

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Surrender driver's license-repeal.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

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

10

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

12

1 **Section 1.** W.S. 31-6-102(f), 31-6-104(b), 31-6-108(f),
2 31-7-113(e), 31-7-116, 31-9-105 and 31-9-106 are amended to
3 read:

4

5 **31-6-102. Test to determine alcoholic or controlled**
6 **substance content of blood; suspension of license.**

7

8 (f) In addition to the signed statement submitted
9 under subsection (e) of this section, the peace officer
10 shall ~~issue the person a temporary license similar to but~~
11 ~~in lieu of the license authorized under W.S. 31-7-138.~~
12 ~~This temporary license shall be valid for thirty (30) days,~~
13 ~~shall not be renewed, shall contain a~~ provide notice to the
14 person. The notice shall state that the person has twenty
15 (20) days from the date ~~of issuance~~ of the notice within
16 which to request a hearing from the department and that
17 failure to timely request a hearing will result in the
18 suspension automatically commencing ~~upon expiration of the~~
19 ~~temporary license~~ thirty (30) days after the date of the
20 notice or upon ~~expiration~~ the conclusion of any existing
21 suspension or revocation if the person's license or
22 privilege is currently suspended or revoked at the time the
23 ~~temporary license is issued. W.S. 31-7-138(d) and (e) apply~~

1 ~~to a license under this section~~ peace officer provides
2 notice. For purposes of this section, the peace officer
3 acts as an agent for the department when providing notice
4 of the suspension and notice of the opportunity for a
5 hearing. W.S. 31-7-137 applies to a notice under this act.
6 Failure to ~~demand~~ request a hearing within the twenty (20)
7 day period is a waiver of the right of hearing, and the
8 suspension shall commence upon ~~expiration of the temporary~~
9 ~~license~~ thirty (30) days after the date of the notice or
10 upon ~~expiration~~ the conclusion of any existing suspension
11 or revocation if the person's license or privilege is
12 currently suspended or revoked at the time the ~~temporary~~
13 ~~license is issued~~ peace officer provides notice. If a
14 timely ~~demand~~ request for hearing is made, the department
15 shall forward the ~~demand~~ request to the independent hearing
16 examiner who shall schedule a hearing within forty-five
17 (45) days after receipt of the request from the department
18 and provide the arrested person at least ten (10) days
19 notice of the hearing. The hearing shall be conducted by
20 the hearing examiner. If the hearing examiner fails to
21 schedule the hearing within forty-five (45) days of the
22 request from the department, other than at the request of
23 the licensee, the licensee, as his sole remedy, shall be

1 given credit against any action upheld at the hearing for
2 the time between the expiration of the forty-five (45) day
3 period and the date the hearing was first scheduled.

4

5 **31-6-104. Right to petition for subsequent hearing;**
6 **suspension applies to all licenses held; persons not**
7 **required to take test.**

8

9 (b) A suspension under this act applies to all
10 driver's licenses held by the person. ~~and all driver's~~
11 ~~licenses shall be surrendered to the department. The~~
12 ~~department shall physically retain the license or licenses~~
13 ~~during the period of suspension except as provided in W.S.~~
14 ~~31-7-138(f).~~

15

16 **31-6-108. Implied consent requirements for youthful**
17 **drivers.**

18

19 (f) If a test discloses an alcohol concentration of
20 two one-hundredths of one percent (0.02%) or more, the
21 peace officer shall ~~issue the person a temporary license~~
22 ~~similar to but in lieu of the license authorized under W.S.~~
23 ~~31-7-138. This temporary license shall be valid for thirty~~

1 ~~(30) days, shall not be renewed,~~ submit his signed
2 statement to the department. In addition to the signed
3 statement submitted under this subsection, the peace
4 officer shall ~~contain a~~ provide notice to the person that
5 the person has twenty (20) days from the date ~~of issuance~~
6 of the notice within which to request a hearing from the
7 department pursuant to W.S. 31-7-105 and that failure to
8 timely request a hearing will result in the period of
9 suspension or license denial automatically commencing ~~upon~~
10 ~~expiration of the temporary license~~ thirty (30) days after
11 the date of the notice or upon ~~expiration~~ the conclusion of
12 any existing suspension or revocation if the person's
13 license or privilege is currently suspended or revoked at
14 the time the ~~temporary license is issued~~ peace officer
15 provides notice. For purposes of this section, the peace
16 officer acts as an agent for the department when providing
17 notice of the suspension and notice of the opportunity for
18 a hearing. W.S. 31-7-137 applies to a notice under this
19 act. Failure to ~~demand~~ request a hearing within the twenty
20 (20) day period is a waiver of the right of hearing, and
21 the period of suspension or denial shall commence ~~upon~~
22 ~~expiration of the temporary license~~ thirty (30) days after
23 the date of the notice or upon ~~expiration~~ the conclusion of

1 any existing suspension or revocation if the person's
2 license or privilege is currently suspended or revoked at
3 the time the ~~temporary license is issued~~ peace officer
4 provides notice. ~~A temporary license issued under this~~
5 ~~subsection shall afford no driving privilege to a person~~
6 ~~who is not otherwise licensed to drive a motor vehicle.~~ The
7 signed statement submitted by the officer under this
8 subsection shall contain:

9
10 (i) His probable cause to believe the person was
11 driving or in actual physical control of a motor vehicle:

12
13 (A) On a public street or highway in this
14 state;

15
16 (B) In violation of W.S. 31-5-234(b) or any
17 other law prohibiting driving under the influence as
18 defined by W.S. 31-5-233(a) (v).

19
20 (ii) That a test was taken of the person; and

21
22 (iii) The person had an alcohol concentration of
23 two one-hundredths of one percent (0.02%) or more.

1

2 **31-7-113. Fees.**

3

4 (e) ~~Notwithstanding W.S. 31-7-131(e),~~ If a driver's
5 license is reinstated after a period of suspension or
6 revocation, the fee for the reinstatement shall be fifty
7 dollars (\$50.00) unless the final decision by the hearing
8 examiner, or a court reverses the action taken by the
9 department. If a driver's license is reinstated after
10 suspension for nonpayment of child support pursuant to W.S.
11 20-6-111 or 20-6-112, the fee for reinstatement shall be
12 not more than five dollars (\$5.00).

13

14 **31-7-116. Carrying and displaying.**

15

16 Every licensee shall have his driver's license in his
17 immediate possession at all times when driving a motor
18 vehicle and shall display the license upon demand of any
19 judicial officer, municipal court judge, any officer or
20 agent of the division or any police officer as defined in
21 W.S. 31-5-102(a)(xxxiii). However, no person charged with
22 violating this section shall be convicted if he produces in
23 court a driver's license previously issued to him and valid

1 at the time of his arrest. For the purposes of this section
2 "display" of a physical license means the surrender of the
3 physical license to the demanding officer. After
4 examination the officer shall immediately return the
5 license to the licensee. ~~except as provided in W.S. 31-5-~~
6 ~~1205(k).~~ For purposes of this section, "display" of a
7 digital driver's license means that a licensee may provide
8 access to the digital driver's license on the licensee's
9 portable electronic device. No law enforcement or judicial
10 officer demanding display of a licensee's digital driver's
11 license for any licensing or identification verification
12 purpose shall take custody of the licensee's portable
13 electronic device. Display of a digital driver's license
14 shall not serve as consent to search the driver's portable
15 electronic device. Nothing in this section shall be
16 construed to require a person, other than the department if
17 it has chosen to issue a digital driver's license, to
18 accept a digital driver's license or otherwise require the
19 purchase of equipment to verify the accuracy of a digital
20 driver's license.

21

22 **31-9-105. Return of license and registration to**
23 **division.**

1

2 Any person whose ~~license or~~ registration is suspended under
3 this act, or whose policy of insurance or bond, when
4 required under this act, is cancelled or terminated, or who
5 neglects to furnish other proof upon request of the
6 division shall immediately return his ~~license and~~
7 registration to the division. If any person fails to return
8 to the division the ~~license or~~ registration as required,
9 the division shall direct any peace officer to confiscate
10 and return the ~~license or~~ registration to the division.

11

12 **31-9-106. General penalties.**

13

14 (a) Any person willfully failing to return a ~~license~~
15 ~~or~~ registration as required in W.S. 31-9-105 shall be fined
16 not more than seven hundred fifty dollars (\$750.00).

17

18 **Section 2.** W.S. 8-1-102(a)(xvii), 31-5-1205(k), 31-7-
19 131, 31-7-133(a)(iv) and 31-7-138 are repealed.

20

21 *****
22 *****

23 **STAFF COMMENT**

24 **The repealed provisions are provided for the Committee's**
25 **reference.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

8-1-102. Definitions.

(a) As used in the statutes unless the legislature clearly specifies a different meaning or interpretation or the context clearly requires a different meaning:

(xvii) "Surrender" when referring to a driver's license or identification card means as provided in W.S. 31-7-131;

31-5-1205. Traffic citations; notice to appear in court; release upon written promise to appear; procedure before judge or court; arrest for driving under the influence.

(k) If a person is arrested, cited or issued a summons for violation of W.S. 31-5-233 or a municipal ordinance which substantially conforms to the provisions of W.S. 31-5-233 or for a violation as defined in W.S. 31-5-234(d), he shall surrender possession of his physical driver's license, if applicable, whether issued in Wyoming or another jurisdiction, to the arresting or issuing officer. In addition to other requirements of this section and W.S. 31-5-1204, the officer shall issue a temporary license pursuant to W.S. 31-6-102, 31-6-108 or 31-7-138 to the person arrested or cited and shall forward the surrendered license to the department.

31-7-131. Surrender and return of license.

(a) Upon cancelling, suspending or revoking a license, the division shall require that any physical license be surrendered to the division and that any digital driver's license be cancelled or suspended.

(b) Any person whose license has been cancelled, suspended or revoked shall immediately return his physical license to the division.

(c) At the end of a period of a suspension, the division shall return a license to the licensee, if unexpired, and revalidate any digital driver's license, if applicable.

1 **31-7-133. Unlawful use of license.**

2
3 (a) It is an unlawful use of a license and is a
4 misdemeanor for any person to:

5
6 (iv) Fail or refuse to surrender to the
7 department upon lawful demand any driver's license which
8 has been suspended, revoked or cancelled;

9
10 **31-7-138. Temporary license pursuant to W.S. 31-5-**
11 **1205(k) (arrest for driving under the influence).**

12
13 (a) The division shall provide to law enforcement
14 agencies in this state temporary driver's license forms to
15 be issued pursuant to W.S. 31-5-1205(k). The temporary
16 license form shall be prescribed by the division, be
17 completed by the issuing officer, be valid for thirty (30)
18 days and shall specify:

19
20 (i) The date of issuance;

21
22 (ii) That the license is valid for thirty (30)
23 days;

24
25 (iii) That the person may apply for an extension
26 from the division, if eligible for a Wyoming driver's
27 license;

28
29 (iv) That the person's license, whether a
30 Wyoming license or a license from another jurisdiction was
31 or was not surrendered to the arresting officer;

32
33 (v) That the license is not valid if at the time
34 of issuance, the person does not have a valid driver's
35 license authorizing the person to drive in this state.

36
37 (b) The division shall issue or renew a temporary
38 license, without charge, to a licensee issued a temporary
39 license under W.S. 31-5-1205(k) on a form prescribed by the
40 division as valid for sixty (60) days if the licensee:

41
42 (i) Applies in person at a licensing station;

43
44 (ii) Surrenders or has surrendered his Wyoming
45 driver's license;

1
2 (iii) Surrenders the temporary license issued
3 under W.S. 31-5-1205(k); and
4

5 (iv) Is otherwise eligible to receive a Wyoming
6 driver's license.
7

8 (c) The time limitations for renewal of a valid
9 Wyoming license are extended during the time a person has a
10 valid temporary license under this section.
11

12 (d) The Wyoming driver's license of any person
13 provided a temporary license under W.S. 31-5-1205(k) is
14 invalid until disposition of the arrest or citation and
15 shall be surrendered to the division.
16

17 (e) Upon receipt of a record indicating the
18 disposition of the arrest or citation which required
19 surrender of the license:
20

21 (i) Each Wyoming license surrendered under this
22 section or pursuant to W.S. 31-5-1205(k) shall be:
23

24 (A) Returned, if the licensee is not
25 convicted and is otherwise entitled to receive the license;
26 or
27

28 (B) Retained, if the licensee is convicted.
29

30 (ii) Otherwise, each record received shall be
31 forwarded to the jurisdiction in which the license was
32 issued and shall indicate:
33

34 (A) The licensee was not convicted and is
35 otherwise entitled to receive his license or driving
36 privileges; or
37

38 (B) The licensee was convicted.
39

40 (f) The division shall upon receipt of out-of-state
41 driver's license from the arresting officer under W.S. 31-
42 5-1205(k) and 31-6-104(b) return the license to the
43 jurisdiction in which it was issued along with a copy of
44 the temporary driver's license issued to licensee. The

1 licensee is responsible for contacting the jurisdiction in
2 which the license was issued for securing its return.

3

4 (g) As used in subsection (e) of this section:

5

6 (i) "Convicted" includes the department's
7 suspension or denial of a license pursuant to W.S. 31-5-234
8 or 31-6-108;

9

10 (ii) "Otherwise entitled to receive the license"
11 means the license is not currently under any suspension,
12 revocation or cancellation for any reason, including
13 suspension under W.S. 31-6-102 or 31-6-107 as a result of
14 the same incident on which an arrest or citation was based.

15

16 *****
17 *****

18

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

21

22 **Section 4.**

23

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

26

27 (b) Sections 3 and 4 of this act are effective
28 immediately upon completion of all acts necessary for a
29 bill to become law as provided by Article 4, Section 8 of
30 the Wyoming Constitution.

31

1

(END)