

HOUSE BILL NO. HB0023

Surrender driver's license-repeal.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; repealing requirements
2 to physically surrender a driver's license; repealing
3 temporary licenses; requiring peace officer's to submit
4 signed statements to the department after alcohol
5 concentration tests for persons under twenty-one (21) years
6 of age as specified; clarifying the timeline for contested
7 case hearings as specified; repealing obsolete provisions;
8 making conforming amendments; providing rulemaking
9 authority; and providing for effective dates.

10

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

12

13 **Section** **1.** W.S. 31-6-102(f), 31-6-104(b),
14 31-6-108(f), 31-7-113(e), 31-7-116, 31-9-105 and
15 31-9-106(a) are amended to read:

1

2 **31-6-102. Test to determine alcoholic or controlled**
3 **substance content of blood; suspension of license.**

4

5 (f) In addition to the signed statement submitted
6 under subsection (e) of this section, the peace officer
7 shall ~~issue the person a temporary license similar to but~~
8 ~~in lieu of the license authorized under W.S. 31-7-138.~~
9 ~~This temporary license shall be valid for thirty (30) days,~~
10 ~~shall not be renewed, shall contain a~~ provide notice to the
11 person. The notice shall state that the person has twenty
12 (20) days from the date of ~~issuance~~ the notice within which
13 to request a hearing from the department and that failure
14 to timely request a hearing will result in the suspension
15 automatically commencing ~~upon expiration~~ thirty (30) days
16 after the date of the ~~temporary license~~ notice or upon
17 ~~expiration~~ the conclusion of any existing suspension or
18 revocation if the person's license or privilege is
19 currently suspended or revoked at the time the ~~temporary~~
20 ~~license is issued. W.S. 31-7-138(d) and (e) apply to a~~
21 ~~license under this section~~ peace officer provides notice.
22 For purposes of this section, the peace officer acts as an
23 agent for the department when providing notice of the

1 suspension and notice of the opportunity for a hearing.
2 W.S. 31-7-137 applies to a notice under this act. Failure
3 to ~~demand~~request a hearing within the twenty (20) day
4 period is a waiver of the right of hearing, and the
5 suspension shall commence ~~upon expiration of the temporary~~
6 ~~license~~thirty (30) days after the date of the notice or
7 upon ~~expiration~~the conclusion of any existing suspension
8 or revocation if the person's license or privilege is
9 currently suspended or revoked at the time the ~~temporary~~
10 ~~license is issued~~peace officer provides notice. If a
11 timely ~~demand~~request for hearing is made, the department
12 shall forward the ~~demand~~request to the independent hearing
13 examiner who shall schedule a hearing within forty-five
14 (45) days after receipt of the request from the department
15 and provide the ~~arrested~~ person at least ten (10) days
16 notice of the hearing. The hearing shall be conducted by
17 the hearing examiner. If the hearing examiner fails to
18 schedule the hearing within forty-five (45) days of the
19 request from the department, other than at the request of
20 the ~~licensee~~person, the ~~licensee~~person, as his sole
21 remedy, shall be given credit against any action upheld at
22 the hearing for the time between the expiration of the

1 forty-five (45) day period and the date the hearing was
2 first scheduled.

3

4 **31-6-104. Right to petition for subsequent hearing;**
5 **suspension applies to all licenses held; persons not**
6 **required to take test.**

7

8 (b) A suspension under this act applies to all
9 driver's licenses held by the person. ~~and all driver's~~
10 ~~licenses shall be surrendered to the department. The~~
11 ~~department shall physically retain the license or licenses~~
12 ~~during the period of suspension except as provided in W.S.~~
13 ~~31-7-138(f).~~

14

15 **31-6-108. Implied consent requirements for youthful**
16 **drivers.**

17

18 (f) If a test discloses an alcohol concentration of
19 two one-hundredths of one percent (0.02%) or more, the
20 peace officer shall ~~issue the person a temporary license~~
21 ~~similar to but in lieu of the license authorized under W.S.~~
22 ~~31-7-138. This temporary license shall be valid for thirty~~
23 ~~(30) days, shall not be renewed, submit his signed~~

1 statement to the department. In addition to the signed
2 statement submitted under this subsection, the peace
3 officer shall ~~contain a~~ provide notice to the person that
4 the person has twenty (20) days from the date ~~of issuance~~
5 of the notice within which to request a hearing from the
6 department pursuant to W.S. 31-7-105 and that failure to
7 timely request a hearing will result in the period of
8 suspension or license denial automatically commencing ~~upon~~
9 ~~expiration of the temporary license~~ thirty (30) days after
10 the date of the notice or upon ~~expiration~~ the conclusion of
11 any existing suspension or revocation if the person's
12 license or privilege is currently suspended or revoked at
13 the time the ~~temporary license is issued~~ peace officer
14 provides notice. For purposes of this section, the peace
15 officer acts as an agent for the department when providing
16 notice of the suspension and notice of the opportunity for
17 a hearing. W.S. 31-7-137 applies to a notice under this
18 act. Failure to ~~demand~~ request a hearing within the twenty
19 (20) day period is a waiver of the right of hearing, and
20 the period of suspension or denial shall commence ~~upon~~
21 ~~expiration of the temporary license~~ thirty (30) days after
22 the date of the notice or upon ~~expiration~~ the conclusion of
23 any existing suspension or revocation if the person's

1 license or privilege is currently suspended or revoked at
2 the time the ~~temporary license is issued. A temporary~~
3 ~~license issued under this subsection shall afford no~~
4 ~~driving privilege to a person who is not otherwise licensed~~
5 ~~to drive a motor vehicle~~ peace officer provides notice. The
6 signed statement submitted by the officer under this
7 subsection shall contain:

8
9 (i) His probable cause to believe the person was
10 driving or in actual physical control of a motor vehicle:

11
12 (A) On a public street or highway in this
13 state;

14
15 (B) In violation of W.S. 31-5-234(b) or any
16 other law prohibiting driving under the influence as
17 defined by W.S. 31-5-233(a)(v).

18
19 (ii) That a test was taken of the person; and

20
21 (iii) The person had an alcohol concentration of
22 two one-hundredths of one percent (0.02%) or more.

23

1 **31-7-113. Fees.**

2

3 (e) ~~Notwithstanding W.S. 31-7-131(c),~~ If a driver's
4 license is reinstated after a period of suspension or
5 revocation, the fee for the reinstatement shall be fifty
6 dollars (\$50.00) unless the final decision by the hearing
7 examiner, or a court reverses the action taken by the
8 department. If a driver's license is reinstated after
9 suspension for nonpayment of child support pursuant to W.S.
10 20-6-111 or 20-6-112, the fee for reinstatement shall be
11 not more than five dollars (\$5.00).

12

13 **31-7-116. Carrying and displaying.**

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15 Every licensee shall have his driver's license in his
16 immediate possession at all times when driving a motor
17 vehicle and shall display the license upon demand of any
18 judicial officer, municipal court judge, any officer or
19 agent of the division or any police officer as defined in
20 W.S. 31-5-102(a)(xxxiii). However, no person charged with
21 violating this section shall be convicted if he produces in
22 court a driver's license previously issued to him and valid
23 at the time of his arrest. For the purposes of this section

1 "display" of a physical license means the surrender of the
2 physical license to the demanding officer. After
3 examination the officer shall immediately return the
4 license to the licensee. ~~except as provided in W.S.~~
5 ~~31-5-1205(k).~~ For purposes of this section, "display" of a
6 digital driver's license means that a licensee may provide
7 access to the digital driver's license on the licensee's
8 portable electronic device. No law enforcement or judicial
9 officer demanding display of a licensee's digital driver's
10 license for any licensing or identification verification
11 purpose shall take custody of the licensee's portable
12 electronic device. Display of a digital driver's license
13 shall not serve as consent to search the driver's portable
14 electronic device. Nothing in this section shall be
15 construed to require a person, other than the department if
16 it has chosen to issue a digital driver's license, to
17 accept a digital driver's license or otherwise require the
18 purchase of equipment to verify the accuracy of a digital
19 driver's license.

20

21 **31-9-105. Return of registration to division.**

22

1 Any person whose ~~license or~~ registration is suspended under
2 this act, or whose policy of insurance or bond, when
3 required under this act, is cancelled or terminated, or who
4 neglects to furnish other proof upon request of the
5 division shall immediately return his ~~license and~~
6 registration to the division. If any person fails to return
7 to the division the ~~license or~~ registration as required,
8 the division shall direct any peace officer to confiscate
9 and return the ~~license or~~ registration to the division.

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11 **31-9-106. General penalties.**

12
13 (a) Any person willfully failing to return a ~~license~~
14 ~~or~~ registration as required in W.S. 31-9-105 shall be fined
15 not more than seven hundred fifty dollars (\$750.00).

16
17 **Section 2.** W.S. 8-1-102(a)(xvii), 31-5-1205(k),
18 31-7-131, 31-7-133(a)(iv) and 31-7-138 are repealed.

19
20 **Section 3.** The department of transportation shall
21 promulgate rules as necessary to implement this act.

1 Section 4.

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2025.

5

(b) Sections 3 and 4 of this act are 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.

10

11 (END)