

ENROLLED ACT NO. 14, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

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

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

(f) In addition to the signed statement submitted under subsection (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~~ provide notice to the person. The notice shall state that the person has twenty (20) days from the date of ~~issuance~~ the notice 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~~ thirty (30) days after the date of the ~~temporary license~~ notice or upon ~~expiration~~ the conclusion of any existing suspension or revocation if the person's license or privilege is currently suspended or revoked at the time the ~~temporary license is issued. W.S. 31-7-138(d) and (e) apply to a~~

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~~license under this section~~ peace officer provides notice. 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~~ request 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~~ thirty (30) days after the date of the notice or upon ~~expiration~~ the conclusion of any existing suspension or revocation if the person's license or privilege is currently suspended or revoked at the time the ~~temporary license is issued~~ peace officer provides notice. If a timely ~~demand~~ request for hearing is made, the department shall forward the ~~demand~~ request to the independent hearing examiner who shall schedule a hearing within forty-five (45) days after receipt of the request from the department 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 from the department, other than at the request of the ~~licensee~~ person, the ~~licensee~~ person, 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.

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

(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~~

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~~department shall physically retain the license or licenses during the period of suspension except as provided in W.S. 31-7-138(f).~~

31-6-108. Implied consent requirements for youthful drivers.

(f) If a test 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,~~ submit his signed statement to the department. In addition to the signed statement submitted under this subsection, the peace officer shall contain-a provide notice to the person that the person has twenty (20) days from the date of issuance of the notice 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 thirty (30) days after the date of the notice or upon expiration-the conclusion of any existing suspension or revocation if the person's license or privilege is currently suspended or revoked at the time the ~~temporary license is issued~~ peace officer provides notice. 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-request~~ 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 thirty (30) days after the date of the notice or upon expiration-the conclusion of~~

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any existing suspension or revocation if the person's license or privilege is currently 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~~ peace officer provides notice. The signed statement submitted by the officer under this subsection shall contain:

(i) His probable cause to believe the 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. 31-5-234(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v).

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

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

31-7-113. Fees.

(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).

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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" of a physical license means the surrender of the physical 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).~~ For purposes of this section, "display" of a digital driver's license means that a licensee may provide access to the digital driver's license on the licensee's portable electronic device. No law enforcement or judicial officer demanding display of a licensee's digital driver's license for any licensing or identification verification purpose shall take custody of the licensee's portable electronic device. Display of a digital driver's license shall not serve as consent to search the driver's portable electronic device. Nothing in this section shall be construed to require a person, other than the department if it has chosen to issue a digital driver's license, to accept a digital driver's license or otherwise require the purchase of equipment to verify the accuracy of a digital driver's license.

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

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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 the~~ 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).

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

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

ORIGINAL HOUSE
BILL NO. HB0023

ENGROSSED

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Section 4.

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

(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.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk