

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Registered agents-production of records.

Sponsored by: Joint Corporations, Elections & Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to registered offices and agents; requiring  
2 registered agents to provide records to government entities  
3 and bona fide law enforcement agencies as specified;  
4 providing definitions; 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. 17-28-108 by creating new subsections  
9 (f) and (g) is amended to read:

10

1 \*\*\*\*\*  
 2 \*\*\*\*\*  
 3 STAFF COMMENT  
 4  
 5 For ease of reference, the entirety of W.S. 17-28-108 is  
 6 included in this draft. Subsections (a) through (e) will be  
 7 omitted from any final draft if they are not amended.  
 8  
 9 \*\*\*\*\*  
 10 \*\*\*\*\*  
 11

12 17-28-108. Production of records.

13  
 14 (a) All records maintained pursuant to W.S. 17-28-107  
 15 are subject to periodic, special or other examination by  
 16 the secretary of state or his representatives as deemed  
 17 necessary or appropriate in investigations.

18  
 19 (b) The secretary of state may compel production of  
 20 records required to be maintained pursuant to W.S. 17-28-  
 21 107 in accordance with the provisions of the Wyoming  
 22 Administrative Procedure Act.

23  
 24 (c) The secretary of state shall hold any records  
 25 obtained pursuant to this section confidential except for  
 26 information already on file with the secretary of state as  
 27 part of a public document and information required to be in  
 28 the annual report required by W.S. 17-16-1630(a). The

1 secretary of state may release any such confidential  
2 information only pursuant to court ordered subpoena or to a  
3 bona fide law enforcement agency for use in a criminal  
4 investigation.

5

6 (d) Failure to produce or denial of access to records  
7 maintained pursuant to W.S. 17-28-107 to the secretary of  
8 state on demand or failure to answer a validly issued and  
9 enforceable subpoena shall be punishable as provided in  
10 W.S. 17-28-109.

11

12 (e) Any business entity which provides false records  
13 required to be maintained pursuant to W.S. 17-28-107 to the  
14 entity's registered agent shall be punished by a fine not  
15 exceeding one thousand dollars (\$1,000.00), or by  
16 imprisonment not exceeding six (6) months, or both.

17

18 (f) A registered agent shall provide records  
19 maintained pursuant to W.S. 17-28-107 upon request by a  
20 government entity or bona fide law enforcement agency. No  
21 subpoena shall be required to obtain records pursuant to  
22 this subsection.

23



- 1 managing partners, trustees or persons serving in  
2 a similar capacity;
- 3 ○ The name, physical address and business telephone  
4 number of a natural person who is authorized to  
5 receive communications from the registered agent;
  - 6 ○ A copy of the written contract or agreement  
7 creating an agency relationship between the  
8 registered agent and a natural person with  
9 respect to accepting service of process on behalf  
10 of each business entity represented by the  
11 registered agent.

### 12 Penalty

13  
14  
15 The Committee may wish to consider whether to specify a  
16 penalty for failure to provide records to a government  
17 entity or bona fide law enforcement agency. For example,  
18 W.S. 17-28-109 authorizes the Secretary of State to impose  
19 a civil penalty not to exceed \$500 for specified  
20 violations, including willful violation or willful failure  
21 to comply with any provision of W.S. 17-28-101 through 17-  
22 28-111. W.S. 17-28-109(a)(iv).

23  
24 If the Committee wishes to specify a penalty, W.S. 17-28-  
25 108(d) could be amended to state, for example:

26  
27 (d) Failure to produce or denial of access to  
28 records maintained pursuant to W.S. 17-28-107 to  
29 the secretary of state, a government entity or a  
30 bona fide law enforcement agency on demand or  
31 failure to answer a validly issued and  
32 enforceable subpoena shall be punishable as  
33 provided in W.S. 17-28-109.

### 34 Definitions

35  
36  
37 The definition of "bona fide law enforcement agency" is  
38 based upon the definition of "law enforcement agency" in  
39 W.S. 7-3-902(a)(i).

40  
41 The definition of "government entity" is based upon the  
42 definition of that term in W.S. 37-12-301(b)(xii).

43

1 Confidentiality

2  
3 The Committee may wish to consider what effect, if any, the  
4 requirement to disclose information to government entities  
5 and bona fide law enforcement agencies upon request may  
6 have on the confidentiality requirements applicable to the  
7 Secretary of State, and whether to further amend W.S. 17-  
8 28-108.

9  
10 For example, the Committee could amend subsection (c) or  
11 copy the relevant language from subsection (c) to  
12 subsection (f) to have the same confidentiality provisions  
13 apply to government entities and bona fide law enforcement  
14 agencies.

15  
16 \*\*\*\*\*  
17 \*\*\*\*\*  
18

19 Section 2. This act is effective July 1, 2025.

20

21 (END)