

**CHAPTER 151.**

Original House Bill No. 50.

**MOTOR VEHICLE—AMENDMENTS.**

AN ACT to amend and re-enact Sub-section (a), Section 29, Chapter 65, Session Laws of Wyoming, 1935, as amended by Sub-section (a), Section 2, Chapter 90, Session Laws of Wyoming, 1939; Section 21, Chapter 121, Session Laws of Wyoming, 1937, as amended and re-enacted by Chapter 70, Session Laws of Wyoming, 1941; Sub-section (r), Section 1, Chapter 121, Session Laws of Wyoming, 1937, as amended by Chapter 70, Session Laws of Wyoming, 1941 and to further amend said Section 1 by adding thereto, Subsections (s), (t) and (u); Section 20, Chapter 121, Session Laws of Wyoming, 1937; relating to Commercial Motor Vehicles and Commercial Motor traffic on State Highways and providing compensation for the use of state highways; Prescribing the manner and method of payment of compensatory fees; Defining certain terms; Providing an effective date for this Act; and repealing all laws and parts of laws inconsistent and in conflict with the provisions of this Act.

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

**Fees for Use of Highway.**

**Section 1.** That Sub-section (a), Section 29, Chapter 65, Session Laws of Wyoming, 1935, as amended and re-enacted by Sub-section (a), Section 2, Chapter 90, Session Laws of Wyoming, 1939, is hereby amended and re-enacted to read as follows:

**Section 2 (a).** Fees for use of highways. In addition to all fees and taxes now imposed by authority of law upon all motor vehicles, semi-trailers and trailers, or motor carriers in this State, and in addition to the fees herein provided to be paid to the commission, every motor carrier operating on any highway shall pay to the highway department for the maintenance, repair and re-construction of the highways the following compensatory fees for the use of such highways:

For freight, express or passenger service, for motor vehicles powered with motors using gasoline for fuel and having an unladen weight of three thousand five hundred (3,500) pounds or less, the compensatory fee shall be at the rate of five dollars (\$5.00) per year or fifty cents (\$.50) per month. For motor vehicles powered

with motors using gasoline for fuel and having an unladen weight of more than three thousand five hundred (3,500) pounds, the compensatory fee shall be at the rate of one (1) mill per ton mile on the unladen weight of the vehicle. For semi-trailers, which are not powered by a motor or self-propelled, the compensatory fee shall be at the rate of one and one-quarter (1 $\frac{1}{4}$ ) mills per ton mile on the unladen weight of the vehicle. For trailers, other than semi-trailers, which are not powered by a motor or self-propelled, the compensatory fee shall be at the rate of two (2) mills per ton mile on the unladen

weight of the vehicle. On motor vehicles not using gasoline for fuel, the compensatory fee shall be at the rate of one (1) mill per ton mile on the unladen weight of the vehicle and four cents (4c) per gallon on all motor fuel used in such vehicle. For the purpose of determining the number of ton miles, the actual weight in pounds of the vehicle shall be multiplied by the number of miles carried, the product of which shall be divided by two thousand (2,000).

**Compensatory Fees—Method of Collection.**

**Section 2.** That Section 20, Chapter 121, Session Laws of Wyoming, 1937, is hereby amended and re-enacted to read as follows:

**Section 20.** Compensatory fees—Method of collection. All compensatory fees due from operators of towing motor vehicles are payable in advance and all compensatory fees due from all other motor carriers shall become due and payable on the fifteenth day of the month next succeeding the month in which the miles are traveled and shall bear interest at the legal rate from date due until paid or collected. All compensatory fees shall become delinquent if not paid when due. All delinquent compensatory fees are hereby made a lien on all motor vehicles for which such fees are delinquent and on all other motor vehicles owned or operated by the person delinquent. If any compensatory fee remains delinquent for thirty (30) days, or if any vehicle upon which any such fee is a lien is about to be removed from the State, the Highway Department is hereby empowered to forthwith seize and sell at public auction such vehicle or vehicles upon which such fee is a lien, after four weeks notice of such sale in a newspaper published in the resident county of such carrier, or where such property is seized if such carrier is a non-resident, so much of said property as will be sufficient to pay the fees due with interest and expense incurred. The State Highway Superintendent is hereby authorized to bring suit or any other legal proceeding in any court of competent jurisdiction within or without this State against any person owing any compensatory fee or fees as herein defined, for the purpose of collecting any such compensatory fee due and delinquent. Such suit shall be brought by the State Highway Superintendent in his own name for and in behalf of this State, and in any such proceeding he is hereby authorized to make use of any legal proceeding supplementary or auxiliary to such suit.

**Operators of Towing Motor Vehicles.**

**Section 3.** That Sub-section (r), Section 1, Chapter 121, Session Laws of Wyoming, 1937, is hereby amended and re-enacted to read as follows and said Section 1 is further amended by adding thereto Subsections (s), (t) and (u), reading as follows:

**Section 1. (r) Operators of towing motor vehicles.** Every owner or operator of any motor vehicle being towed, hauled or conveyed over the highways of the State, not on its own power, except those hauled by a common or interstate carrier, upon a vehicle paying compensatory fee on an unladen weight basis.

(s) Semi-trailer. The term "semi-trailer" shall mean every vehicle of a trailer type not equipped with propelling power so designed and used in conjunction with a motor vehicle that some part of its own weight and load rests upon or is carried by another vehicle.

(t) Trailer. The term "trailer" shall mean every vehicle of a trailer type not equipped with propelling power so designed to be drawn by a motor vehicle and for use in conjunction therewith, except a "semi-trailer".

(u) Unladen weight. The unladen weight of any vehicle shall be the weight of the vehicle, without load, but fully equipped for normal use on the road, including cab, body and the actual accessories, consisting of spare tire, tools and tire chains.

**Section 4.** That Section 21, Chapter 121, Session Laws of Wyoming, 1937, as amended by Chapter 70, Session Laws of Wyoming, 1941, be and the same is hereby amended and re-enacted to read as follows:

**Interstate Towing—Compensatory Fees.**

**Section 21.** Operators of motor vehicles engaged in commercial and interstate operations, or a towing motor vehicle as defined in this Act, may be permitted to make a single or occasional trip in or through the State, by the State Highway Superintendent, and shall, at the time application is made, pay to the Highway Department as a compensatory fee as compensation for the use of the public highways, to compensate for the expense of administering and enforcing this Act and for the maintenance repair and re-construction of the highways the sum of five (\$5.00) dollars for each and every vehicle and trip which fee shall be in lieu of all registration fees and other compensatory fees.

**Section 5.** All laws or part of laws inconsistent with this Act are hereby repealed.

**Section 6.** This Act shall take effect and be in force from and after March 1, 1945.

Approved February 23, 1945.