

HOUSE BILL NO. HB0080

Graduated driver's permits.

Sponsored by: Representative(s) Tipton, Edwards and
Wasserburger and Senator(s) Anderson, J.

A BILL

for

1 AN ACT relating to motor vehicles; providing for graduated
2 driver's permits for certain minors; specifying conditions;
3 specifying exceptions; amending definitions; conforming
4 provisions; repealing void provisions; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 31-7-102(a)(xxv), 31-7-108(a),
10 31-7-109(d) by creating a new paragraph (vii), 31-7-110(a),
11 (f) and by creating a new subsection (g), 31-7-113(a) by
12 creating a new subsection (xi), 31-7-117(f)(i) and (ii),
13 31-7-126 and 31-7-304(a)(ii)(C) are amended to read:

14

15 **31-7-102. Definitions.**

16

1 (a) As used in this act:

2

3 (xxv) "License", "driver's license", "commercial
4 driver's license", ~~or~~ "instruction permit" or "intermediate
5 permit" means ~~any~~a license or permit secured by a person
6 from the division, in accordance with this act which grants
7 the privilege to drive or operate a motor vehicle on the
8 public highways, streets and roads of this state;

9

10 **31-7-108. Persons not to be licensed; investigation**
11 **by the division.**

12

13 (a) No driver's license shall be issued to any person
14 who is under the age of ~~sixteen (16)~~ eighteen (18) years,
15 except as provided in W.S. 31-7-110 and 31-7-117(c).

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17 **31-7-109. Classes of licenses.**

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19 (d) Licensing classification plan:

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21 (vii) Class "12" indicates an intermediate
22 permit issued pursuant to W.S. 31-7-110(g).

23

24 **31-7-110. Instruction and temporary driver's permits.**

1

2 (a) Any person who is at least fifteen (15) years of
3 age may apply to the division for an instruction permit.
4 The division, after the applicant has successfully passed
5 all parts of the examination other than the driving test,
6 may issue to the applicant an instruction permit which
7 entitles the applicant while having the permit in his
8 immediate possession to drive a specified type or class of
9 motor vehicle for a period of one (1) year when accompanied
10 by a person at least ~~eighteen (18)~~ twenty-one (21) years of
11 age who holds a valid driver's license and has been
12 licensed as a driver for the type or class of vehicle being
13 used for at least ~~one (1) year~~ three (3) years, who is fit
14 and capable of exercising control over the vehicle and who
15 is occupying a seat beside the driver. This subsection ~~does~~
16 and subsections (f) and (g) of this section do not apply to
17 motorcycle instruction permits.

18

19 (f) Any person who is at least fourteen (14) years of
20 age and who has applied and been approved for a restricted
21 license under W.S. 31-7-117(c), shall apply to the division
22 for an instruction permit. The division, after the
23 applicant has successfully passed all parts of the
24 examination other than the driving test, may issue to the

1 applicant an instruction permit which entitles the
2 applicant while having the permit in his immediate
3 possession to drive a class "C" motor vehicle for a period
4 of sixty (60) days when accompanied by a person at least
5 ~~eighteen (18)~~ twenty-one (21) years of age who holds a
6 valid driver's license and has been licensed as a driver
7 for a class "C" vehicle for at least ~~one (1) year~~ three (3)
8 years, who is fit and capable of exercising control over
9 the vehicle and who is occupying a seat beside the driver.

10
11 (g) Any person, who is at least sixteen (16) years of
12 age and has held an instruction permit pursuant to
13 subsection (a) of this section or a similar permit from
14 another jurisdiction and has completed practice driving of
15 at least fifty (50) actual driving hours, including at
16 least ten (10) hours of night driving, may apply to the
17 division for an intermediate permit, valid for not more
18 than eighteen (18) months, that entitles the applicant to
19 drive a specified type or class of motor vehicle. No
20 permit may be issued unless a parent or guardian certifies
21 the applicant has completed the practice driving
22 requirements. Provided that when operating a motor
23 vehicle, a person with an intermediate permit:

24

1 (i) May not transport more than one (1)
2 passenger under the age of twenty-one (21) who is not a
3 member of the permittee's immediate family;

4
5 (ii) Shall only be upon a public highway between
6 the hours of 5:00 a.m. and 11:00 p.m. unless:

7
8 (A) Accompanied by a licensed driver
9 twenty-one (21) years of age or older;

10
11 (B) Required by medical necessity as
12 evidenced by a signed statement from medical personnel;

13
14 (C) Driving to or from work as evidenced by
15 a signed statement from the permittee's employer;

16
17 (D) Driving to or from school, a school
18 activity or a religious activity as evidenced by a signed
19 statement of a school or religious official or a parent or
20 guardian; or

21
22 (E) Required due to a medical emergency.
23

1 (iii) May apply for a driver's license no sooner
2 than one (1) year after obtaining an intermediate permit
3 provided his permit had not been suspended or revoked
4 pursuant to W.S. 31-5-233, 31-5-234, 31-5-235, 31-6-108 or
5 a similar local ordinance or a similar statute or ordinance
6 in another jurisdiction and the permittee has not been
7 convicted of a violation of W.S. 31-5-1402, a similar
8 violation in any jurisdiction, a moving violation in any
9 jurisdiction or subsection (g) of this section. Provided
10 that:

11
12 (A) Upon receiving competent evidence of a
13 conviction or permit suspension or revocation pursuant to
14 this paragraph, the division shall notify the person
15 holding the intermediate permit that he will not be able to
16 apply for a driver's license until a year from the date of
17 the conviction or until he reaches the age of eighteen (18)
18 whichever occurs first;

19
20 (B) A person who is at least sixteen (16)
21 years of age who has already obtained a valid driver's
22 license from Wyoming or another jurisdiction unless the
23 license becomes suspended or revoked shall not be subject
24 to the provisions of this act;

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(C) A person who has been issued a license prior to receipt of a conviction by the division shall have the license cancelled and be required to reapply for an intermediate permit and shall not be allowed to reapply for a driver's license until one (1) year from the date of conviction or until the permittee has reached the age of eighteen (18) whichever occurs first unless the department determines that reapplying for a license would be futile because the person will be eighteen (18) years of age before the application process would be accomplished;

(D) A person with an intermediate permit may contest the extension of that permit by producing documents to the division proving that he is not the person convicted or the conviction is not from an offense listed in, or similar to an offense listed in, this paragraph. A hearing and appeal under the Wyoming Administrative Procedure Act shall be allowed from an adverse decision regarding only the identification of the person or validity of the offense.

31-7-113. Fees.

1 (a) The following fees are imposed:

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3 (xi) Intermediate permit..... \$15.00

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5 **31-7-117. Restricted licenses.**

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7 (f) A person who is at least fifteen (15) years of
8 age who holds a restricted class "C" license may drive
9 beyond the hours and radius specified in subsection (c) of
10 this section if the person is accompanied by a person who:

11

12 (i) Is at least ~~eighteen (18)~~ twenty-one (21)
13 years of age;

14

15 (ii) Holds a valid driver's license and has been
16 licensed ~~to drive as a driver for the type or class of~~
17 vehicle being used for at least ~~one (1) year~~ three (3)
18 years;

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20 **31-7-126. Reporting of convictions and failure to**
21 **appear by courts.**

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23 Every court having jurisdiction under any statute of this
24 state or a municipal ordinance adopted by local authority

1 regulating the driving of motor vehicles, shall forward to
2 the division within ten (10) working days from the date of
3 conviction a record of the conviction of any person in the
4 court for a violation of any of those laws or ordinances,
5 other than those regulating standing or parking of a motor
6 vehicle. ~~Each court in this state shall also forward to the~~
7 ~~division within ten (10) working days from the date of~~
8 ~~conviction a record of the conviction of any person. under~~
9 ~~nineteen (19) years of age in the court for a violation of~~
10 ~~any law regarding the possession, delivery, manufacture or~~
11 ~~use of a controlled substance or alcohol.~~ The court shall
12 also forward to the division a report of any violation by
13 any person of a written promise to appear in court as given
14 to the arresting officer upon the issuance of a traffic
15 citation and any failure to appear in court at the time
16 specified by the court. Failure of a court to forward a
17 record of conviction or violation under this section within
18 the time specified in this section from the date of
19 conviction or violation shall not affect the division's
20 authority under this act.

21

22 **31-7-304. Issuance; classifications and endorsements.**

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1 (a) Commercial driver's licenses may be issued with
2 the following classifications and endorsements. The holder
3 of a valid commercial driver's license may drive all
4 vehicles in the class for which that license is issued and
5 all lesser classes of vehicles except motorcycles and
6 vehicles which require a separate endorsement, unless the
7 proper endorsement appears on the license:

8

9 (ii) The following driver's license endorsements
10 are special authorizations permitting the driver to operate
11 certain types of motor vehicles or transport certain types
12 of cargo if the endorsement is displayed on the driver's
13 license:

14

15 (C) "P" authorizes the driver to operate a
16 bus or any motor vehicle as defined in W.S.
17 31-7-102(a)(iii) used for the transportation of passengers,
18 providing the licensed driver has attained the age of
19 eighteen (18) years; ~~except the "P" endorsement may be
20 placed upon the license of a licensed driver between the
21 ages of sixteen (16) and eighteen (18) years who has
22 secured the approval of the school district and the
23 permission of a parent or guardian of each child to be~~

1 ~~transported, thereby allowing the driver to transport~~
2 ~~students to and from school;~~

3

4 **Section 2.** W.S. 31-7-108(b)(vii) is repealed.

5

6 **Section 3.** This act shall only apply to persons
7 applying for a license or permit who are under the age of
8 eighteen (18) on July 1, 2003 and who do not have a valid
9 driver's license from this state or another jurisdiction.

10

11 **Section 4.** This act is effective July 1, 2003.

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13

(END)