

HOUSE BILL NO. HB0120

Administrative procedure-jury trial for penalties.

Sponsored by: Representative(s) Strock, Allemand, Campbell,
K, Lien, Ottman, Singh and Smith, S and
Senator(s) Boner and Hutchings

A BILL

for

1 AN ACT relating to administrative procedure; authorizing
2 jury trials in contested case hearings in specified
3 circumstances; making conforming amendments; specifying
4 applicability; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 16-3-116 is created to read:

9

10 **16-3-116. Contested cases and license hearings; right**
11 **to a jury trial.**

12

13 (a) In any contested case under this act where a
14 person is subject to any sanction of not less than twenty
15 dollars (\$20.00), is subject to the loss or deprivation of

1 a significant liberty interest or is subject to a denial,
2 suspension, annulment, withdrawal or revocation of a
3 license, the person may request a trial by jury at the
4 contested case hearing. The person making a request under
5 this subsection shall provide notice to all parties to the
6 contested case.

7

8 (b) The presiding officer appointed to the contested
9 case shall preside over the jury trial. Upon receiving a
10 request for a jury trial under this section, the presiding
11 officer shall empanel a jury before proceeding with the
12 contested case hearing. A jury empaneled under this act
13 shall be composed of six (6) persons. The presiding officer
14 may request that the clerk of the appropriate court summon
15 jurors from the base jury list prepared under W.S. 1-11-129
16 and 1-11-106 to serve in a jury trial under this act.
17 Jurors selected to serve on a jury under this act shall be
18 entitled to the same fees and mileage specified in W.S.
19 1-11-301 through 1-11-304.

20

21 (c) Jury trials held under this act shall be held in
22 accordance with the Code of Civil Procedure and the Wyoming
23 rules of civil procedure. In conducting jury trials under

1 this act, the presiding officer appointed to the contested
2 case shall exercise and perform the same functions, powers
3 and duties as are prescribed for both the judge and the
4 clerk of the district court in W.S. 1-11-101 through
5 1-11-401, insofar as practicable. For purposes of this act,
6 all references in the applicable statutes or rules of civil
7 procedure to:

8

9 (i) "Court" shall be deemed a reference to the
10 presiding officer of the contested case;

11

12 (ii) "Trial" shall be deemed a reference to
13 "hearing" or "contested case hearing";

14

15 (iii) "Plaintiff" shall be deemed a reference to
16 the person requesting the jury trial under this act.

17

18 (d) The decision of the jury in a contested case
19 hearing shall serve as the final decision of the contested
20 case.

21

22 **Section 2.** W.S. 1-11-104(b)(i), 1-11-106(a),
23 16-3-101(b)(xiii), 16-3-107(b) by creating a new paragraph

1 (v), 16-3-109, 16-3-110, 16-3-112(a), (b)(intro), (viii),
2 by creating a new paragraph (ix), by renumbering (ix) as
3 (x) and (c), 16-3-113(c) and 16-3-114 by creating a new
4 subsection (d) are amended to read:

5

6 **1-11-104. Causes for excusal.**

7

8 (b) For the purposes of this section:

9

10 (i) A person has served on a jury during a jury
11 term when he is summoned to serve and he has been selected
12 as a juror in any court within the judicial district or as
13 a juror in any contested case hearing under the Wyoming
14 Administrative Procedure Act and has taken the oath
15 required under W.S. 1-11-201;

16

17 **1-11-106. Jury lists; preparation of base jury lists;**
18 **selecting jury panel; certificate and summons.**

19

20 (a) The list of persons selected to serve as
21 prospective trial jurors, compiled pursuant to W.S.
22 1-11-129, is the base jury list for the district court, and
23 the circuit court and for jury trials for contested case

1 hearings under the Wyoming Administrative Procedure Act for
2 the jury term set by each court or set by the office of
3 administrative hearings.

4

5 **16-3-101. Short title; definitions.**

6

7 (b) As used in this act:

8

9 (xiii) "This act" means W.S. 16-3-101 through
10 ~~16-3-115~~ 16-3-116.

11

12 **16-3-107. Contested cases; general procedure.**

13

14 (b) The notice shall include a statement of:

15

16 (v) The right to request a jury trial, if the
17 contested case subjects the person to any sanction of not
18 less than twenty dollars (\$20.00), the loss or deprivation
19 of a significant liberty interest or a denial, suspension,
20 annulment, withdrawal or revocation of a license. Any
21 statement included in the notice under this paragraph shall
22 also provide that a person may waive the right to a jury
23 trial and that the right to a jury trial shall be waived if

1 the person fails to make a timely request for a jury trial
2 under W.S. 16-3-116.

3

4 **16-3-109. Contested cases; consideration of record;**
5 **exceptions to decision; briefs and oral argument.**

6

7 The agency or, if a jury is empaneled under this act, the
8 jury shall consider the whole record or any portion
9 stipulated to by the parties. For matters considered before
10 a presiding officer only, in the event a recommended
11 decision is rendered all parties shall be afforded a
12 reasonable opportunity to file exceptions thereto which
13 shall be deemed a part of the record. All parties as a
14 matter of right shall be permitted to file a brief with the
15 agency and oral argument shall be allowed in the discretion
16 of the agency.

17

18 **16-3-110. Contested cases; final decision; contents;**
19 **notification.**

20

21 (a) Subject to subsection (b) of this section, a
22 final decision or order adverse to a party in a contested
23 case shall be in writing or dictated into the record. The

1 final decision shall include findings of fact and
2 conclusions of law separately stated. Findings of fact if
3 set forth in statutory language, shall be accompanied by a
4 concise and explicit statement of the underlying facts
5 supporting the findings.

6

7 (b) In jury trials commenced under this act, the
8 jury's findings and decision shall be the final decision of
9 the contested case. Upon receiving the jury's findings and
10 decision, the presiding officer shall enter a written order
11 reflecting the jury's findings and decision.

12

13 (c) Parties shall be notified either personally or by
14 mail of any decision or order. A copy of the decision and
15 order shall be delivered or mailed forthwith to each party
16 or to his attorney of record.

17

18 **16-3-112. Contested cases; presiding officers;**
19 **qualifications; powers; outside personnel; hearing**
20 **officers.**

21

22 (a) If not otherwise authorized by law there shall
23 preside at the taking of evidence in all contested cases

1 the statutory agency, one (1) or more members of the body
2 which comprises the agency, or an employee of the agency or
3 an employee of another agency designated by the agency to
4 act as presiding officer. The functions of all those
5 presiding in contested cases shall be conducted in an
6 impartial manner. Any officer shall at any time withdraw if
7 he deems himself disqualified provided there are other
8 qualified presiding officers available to act. For all jury
9 trials commenced under this act, the presiding officer
10 shall be an employee of the office of administrative
11 hearings.

12

13 (b) Officers presiding at hearings shall have
14 authority, subject to the published rules of the agency and
15 within its power to perform any of the following:

16

17 (viii) Make recommended decisions when directed
18 to do so by the agency; ~~and~~

19

20 (ix) Empanel a jury and administer necessary
21 oaths and affirmations to constitute a jury;

22

1 ~~(ix)~~(x) Take any other action authorized by
2 agency rules consistent with this act.

3
4 (c) In all contested cases to the extent that it is
5 necessary in order to obtain compliance with W.S. 16-3-111
6 the agency (excepting county and municipal agencies and
7 political subdivisions on the county and local level) may
8 request the office of the attorney general to furnish to
9 the agency such personnel as may be necessary in order for
10 the agency to properly investigate, prepare, present and
11 prosecute the contested case before the agency or before a
12 jury. The attorney general upon the receipt of the request
13 shall promptly comply with same with no charge being made
14 against the requesting agency's appropriation other than
15 for travel and per diem expenses.

16

17 **16-3-113. License hearings.**

18

19 (c) No revocation, suspension, annulment or
20 withdrawal of any license is lawful unless, prior to the
21 institution of agency proceedings, the agency gave notice
22 by mail to the licensee of facts or conduct which warrant
23 the intended action, the notice provides that the licensee

1 may request a jury trial under this act and the licensee
2 was given an opportunity to show compliance with all lawful
3 requirements for the retention of the license. If the
4 agency finds that public health, safety or welfare
5 imperatively requires emergency action, and incorporates a
6 finding to that effect in its order, summary suspension of
7 a license may be ordered pending proceedings for revocation
8 or other action. A cancellation of a driver's license
9 pursuant to W.S. 31-7-121(c) shall not be valid until the
10 department of transportation gives notice by mail to the
11 licensee of the facts which warrant the intended action and
12 provides the licensee with an opportunity to provide
13 additional evidence or information with respect to the
14 condition at issue within fifteen (15) days of the mailing
15 of the notice. These proceedings shall be promptly
16 instituted and determined.

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18 **16-3-114. Judicial review of agency actions; district**
19 **courts.**

20

21 (d) Review of agency actions taken after a jury trial
22 under this act shall be conducted in accordance with

1 subsections (a) and (b) of this section and any rules
2 promulgated by the supreme court.

3

4 **Section 3.** This act shall apply to all contested
5 cases commenced on and after July 1, 2025. Nothing in this
6 act shall be construed to grant the right to a jury trial
7 for all contested cases for which a contested case or
8 hearing was commenced or completed before July 1, 2025.

9

10 **Section 4.** This act is effective July 1, 2025.

11

12

(END)