

Statutory Updates

**Joint Transportation, Highways &
Military Affairs Committee**

Video Conference

May 21, 2020



Statutory Updates

Purpose



- Customer expectations, technology, guidance and regulations change over time
- Authority to promulgate Rules & Regulations
 - Some statutes are prescriptive in nature

Statutory Updates



W.S. 9-3-104(a) – Employee Moving Expenses

- (a) When any state officer or employee is transferred from one (1) official station to another within the state of Wyoming for permanent duty, when the transfer is made at the request of and for the benefit of the state of Wyoming, the employing agency shall pay the actual expenses of transporting the household goods and effects of the officer or employee.

Issue

This restricts the department's ability to provide relocation assistance

Discussion

- WYDOT has a diverse workforce distributed throughout the state and has encountered increasing difficulty in recruiting, retaining and advancing qualified personnel
- For leadership development within the department there is a need to have broad knowledge of both field and headquarters operations
- Workforce is becoming less mobile
 - Dual income families
- Having the ability to provide financial assistance to qualified applicants may create a more well-rounded and knowledgeable workforce

Recommendation

Revisit 2020 HB0070

Statutory Updates

W.S. 24-2-105 – WYDOT Director Powers & Duties



W.S. 24-2-105. Appointment of director; qualifications; salary and expenses; powers and duties.

(a) The commission shall submit a minimum of three (3) names of qualified candidates to the governor who shall appoint a director of the department of transportation. The director shall receive an annual salary as provided by law, payable in equal monthly installments. He shall be allowed his actual and necessary traveling and other expenses incurred in the discharge of his official duties, and shall give his entire time to the duties of his office. With the approval of the commission, the director shall have complete charge of laying out and establishing highways upon which any portion of the state highway fund is to be expended, including expenditures for roads now in existence or in the future to be constructed, which are part of the state highway system which are located within or partially within the national forests' boundaries, and shall purchase all materials, supplies and equipment, including road-building machinery, materials, supplies and equipment, and shall employ such engineers, superintendents and employees with salaries as provided by law, as necessary for the proper performance of the duties of the department and the construction work undertaken by it. The director, with the approval of the commission, may promulgate and adopt rules and regulations as provided by the Wyoming Administrative Procedure Act, necessary for the proper performance of the duties and functions of the department.

(b) Notwithstanding 1991 Wyoming Session Laws, Chapter 241, Section 1(a)(iv), the director of the department of transportation is authorized to regulate and control the expenditure of any administrative funds not otherwise provided by law and not specifically regulated and controlled by the transportation commission.

Statutory Updates

W.S. 24-2-105 – WYDOT Director Powers & Duties



Issue

The Director, or his designee, may need to modify operations during a declared emergency to continue to meet the needs of the traveling public in a safe and efficient manner. Currently, this act requires the Governor to issue an Executive Order.

Discussion

- During natural disasters, it is common for states to modify port of entry and commercial carrier regulations to aid in emergency response;
- Modifications to operational procedures may aid in mitigation of certain health concerns; and
- Working with the Governor and other executive branch agencies to respond to a wide range of issues provides for a faster and more beneficial service to the citizens of Wyoming.

Recommendation

Propose to add a new section (c) with appropriate language authorizing the Director, or his designee, to modify operations during a declared emergency or natural disaster.

Statutory Updates

W.S. 24-1-106(c) – State Highways



W.S. 24-1-106(c) Closing or Restricting Use; when necessary

(c) If an event calls for closure of a state highway within an incorporated city or town, for which there is no **readily accessible alternate route**, the city or town shall request department approval for the closure.

Statutory Updates

W.S. 24-1-106(c) – State Highways



Issue

There is no definition of a “readily accessible alternate route” and many local streets are narrow, with on-street parking.

Discussion

While these routes can safely accommodate passenger vehicle traffic, they may not be conducive to the safe movement of higher volumes of highway traffic and tight turning movements of commercial vehicles.

Recommendation

Consider amending language to read:

If an event calls for closure of a state highway within an incorporated city or town, **the city or town will consult with the department to determine if a readily accessible alternate route exists to safely detour highway traffic. If the department determines that no readily accessible alternate route exists,** the city or town shall request department approval for the closure.

Statutory Updates



W.S. 26-14-105(c) – Auto Insurance Defensive Driving Discounts

W.S. 26-14-105. Rating standards; methods.

(c) Any insurer delivering or issuing for delivery in this state any new or renewal policy or contract of private passenger automobile liability or collision insurance or both, shall allow a reduction in premium charges of not less than ten percent (10%) to any insured who:

- (i) Is at least fifty-five (55) years of age;
- (ii) Successfully completes, at least every two (2) years, **a motor vehicle accident prevention course meeting criteria the motor vehicle division approves, provided no person shall receive any premium reduction for a self-instructed course or a course which does not provide for actual classroom or field driving instruction for a minimum number of hours as the motor vehicle division approves;** and
- (iii) Presents to the insurer a certificate or other evidence of successful completion of the course specified in this subsection.

WYDOT Rules:

Chapter 1, Driver's Licenses

Section 29 Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reductions

(a) W.S. 26-14-105(C) requires the Wyoming Department of Transportation to approve motor vehicle accident prevention courses for liability insurance premium reductions. This section sets forth the requirements for the approval of such courses.

(b) In order to be approved, a motor vehicle accident prevention course must:

(i) Provide a minimum of 6 hours of classroom instruction. . . .

(c) The instructor must present the student with a completion certificate upon completion of the course that is acceptable to the insurance provider.

Statutory Updates



W.S. 26-14-105(c) – Auto Insurance Defensive Driving Discounts

Issue

- Some insurance companies allow a discount for drivers who complete defensive driving courses. Current statute requires: 1) attend courses in person, and 2) WYDOT to implement course requirements through rules.
- Cost prohibitive for most citizens. In Wyoming, there is only one vendor who offers an in-person defensive driving course; cost is \$150 and all classes are held in Cheyenne.

Discussion

- Many states allow online courses that are accepted by insurance companies
- The discount rate is overseen by the Wyoming Insurance Department
- Wyoming driver licenses are not affected by this discount or training
 - Wyoming does not operate on a point system
- Typically WYDOT would work with the Department of Education for curriculum review and recommendation
- WYDOT does not object to courses being online as the discounts offered are really an issue between the insurer and the insured

Recommendation

Revise W.S. 26-14-105(c) to:

- 1) Remove WYDOT and authorize the Department of Insurance to regulate requirements; and
- 2) Allow for online defensive driving courses.

Statutory Updates



W.S. 31-2-104(f) / W.S. 31-4-102 (Violation Penalties)

W.S. 31-2-104(f). Transfer of Ownership (vehicle titles)

(f) Any person knowingly providing false or incomplete information on any statement required by this act *is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both.*

W.S. 31-4-102. Falsifications; alterations, forgery or counterfeiting; penalties.

(a) No person shall knowingly make a false statement in any application or other document required under this act.

(b) No person shall alter with fraudulent intent, forge or counterfeit any certificate of title, certificate of registration, or assignment of a certificate of title. No person shall hold or use any certificate of title or certificate of registration knowing the same to have been altered, forged or counterfeited.

(c) *Any person convicted of a violation of subsection (a) or (b) of this section is guilty of a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than two (2) years, or both.*

Statutory Updates



W.S. 31-2-104(f) – Transfer of Ownership (Penalty)

Issue

W.S. 31-2-104(f) and W.S. 31-4-102 conflict with each other in the penalty language.

Discussion

- W.S. 31-2-104(f)
 - Misdemeanor
 - Fine up to \$750
 - Jail time up to 6 months
- W.S. 31-4-102
 - Felony
 - Fine up to \$5,000
 - Jail time up to 2 years

- W.S. 31-4-104. General penalty.

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

Recommendation

- 1) Strike language in W.S. 31-2-104(f) entirely, allowing W.S. 31-4-104 to prevail; or
- 2) Strike language in W.S. 31-2-104(f) and defer to W.S. 31-4-102 for imposing penalties.

Statutory Updates

W.S. 31-2-207 Publicly Owned Vehicles (License Plates)



Upon application, the department shall issue distinctive license plates indicating public ownership for vehicles owned by the United States, state of Wyoming, a county, city, town or political subdivision of Wyoming or a joint powers board under W.S. 16-1-101 through 16-1-109. A distinctive license plate under this section may be issued to any public entity specified in this section, provided that the public entity or another public entity specified in this section owns the vehicle and the public entity applying for the distinctive license plate has the authority to possess and operate the vehicle in fulfillment of its public purpose. Upon presentation of proper credentials and identification of the applicant **the department shall issue license plates not disclosing public ownership of a vehicle to investigative agencies of Wyoming and the criminal investigative agencies of the department of justice, department of defense and department of the treasury of the United States** and the records of the department shall not disclose the public ownership of the vehicles.

Statutory Updates

W.S. 31-2-207 Publicly Owned Vehicles (Registration)



Issue

These plates are categorized as “Undercover License Plates.”

Discussion

In response to 9/11, WYDOT was asked to relax these requirements and has issued these plates to additional agencies including:

- Federal Aviation Administration
- United States Postal Service
- Public Officials – for security purposes

Recommendation

- 1) Strike language authorizing WYDOT to issue license plates to specific entities; and
- 2) Add language to allow WYDOT to promulgate rules and regulations setting criteria for “Undercover License Plates.”

Statutory Updates

W.S. 31-2-212 Lost, Mutilated or Destroyed Plates



W.S. 31-2-212. Loss, mutilation or destruction of registration, plates or validation stickers

Upon loss, mutilation or destruction of a certificate of registration, license plate, or validation sticker the owner of a vehicle may obtain a duplicate certificate of registration, new license plates or validation stickers from any county treasurer or the department if the vehicle was registered or plates or stickers were issued by the department upon application showing the loss, mutilation or destruction, return of mutilated plates or stickers and payment of the duplicate registration, plate or sticker fee. **For those vehicles registered under the provisions of W.S. 31-2-213(h) or 31-2-215 through 31-2-223**, replacement duplicate license plates may be obtained upon application with the county treasurer from which the original plates were purchased or the department if applicable, **accompanied by fees as provided by W.S. 31-3-102(a)(vi)(C)**. . . .

W.S. 31-3-102. Miscellaneous Fees

(a) The following fees shall be collected for the instruments or privileges indicated:

- (vi) Duplicate certificate of registration \$4.00
 - (A) New license plates upon loss, mutilation or destruction of initial plates \$8.00
 - (B) New validation stickers upon loss, mutilation or destruction of initial stickers \$6.00
 - (C) Duplicate license plates that have to be produced for prestige, specialty and preferred number series plates upon loss, mutilation or destruction of initial license plates \$30.00

Statutory Updates

W.S. 31-2-212 Lost, Mutilated or Destroyed Plates



Issue

This has not been updated to include many of the specialty plates that are in existence today. Specialty plates require a \$30 fee if they are lost, mutilated, or destroyed.

Discussion

Current specialty plates not included in this statute are:

- 31-2-226 Street rods
- 31-2-227 Custom vehicles
- 31-2-229 Special plates; gold star
- 31-2-230 Tribal license plates
- 31-2-231 Wildlife conservation plates

Recommendation

- 1) Revise statute to reference additional plates listed above
- 2) Modify language: “For those vehicles registered with special license plates, replacement or duplicate ...”
- 3) Repeal W.S. 31-3-102(a)(vi)(A)-(C) and insert fees in W.S. 31-3-102.
 - a) Make all license plate replacement fees \$30

Statutory Updates



W.S. 31-16 Antique Dealers and Definitions

W.S. 31-16-101(a)(xxi) “Antique Vehicle”

(a) As used in this act:

(xxi) “Antique vehicle” means a motor vehicle which is at least twenty-five (25) years old;

W.S. 31-16-103(b)(xi) (Antique Dealer Licenses)

(a) Pending determination by the department that the applicant has met the requirements under this act, it may issue a temporary license to any applicant. . . .

(ix) To a person selling antique vehicles and paying the annual license fee of two hundred fifty dollars (\$250.00);

W.S. 31-16-125(b)(i)(E) Demo, full use, and manufacturer license plates. (antique vehicle dealer)

(b) The department shall authorize any licensed dealer who sells or exchanges retail twelve (12) or more vehicles in any one (1) calendar year to purchase the following number of demo license plates annually:

(i) If the dealer applied for a renewal certificate based on the total number of retail sales by the dealer during the twelve (12) full calendar months preceding the date of application for renewal:

(E) One (1) demo plate if the applicant is an **antique vehicle dealer**.

Statutory Updates



W.S. 31-16 Antique Dealers and Definitions

Issue

References to antique vehicles and antique dealers was left in Chapter 16 during the 2005 session when dealer licensing was re-defined.

Discussion

- For simplification, dealers are now only divided into two categories:
 1. Those selling twelve (12) or more vehicles in a twelve (12) consecutive month period; and
 2. Those selling fewer than twelve (12) vehicles in a twelve consecutive month period.
- Either category of dealer can sell vehicles regardless of age; and
- The license fee is \$25 or \$100 depending on number of vehicles sold.

Recommendation

Remove the definition for antique vehicle from Chapter 16, along with the antique vehicle dealer and demo plates associated with the license.

Statutory Updates

W.S. 31-16-101 Motor Vehicle Franchises Definitions



W.S. 31-16-101 – Definitions.

(a) As used in this act:

(xi) “Motor vehicle” means a self-propelled vehicle, excluding a motorhome and which:

- (A) Is intended for registration and use on the public highways; and
- (B) *Has at least three (3) wheels.*

(b) Notwithstanding paragraph (a)(xxv) of this section, for purposes of W.S. 31-16-108 through 31-16-124 “vehicle” means a motor vehicle as defined in paragraph (a)(xi) of this section.

Statutory Updates

W.S. 31-16-101 Motor Vehicle Franchises Definitions



Issue

W.S. 31-16-101(b) was written before trailer and motorcycle dealers were required to have a license. This excludes them from unlawful acts, franchise provisions and odometer provisions under Title 16.

Discussion

- The unlawful acts are designed for consumer protection and level the playing field between dealers. An example of an unlawful act is to intentionally publish false or misleading information about their inventory.

Recommendation

Strike language in both references from statute and rely upon W.S. 31-1-101(a)(xxvi):

“Vehicle” means a device in, upon or by which any person or property may be transported or drawn upon a highway, excluding devices moved by human power or used exclusively upon rails or tracks, implements of husbandry, machinery used in construction work not mainly used for the transportation of property over highways and pedestrian vehicles while operated by a person who by reason of a physical disability is otherwise unable to move about as a pedestrian;

Statutory Updates

W.S. 31-16-103 Motor Vehicle Franchises Licenses



W.S. 31-16-103 Licenses; applications; issuance, suspension and revocation; change in ownership; rulemaking. (Place of Business)

- (a) An applicant for a license required under this act shall, before commencing business and annually thereafter submit an application to the department in a form prescribed by the department containing the following:
 - (viii) For a direct sale manufacturer's license, a description of the location of each *established place of business* in this state, the number of manufacturer license plates requested, a statement of the need for the plates including, but not limited to, the number of employees, annual sales, and such other information as required by the department.
- (b) Pending determination by the department that the applicant has met the requirements under this act, it may issue a temporary license to any applicant. . . .When the department determines the applicant has complied with all licensing requirements, the department shall issue a license or renewal to an applicant upon submission of a complete application to the department indicating the applicant is qualified and will operate from a *principal place of business if a dealer or a direct sale manufacturer* or from an *established place of business* if a Wyoming based manufacturer, and upon filing of a bond and payment of a license fee . . .

Statutory Updates



W.S. 31-16-103 Motor Vehicle Franchises Licenses

Issue

W.S. 31-16-103 (a)(viii) and W.S. 31-16-103 (b) create uncertainty with the use of both terms “principal” and “established” when referring to “place of business” as it relates to direct sales manufacturers.

Discussion

W.S. 31-16-101(xiv) “*Principal place of business*” means ...

- (A) For dealers selling fewer than twelve (12) vehicles in any twelve (12) consecutive month period, a permanent commercial building located within the state of Wyoming . . .
- (B) For dealers selling twelve (12) or more vehicles in any twelve (12) consecutive month period, a site upon which a permanent building is located containing adequate facilities to carry on the business of a licensed dealer and used to conduct business as a dealer and not primarily used as, or attached directly to, a residence . . .

W.S. 31-16-103(a)(xxii) “*Established place of business*” means each place actually occupied either continuously or at regular periods by a manufacturer where the manufacturer's books and records are kept and a large share of the manufacturer's business is conducted.

Recommendation

Modify language in W.S. 31-16-103 (a)(viii): “location of each ~~established place~~ *principal place of business* in this state...”

Statutory Updates



W.S. 31-16-127 Motor Vehicle Franchises Demo/Temporary Permits

W.S. 31-16-127(b)(i)(C) & (D) Temporary recreational vehicle display and sales permit.

(b) The department shall issue a temporary recreational vehicle display and sales permit to an out of state recreational vehicle dealer not currently licensed in Wyoming, subject to the following conditions:

(i) The applicant shall submit an application accompanied by an application fee of five hundred dollars (\$500.00) to the department at least ninety (90) days prior to the recreational vehicle display and sales event. The application shall be on a form approved by the department and shall include:

(C) An additional fee of fifty dollars (\$50.00) for two (2) temporary recreational vehicle demo plates;

(D) An additional fee of five dollars (\$5.00) for ten (10) temporary permits for issuance to purchasers of recreational vehicles at the event;

Statutory Updates



W.S. 31-16-127 Motor Vehicle Franchises Demo/Temporary Permits

Issue

Fees for these items change over time. Having them in multiple parts of the statute makes it difficult for businesses to follow and to uniformly correct statutes.

W.S. 31-16-127(b)(i)(C) - Demo Plates

Discussion

- The cost for temporary demo plates is the same cost for a dealer's permanent plate.
- The fee for a demo plate is \$25, set forth in W.S. 31-3-102(a)(v).

Recommendation

Revise section to read: (C) ~~An additional fee of fifty dollars (\$50.00) for t~~**Two** (2) temporary recreational vehicle demo plates as set forth in W.S. 31-3-102(a)(v);

W.S. 31-16-127(b)(i)(D) - Temporary Permits

Discussion

- The fee for temporary permits was based on the cost of the old permits which was
 - \$0.50 each
- The new permits require a security seal which increases the cost to \$4.75 each.
- Sealed permits are sold in minimum orders of 25.

Recommendation

Require applicants to purchase temporary tags at cost and for the current minimum order required by the vendor.

Statutory Updates

W.S. 31-18-201(s) – Commercial Vehicles Alternative Fuels Taxes



W.S. 31-18-201 Commercial vehicles; registration; exemptions.

(s) Except as otherwise provided in this section, owners of commercial vehicles meeting the registration requirements of another jurisdiction and subject to registration in Wyoming and not entitled to exemption from registration or licensing under this section may, as an alternative to registration or proportional registration secure a temporary permit from the department to make a single trip into, within or out of Wyoming for a period of not to exceed ninety-six (96) hours for a fee of twenty dollars (\$20.00) for each single unit operated as a single unit or forty dollars (\$40.00) for each legal combination of units including only one (1) power unit. *In lieu of the fee required by for license and taxation of the operator may secure a temporary permit from the department to operate in Wyoming for a period of not to exceed ninety-six (96) hours for a fee of seven dollars and fifty cents (\$7.50) for each single unit operated as a single unit or fifteen dollars (\$15.00) for each legal combination of units including only one (1) power unit.*

Statutory Updates



W.S. 31-18-201(s) – Commercial Vehicles Alternative Fuels Taxes

Issue

The language in statutes regulating alternative fuels taxes for commercial vehicles could be adjusted to better align intent and purpose.

Discussion

W.S. 39-17-306(e), Alternative Fuel Taxes, reads as follows:

(e) No person shall operate a commercial vehicle as defined in W.S. 31-18-101(a)(iii) between Wyoming and other jurisdictions unless the person has a valid international fuel tax agreement license and decals pursuant to W.S. 31-18-502 **or a temporary permit under W.S. 31-18-201.**

Recommendation

Modify W.S. 31-18-201(s) to read:

In lieu of the fee required by **W.S. 39-17-106(g) [Gasoline Tax], 39-17-206(d) [Diesel Fuel Tax] and 39-17-306(e) [Alternative Fuels Tax]** for license and taxation of **gasoline, diesel or alternative fuels** the operator may secure a temporary permit from the department to operate in Wyoming for a period of not to exceed ninety-six (96) hours for a fee of seven dollars and fifty cents (\$7.50) for each single unit operated as a single unit or fifteen dollars (\$15.00) for each legal combination of units including only one (1) power unit.

Statutory Updates

W.S. 31-7-119 – Required Vision Screening



W.S. 31-7-119. Expiration and renewal; required tests; extension.

(b) The division shall require every person applying for renewal of a driver's license *to take and successfully pass a test of his eyesight*. The division may require any applicant to take and successfully pass any additional tests or provide affidavits required or authorized under the original application as the division finds reasonably necessary to determine his qualification according to the type or class of license. The written test for a hazardous materials endorsement shall be taken and passed if the person wants to retain an "H" endorsement unless the applicant's written test results are less than two (2) years old.

Statutory Updates

W.S. 31-7-119 – Required Vision Screening



Issue

This language as written requires a vision screen by either an eye doctor or to be conducted by the driver's license examiner.

Discussion

- Under the current health emergency, customers could not get in to see eye care professionals and routine cleaning of the devices in the exam stations proved to be difficult;
- Moving this requirement to Rules and Regulations would not diminish the requirement but would allow for more flexibility in how to administer these tests.

Recommendation

Modify W.S. 31-31-7-119(b) to read:

The division shall require every person applying for renewal of a driver's license to **demonstrate visual acuity in accordance with the rules and regulations of the department.**

The division may require any applicant to take and successfully pass any additional tests or provide affidavits required or authorized under the original application as the division finds reasonably necessary to determine his qualification according to the type or class of license. . . . 26

Statutory Updates

Autonomous Vehicles



Issue

As manufacturers continue to make advancements in autonomous vehicles, Wyoming will need to modify legislation including defining: autonomous vehicles; autonomous vehicle systems; “driver” as it relates to autonomous vehicles; autonomous vehicle safety and testing measures; and other regulations.

Discussion

- As of February 2020, 29 states have enacted legislation related to autonomous vehicles.
 - Colorado, Nebraska and Utah passed legislation related to autonomous vehicles.
 - The Governor of Idaho issued an executive order related to autonomous vehicles.
 - Governors in 11 other states have also issued executive orders related to autonomous vehicles.
- Multiple federal agencies are working to define and build a framework around autonomous vehicles.
- This topic is scheduled for discussion during the fall interim committee meetings.

Recommendation

A new chapter to Title 31- Motor Vehicles could be established. To assist in system integration throughout the country, to the greatest extent possible, Wyoming should utilize many of the federal definitions and tailor other statutes to meet our unique needs.

Question and Answer