civil penalty requiring full registration of the vehicle in Wyoming for the registration year in which the violation occurred and payment of all fees required for registration.

(u) Any person legally engaged in the transportation of new vehicles over the highways of this state from manufacturing or assembly points to agents of manufacturers or dealers in this state or in other states, territories or foreign countries or provinces by the drive away or tow away methods, where the vehicle being driven, towed on its own wheels, or transported by the saddlemount, towbar or full-mount methods, or a lawful combination of these methods, for the purpose of sale, barter or exchange, or for delivery after sale, may annually apply to the department for a permit and a transporter number plate to use the highways of this state and pay a fee of three hundred dollars (\$300.00) for the permit and thirty dollars (\$30.00) for each transporter number plate. The transporter plate shall be displayed upon the front of the driven vehicle combination or upon the rear of a motor vehicle driven singly or upon the rear

of a vehicle being towed. The permit shall be valid for the current year ending December 31. Vehicles may be transported as provided under this subsection while displaying the plate. Transporters who fail to display the plate will be required to obtain a single trip permit from the department pursuant to subsection (s) of this section.

(w) An operator of a tour bus may obtain a temporary permit pursuant to subsection (s) of this section. An operator of a mobile drilling rig or well servicing unit operated interstate and which is constructed as a machine consisting in general of a mast, an engine for power and propulsion, a draw works and a chassis permanently constructed or assembled for the vehicle may obtain a single trip permit in accordance with subsection (s) of this section. Mobile drilling rigs or well servicing units making an intrastate move shall be registered in Wyoming.

(y) A temporary permit issued under this section shall be carried in the power unit. Unlawful use of the temporary permit or fraudulent or false information given to obtain the temporary permit invalidates the permit and results in the penalty provided by W.S. 31-18-701. The department shall cancel, revoke or refuse to issue the temporary permits provided by this section based upon a finding from its records and prior experience or from the records and prior experience of the department that:

(i) The operation or equipment used renders the highways unsafe;

(ii) Delinquent fees are due and payable to the department; or

(iii) The permittee has not complied with or continues to not comply with all laws and applicable rules and regulations of this act or governing the operations of interstate motor carriers as defined by law.

(z) The following vehicles are exempt from the provisions of this section:

(i) Vehicles granted reciprocity pursuant to W.S. 31-2-203;

(ii) The following vehicles if validly registered in states contiguous to Wyoming if the contiguous states grant similar exemptions to Wyoming owners of like vehicles:

(A) Wreckers or service cars when towing or hauling other vehicles for emergency repairs;

(B) Trucks, or permissible combinations of trucks and trailers, when being used by any farmer or rancher for the transportation of livestock, feed or unprocessed agricultural products owned and produced by the farmer or rancher of production to market, and of farm and ranch supplies solely intended for the use of the farmer or rancher, and not for sale, when being transported on the return trip.

31-18-202. Reciprocal agreements and exemptions.

(a) The department may negotiate reciprocal agreements with appropriate officials of any other jurisdiction, in which nonresidents of this state shall be exempt from Wyoming vehicle registration fees in exchange for equivalent exemptions from like fees imposed by the other jurisdictions on residents of this state.

(b) The department shall determine from time to time and advise each Wyoming motor vehicle registration and fee collecting official or other person and each state agency charged with enforcing motor vehicle statutes of Wyoming of the name of each state contiguous to Wyoming which has granted or subsequently grants for the benefit of affected Wyoming motor vehicle owners reciprocal exemptions pursuant to W.S. 31-18-201 and subsection (a) of this section, together with the nature and extent of each reciprocal grant by the other state, and shall likewise advise of the name of each jurisdiction with which the department has entered into a reciprocal agreement together with the nature and extent of the reciprocal grants made.

31-18-203. Definitions; registration required.

(a) As used in W.S. 31-18-203 through 31-18-208:

(i) "Mobile machinery" means heavy equipment, except shop or hand tools or attachments, which is self-propelled, towed or hauled and used primarily in construction and maintenance of roads, bridges, ditches, buildings or land reclamation;

(ii) The definitions in W.S. 31-1-101 apply in this division;

(iii) "This division" means W.S. 31-18-203 through 31-18-208.

(b) Except as provided in W.S. 31-18-204, no mobile machinery shall be operated in this state, whether or not upon the public highways of this state, unless registered under this division. Prior to using any mobile machinery on any construction project receiving state funds, the contractor shall provide certification to the public agency or engineer in charge of the project that the mobile machinery has been registered as required by this division.

(c) Notwithstanding subsection (b) of this section, mobile machinery listed on a property tax assessment roll in this state is exempt from the registration requirement of this division. Each county treasurer shall issue stickers pursuant to this division to owners of mobile machinery listed on a property tax assessment roll in this state upon receipt of an application by the owner and payment of an administrative fee of six dollars (\$6.00).

31-18-204. Exemptions.

(a) The provisions of W.S. 31-18-203 through 31-18-208 do not apply to mobile machinery:

(i) Owned by the United States, the state of Wyoming or any political subdivision thereof;

(ii) Which is an implement of husbandry;

(iii) Currently registered under W.S. 31-2-201 or 31-18-201;

(iv) Being transported from a point outside this state through this state or for delivery or repair in this state;

(v) Held for sale by a person engaged in the business of selling mobile machinery;

(vi) Used in the extraction or production of bentonite, coal, trona or uranium and owned by the producer;

(vii) Used exclusively for the drilling of wells;

(viii) Brought into the state for a period not to exceed seven (7) calendar days to demonstrate the operation of the mobile machinery to prospective buyers.

31-18-205. Registration; application; fees; department responsibilities; transfer of ownership.

(a) Owners or operators of mobile machinery required to be registered under W.S. 31-18-203 through 31-18-208 shall apply to a county treasurer in this state annually and pay a registration fee in lieu of property taxes as provided in subsection (e) of this section. For mobile machinery registered after February 1 in any year, the fee shall be computed by multiplying the fee under subsection (e) of this section times the number of full months remaining in the calendar year and dividing by twelve (12). County treasurers shall distribute fees collected under this subsection in the same manner and proportion as property taxes.

(b) County treasurers shall issue stickers and certificates of registration to owners of mobile machinery registered under this section. The sticker shall be displayed on the mobile machinery for which it was issued so as to be visible by a person not operating the mobile machinery.

(c) The department shall prescribe application forms and the form of stickers and certificates of registration issued under this section and provide them without charge to each county treasurer. The department shall furnish stickers and a "mobile machinery register" to each county treasurer in a similar manner as a vehicle register is provided under W.S. 31-2-213. The department may promulgate rules necessary to implement this act.

(d) The registration of mobile machinery expires ten (10) days after its transfer unless the original owner files an application for a transfer of ownership accompanied by the fees based on the amount which would be due on a new registration as of the date of transfer less any credit for the unused portion of the original registration fees for the original registration for the mobile machinery and an additional fee of six dollars (\$6.00) with a county treasurer. Upon receipt of a completed application and the required fee, the county treasurer shall issue the new owner a new certificate of registration. The fee collected under this subsection shall be deposited in the county general fund.

(e) The fee for mobile machinery shall be computed by multiplying the statewide average county, school district and state property tax mill levy for the preceding year as computed by the state board of equalization times the applicable assessment factor times the valuation of the mobile machinery. The department of revenue shall establish schedules for valuation of mobile machinery for use by county treasurers.

31-18-206. Temporary registration.

(a) In lieu of registration under W.S. 31-18-205, a non-Wyoming based owner or operator of mobile machinery may apply for a temporary registration sticker valid for not more than eleven (11) months, providing the temporary registration sticker shall not extend in to the next calendar year, from either a county treasurer or the department. The owner or operator shall present sufficient documentation to allow the county treasurer or the department to establish the valuation of the mobile machinery. The fee for the authority to use and display the temporary sticker shall be computed by multiplying the fee under W.S. 31-18-205(e) times the number of months requested in the calendar year and dividing by twelve (12), plus an administrative fee of ten dollars (\$10.00) and six dollars (\$6.00) for the sticker.

(b) The fees for mobile machinery collected by the county treasurer under this section shall be distributed in the same manner and proportion as property taxes. The fees for mobile machinery collected by the department under this section shall be distributed in the same manner as fees for non-Wyoming based commercial vehicles under W.S. 31-3-103(a). Administrative fees collected by the county treasurer shall be deposited in the county general fund, and those collected by the department shall be deposited in the highway fund.

(c) The sticker issued under this section shall be displayed on the mobile machinery in the same manner as stickers issued under W.S. 31-18-205.

31-18-207. Rental or leased machinery.

(a) In lieu of payment of the registration fee under W.S. 31-18-205, the owner of any mobile machinery who is regularly engaged in the sale, rental or both sale and rental of mobile machinery and who rents or leases mobile machinery to another individual or corporation in which the owner has no interest for one (1) or more periods of at least sixty (60) days in any

calendar year may elect to pay a registration fee under this section.

(b) Authorization for payment of registration fees under this section shall be obtained from the county treasurer in the county in which the owner's principal place of business is located. The owner shall also apply for an identifying decal for each item of mobile machinery to be rented or leased. The identifying decal shall be affixed to the item of mobile machinery at the time it is rented or leased. The owner shall keep records of each decal issued and a description of the item of mobile machinery to which it is affixed. The fee for each identifying decal is six dollars (\$6.00), and payment shall be made at the time of application to the county treasurer. Decals expire at the end of each calendar year, and application for new decals shall be made for each calendar year or portion thereof. The owner shall remove any identifying decal upon the sale or change of ownership of mobile machinery. The fee collected under this subsection shall be deposited in the county general fund.

(c) Upon receiving authorization under subsection (b) of this section, the owner shall collect from the user a registration fee in the amount equivalent to one-half of one percent (0.5%) of the amount of the rental or lease payment. No later than the twentieth day of the January following, the owner shall submit a calendar year report, using forms which shall be furnished by the department of revenue, to the county treasurer in which the mobile machinery is used, together with the remittance for all taxes collected for the preceding calendar year.

(d) Reports shall be made even if no registration fees were collected by the owner in the previous calendar year. Failure to make reports for sixty (60) days is grounds for termination of the owner's right to pay fees under this section. If the owner has failed to remit fees received from a renter or lessee during the sixty (60) day period, the county treasurer may proceed to collect these delinquent fees in the manner provided for collection of delinquent taxes under W.S. 39-13-108(e)(i)(A).

(e) The department of revenue shall promulgate rules and regulations for the administration and enforcement of this section.

31-18-208. Prohibited act; penalties.

(a) No person shall knowingly make any false statement in any application or other document required under W.S. 31-18-203 through 31-18-208.

(b) Any person who violates any provision of W.S. 31-18-203 through 31-18-208 is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both for each violation.

(c) Any person who violates any provision of W.S. 31-18-203 through 31-18-208 shall, in addition to any fine imposed under subsection (b) of this section, pay the required fee plus a penalty of ten percent (10%) of the required fee.

31-18-209. Issuance of authority; matters to be considered; deposit of insurance.

(a) The department shall issue authority to qualified motor carriers. The authority shall remain valid and in effect unless revoked by the department for good cause, such as a violation of this act, or cancelled at the request of the authority holder.

(i) Repealed By Laws 1998, ch. 46, § 2.

(ii) Repealed By Laws 1998, ch. 46, § 2.

(b) The replacement fee for a letter of authority shall be ten dollars (\$10.00). Applications for authority shall be made in writing and verified and shall contain the following information:

(i) The name and address of applicant;

(ii) A statement of the nature of transportation service proposed;

(iii) Repealed By Laws 1998, ch. 46, § 2.

(iv) Repealed By Laws 1998, ch. 46, § 2.

(v) Repealed By Laws 1998, ch. 46, § 2.

(vi) Repealed By Laws 1998, ch. 46, § 2.

(vii) Repealed By Laws 1998, ch. 46, § 2.

(viii) Repealed By Laws 1998, ch. 46, § 2.

(ix) Appropriate additional information as the department deems necessary; and

(x) A filing fee of fifty dollars (\$50.00);

(xi) Repealed By Laws 2007, Ch. 215, § 3.

(c) Repealed By Laws 1998, ch. 46, § 2.

(d) Repealed By Laws 1998, ch. 46, § 2.

(e) As the department grants authority it shall assign each motor carrier a docket number and shall notify the appropriate divisions within the department.

(f) The department shall require intrastate contract carriers to deposit with it, policies of insurance companies which are either authorized to do business in Wyoming or are lawfully able to transact insurance without a certificate of authority pursuant to title 26 of the Wyoming statutes as determined by the insurance commissioner of this state or other adequate security for cargo, public liability and property damage insurance for the protection of the public generally. The policy of insurance, bond or proof of other security shall be continuous and remain in full force and effect unless and until cancelled on not less than thirty (30) days written notice to the department, the notice to commence to run from the date it is received at the office of the department. The cancellation filed with the department shall, upon its effective date, suspend the operating authority of the affected carrier and no operations shall be conducted on any highway until the insurance, bond or other adequate security, in the form and amount required, becomes effective and is approved by the department. The department shall require contract motor carriers to use and carry in their motor vehicles at all times uniform bills of lading, showing all property currently being transported, to deliver copies to both consignor and consignee and to retain a copy for the inspection of the department and the state highway patrol.

31-18-210. Repealed By Laws 1998, ch. 46, § 2.

31-18-211. Repealed By Laws 1998, ch. 46, § 2.

31-18-212. Repealed By Laws 1998, ch. 46, § 2.

31-18-213. Repealed By Laws 1998, ch. 46, § 2.

ARTICLE 3
GENERAL REGULATORY PROVISIONS

31-18-301. Permanent cards and decals; operation without authority; inspections.

(a) The authority of any motor carrier issued after April 1, 1989, is valid until cancelled or revoked.

(b) No motor carrier that is required to have authority shall operate on the highways without a copy of the current authority carried in each power unit.

(c) A copy of the current authority shall upon demand, be presented by the driver of the vehicle to any of the field investigators of the department, members of the state highway patrol or authorized personnel of the department at its ports of entry. Investigators, troopers and authorized personnel may compel the driver to stop and submit the vehicle to an inspection by signs directing commercial vehicles or the motor carrier to stop at ports of entry or other locations designated by the department or by warning devices on vehicles of investigators, troopers or authorized personnel. All ports of entry shall post signs or signals indicating when the facility is open and directing commercial vehicles or motor carriers to stop for inspection. Notwithstanding the provisions of this section, a vehicle that is properly registered, has a proper fuel license, valid authority and is legal in size and weight, upon approval by the department, may be authorized to bypass a port of entry unless specifically directed to stop by an investigator, trooper or authorized personnel or by a sign or signal specifically requiring those vehicles to stop. These vehicles may, however, be required to slow to the designated speed and use the directed traffic lane for size and weight screening purposes.

(d) Vehicles checking through a port of entry shall not be required to stop at any other port of entry within the state on that trip unless there is an increase in the size or weight of the vehicle or its load, or unless specifically directed to stop by an investigator, trooper or authorized personnel or by a sign or signal specifically requiring those vehicles to stop.

31-18-302. Repealed By Laws 1998, ch. 46, § 2.

31-18-303. Authority of department to adopt rules and regulations governing drivers, equipment and hazardous materials; exceptions; maximum operating hours.

(a) The department shall adopt rules and regulations prescribing the permissible operating time and other requirements of motor carrier drivers, equipment and the transportation of hazardous materials which are consistent with comparable regulations of the United States department of transportation.

(b) Public utility personnel and associated emergency personnel are exempt from driving time regulations only if an emergency exists. If an occasion or instance jeopardizes public health or safety or endangers property, an emergency situation exists. In such an event, if public utilities and associated emergency personnel respond, they are exempt from driving time regulations if the public utility exercises due diligence in contacting state or local officials, and documents its efforts.

(c) Unless exception is made by the department after public hearings held pursuant to the Wyoming Administrative Procedure Act, the rules of the department shall be current with rules adopted by the United States department of transportation, as now or hereafter amended.

(d) Notwithstanding any other provision of this act, all private carriers, except a farmer or rancher, or his employee, transporting an agricultural product or material used in agricultural production in a vehicle owned by the farmer or rancher within one hundred fifty (150) miles of the farm or ranch, shall comply with the hazardous materials regulations as provided by this section.

(e) Intrastate, for-hire transportation of passengers in vehicles with an occupant capacity of seven (7) or more, but not more than fifteen (15), is subject to the hours of service requirements of 49 CFR Part 395 as it applies to vehicles with occupant capacities of fifteen (15) or more, as adopted pursuant to subsection (a) of this section.

31-18-304. Display of name or trade name.

(a) No person may operate a commercial vehicle unless the name or trade name of the motor carrier is displayed.

(b) The display required by subsection (a) of this section shall be of a size, shape and color which is legible from fifty (50) feet in daylight when the vehicle is not moving. The display shall be maintained so as to remain legible. If the display required by subsection (a) of this section is otherwise maintained, separate display on semitrailers and trailers is not required.

(c) This section does not apply to vehicles:

(i) Being transported to a dealer, from a manufacturer or between dealers;

(ii) Being demonstrated by or delivered to a purchaser by a dealer or manufacturer;

(iii) Repealed By Laws 1998, ch. 46, § 2.

(iv) Identified as property of the United States, this state or any political subdivision of this state; or

(v) Classified as implements of husbandry.

(d) No person shall operate a commercial vehicle subject to subsection (a) of this section and displaying the name or trade name of the motor carrier if the agreement between the motor carrier and the person authorizing the person to operate the vehicle has expired or is terminated.

ARTICLE 4 FEES

31-18-401. Registration fees.

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a commercial vehicle:

(i) A county registration fee computed in accordance with W.S. 31-3-101(a)(i);

(ii) A state registration fee computed as follows:

(A) Commercial vehicles except passenger cars, school buses, house trailers and motorcycles for which the fees shall be computed as provided by W.S. 31-3-101(a)(ii) based on gross vehicle weight pursuant to the following table:

<u>GROSS VEHICLE OR GROSS COMBINATION VEHICLE WEIGHT IN POUNDS</u>	<u>FEE</u>
26,000 - or less	\$180.00
26,001 - 28,000	195.00
28,001 - 30,000	210.00
30,001 - 32,000	225.00
32,001 - 34,000	250.00
34,001 - 36,000	275.00
36,001 - 38,000	300.00
38,001 - 40,000	325.00
40,001 - 42,000	350.00
42,001 - 44,000	375.00
44,001 - 46,000	400.00
46,001 - 48,000	425.00
48,001 - 50,000	450.00
50,001 - 52,000	475.00
52,001 - 54,000	500.00
54,001 - 55,000	512.50
55,001 - 56,000	525.00
56,001 - 58,000	550.00
58,001 - 60,000	575.00
60,001 - 62,000	600.00
62,001 - 64,000	625.00
64,001 - 66,000	650.00
66,001 - 68,000	675.00
68,001 - 70,000	700.00
70,001 - 72,000	725.00
72,001 - 74,000	750.00
74,001 - 76,000	775.00
76,001 - 78,000	800.00
78,001 - 80,000	825.00

For weights over eighty thousand (80,000) pounds, the fee shall be eight hundred twenty-five dollars (\$825.00) plus twenty-five dollars (\$25.00) for each additional two thousand (2,000) pounds or fraction thereof.

(B) For vehicles equipped with nonpneumatic tires of an unladen weight in excess of 3,500 pounds, increase the fees prescribed by subparagraph (A) of this paragraph by twenty dollars (\$20.00);

(C) Commercial vehicles being operated as a combination of two (2) or more vehicles shall be registered on the gross combined weight and pay fees as prescribed by subparagraph (a)(ii)(A) and paragraph (a)(iii) of this section.

(iii) Except as otherwise provided in W.S. 31-18-201(d)(iii), an equalized highway use tax collected by the department in lieu of the county registration fee imposed by paragraph (a)(i) of this section for commercial vehicles or fleets proportionally registered under W.S. 31-18-201(b)(i) and described in W.S. 31-18-201(d)(ii) pursuant to the following table:

VEHICLE OR COMBINATION GROSS VEHICLE WEIGHT IN POUNDS	EQUALIZED HIGHWAY USE TAX
26,000 - or less	\$ 80.00
26,001 - 28,000	100.00
28,001 - 30,000	150.00
30,001 - 32,000	200.00
32,001 - 34,000	250.00
34,001 - 36,000	300.00
36,001 - 38,000	350.00
38,001 - 40,000	400.00
40,001 - 42,000	450.00
42,001 - 44,000	500.00
44,001 - 46,000	550.00
46,001 - 48,000	600.00
48,001 - 50,000	650.00
50,001 - 52,000	700.00
52,001 - 54,000	750.00
54,001 - 56,000	800.00
56,001 - 58,000	850.00
58,001 - 60,000	900.00
60,001 - 62,000	950.00
62,001 - 64,000	1,000.00
64,001 - 66,000	1,050.00
66,001 - 68,000	1,100.00
68,001 - 70,000	1,150.00
70,001 - 72,000	1,200.00
72,001 - 74,000	1,250.00
74,001 - 76,000	1,300.00
76,001 - 78,000	1,350.00
78,001 - 80,000	1,400.00

For weights over eighty thousand (80,000) pounds, the tax under this paragraph shall be one thousand four hundred dollars (\$1,400.00) plus fifty dollars (\$50.00) for each additional two thousand (2,000) pounds or fraction thereof.

(b) The fees prescribed by subsection (a) of this section are modified for owners of the following commercial vehicles:

(i) Fees prescribed in subsection (a) of this section for vehicles not previously qualified for operation in this state are reduced by the proportionate share of the year prior to first operation if the vehicles have not been illegally operated on the highways of this state prior to application for registration;

(ii) A farmer, rancher, logger or well servicer who owns a commercial vehicle or combination of commercial vehicles operated by him or his employees primarily in agricultural operations, logging operations from the source to the mill, or in the servicing of well field operations and registered with the county treasurer under W.S. 31-18-201(b)(ii) shall pay twenty-five percent (25%) of the fee prescribed in subparagraph (a)(ii)(A) of this section;

(iii) An owner of a commercial vehicle or combination of vehicles registered with the county treasurer under W.S. 31-18-201(b)(ii), except for a vehicle owner whose fee is modified pursuant to paragraph (ii) of this subsection, shall pay a percentage of the state registration fee prescribed by subparagraph (a)(ii)(A) of this section as provided in the table below if the owner states under oath on a form prescribed and furnished by the department that the owner will not operate the vehicle or combination of vehicles more than the applicable number of miles stated in the table below on highways in the calendar year of registration:

NUMBER OF MILES OPERATED	PERCENTAGE OF STATE FEE
2,500 miles or less	15%
2,501 to 5,000 miles	20%
5,001 to 10,000 miles	25%
10,001 to 20,000 miles	50%
20,001 to 30,000 miles	75%

(iv) The department shall prescribe by rule and regulation a means to identify conspicuously the vehicle or combination of vehicles for which a percentage of the state fee

is paid at the time of registration pursuant to paragraphs (ii) and (iii) of this subsection. The department shall furnish the means of identification to each county treasurer to be issued at the time of registration. The vehicle owner shall display the means of identification as required by rules and regulations of the department. Failure to display the identification as required shall result in the penalties provided by law for failure to display a license plate;

(v) If an owner of a commercial vehicle or combination of vehicles who pays a percentage of the state fee pursuant to paragraph (iii) of this subsection desires to increase the authorized amount of mileage for which the vehicle or combination of vehicles is registered, he shall pay an additional fee equal to the fee due for the additional amount of miles less the amount of fee paid at the time of registration. If the department determines through an audit, a verification of mileage statements or other means that the owner of a commercial vehicle or combination of vehicles has exceeded the authorized amount of mileage, an additional fee shall be due equal to twice the amount that should have been paid for the actual amount of miles driven less the fee paid pursuant to this paragraph and paragraph (iii) of this subsection;

(vi) A vehicle designed and used exclusively for the purpose of removing, towing or transporting wrecked, disabled or replacement vehicles incidental to an accidentally wrecked or disabled vehicle shall be considered a single unit and the fees prescribed by subparagraph (a)(ii)(A) and paragraph (a)(iii) of this section shall be based only on the gross weight of the towing vehicle.

31-18-402. Repealed By Laws 1998, ch. 46, § 2.

31-18-403. Single trip permits; temporary permits for motion picture industry vehicles, tour buses and mobile drilling rigs.

- (a) Repealed By Laws 1998, ch. 46, § 2.
- (b) Repealed By Laws 1998, ch. 46, § 2.
- (c) Repealed by Laws 1989, ch. 129, § 3.
- (d) Repealed by Laws 1989, ch. 129, § 3.
- (e) Repealed By Laws 1998, ch. 46, § 2.

(f) Repealed by Laws 1989, ch. 129, § 3.

(g) Repealed by Laws 1989, ch. 129, § 3.

(h) Repealed By Laws 1998, ch. 46, § 2.

(j) An operator of a mobile drilling rig operated interstate and used in the production of gas, crude petroleum or oil which is constructed as a machine consisting in general of a mast, an engine for power and propulsion, a draw works and a chassis permanently constructed or assembled for the vehicle may obtain a single trip permit from the department in accordance with subsection (a) of this section and W.S. 31-18-201(s). Vehicles making an intrastate move shall be registered in Wyoming. Vehicles already registered in Wyoming need only notify the highway patrol when the vehicle is to be moved on a highway. Compliance with this section exempts the operator from all fees and inspections otherwise required by the commission [department] or its agents.

31-18-404. Demonstration permits.

(a) Repealed By Laws 1997, ch. 154, § 3.

(b) Repealed by Laws 1997, ch. 154, § 3.

(c) Repealed By Laws 1997, ch. 154, § 3.

(d) A vehicle designed primarily for the transportation of property being operated with a load for demonstration purposes shall, in addition to a demo or manufacturer plate, display a demonstration permit indicating under whose authority the vehicle is being operated and the dates of demonstration which shall not exceed ninety-six (96) hours. The permit shall be obtained from the department upon application and payment of the required fee.

31-18-405. Collection of fees; audits.

(a) The department shall collect all fees payable under this act and shall adopt and enforce rules and regulations to ensure their collection.

(b) The department may examine and audit the records of all motor carriers to determine compliance with this act. All motor carriers shall keep and maintain records adequate to enable the department to examine and audit the records. The records shall

not be destroyed for three (3) years or until the records are examined and audited, whichever occurs first.

31-18-406. Distribution of fees; refunds.

(a) Fees collected pursuant to W.S. 31-18-401(a)(i) for the registration of Wyoming based commercial vehicles or fleets pursuant to this act shall be distributed monthly to the county in which each vehicle or fleet is principally located and for the registration of non-Wyoming based commercial vehicles or fleets, rental vehicles, utility trailers and rental trucks shall be distributed monthly to the counties in the ratio that the total miles of primary, secondary and interstate highways in each county bears to the total miles of primary, secondary and interstate highways in the state.

(b) Fees collected pursuant to W.S. 31-18-401(a)(i) and subsection (a) of this section shall be distributed by county treasurers in the same proportions and manner as property taxes are distributed.

(c) All other fees shall be credited to the state highway fund except as otherwise provided.

(d) Except as otherwise provided no fees shall be refunded unless paid and collected by mistake.

31-18-407. Emergency response fee.

(a) In addition to any other fees and taxes provided by law, an emergency response fee of two hundred dollars (\$200.00) shall apply to each package of radioactive waste transported through this state in accordance with W.S. 37-14-103. The department of transportation shall collect this fee based on a permit issued by the department which is not inconsistent with federal law. The department shall promulgate rules on issuing and revoking permits which are not inconsistent with federal law. The department shall promulgate rules on quarterly reporting and payment of fees, retention of records and audit requirements. All emergency response fees shall be deposited in the general fund.

(b) As used in this section:

(i) "Radioactive waste" means:

(A) Highway route controlled quantities of radioactive waste as defined in 49 C.F.R. 173.403(1) as amended as of January 1, 1989; and

(B) Nuclear waste being transported to the waste isolation pilot plant in New Mexico, to any facility established pursuant to section 135 of the federal "Nuclear Waste Policy Act of 1982" as amended, 42 U.S.C. 10101 et seq., to any repository licensed for the permanent deep geological disposal of high-level radioactive waste and spent nuclear fuel, or to any monitored retrievable storage facility established pursuant to section 141 of the federal "Nuclear Waste Policy Act of 1982" as amended.

(ii) "Package" means a container plus its contents that are assembled to assure compliance with the minimum federal packaging requirements for radioactive waste.

31-18-408. Provision of sales and use tax information; penalty.

(a) Any person engaged in the business of selling tangible personal property, at retail, outside of this state, and operating any motor vehicle in this state delivering to the purchaser or the purchaser's agent in this state any goods sold by the vendor shall, upon entering this state, provide necessary information to the department of revenue for the purposes of the collection of any sales or use tax which may be due under the provisions of W.S. 39-15-101 through 39-16-311. The department shall provide forms furnished by the department of revenue for the operator to provide the necessary information for the department of revenue to collect any use tax due. The department of revenue shall promulgate necessary rules and regulations to implement this provision pursuant to W.S. 39-11-102.

(b) Any person knowingly violating the provisions of this section or any rules promulgated under it shall, in addition to any penalty imposed under W.S. 31-18-701 through 31-18-707, be liable for a civil penalty of not less than one hundred dollars (\$100.00) and not to exceed an amount equal to three (3) times the amount of the sales or use tax due under the provisions of W.S. 39-15-101 through 39-16-311.

31-18-501. Compliance with tax provisions.

All operators of commercial vehicles shall comply with the provisions of W.S. 39-17-101 through 39-17-211.

31-18-502. Decal fee; disposition.

An additional fee may be collected by the issuing agency from a licensee for each annual decal issued pursuant to W.S. 39-17-202(d) through (j). The fee shall be in an amount determined by the department of transportation to be sufficient to recover reasonable administrative costs of the International Fuel Tax Agreement and the Multistate Highway Transportation Agreement, but not more than ten dollars (\$10.00) per annual decal. The fee shall be remitted to the state treasurer who shall credit the multistate highway and fuel tax agreements account created by W.S. 39-17-211(e) within the highway fund.

ARTICLE 6
REGULATION OF TRAFFIC ON HIGHWAYS

31-18-601. Requirements generally.

In addition to the requirements contained in chapter 5 of this title, all operators of commercial vehicles shall comply with the requirements contained in this article.

31-18-602. Moving heavy equipment at railroad grade crossings.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half (1/2) inch per foot of the distance between any two (2) adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of the intended crossing shall be given to a station agent of the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(c) Before making the crossing the person operating or moving the vehicle or equipment shall first stop the vehicle or

equipment not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train. The vehicle shall not proceed until the crossing can be made safely.

(d) No crossing shall be made when warning is given by automatic signal, crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

31-18-603. Loads on vehicles.

No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. This section does not prohibit the necessary spreading of any substance in highway maintenance or construction operations.

31-18-604. Maximum speed limits.

(a) The operator of a commercial vehicle shall comply with the speed limits as established pursuant to W.S. 31-5-301 and, for violations, shall be subject to the penalties as prescribed in W.S. 31-5-1201.

(b) Repealed By Laws 1998, ch. 46, § 2.

31-18-605. Stopping requirements for certain vehicles at railroad crossings.

(a) The driver of any motor vehicle carrying passengers for hire or of any vehicle carrying a cargo or part of a cargo required to be placarded under United States department of transportation regulations, before crossing at grade any track or tracks of a railroad, shall:

(i) Actuate the vehicle's four-way hazard flashers prior to stopping at the grade crossing;

(ii) Stop the vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad;

(iii) While stopped, listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train and not proceed until he can do so safely;

(iv) Upon proceeding, cross the tracks without manually shifting gears and only in a gear of the vehicle which does not require manually changing gears while traversing the crossing; and

(v) After crossing the tracks, cancel the four-way hazard flashers.

(b) This section shall not apply at:

(i) Any railroad grade crossing at which traffic is controlled by a police officer or flagman;

(ii) Any railroad grade crossing at which traffic is regulated by a traffic-control signal;

(iii) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(iv) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(c) The department may adopt such regulations as may be necessary describing additional vehicles which must comply with the stopping requirements of this section.

(d) A driver or employer of a driver who is convicted of violating this section shall also be subject to the civil penalties provided by 49 C.F.R. 383.53, as amended as of March 1, 2007.

31-18-606. Metal tires; implements of husbandry.

(a) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

(b) Notwithstanding subsection (a) of this section, it shall be permissible to use implements of husbandry with tires having protuberances which will not injure the highway.

31-18-607. Out-of-service orders.

(a) The department shall adopt regulations regarding issuance of out-of-service orders for drivers committing violations identified in 49 C.F.R., as amended as of March 1, 2007, or the 2006 North American uniform out-of-service criteria published by the Commercial Vehicle Safety Alliance.

(b) A driver or employer of a driver convicted of violating an out-of-service order shall be subject to the civil penalties specified by 49 C.F.R. 383.53, as amended as of March 1, 2007.

ARTICLE 7
PENALTIES AND ENFORCEMENT

31-18-701. Specific crimes and penalties; enforcement.

(a) Any person who violates any provision of this act or rule and regulation of the department, who fails to comply with any order, decision, rule or regulation of the department or who procures, aids or abets any person in the violation or noncompliance is guilty of a misdemeanor and subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(b) The highway patrol division shall enforce the provisions of this act and all rules, regulations or orders made by virtue of this act.

(c) The highway patrol division and such other enforcement officers as the department designates are charged with the duty of policing and enforcing the provisions of this act. The enforcement officers have authority to make arrests for violation of any of the provisions of this act. The enforcement officers may require the driver to exhibit the permit issued for the vehicle, to submit to the enforcement officer for inspection any and all bills of lading or other evidences of the character of the lading being transported in the vehicle and require the vehicle to proceed to the nearest department check station or county seat, on the route of the carrier, where the officer may inspect the contents of the vehicle for the purpose of comparing same with bills of lading or other evidences of ownership or of transportation for compensation.

31-18-702. General liability.

Any person operating, driving or moving any commercial vehicle, object or contrivance over a street, highway or bridge is liable for all damages which the street, highway, bridge or appurtenances thereto or other structures in connection therewith, may sustain, as a result of any illegal or negligent operation or as a result of operating, driving or moving any commercial vehicle, object or contrivance in excess of the maximum weight or height specified and prescribed by law although authorized by a special permit issued as provided by law.

31-18-703. Closing or restricting use; failure to observe signs, markers.

Any operator of a commercial vehicle who willfully fails to observe any sign, marker, warning, notice, or direction, placed or given under W.S. 24-1-108 is guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine of not more than one hundred dollars (\$100.00) or to imprisonment for a period not to exceed thirty (30) days, or both.

31-18-704. Violation of speed limits; penalties.

In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(iii) by exceeding a speed of eighty (80) miles per hour, or W.S. 31-5-301(b)(iv) by exceeding a speed of seventy (70) miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds shall be fined one hundred dollars (\$100.00).

31-18-705. Speed or acceleration contest or exhibition on highways.

(a) No operator of a commercial vehicle shall engage in any motor vehicle speed or acceleration contest, or exhibition of speed or acceleration on any highway without approval of that use by the governing body in charge of the highway. No person shall aid or abet in any motor vehicle speed or acceleration contest or exhibition on any highway, without approval of that use by the governing body in charge of said highway.

(b) No operator of a commercial vehicle shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a highway, in any manner obstruct or place or assist in placing any barricade or

obstruction upon any highway without approval of that use by the governing body in charge of the highway.

(c) Any person who violates this section shall upon conviction be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than ten (10) days or both.

31-18-706. Failure to maintain liability coverage; exceptions.

The requirement to maintain liability coverage pursuant to W.S. 31-4-103 does not apply to a commercial vehicle registered or proportionally registered in this and any other jurisdiction provided the vehicle is covered by a vehicle insurance policy complying with the laws of any other jurisdiction in which it is registered.

31-18-707. Nonpayment of fees, taxes, penalties or interest.

All fees under chapter 18 of title 31, diesel fuel taxes, penalty or interest under title 39 or commercial vehicle registration fees under title 31 become delinquent if not paid as provided for by law from the date due. Delinquent diesel fuel taxes, penalties, interest or commercial vehicle registration fees are a lien on all motor vehicles owned or operated in this state by the person liable for payment of the taxes, penalties, interest or fees. If any such taxes, penalties, interest or fees remain delinquent for thirty (30) days or if any vehicle subject to the lien is about to be removed from the state, the department or its authorized enforcement agent may seize and sell the vehicle subject to all existing liens and security interests held by others, at public auction upon notice to the owner and lienholder of record as provided by Rule 4 of the Wyoming Rules of Civil Procedure, and upon four (4) weeks notice of the sale in a newspaper published in the counties in which the vehicle is titled and registered. The department may bring suit in any court of competent jurisdiction to collect any delinquent fees or taxes, penalties and interest under this section.

31-18-708. Persons rendering emergency assistance exempt from civil liability.

(a) Any person who provides assistance or advice without compensation other than reimbursement of out-of-pocket expenses in mitigating or attempting to mitigate the effects of an actual

or threatened discharge of hazardous materials, or in preventing, cleaning up or disposing of or in attempting to prevent, clean up or dispose of any discharge of hazardous materials, is not liable for any civil damages for acts or omissions in good faith in providing the assistance or advice. This immunity does not apply to acts or omissions constituting gross negligence or willful or wanton misconduct. As used in this subsection:

(i) "Discharge" includes leakage, seepage or other release;

(ii) "Hazardous materials" includes all materials and substances which are now or hereafter designated or defined as hazardous by any state or federal law or by the regulations of any state or federal government agency.

ARTICLE 8 SIZE AND WEIGHT LIMITS

31-18-801. Definitions.

(a) As used in this article:

(i) "Agricultural operations" means the raising and harvesting of their own crops or livestock in this state by farmers or ranchers, their exchange between farmers or ranchers or the transportation of implements of husbandry to or from farmers or ranchers by persons engaged in the business of selling or repairing such implements;

(ii) "Axle" means the common axis of rotation of one (1) or more wheels, whether power driven or freely rotating, and whether in one (1) or more segments, and regardless of the number of wheels carried thereon;

(iii) "Axle group" means an assemblage of two (2) or more consecutive axles considered together in determining their combined load effect on a bridge or pavement structure;

(iv) "Axle load" means the total load transmitted to the road by an assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches apart extending across the full width of the vehicle;

(v) "Axle measurement" means the distance between axles to the nearest foot. When fractional measurement is exactly one-half (1/2) foot, the next larger whole number shall be used;

(vi) Repealed By Laws 1998, ch. 46, § 2.

(vii) "Cargo" means the items or freight to be moved, including items placed on or in a vehicle towed by a vehicle or a vehicle itself;

(viii) "Connecting mechanism" means an arrangement of parts interconnecting two (2) or more consecutive axles to a vehicle in such a manner as to equalize the load between axles;

(ix) "Department" means the department of transportation;

(x) "Director" means the director of the department of transportation;

(xi) "Dummy axle" means an axle attached independently to a vehicle whose suspensions are not adjustable and do not articulate or substantially equalize the load and are so designed and placed as to indicate the appearance of a normal axle group;

(xii) "Forest products" means logs, poles, posts, rough lumber, wood chips, sawdust and any other product of the forest which will require further processing;

(xiii) "Gross weight" means the total weight of a vehicle and vehicle combinations including the weight of any load carried in or on the vehicle and vehicle combinations;

(xiv) "Height" means the total vertical dimension of any vehicle above the ground surface including any load or load-holding device thereon;

(xv) "Highway" means a public way maintained by the department for the purpose of vehicular travel, including rights-of-way or other interests in land, embankments, retaining walls, culverts, sluices, drainage structures, bridges, railroad-highway crossings, tunnels, signs, guardrails and protective structures;

(xvi) "Interstate or national defense highway" means highways which are designated as part of the interstate system

by the transportation commission which are signed and marked accordingly;

(xvii) "Implement of husbandry" means a vehicle or vehicles manufactured or designed and used exclusively for the conduct of agricultural operations and only incidentally operated on or moved on highways;

(xviii) "Length" means the total longitudinal dimension of any vehicle or combination of vehicles, including any load or load-holding device thereon, but excluding any device or appurtenance attached to the front or rear of a semitrailer or trailer whose function is related to the safety of, or efficient operation of the unit or contents. Excluded devices include but are not limited to air hose glad hands, fifth wheel slide plates, dock bumpers, air deflectors and refrigeration units. No excluded devices shall be designed or used for carrying cargo;

(xix) "Load" means a weight or quantity of anything resting upon something else regarded as its support;

(xx) "Motor vehicle" means a vehicle which is self-propelled or propelled by electric power obtained from overhead trolley wires but not operating on rails;

(xxi) "Permit" means a written authorization to move or operate on a highway a vehicle or vehicle with a load of size or weight exceeding the limits as specified by statute, which are limited by this act and regulations of the department;

(xxii) "Primary and secondary highways" means highways which are designated as part of the primary or secondary system by the transportation commission which are signed and marked accordingly;

(xxiii) "Safety device" means any piece of equipment or mechanism, including rear view mirrors, pin pockets not to exceed three (3) inches on each side and other devices designated by the director, attached to a vehicle to assure its safe operation and to assure the safe movement of a load hauled by the vehicle;

(xxiv) "Semitrailer" means every vehicle of a trailer type not equipped with propelling power so designed for carrying property and used in conjunction with a motor vehicle that some

part of its own weight and load rests upon or is carried by another vehicle;

(xxv) "Single axle" means an assemblage of two (2) or more wheels, whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches apart extending across the full width of the vehicle;

(xxvi) "Single axle load" means the total load transmitted to the road by a single axle;

(xxvii) "Single vehicle" means one (1) vehicle or one (1) unit of a combination of vehicles as a truck-tractor, semitrailer or trailer;

(xxviii) "Tandem axle" means any two (2) or more consecutive load bearing axles whose centers are more than forty (40) inches but not more than ninety-six (96) inches apart and articulate from an attachment to the vehicle including a variable load suspension or connecting mechanism designed to distribute the load between axles;

(xxix) "Tandem axle load" means the total weight transmitted to the road by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty (40) inches and not more than ninety-six (96) inches apart, extending the full width of the vehicle;

(xxx) "Trailer" means every vehicle not equipped with propelling power, designed for carrying property and for being drawn by a motor vehicle which carries no part of the weight and load of a trailer on its own wheels;

(xxxi) "Truck" means a motor vehicle designed, used or maintained primarily for the transportation of property;

(xxxii) "Truck-tractor" means a motor vehicle designed and used primarily for drawing other vehicles but not for loads other than a part of the weight of the vehicles and load drawn. For the purpose of this article, a truck-tractor equipped with a dromedary unit shall be considered a part of the weight of the vehicle and not a load thereon and a truck-tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit;

(xxxiii) "Variable load suspension axle" means an axle that may be adjusted to vary the weight carried by the axle;

(xxxiv) "Vehicle" means a device in, upon or by which any person or property may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon rails or tracks;

(xxxv) "Vehicle combination" means any connected assemblage of a motor vehicle and one (1) or more other vehicles;

(xxxvi) "Width" means the total outside transverse dimension of a vehicle including any load or load-holding devices thereon, but excluding approved safety devices and tire bulge due to load;

(xxxvii) "Motor home" means a motor vehicle designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but excluding a motor vehicle carrying a camper;

(xxxviii) "Recreational vehicle" means as defined in W.S. 31-16-101(a)(xxiii);

(xxxix) "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

31-18-802. General requirements.

(a) All vehicles operated on the highways of this state shall comply with the following:

(i) Width - all highways:

(A) No vehicle, unladen or with load or load-holding device thereon shall exceed one hundred two (102) inches in width. Notwithstanding the foregoing, appurtenances on noncommercial motor homes, house trailers and truck campers may exceed one hundred two (102) inches in width if they extend no further than the exterior rear view mirrors of the motor home, tow vehicle or pickup truck, in the case of a truck camper, provided such mirrors only extend the distance necessary to provide the required field of view for the vehicle before the appurtenances were attached.

(ii) Height - all highways:

(A) No vehicle, unladen or with load or load-holding devices thereon, shall exceed fourteen (14) feet in height.

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, implements and produce of husbandry of greater widths or greater heights may be moved in agricultural operations during daylight hours, without a permit or fee, but subject to and in accordance with regulations promulgated by the department for the protection of persons, property, highways and bridges. Regarding movement of implements of husbandry not exceeding sixteen (16) feet in width or height, the rules and regulations shall:

(A) Not require the use of escort vehicles provided the implement is kept to the right of the center line;

(B) Require the display of an oversize vehicle sign and warning lights as approved by the department.

(iv) Length - all highways, except as provided in 31-18-803(a):

(A) No combination of vehicles shall consist of more than three (3) single vehicles. No single vehicle shall have an overall length in excess of sixty (60) feet;

(B) In a truck-tractor semitrailer combination, no semitrailer shall exceed sixty (60) feet in length. In a truck-tractor, semitrailer, trailer combination or truck-tractor double semitrailer combination, the length of the semitrailer shall not exceed forty-eight (48) feet and the length of the trailer or second semitrailer shall not exceed forty (40) feet. The combined length of the semitrailer and trailer or semitrailer shall not exceed eighty-one (81) feet including connecting mechanisms. For any other combination of vehicles the overall length shall not exceed eighty-five (85) feet;

(C) In a truck-tractor, semitrailer, trailer or double semitrailer combination, the heavier towed vehicle shall be directly behind the truck-tractor and the lighter towed vehicle shall be last if the weight difference between consecutive towed vehicles exceeds five thousand (5,000) pounds.

(v) Weights:

(A) The wheels of all vehicles except those operated at a speed of less than ten (10) miles per hour shall be equipped with pneumatic tires;

(B) No wheel equipped with solid tires shall carry a load in excess of eight thousand (8,000) pounds;

(C) No wheel shall carry a load in excess of ten thousand (10,000) pounds. No tire on a steering axle shall carry a load in excess of seven hundred fifty (750) pounds per inch of tire width and no other tire on a vehicle shall carry a load in excess of six hundred (600) pounds per inch of tire width. "Tire width" means the width stamped on the tire by the manufacturer;

(D) No single axle shall carry a load in excess of twenty thousand (20,000) pounds;

(E) No tandem axle shall carry a load in excess of thirty-six thousand (36,000) pounds and no one (1) axle of any group of two (2) consecutive axles shall exceed the weight permitted on a single axle;

(F) No triple axle, consisting of three (3) consecutive load bearing axles that articulate from an attachment to the vehicle including a connecting mechanism or variable load suspension axle to keep all axles at or below legal limits, having a spacing between the first and third axles greater than ninety-six (96) inches and not more than one hundred two (102) inches, shall carry a load in excess of forty-two thousand (42,000) pounds;

(G) Subject to the limitation imposed by the axle load, no vehicle or combination of vehicles shall be operated on the interstate or national defense highways exceeding the maximum weight allowed under federal law and unless in compliance with Table I corresponding to a distance in feet between the extremes of any axle groups measured longitudinally to the nearest foot except that vehicles with two (2) consecutive sets of tandem axles may carry a gross load of thirty-six thousand (36,000) pounds each if the distance between the first and last axles of the consecutive sets of tandem axles is thirty-six (36) feet or more;

(H) Vehicles operating on primary and secondary highways may operate in accordance with Table I or Table II at the discretion of the operator as follows:

(I) For vehicles operating under gross weight Table I, the total gross weight in pounds imposed on the highway by any group of two (2) or more consecutive axles on a vehicle or combination of vehicles shall not exceed the value given in gross weight Table I, corresponding to a distance in feet between the extremes of any axle groups measured longitudinally to the nearest foot except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-six thousand (36,000) pounds each if the distance between the first and last axles of the consecutive sets of tandem axles is thirty-six (36) feet or more;

(II) For vehicles operating under the provisions of gross weight Table II, the total gross weight in pounds imposed on the highway by a vehicle or combination of vehicles shall not exceed the value given in gross weight Table II, corresponding to the distance in feet between the extremes of the vehicle or combination of vehicles measured longitudinally to the nearest foot;

(III) Vehicles with two (2) consecutive sets of tandem axles with a distance of less than twenty-two (22) feet between the first and last axles of the consecutive sets shall comply with gross weight Table I.

(J) A variable load suspension axle shall produce a distribution of weight to prevent an axle or axle group from exceeding allowable weights as specified in this paragraph. Dummy axles shall not be considered in the determination of allowable weights;

(K) The following general formula is applied in preparing gross weight Table I:

$$W=500[LN/(N - 1) + 12N + 36]$$

Where: W = overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds.

L = distance in feet between extremes of any group of two (2) or more consecutive axles.

N = number of axles in the group under consideration.

(vi)

GROSS WEIGHT TABLE I

	Maximum gross weight in pounds carried on any group of two more consecutive axles							
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles more	9 or more axles
4	36,000							
5	36,000							
6	36,000							
7	36,000							
8	36,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			
23		53,000	57,500	62,500	68,000			
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	63,500	69,000	74,500		
26		55,500	59,500	64,000	69,500	75,000		
27		56,000	60,000	65,000	70,000	76,000		
28		57,000	60,500	65,500	71,000	76,500	82,000	
29		57,500	61,500	66,000	71,500	77,000	82,500	
30		58,500	62,000	66,500	72,000	77,500	83,000	
31		59,000	62,500	67,500	72,500	78,000	83,500	
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000
33			64,000	68,500	74,000	79,000	85,000	90,500
34			64,500	69,000	74,500	80,000	85,500	91,000
35			65,500	70,000	75,000	80,500	86,000	91,500
36	Two (2)							
37	consecutive		66,000	70,500	75,500	81,000	86,500	92,000
38	sets of							
39	tandem		66,500	71,000	76,000	81,500	87,000	93,000
40	axles							
	may carry		67,500	72,000	77,000	82,000	87,500	93,500
39	36,000							
40	pounds		68,000	72,500	77,500	82,500	88,500	94,000
	each if							

	the	68,500	73,000	78,000	83,500	89,000	94,500
41	distance						
	is 36	69,500	73,500	78,500	84,000	89,500	95,000
42	feet or more	70,000	74,000	79,000	84,500	90,000	95,500
43	between						
	the	70,500	75,000	80,000	85,000	90,500	96,000
44	consecutive						
	sets	71,500	75,500	80,500	85,500	91,000	96,500
45	of tandem						
	axles	72,000	76,000	81,000	86,000	91,500	97,500
46		72,500	76,500	81,500	87,000	92,500	98,000
47		73,500	77,500	82,000	87,500	93,000	98,500
48		74,000	78,000	83,000	88,000	93,500	99,000
49		74,500	78,500	83,500	88,500	94,000	99,500
50		75,500	79,000	84,000	89,000	94,500	100,000
51		76,000	80,000	84,500	89,500	95,000	100,500
52		76,500	80,500	85,000	90,500	95,500	101,000
53		77,500	81,000	86,000	91,000	96,500	102,000
54		78,000	81,500	86,500	91,500	97,000	102,500
55		78,500	82,500	87,000	92,000	97,500	103,000
56		79,500	83,000	87,500	92,500	98,000	103,500
57		80,000	83,500	88,000	93,000	98,500	104,000
58			84,000	89,000	94,000	99,000	104,500
59			85,000	89,500	94,500	99,500	105,000
60			85,500	90,000	95,000	100,500	105,500
61			86,000	90,500	95,500	101,000	106,000
62			87,000	91,000	96,000	101,500	107,000
63			87,500	92,000	97,000	102,000	107,500
64			88,000	92,500	97,500	102,500	108,000
65			88,500	93,000	98,000	103,000	108,500
66			89,000	93,500	98,500	104,000	109,000
67			90,000	94,000	99,000	104,500	110,000
68			90,500	95,000	99,500	105,000	110,500
69			91,000	95,500	100,000	105,500	111,000
70			92,000	96,000	101,000	106,000	111,500
71			92,500	96,500	101,500	106,500	112,000
72			93,000	97,000	102,000	107,000	112,500
73			93,500	98,000	102,500	107,500	113,000
74			94,500	98,500	103,000	108,500	113,500
75			95,000	99,000	104,000	109,000	114,000
76			95,500	99,500	104,500	109,500	115,000
77			96,000	100,000	105,000	110,000	115,500
78			97,000	101,000	105,500	110,500	116,000
79			97,500	101,500	106,000	111,000	116,500
80			98,000	102,000	106,500	111,500	117,000
81			98,500	102,500	107,000	112,000	
82			99,000	103,000	108,000	113,000	
83			100,000	104,000	108,500	113,500	
84				104,500	109,000	114,000	
85				105,000	109,500	114,500	
86				105,500	110,000	115,000	
87				106,000	111,000	115,500	
88				107,000	111,500	116,000	
89				107,500	112,000	117,000	
90				108,000	112,500		
91				108,500	113,000		
92				109,000	113,500		
93				110,000	114,000		
94				110,500	115,000		
95				111,000	115,500		
	or more						

GROSS WEIGHT TABLE II
PRIMARY AND SECONDARY HIGHWAYS

Distance in feet between the extremes of the first and last axle of any vehicle or combinations of vehicles	Maximum gross weight in pounds
10	43,500
11	45,000
12	48,000
13	50,000
14	52,000
15	54,000
16	54,000
17	54,000
18	56,000
19	58,000
20	62,000
21	64,000
22	65,000
23	66,000
24	66,000
25	66,000
26	66,000
27	66,000
28	66,000
29	66,000
30	67,000
31	68,000
32	69,000
33	70,000
34	71,000
35	72,000
36	73,000
37	74,000
38	75,000
39	76,000
40	76,000
41	76,000
42	76,000
43	76,000
44	76,000
45	77,000
46	77,400
47	78,300
48 or more	80,000

(viii) The director may reduce the maximum allowable axle loads and gross weight limits for specific highways or sections thereof or for bridges under his jurisdiction if the continued operation of vehicles or combinations of vehicles would create undue damage to the highways or bridges. Any person owning or operating a vehicle or combination of vehicles in violation of reduced load limits when posted or otherwise appropriately marked is liable for damage to the highway or bridge in question in addition to the penalties provided by law;

(ix) There is no obligation on the state to heighten any bridge, tunnel or other structure on highways because of the provisions of this act [§§ 31-18-801 through 31-18-808]. The director may reduce the size and weight limits of vehicles and loads on state and federal highways if, in his discretion, road conditions require;

(x) A board of county commissioners may by resolution adopt any or all of the provisions of this act to apply to county roads under their jurisdiction. The sheriff shall have enforcement authority on county roads under W.S. 31-18-805 for provisions adopted.

31-18-803. Conditions for operating vehicles transporting other vehicles.

(a) Vehicles used for transporting other vehicles may be operated singly, or in combinations by the towbar, saddlemount or full-mount methods, subject to the following terms and conditions:

(i) No more than one (1) towbar may be used in any such combination;

(ii) Notwithstanding W.S. 31-5-1009 and 31-18-802(a)(iv), no more than three (3) saddlemounts may be used in any combination except additional vehicles may be transported when safely loaded upon the frame of a vehicle in a properly assembled saddlemount combination and the overall length of the saddlemount combination does not exceed ninety-seven (97) feet;

(iii) Towed vehicles in a triple saddlemount combination shall have brakes acting on all wheels which are in contact with the roadway;

(iv) All applicable rules of the department and safety regulations on coupling devices and towaway methods of the bureau of motor carriers safety, United States department of transportation shall be observed and complied with;

(v) Any vehicle being towed without brakes and an operator shall be connected to the towing vehicle by a safe, solid connecting device to prevent slack between the vehicles.

31-18-804. Permits for and certain highways to carry, overweight and oversize vehicles; government vehicles.

(a) The director or his authorized representative may issue permits for separate movements or extended periods of movement effective for one (1) or more months, not to exceed ninety (90) days permitting hauling of forest products, baled hay or combine headers. No permit issued under this section shall be granted for any load of forest products exceeding one hundred twelve (112) inches in width or any load of baled hay or combine headers exceeding one hundred fifty (150) inches in width and fifteen (15) feet in height. No single component of the load may exceed one hundred two (102) inches in width. The fee for a single trip permit is fifteen dollars (\$15.00). The fee for an extended period permit is fifty dollars (\$50.00).

(b) The director or his authorized representative may issue a permit exclusive of interstate highways for hauling of forest products, sugar beets, gravel, livestock and agricultural products hauled in trucks that cannot be weighed at point of loading at a weight which is not more than ten percent (10%) in excess of allowable axle weights and not more than five thousand (5,000) pounds in excess of gross weights allowed under gross weight Table I. The permit fee is fifteen dollars (\$15.00) for a single trip permit not to exceed ninety-six (96) continuous hours. The permit fee is fifty dollars (\$50.00) for any ninety (90) continuous days. If a truck hauling forest products, sugar beets, gravel, livestock or agricultural products exceeds the legal weight limitations, the truck shall be allowed to unload at its point of destination in this state if the point of destination is within one (1) mile of the truck's location when the illegal weight limitation was determined, unless an immediate threat to public safety exists. No penalty for the first violation shall be imposed, but any subsequent violation shall be subject to the penalty provisions of W.S. 31-18-805.

(c) In special circumstances of individual movements of vehicles hauling single, multiple or readily divisible items

which cannot be readily or safely dismantled or divided or which cannot be transported safely or without damage when dismantled or divided, the director or his authorized representative may upon application and good cause shown issue a permit in writing effective for a single trip by each permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a width, height, length or weight of vehicle or load, exceeding the maximum specified in or authorized under W.S. 31-18-802.

(d) For movements of a vehicle without load, or meeting indivisible load requirements, or a trailer carrying a recreational boat that exceeds any maximum dimension or weight authorized under W.S. 31-18-802, the director or his authorized representative may upon application issue a permit in writing effective for an extended period of time, not to exceed one (1) year, authorizing the movement of the vehicle, provided that the size does not exceed seventy-five (75) feet in length for a single vehicle and twelve (12) feet in width or fifteen (15) feet in height for a single vehicle or combination of vehicles. The permit fee for an oversize vehicle is fifty dollars (\$50.00). The director or his authorized representative may upon application issue a permit effective for one (1) year, authorizing the commercial movement of one (1) or more motor homes, house trailers or truck campers that exceed the maximum width authorized under W.S. 31-18-802(a)(i)(A). A copy of the permit shall be carried with the vehicle. The fee for such a permit shall not exceed two hundred fifty dollars (\$250.00). Notwithstanding subsections (e) through (t) of this section, no additional permit requirements shall be imposed upon the commercial movement of such vehicles if such vehicles comply with W.S. 31-18-802(a)(i)(A). The permit fee for an overweight vehicle is as prescribed in subsection (g) of this section. Extended period permits are not authorized for transportable homes as defined in W.S. 31-1-101.

(e) The application for any permit under this section shall specifically describe the applicant, individual or company, the vehicle or load to be operated or moved, and the particular highway to be used and whether the permit is requested for a single trip or for extended period operation. Each permit shall contain the following provisions: duration of permit, description of load or loads to be moved, section standards which are to be exceeded and the amount of excess authorized, description of equipment, route to be traveled and required operating procedures. Every permit issued under this act [§§ 31-18-801 through 31-18-808] shall be carried with the vehicles

or combination of vehicles to which it refers and shall be open to inspection by any authorized agent of the state of Wyoming. Permission may be verbally issued by telephone or otherwise, granting the applicant authorization to proceed to the nearest permit issuing facility to be weighed and measured and to obtain the permit. Unless otherwise authorized by the director or his authorized representative, permits shall be obtained prior to operating any oversize or overweight vehicles on the highways of this state. Nothing herein contained shall be construed to permit a vehicle that is overweight or oversize and has not obtained a permit or permission in advance to be operated on the highways of this state. Except as provided in W.S. 31-18-805(b) and this subsection, the operator shall be required to unload the excess weight, reduce the excess size or otherwise bring the load within permissible limits and pay all fees for overweight or oversize under this act for distance traveled in addition to penalties provided by law.

(f) When an oversize single trip permit is issued, the fee is twenty-five dollars (\$25.00). Should any vehicle including load exceed the dimensions of fifteen (15) feet in width or fifteen (15) feet in height or any single vehicle including load exceed seventy-five (75) feet in length, an additional fee shall be paid in excess of the above limitation computed at the rate of three cents (\$.03) for each foot or fraction thereof for each mile traveled on the highways.

(g) When an overweight permit is issued, the fee is six cents (\$.06) for each ton or fraction thereof of weight in excess of the weight limitation under W.S. 31-18-802 for each mile traveled on the highways. In no event shall the fee be less than forty dollars (\$40.00) for the permit. A permit under this section for loads exceeding eighty (80) tons shall not be issued until the permittee has paid all costs incurred by the state to determine routing, structure, highway capability to withstand the load and the cost incurred by sending personnel to accompany the movement of the load.

(h) In addition to other permits authorized in this act [§§ 31-18-801 through 31-18-808], the director may issue permits to be completed by the applicant. These permits shall authorize separate movements of items that cannot be readily dismantled or divided, or safely transported if dismantled or divided. The applicant is required to complete a separate permit prior to each separate movement. The fee for the permit is that established in subsections (f) and (g) of this section.

(j) The director may promulgate rules and regulations as to the terms and conditions of the permits issued under this article. Alteration of any word or figure on the face of a permit will void the permit immediately and will subject the permit to confiscation by the inspecting officer.

(k) The funds paid for permits for the use of highways shall be credited to the state highway fund.

(m) Permits issued under this act [§§ 31-18-801 through 31-18-808] shall be issued under conditions deemed necessary for travel safety and highway system protection as to time of day and day of week, route, equipment, speed and otherwise as may be determined by the director or his authorized representative.

(n) Certain highways may be designated to carry vehicles of greater weight, length and number of vehicles than given in this section if it has been determined by the director that a situation of economic hardship exists or that the general welfare of the state of Wyoming would benefit from the operation. Vehicles operating on the designated highways shall pay permit fees under this section in accordance with rules adopted by the director. Provisions for the operations may be made if the director has determined:

(i) That the operation of the combinations of vehicles would relieve a situation that is detrimental to the economy of the state; and

(ii) By engineering evaluation that the highways and bridges in question have geometrical and structural capacity adequate to accommodate the vehicles and allow their operation safely and compatibly with other traffic on the highways; and

(iii) That federal highway funds will not be withdrawn by this provision.

(o) The director or his authorized representative is authorized to examine and audit the records of any person having applied for and having received overweight and oversize permits to determine the accuracy of these permits and reports, or to determine fees due in the event no report is made. The records shall not be destroyed for a period of two (2) years or until the records have been examined and audited, whichever occurs first.

(p) In determining permit weights of vehicles or combinations of vehicles, a variable load suspension axle may be counted as load bearing, provided that the variable load suspension axle that is capable of producing a distribution of weight to prevent an axle or axle group from exceeding maximum allowable weights in accordance with department rules and regulations.

(q) Multiple piece loads of a size or weight greater than that authorized in W.S. 31-18-802 are prohibited except as authorized in this section.

(r) Oversize vehicles with a proper permit may be used to transport loads of legal size, legal weight, oversize indivisible loads or overweight indivisible loads.

(s) Vehicles owned and operated by government agencies shall comply with the provisions of this article and the rules and regulations promulgated pursuant to this article, except that no permit shall be required for oversize or overweight movements made in compliance with this section.

(t) The director or his authorized representative may issue permits for vehicles at weights in excess of limits allowed in W.S. 31-18-802(a)(vi), but meeting axle and bridge formula specifications in section 127 of title 23, United States Code and pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186) and sections 1023(d)(I)(A) and (1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991. Permit fees for vehicles operating under this provision shall be paid in accordance with rules adopted by the director or his authorized representative and shall be credited to the highway fund. A power unit receiving a permit under this subsection shall be capable of maintaining a speed of twenty-five (25) miles per hour on a grade of five percent (5%) or less when fully loaded.

31-18-805. Penalties for violations; permit where vehicle or load cannot be dismantled; enforcement; fines.

(a) Any person who violates this article, rules and regulations promulgated under it or the conditions of any permit issued under it is guilty of a misdemeanor punishable except where otherwise provided in this article, by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisonment for not more than thirty (30) days, or both.

(b) Where the vehicle or load cannot be readily dismantled to meet the provisions of this act [§§ 31-18-801 through 31-18-808], the director or his authorized representative may issue a permit as authorized under this act.

(c) A driver of any vehicle, or combination of vehicles upon demand of any state trooper having reason to believe that the weight of any vehicle or combination, including load, if any, is unlawful, shall stop and submit the vehicle or combination of vehicles and any load thereon to a weighing at any state owned or leased scales not to exceed five (5) miles from the declared route of travel, unless the vehicle has been weighed at a port of entry with the same load. The driver shall comply with the directions of the trooper to obtain the total weight or measurement of the load and vehicle.

(d) If a vehicle or combination of vehicles does not exceed the gross weight provisions of Table I or Table II, but does exceed the axle limits in an amount not over two thousand (2,000) pounds, or does exceed either the width limits of W.S. 31-18-802(a)(i) or the length limits of W.S. 31-18-802(a)(iv) by not more than twelve (12) inches, the cargo may be repositioned by the operator to comply with the legal limits and be allowed to proceed without penalty. In the case of a load that has shifted during transit and cannot be reasonably repositioned to meet legal limits, a permit may be issued.

(e) Notwithstanding subsection (a) of this section, the fine for exceeding weight limitations is as follows:

<u>EXCESS WEIGHT (LBS)</u>	<u>FINE</u>
0 - 2,000	\$ 25.00
2,001 - 4,000	50.00
4,001 - 6,000	75.00
6,001 - 8,000	100.00
8,001 - 10,000	150.00
10,001 - 12,000	200.00
12,001 - 14,000	250.00
14,001 - 16,000	300.00
16,001 - 18,000	400.00
18,001 - 20,000	500.00
Over 20,000	750.00

Plus an additional one hundred dollars (\$100.00) for each one thousand (1,000) pounds or fraction thereof exceeding twenty thousand (20,000) pounds over the legal limits.

31-18-806. Adoption of greater size or weight limits comparable to federal limits.

If the federal highway administration or the United States congress prescribes or adopts vehicle size or weight limits greater than those now prescribed by the Federal-Aid Highway Act of 1956 (title I of public law 627, 84th congress) which exceed in full or in any part the provisions of this article, the department may, upon determining that Wyoming highways have been constructed to standards which will accommodate the additional size or weight, and that the adoption of the size and weight schedule will not jeopardize any federal appropriations to the state, adopt size and weight provisions or schedules comparable to those approved or recommended by the United States congress or the federal highway administration.

31-18-807. Special permits for certain combinations of vehicles.

The director may issue special permits, which shall not be in force more than ninety (90) days, authorizing the operation of a combination of motor vehicles on the highways of the state consisting of more than three (3) single units. The permits shall be issued for the purpose of testing the use of such units under actual operating conditions on the highways. The permits shall be issued under the supervision of and under conditions including time, route, equipment and speed determined by the director.

31-18-808. Towing oversize disabled vehicles.

(a) The width, height and length limitations prescribed in W.S. 31-18-802 and 31-18-804 do not apply to damaged, disabled or abandoned vehicles or combinations of vehicles in compliance with W.S. 31-18-802 or 31-18-804, while being towed by a tow truck or otherwise transported in compliance with regulations of the department. The limitation on the number of vehicles in combination imposed by W.S. 31-18-802 may be exceeded for the purpose of towing disabled or abandoned vehicles or vehicle combinations from highways to the nearest point of safekeeping where the vehicle or vehicles can safely be reduced in size to comply with W.S. 31-18-802 whereby the safety of the disabled vehicle or other traffic will be maintained.

(b) The towing vehicle shall be:

- (i) Specifically designed for the operation;
 - (ii) Equipped with amber flashing lights; and
 - (iii) Capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles if the systems are operational.
- (c) The highway patrol shall be notified prior to the operation of a combination of vehicles under this section on the highways of the state.
- (d) A vehicle transporting disabled vehicles other than by towing shall be equipped with amber flashing lights or be accompanied by a vehicle with amber flashing lights.
- (e) The director or his authorized representative may issue a permit, effective for one (1) year, authorizing the movements of disabled or abandoned vehicles or vehicle combinations that exceed the maximum weights authorized under W.S. 31-18-802(a)(v), while being towed by a tow truck or otherwise transported in compliance with regulations of the department. The fee for an annual permit issued under this subsection shall be fifty dollars (\$50.00) per tow truck.

ARTICLE 9
MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

31-18-901. Agreement provisions generally.

The Multistate Highway Transportation Agreement is enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

ARTICLE I
DEFINITIONS

SECTION 1. As used in this agreement:

- (a) "Cooperating committee" means a body composed of the designated representatives from the participating jurisdictions;
- (b) "Designated representative" means a legislator or other person authorized under article IX to represent the jurisdiction;

(c) "Jurisdiction" means a state of the United States or the District of Columbia;

(d) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two (2) or more participating jurisdictions.

ARTICLE II GENERAL PROVISIONS

SECTION 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

SECTION 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

SECTION 3. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations of that state.

SECTION 4. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing. This section shall have no effect on any judicial decision.

SECTION 5. Restrictions, Conditions or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition or limitation on the general terms of this agreement, if any.

SECTION 6. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE III COOPERATING COMMITTEE

SECTION 1. Each participating jurisdiction shall have two (2) designated representatives. Pursuant to section 2, article

II, the designated representatives of each of the participating jurisdictions shall constitute the cooperating committee which shall have the power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters;

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken;

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

(d) Consider mutual transportation problems of the motor carrier industry and recommend changes.

(e) Recommend improvements in highway operations, in vehicular safety and in state administration of highway transportation laws.

(f) Perform functions necessary to facilitate the purposes of this agreement.

SECTION 2. Each designated representative of a participating jurisdiction shall be entitled to one (1) vote only. No action of the committee is approved unless a majority of the total number of votes cast by the designated representatives of the participating jurisdictions are in favor thereof.

SECTION 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman and a secretary.

SECTION 4. The committee shall submit annually to the legislature of each participating jurisdiction a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable.

ARTICLE IV
OBJECTIVES OF THE PARTICIPATING JURISDICTIONS

SECTION 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 36,000 pounds and a gross vehicle or combination weight of that resulting from application of the formula:

$W = 500[LN/(N - 1) + 12N + 36]$ where W = maximum weight in pounds carried on any group of two (2) or more consecutive axles computed to the nearest five hundred (500) pounds;

L = distance in feet between the extremes of any group of two (2) or more consecutive axles;

N = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles in interstate commerce according to the provisions of subsection (a) of this section be authorized under special permit authority by each participating jurisdiction for vehicle combinations in excess of eighty thousand (80,000) pounds gross vehicle weight or statutory maximum lengths. The maximum statutory limits in each participating jurisdiction will not be affected.

(c) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional

application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications and operating practices; and such other matters as may be pertinent.

(d) The cooperating committee may recommend that the participating jurisdictions jointly secure congressional approval of this agreement and specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(e) It is the further objective of the participating jurisdictions to:

(i) Establish transportation laws and regulations to meet regional and economic needs and to promote an efficient, safe and compatible transportation network;

(ii) Develop standards that facilitate the most efficient and environmentally sound operation of vehicles on highways, consistent with and in recognition of principles of highway safety;

(iii) Establish programs to increase productivity and reduce congestion, fuel consumption and related transportation costs and enhance air quality through the uniform application of state vehicle regulations and laws; and

(iv) Facilitate communication among legislators, state transportation administrators and commercial industry representatives to discuss unique highway transportation issues in participating jurisdictions.

ARTICLE V ENTRY INTO FORCE AND WITHDRAWAL

SECTION 1. This agreement shall enter into force when enacted into law by any two (2) or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 6, article II.

SECTION 2. Any participating jurisdiction may withdraw from this agreement by canceling the same but no such withdrawal shall take effect until thirty (30) days after the designated representative of the withdrawing jurisdiction has given notice

in writing of the withdrawal to all other participating jurisdictions.

ARTICLE VI
CONSTRUCTION AND SEVERABILITY

SECTION 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

SECTION 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

ARTICLE VII
FILING OF DOCUMENTS

SECTION 1. A copy of this agreement, its amendments and rules or regulations promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

ARTICLE VIII
EXISTING STATUTES NOT REPEALED

SECTION 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE IX
SELECTION OF DESIGNATED REPRESENTATIVES

SECTION 1. The process for selecting the designated representatives to the cooperating committee shall be established by law under this article.

SECTION 2. The persons authorized to represent the state of Wyoming as the designated representatives to the committee shall be the chairman of the senate transportation and highways

committee and the chairman of the house transportation and highways committee, or a legislator or a state agency official each chairman may designate.

SECTION 3. The chairmen of the senate and house transportation and highways committees shall also designate one (1) alternate representative who shall also be a legislator or state agency official to serve in the absence of the representative designated under section 2 of this article.

31-18-902. State cooperation with and assistance to interstate cooperating committee.

(a) The department of transportation shall cooperate with the cooperating committee in carrying out the purpose of W.S. 31-18-901 and shall cooperate with and assist the committee, to the extent funds are appropriated for this purpose, with the provisions of article III, section 1(a) and (b).

(b) Funds for the administration of this agreement, including participation in the cooperating committee and the actual expenses of the designated representative, shall be budgeted from the fees collected under W.S. 39-17-206(j).

31-18-903. Filing of report.

The report required by article III, section 4 of W.S. 31-18-901 shall be filed with the governor and the joint transportation and highways interim committee.