HOUSE BILL NO. HB0272

Mountain biking-decals.

Sponsored by: Representative(s) Sommers, Allen, Gierau and Pelkey and Senator(s) Agar, Boner, Driskill and Hicks

A BILL

for

1 AN ACT relating to mountain bikes; requiring decals for
2 mountain bikes used on public lands; providing for issuance
3 of decals as specified; imposing a penalty; establishing
4 fees; assigning duties to the Wyoming game and fish
5 department; establishing accounts; providing definitions;
6 and providing for an effective date.
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8 Be It Enacted by the Legislature of the State of Wyoming:
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10 Section 1. W.S. 31-2-901 through 31-2-903 are created
11 to read:
12
13 ARTICLE 9
14 MOUNTAIN BIKING
15
31-2-901. Definitions.

(a) As used in this article:

(i) "Department" means the Wyoming game and fish department;

(ii) "Mountain bike" means every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, including mountain bicycles, road bicycles, hybrid bicycles or any other bicycle operated on public lands;

(iii) "Public lands" means lands within the boundaries of the state, title to which is held by this state or the federal government, including any off-road trails, routes, paths, roads or open areas but shall not include any state highway or any street, alley or road maintained by a city or county.

31-2-902. Decal for mountain bike; penalty; authorized selling agents.
(a) No person shall operate a mountain bike on public lands without first obtaining a numbered decal issued under this article. The numbered decal shall be displayed on the mountain bike or, upon request, by electronic means.

(b) Any person may purchase a numbered decal from the department including through electronic licensing or an authorized selling agent for an annual fee of fifteen dollars ($15.00). Each numbered decal issued under this article is effective for the calendar year and shall expire on December 31 of the year in which the decal is issued.

(c) For a voluntary fee of fifteen dollars ($15.00), any person may purchase an unnumbered decal from the department including through electronic licensing or an authorized selling agent.

(d) Any person who operates a mountain bike on public lands without first obtaining a numbered decal issued under this article is guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars ($100.00).
(e) The department shall appoint authorized selling agents to sell decals issued under this article. Each authorized selling agent shall retain one dollar ($1.00) for each decal sold. For each decal sold, the authorized selling agent shall forward to the department fourteen dollars ($14.00) of the fee collected under this section. Designated employees of the department may sell decals issued under this article and if decals are sold, the employee shall not receive any commission on fees collected under this article.

(f) The fees collected by the department from decals issued under this article shall be distributed as follows:

(i) Two dollars ($2.00) to the account created by W.S. 36-4-121(r);

(ii) The remainder to the account created by W.S. 23-1-501(h).

31-2-903. Duties of the Wyoming game and fish department.
(a) The department shall:

(i) Provide for the design and production of the decals issued under this article, which shall contain language or pictures indicating fees received by the department support maintaining and improving trails and roads used for mountain biking on public lands and the management of populations of species listed as threatened or endangered under the Endangered Species Act;

(ii) Furnish a sufficient quantity of numbered and unnumbered decals to each authorized selling agent;

(iii) Provide for the issuance of decals under this article through the electronic licensing system established pursuant to W.S. 23-1-302(a)(xiv);

(iv) Promulgate rules necessary to implement this article.

Section 2. W.S. 23-1-501 by creating a new subsection (h) and 36-4-121 by creating a new subsection (r) is amended to read:
23-1-501. Game and fish fund.

(h) An account within the game and fish fund is created. Revenues received pursuant to W.S. 31-2-902(f) shall be credited to the account and are continuously appropriated to the commission to be expended for the design and production of mountain biking decals pursuant to W.S. 31-2-902 and 31-2-903. Any funds exceeding the amount necessary for the design and production of mountain biking decals shall be expended for management of populations of species listed as threatened or endangered under the Endangered Species Act.

36-4-121. Permits to use state parks, recreation areas and historic sites; mountain biking trails account.

(r) There is created the mountain biking trails account. Revenues received pursuant to W.S. 31-2-902(f) shall be credited to the account and are continuously appropriated to the department of state parks and cultural resources to be expended for maintaining and improving trails or roads including Wyoming off-road recreational
vehicle trails used for mountain biking on public lands, as defined in W.S. 31-2-901(a)(iii).

Section 3. The Wyoming game and fish department shall adopt any rules necessary to implement this act and provide for the design and production of the decals required by this act on or before January 1, 2018.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective January 1, 2018.

(b) Section 3 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)