

# HOUSE BILL 11

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Title: AN ACT to amend W.S. 31-276.25(a)(i) through (iv) and (b) and 31-276.26 by amending (b)(ii) and by creating new paragraphs (iii) through (vii); and to repeal W.S. 31-276.26(a) relating to revocation and suspension of drivers' licenses; specifying conditions under which a license shall be revoked and conditions under which a license may be suspended or revoked; specifying periods of revocation for certain offenses; and providing for an effective date.

Sponsored by: Rep. Bob Engen, chm. Trans. Comm.

DATE	ACTION	DATE	ACTION
JAN 11 1977	READ FIRST TIME		
	REFERRED TO COM. NO. <u>8</u>		
	DELIVERED TO COM. NO. <u>8</u>		
JAN 28 1977	RETURNED		
	RECOMMENDED DO. <u>PASS</u>		
	PLACED ON GENERAL FILE <u>Aug 3 4 1982</u>		
JAN 28 1977	CONSIDERED IN COM. OF WHOLE		
	Standing Com. Amendment <u>HB11HW1/A</u>		
	ADOPTED		
	Com. of Whole Amendment <u>HB11HW1/A</u>		
	ADOPTED		
	Com. of Whole Amendment <u>HB11HW2/A</u>		
	ADOPTED		
	Com. of Whole Amendment <u>HB11HW3/A</u>		
	ADOPTED		
	Com. of Whole Amendment <u>HB11HW5/A</u>		
	ADOPTED		
	Com. of Whole Amendment <u>HB11HW6/A</u>		
	ADOPTED		
	Com. of Whole Amendment <u>HB11HW7/A</u>		
	ADOPTED		
	Indefinitely postponed		
	Indefinitely postponed		
	<u>HD 16/11</u>		

1977

STATE OF WYOMING

77LSO-022.01

HOUSE BILL NO. 11

Revocation and suspension of drivers' licenses.

Sponsored by: JOINT TRANSPORTATION AND HIGHWAYS  
INTERIM COMMITTEE

*Bob Engen chrm.*

A BILL

for

1 AN ACT to amend W.S. 31-276.25(a)(i) through (iv) and (b)  
2 and 31-276.26 by amending (b)(ii) and by creating new  
3 paragraphs (iii) through (vii); and to repeal W.S.  
4 31-276.26(a) relating to revocation and suspension of  
5 drivers' licenses; specifying conditions under which a li-  
6 cense shall be revoked and conditions under which a li-  
7 cense may be suspended or revoked; specifying periods of  
8 revocation for certain offenses; and providing for an  
9 effective date.

10 Be It Enacted by the Legislature of the State of Wyoming:

11 Section 1. W.S. 31-276.25(a)(i) through (iv) and (b)  
12 are amended and 31-276.26 is amended by amending (b)(ii)  
13 and by creating new paragraphs (iii) through (vii) to  
14 read:

15 31-276.25. When revocation mandatory; period of  
16 revocation.

1           (a) The division shall revoke the license or  
2 ~~privilege of any person-to-operate-a-motor-vehicle-in--the~~  
3 ~~state,~~ DRIVER upon ~~receipt-of~~ RECEIVING a record of THE  
4 DRIVER'S conviction ~~of-such-person~~ of any of the following  
5 violations OFFENSES:

6           (i) Any felony ~~which-is-the-direct--result--of~~  
7 ~~the--manner~~ in THE COMMISSION OF which a motor vehicle is  
8 operated USED;

9           (ii) Negligent Homicide BY VEHICLE under  
10 ~~section W.S. 31-232.1; of-the-statutes,~~

11           (iii) ~~Third--conviction-of~~ Driving OR BEING IN  
12 ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE while:

13                   (A) Under the influence of intoxicating  
14 ~~liquor; or-controlled-substances-in-violation-of-any-state~~  
15 ~~statutes-or-local-ordinances,~~

16                   (B) AN HABITUAL USER OR UNDER THE INFLU-  
17 ENCE OF ANY CONTROLLED SUBSTANCE; OR

18                   (C) UNDER THE INFLUENCE OF ANY OTHER  
19 DRUG WHICH PRECLUDES THE DRIVER FROM SAFELY DRIVING A  
20 MOTOR VEHICLE.

21           (iv) ~~Third~~ Conviction of reckless driving in

1 violation of any state statutes or local ordinances;

2 (b) The period of revocation for the violations in  
3 subsection (a) ~~shall be~~ OF THIS SECTION IS one (1) year, ~~τ~~  
4 EXCEPT THAT UNDER PARAGRAPHS (a) (iii), (iv) AND (v) THE  
5 DIVISION SHALL REVOKE THE LICENSE OF ANY DRIVER, COMMENC-  
6 ING ON THE DATE ON WHICH THE DIVISION RECEIVES THE  
7 LICENSE, FOR THE FOLLOWING PERIODS:

8 (i) NINETY (90) DAYS FOR THE FIRST OFFENSE;

9 (ii) SIX (6) MONTHS FOR THE SECOND OFFENSE;  
10 AND

11 (iii) TWELVE (12) MONTHS FOR THE THIRD  
12 OFFENSE.

13 31-276.26. Authority of division to suspend license.

14 (b) The division is hereby authorized to suspend OR  
15 REVOKE the license of any driver for a period not to  
16 exceed TWELVE (12) months, upon a showing by its records  
17 or other sufficient evidence that the licensee:

18 (ii) Has permitted an unlawful or fraudulent  
19 use of his license;~~τ~~

20 (iii) HAS BEEN CONVICTED FREQUENTLY OF SERIOUS  
21 OFFENSES;

1                    (iv) IS INCOMPETENT TO DRIVE A MOTOR VEHICLE;

2                   (v)   HAS COMMITTED AN OFFENSE IN ANOTHER STATE  
3   WHICH IF COMMITTED IN THIS STATE WOULD BE GROUNDS FOR SUS-  
4   PENSION OR REVOCATION;

5                    (vi)   HAS BEEN CONVICTED OF FLEEING OR ATTEMPT-  
6        ING TO ELUDE A PEACE OFFICER.

7           Section 2. W.S. 31-276.26(a) is repealed.

8           Section 3. This act is effective May 27, 1977.

9 (END)

Fiscal Note No. 7  
 Requester Jt. Trans and Highways Int. Comm.

L.S.O. 022 Draft 01  
 Bill No. Jt. Res. No.

## Part I. Fiscal Data:

SHORT TITLE OF BILL: Revocation & Suspension of Drivers Licenses STATUTORY REFERENCE Nos. W.S. 31-276.25  
31-276.26 NAME OF FUND None  
 AGENCY TITLE: Judiciary  
 SOURCE OF APPROPRIATION/REVENUE None  
 New Program ☐  
 Change in Existing Program ☐  
 Local Government Impact ☐

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries	\$		
Supporting Expenses			
Permanent Property			
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

No fiscal impact.

Date 8/10/76

Agency Jt. Trans and Highways Int. Comm.  
 Legislative Auditor's Clearance

Authorized Representative

HB-11

Delete entire original House Bill 11 and insert in lieu thereof Substitute House Bill 11A. -ENGEN

1711

STATE OF WYOMING

77LS0-022/SUB

HOUSE BILL NO. 11A

Suspension of driving privileges.

Sponsored by: JOINT TRANSPORTATION AND HIGHWAYS  
INTERIM COMMITTEE

## A BILL

for

1 AN ACT to amend W.S. 31-276.15, 31-276.24(a),  
2 31-276.25(a)(i) through (iv) and (b), 31-276.26 by amend-  
3 ing (b) (ii) and by creating new paragraphs (iii) through  
4 (v) and 31-276.32; and to repeal W.S. 31-276.26(a) relat-  
5 ing to drivers' licenses; providing that a demanding offi-  
6 cer need not return a license under cancellation, revoca-  
7 tion or suspension; requiring that licenses surrendered to  
8 the court be immediately forwarded to the division; speci-  
9 fying conditions under which revocation of a license is  
10 mandatory and conditions under which revocation or suspen-  
11 sion is discretionary; specifying periods of revocation  
12 for certain offenses; reducing the time allowed to peti-  
13 tion for a hearing on a cancellation, revocation or sus-  
14 pension; specifying the location for hearings; and provid-  
15 ing for an effective date.

16 Be It Enacted by the Legislature of the State of Wyoming:

Corrected Copy 1-27-77 HP

1           Section     1. W.S.     31-276.15,     31-276.24(a),  
2     31-276.25(a) (i) through (iv) and (b), 31-276.26 by amend-  
3     ing (b) (ii) and by creating new paragraphs (iii) through  
4     (v) and 31-276.32 are amended to read:

5           31-276.15. License to be carried and exhibited on  
6     demand.     Every licensee shall have his driver's license  
7     in his immediate possession at all times when operating a  
8     motor vehicle and shall display the license upon demand of  
9     any judicial officer, municipal court judge, or any offi-  
10    cer or agent of the division or any police officer of the  
11    state, county or municipality. However, no person charged  
12    with violating this section shall be convicted if he pro-  
13    duces in court a driver's license previously issued to him  
14    and valid at the time of his arrest. For the purposes of  
15    this section "display" means the manual surrender of his  
16    license certificate into the hands of the demanding offi-  
17    cer for his inspection thereof. After such examination  
18    the officer shall immediately return the license certifi-  
19    cate to the licensee IF THE LICENSE IS VALID AND NOT  
20    ALTERED, CANCELLED, REVOKED OR SUSPENDED.

21           31-276.24. When court to forward license to division  
22     and report convictions.

23           (a) When a court convicts a person of any offense



1 for which this act requires the mandatory SUSPENSION OR  
2 revocation of the license, the court shall require the  
3 immediate surrender to it of any driver's license then  
4 held by the person so convicted and the court shall there-  
5 upon IMMEDIATELY forward it together with a record of the  
6 conviction DIRECTLY to the division.

7 31-276.25. When revocation mandatory; period of  
8 revocation.

9 (a) The division shall revoke the license or  
10 ~~privilege of any person to operate a motor vehicle in the~~  
11 ~~state~~ DRIVER upon ~~receipt of~~ RECEIVING a record of THE  
12 DRIVER'S conviction ~~of such person~~ of any of the following  
13 violations OFFENSES:

14 (i) ~~Any felony which is the direct result of~~  
15 ~~the manner in~~ THE COMMISSION OF which a motor vehicle is  
16 operated USED;

17 (ii) Negligent Homicide BY VEHICLE under  
18 ~~section 31-232 of the statutes W.S.~~ 31-232.1;

19 (iii) ~~Third conviction of~~ Driving OR BEING IN  
20 ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE while;

21 (A) Under the influence of intoxicating  
22 liquor; ~~or controlled substances in violation of any state~~

1 ~~statutes or local ordinances;~~

2 (B) AN HABITUAL USER OR UNDER THE INFLU-  
3 ENCE OF ANY CONTROLLED SUBSTANCE; OR

4 (C) UNDER THE INFLUENCE OF ANY OTHER  
5 DRUG WHICH PRECLUDES THE DRIVER FROM SAFELY DRIVING A  
6 MOTOR VEHICLE.

7 (iv) ~~Third~~ Conviction of reckless driving in  
8 violation of any state statutes or local ordinances;

9 (b) The period of revocation for the violations in  
10 subsection (a) ~~shall be~~ OF THIS SECTION IS one (1) year, ~~•~~  
11 EXCEPT THAT UNDER PARAGRAPHS (a) (iii), (iv) AND (v) THE  
12 DIVISION SHALL REVOKE THE LICENSE OF ANY DRIVER, COMMENC-  
13 ING ON THE DATE ON WHICH THE DIVISION RECEIVES THE  
14 LICENSE, FOR THE FOLLOWING PERIODS:

15 (i) NINETY (90) DAYS FOR THE FIRST OFFENSE;

16 (ii) SIX (6) MONTHS FOR THE SECOND OFFENSE;

17 AND

18 (iii) TWELVE (12) MONTHS FOR THE THIRD  
19 OFFENSE.

20 31-276.26. Authority of division to suspend license.

1 (b) The division is hereby authorized to suspend OR  
2 REVOKE the license of any driver for a period not to  
3 exceed TWELVE (12) months, upon a showing by its records  
4 or other sufficient evidence that the licensee:

5 (ii) Has permitted an unlawful or fraudulent  
6 use of his license; \*

7 (iii) HAS BEEN CONVICTED FREQUENTLY OF SERIOUS  
8 OFFENSES;

9 (iv) IS INCOMPETENT TO DRIVE A MOTOR VEHICLE;

10 (v) HAS BEEN CONVICTED OF FLEEING OR ATTEMPT-  
11 ING TO ELUDE A PEACE OFFICER.

12 31-276.32. Right of appeal to court. Any person  
13 denied a license or whose license has been cancelled, sus-  
14 pended or revoked by the department shall have DIVISION  
15 HAS the right to file a petition within ~~(30)~~ TEN (10) days  
16 thereafter for a hearing ~~in~~ ON the matter in the district  
17 court in the county wherein the person resides or in the  
18 case of cancellation, suspension or revocation of a  
19 nonresident's operating privilege in the county in which  
20 the violation occurred <sup>from the subject</sup> OR IN THE COUNTY IN WHICH THE MAIN  
21 OFFICE OF THE DIVISION IS LOCATED and the court is hereby  
22 vested with jurisdiction. The court shall set the matter

1 for hearing upon THIRTY (30) days' written notice to the  
2 commissioner DIVISION and thereupon take testimony and  
3 examine into the facts of the case and determine whether  
4 the petitioner is entitled to a license or is subject to  
5 suspension, cancellation or revocation of license under  
6 the provisions of this act.

7 Section 2. W.S. 31-276.26(a) is repealed.

8 Section 3. This act is effective May 27, 1977.

9 (END)

HB 11

HB11HS1/A

CORRECTED COPY

Delete entire original House Bill 11 and insert in lieu thereof Substitute House Bill 11A. -ENGEN

Enclosed in Jacket *RAH*

HB11AHW1/A

Page 5-line 15 Delete "TEN (10)" insert "THIRTY (30)".--McCARTHY *RAH*

HB11AHW2/A

Page 2-line 13 After "court" insert "EVIDENCE THAT".  
After "license" insert "HAD BEEN".

Page 2-line 14 After "and" insert "WAS".--McCARTHY *RAH*

HB11AHW3/A

Page 4-line 2 Delete "AN HABITUAL USER OR".--McCARTHY *RAH*

HB11AHW5/A

Page 5-lines 7 and 8 Delete, renumber paragraphs accordingly.--McCARTHY *RAH*

HB11AHW6/A

Page 5-line 9 After "IS" insert "MENTALLY".  
After "INCOMPETENT" insert "OR PHYSICALLY  
UNABLE TO REASONABLY"

HB11AHW3/A

Page 4-line 2

Delete "AN HABITUAL USER OR".--McCARTHY

HB11AHW5/A

Page 5-lines 7 and 8

Delete, renumber paragraphs accordingly.--McCARTHY

HB11AHW6/A

Page 5-line 9

After "IS" insert "MENTALLY".

After "INCOMPETENT" insert "OR PHYSICALLY  
UNABLE TO REASONABLY".

Delete "TO". -URBIGKIT

HB11AHW7/A

Page 5-lines 20 and 21 Delete new language.

Page 5-line 20

After "occurred" insert "OR IN THE DISTRICT  
COURT, FIRST JUDICIAL DISTRICT, LARAMIE  
COUNTY, WYOMING".--URBIGKIT