

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Motor vehicle violations-penalties.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to motor vehicle penalties; removing the
2 imprisonment penalty under the general penalty provisions
3 for violations relating to motor vehicles generally, for
4 traffic violations and for violations of the Driver's
5 License Act; providing for imprisonment penalties for
6 specified violations; and providing for an effective date.

7

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

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12 STAFF COMMENT
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14 This bill draft is based on 19LSO-0509 from last session.
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4 **Section 1.** W.S. 31-4-104, 31-5-1201(b)(i) through
5 (iii) and by creating a new subsection (j) and 31-7-136 are
6 amended to read:

7
8 **31-4-104. General penalty.**

9
10 Any person who violates any provision of this act for which
11 no separate penalty is provided upon conviction shall be
12 punished by a fine not to exceed seven hundred fifty
13 dollars (\$750.00), ~~imprisonment not to exceed six (6)~~
14 ~~months, or both.~~

15
16 **31-5-1201. Violation of provisions to constitute**
17 **misdemeanor; penalties; officer training fee.**

18
19 (b) Every person convicted of a misdemeanor for a
20 violation of any of the provisions of this act or rules and
21 regulations authorized under this act for which another
22 penalty is not provided shall:

23

1 (i) For a first conviction be punished by a fine
2 of not more than two hundred dollars (\$200.00); ~~by~~
3 ~~imprisonment for not more than twenty (20) days, or both;~~

4
5 (ii) For a second conviction of the same offense
6 within one (1) year thereafter, be punished by a fine of
7 not more than three hundred dollars (\$300.00); ~~or by~~
8 ~~imprisonment for not more than thirty (30) days, or both;~~

9
10 (iii) For a third or subsequent conviction of
11 the same offense within one (1) year after the first
12 conviction, be punished by a fine of not more than five
13 hundred dollars (\$500.00); ~~or by imprisonment for not more~~
14 ~~than six (6) months, or both.~~

15
16 (j) Any person convicted of a misdemeanor for a
17 violation of any of the provisions under W.S. 31-5-1102
18 through 31-5-1108 shall:

19
20 (i) For a first conviction be punished by a fine
21 of not more than two hundred dollars (\$200.00), by
22 imprisonment for not more than twenty (20) days, or both;

(ii) For a second conviction of the same offense within one (1) year thereafter, be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or both;

(iii) For a third or subsequent conviction of the same offense within one (1) year after the first conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both.

STAFF COMMENT

W.S. 31-5-1102 through 31-5-1108 provides duties related to accidents and stopping to give information, render aid, and make reports.

Further, the Committee may wish to consider whether "same" as used in new paragraphs (j)(ii) and (iii) above is meant to refer to a second or subsequent offense of the same provision or whether it is meant to refer to a second or subsequent offense of any of the provisions of W.S. 31-5-1102 through 31-5-1108.

31-7-136. General penalties.

1 Except as otherwise provided by this act, any person who
2 violates any provision of this act is guilty of a
3 misdemeanor and may be punished by a fine of not more than
4 seven hundred fifty dollars (\$750.00), ~~by imprisonment for~~
5 ~~not more than ninety (90) days, or both. On conviction for~~
6 ~~a second or subsequent violation, the person may be fined~~
7 ~~not more than seven hundred fifty dollars (\$750.00),~~
8 ~~imprisoned for not to exceed six (6) months, or both.~~

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12 STAFF COMMENT

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14 The Driver's License Act includes the following separate
15 penalties:

- 16
17 • W.S. 31-7-119(d): Making false application during a
18 period of revocation: up to six months' imprisonment.
19 • W.S. 31-7-134(a): Driving while license is suspended,
20 cancelled, or revoked, generally: up to six months'
21 imprisonment.
22 • W.S. 31-7-134(c): Subsequent violation of driving
23 while license is cancelled, suspended, or revoked
24 during the same period of revocation or suspension:
25 between 7 days and 6 months of imprisonment.
26 • W.S. 31-7-404(c): Driving a vehicle without an
27 ignition interlock device or removing or circumventing
28 a device: for first offense, between 7 days and 6
29 months of imprisonment; for second offense, between 30
30 days and 6 months of imprisonment.
31 • W.S. 31-7-404(d): Removing or circumventing an
32 ignition interlock device when the person is not the
33 restricted licensee: up to six months' imprisonment.
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4 **Section 2.** This act is effective July 1, 2020.

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8 **STAFF COMMENT**
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10 The Committee may wish to consider whether W.S. 31-9-106
11 should be inserted in the bill draft. That provision,
12 listed below, contains general penalties for violations of
13 the Motor Vehicle Safety-Responsibility Act (W.S. 31-9-101
14 through 31-9-415), which requires, among other things, (1)
15 persons whose licenses or registrations are revoked to
16 return them to the Driver's Services Division of WYDOT; (2)
17 providing proof of financial responsibility; and (3)
18 requiring the suspension of a license and registrations for
19 unsatisfied judgments.

20

21 **31-9-106. General penalties.**

22

23 (a) Any person willfully failing to return a license
24 or registration as required in W.S. 31-9-105, shall be
25 fined not more than seven hundred fifty dollars (\$750.00),
26 imprisoned not more than thirty (30) days, or both.

27

28 (b) Any person who forges or, without authority,
29 signs any notice provided for under W.S. 31-9-202 that a
30 policy or bond is in effect, or any evidence of proof of
31 financial responsibility, or who files or offers for filing
32 any notice or evidence of proof knowing or having reason to
33 believe that it is forged or signed without authority,
34 shall be fined not more than seven hundred fifty dollars
35 (\$750.00), imprisoned not more than six (6) months, or
36 both.

37

38 (c) Any person who violates any provision of this act
39 for which no penalty is otherwise provided shall be fined
40 not more than seven hundred fifty dollars (\$750.00),
41 imprisoned not more than ninety (90) days, or both.

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(END)