

HB No. 321

Introduced by:

Ward H. Myers
Stan A. Mont

A BILL

for

AN ACT relating to the licensing of persons who operate motor vehicles upon the highways, roads and streets of the state; providing that the operation of motor vehicles on the highways of the State of Wyoming is a conditional privilege; defining terms; providing for the exemption of certain persons and those persons not to be licensed; providing for various types of licenses and permits, application procedures, requirements, and fees; providing for the rights, privileges, duties, liabilities and conditions under which licenses and permits may be issued and exercised; providing for the authority of the drivers license division in the administration of the act; providing for the suspension, revocation or cancellation of licenses and permits in certain instances; providing for appeals from certain actions of the division; defining other prohibited acts and prescribing penalties therefor; providing that license and permit fees shall be used in administering and enforcing the act; providing for the Wyoming highway patrol to aid in the enforcement of the act; and repealing sections 31-248 through 31-272 and sections 31-274 through 31-276, Wyoming Statutes 1957, inclusive, as amended, relating to licensing of motor vehicle operators.

JAN 26 1967	Introduced
JAN 26 1967	Read first time
JAN 26 1967	Referred to Com. No. 10
JAN 26 1967	Delivered to Printing Com
JAN 28 1967	Returned from Printing Com
JAN 28 1967	Delivered to Com. No. 10

Date

1/26/67 Introduced, read first time, referred to Com. No. 10

_____ Standing Com. Report: Do_____Do not_____Amend_____

_____ Com. of Whole: Do_____Do not_____Amend_____Indef. Postponed.

_____ 2nd: Amend_____. 3rd: Amend_____. Ayes_____Noes_____

_____ Passed by Senate: Ayes_____Noes_____

H. B. 321

Introduced by: Ward G. Myers, Warren A. Morton

A BILL

for

1 AN ACT relating to the licensing of persons who operate
2 motor vehicles upon the highways, roads and streets of
3 the state; providing that the operation of motor vehicles
4 on the highways of the State of Wyoming is a conditional
5 privilege; defining terms; providing for the exemption
6 of certain persons and those persons not to be licensed;
7 providing for various types of licenses and permits,
8 application procedures, requirements, and fees; pro-
9 viding for the rights, privileges, duties, liabilities
10 and conditions under which licenses and permits may be
11 issued and exercised; providing for the authority of
12 the drivers license division in the administration of
13 the act; providing for the suspension, revocation or
14 cancellation of licenses and permits in certain instances;
15 providing for appeals from certain actions of the divi-
16 sion; defining other prohibited acts and prescribing
17 penalties therefor; providing that license and permit
18 fees shall be used in administering and enforcing the
19 act; providing for the Wyoming highway patrol to aid in
20 the enforcement of the act; and repealing sections 31-248
21 through 31-272 and sections 31-274 through 31-276, Wyo-
22 ming Statutes 1957, inclusive, as amended, relating to
23 licensing of motor vehicle operators.

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

2 Section 1. This act shall be known and may be cited
3 as the chauffeurs and drivers license act.

4 Section 2. Permission to operate a motor vehicle granted
5 under the authority of the laws regulating traffic upon the
6 highways of the state is a conditional privilege granted sub-
7 ject to regulation, suspension, revocation, or cancellation
8 in conformity with those laws for breach of the conditions
9 stated.

10 Section 3. The following words and phrases when used
11 in this act shall have the meanings respectively ascribed
12 to them:

13 (a) License to operate a motor vehicle. Any operator's
14 or chauffeur's license or any other license or permit to
15 operate a motor vehicle issued under the laws of this state
16 including:

17 (i) Any temporary license or instruction permit;

18 (ii) The privilege of any person to drive a motor
19 vehicle whether or not such person holds a valid license;

20 (iii) Any nonresident's operating privilege as defined
21 herein;

22 (b) Cancellation of drivers license. The annulment
23 or termination by formal action of the division of a person's
24 drivers license because of some error or defect in the license
25 or because the licensee is no longer entitled to such license,
26 but the cancellation of a license is without prejudice and
27 application for a new license may be made at any time after
28 such cancellation.

29 (c) Chauffeur. Every person who is employed by another
30 for the principal purpose of driving a motor vehicle and
31 every person who drives a school bus transporting school
32 children or any motor vehicle when in use for the transporta-
33 tion of persons or property for compensation.

34 (d) Department. The Wyoming department of revenue act-
35 ing directly or through its duly authorized officers and
36 agents.

1 (e) Director. The director of the motor vehicle divi-
2 sion of the Wyoming department of revenue.

3 (f) Division. The motor vehicle division of the Wyo-
4 ming department of revenue.

5 (g) Driver. Every person who drives or is in actual
6 physical control of a motor vehicle upon a highway or who
7 is exercising control over or steering a vehicle being towed
8 by a motor vehicle.

9 (h) Farm tractor. Every motor vehicle designed and used
10 primarily as a farm implement for drawing plows, mowing
11 machines and other implements of husbandry.

12 (i) Highway. The entire width between the boundary
13 lines of every way publicly maintained or when any part
14 thereof is open to the use of the public for purposes of
15 vehicular travel.

16 (j) Implement of husbandry. Every vehicle designed
17 for agricultural purposes and exclusively used by the owner
18 thereof in the conduct of his agricultural operations. An
19 implement of husbandry does not include a vehicle which is
20 designed primarily for the transportation of persons or prop-
21 erty on a highway.

22 (k) License fee. The privilege tax or fee imposed by
23 this act.

24 (l) Mail. To deposit in the United States mail properly
25 addressed and with postage paid.

26 (m) Motorcycle. Every motor vehicle having two wheels
27 and designed to be ridden astride by one person but which
28 may be fitted with a seat so as to accommodate a single
29 passenger riding immediately behind the operator, or which
30 may have attached thereto a side car for the purpose of trans-
31 porting a single passenger or merchandise, or which may be
32 equipped with tricycle running gear so as to accommodate a
33 box portion behind the operator which is designed for package
34 delivery.

35 (n) Motor-driven cycle. Every motorcycle, including
36 every motor scooter, every bicycle with motor attached and

1 having not more than two wheels and which weighs not more
2 than one hundred fifty (150) pounds with a motor which as
3 originally constructed produces not more than five (5) horse-
4 power, measured by brake horsepower, and which is not capable
5 of producing a speed in excess of thirty-five (35) miles per
6 hour. Expressly excluded from this definition are vehicles
7 having a tricycle running gear and having an enclosed or
8 semienclosed body so that one or more passengers may be trans-
9 ported within that body and seated alongside or behind the
10 operator.

11 (o) Motor vehicle. Every vehicle which is self-
12 propelled.

13 (p) Nonresident. Every person who is not a bonafide
14 resident of this state, regardless of how long he has been
15 physically present within this state.

16 (q) Nonresident's operating privilege. The privilege
17 conferred upon a nonresident by the laws of this state per-
18 taining to the operation by such person of a motor vehicle,
19 or the use of a vehicle owned by such person, in this state.

20 (r) Operator. Every person, other than a chauffeur,
21 who drives or is in actual physical control of a motor vehicle
22 upon a highway or who is exercising control over or steering
23 a vehicle being towed by a motor vehicle.

24 (s) Owner. A person, other than a lien-holder, having
25 a property interest in or title to a vehicle. The term
26 includes a person entitled to the use and possession of a
27 vehicle subject to a security interest in another person,
28 but excludes a lessee under a lease not intended as security.

29 (t) Person. Every natural person, firm, copartnership,
30 corporation, or other association.

31 (u) Revocation of driver's license. The termination by
32 formal action of the division of a person's drivers license
33 or privilege to operate a motor vehicle on the public high-
34 ways, which termination shall not be subject to renewal or
35 restoration except that an application for a new license may

1 be presented and acted upon by the division after the expira-
2 tion of at least one (1) year after the dating of revocation.

3 (v) School bus. Every motor vehicle owned by a public
4 or a governmental agency and operated for the transportation
5 of children to or from school or any privately owned motor
6 vehicle operated for compensation for the transportation of
7 children to or from school.

8 (w) State. A state, territory or possession of the
9 United States, the District of Columbia, the Commonwealth
10 of Puerto Rico or a province of the Dominion of Canada.

11 (x) Suspension of driver's license. The temporary
12 withdrawal by formal action of the division of a person's
13 drivers license or privilege to operate a motor vehicle on
14 the public highways, which temporary withdrawal shall be for
15 a period specifically designated by the division.

16 Section 4. (a) No person, except those expressly
17 exempted, may drive any motor vehicle upon a highway in this
18 state unless he holds a valid license as an operator or chauff-
19 feur under the provisions of this act. No person may receive
20 an operator's license unless and until he surrenders to the
21 division all valid operators or chauffeurs licenses in his
22 possession issued to him by any other jurisdiction. All
23 surrendered licenses shall be returned by the division to the
24 issuing department together with information that licensee
25 is now licensed in the new jurisdiction. No person shall
26 have more than one (1) valid license at any one time.

27 (b) No person may drive a motor vehicle as a chauffeur
28 unless he holds a valid chauffeur's license. No person shall
29 receive a chauffeur's license unless and until he surrenders
30 to the division all valid operators and chauffeurs licenses
31 in his possession issued to him by any other jurisdiction
32 or an affidavit that he does not possess any valid licenses.

33 (c) Any person holding a valid chauffeur's license
34 under this act need not procure an operator's license.

35 (d) Any person licensed as an operator or chauffeur
36 under this act may exercise the privilege thereby granted

1 upon all streets and highways in this state and is not re-
2 quired to obtain any other license to exercise that privilege
3 by any county, municipal or local board, or body having
4 authority to adopt local police regulations.

5 Section 5. The following persons are exempt from licens-
6 ing under this act subject to the conditions stated:

7 (a) An employee of the United States government while
8 operating a motor vehicle owned by or leased by the United
9 States government and being operated on official business.

10 (b) A nonresident who is at least sixteen (16) years
11 of age and who has in his immediate possession a valid oper-
12 ator's license issued to him in his home state may operate
13 a motor vehicle in this state only as an operator. However,
14 when a person accepts gainful employment, purchases or rents
15 real property, enrolls children in the public school system,
16 registers as a voter, or applies for any privilege accorded
17 only to residents of this state, with the intent to be con-
18 sidered a resident of this state, he shall be deemed a resi-
19 dent of this state for the purpose of licensing as a driver
20 of motor vehicles. However, physical presence within the
21 state for ninety (90) days or more during any one year in
22 addition to anyone of the above criteria shall render that
23 person a resident of this state for the purposes of this act.

24 (c) A nonresident who is at least eighteen (18) years
25 of age and who has in his immediate possession a valid chauf-
26 feur's license issued to him in his home state or country may
27 operate a motor vehicle in this state either as an operator
28 or chauffeur subject to the age limits applicable to chauf-
29 feurs in this state. However, when a person accepts gainful
30 employment, purchases or rents real property, enrolls children
31 in the public school system, registers as a voter, or applies
32 for any privilege accorded only to residents of this state,
33 with the intent to be considered a resident, he shall be
34 deemed a resident of this state for the purpose of licensing
35 as a driver of motor vehicles. However, physical presence
36 within the state for ninety (90) days or more during any one (1)

1 year in addition to any one of the above criteria shall
2 render that person a resident of this state for the purposes
3 of this act.

4 (d) Members of the armed forces of the United States
5 stationed in this state on active military duty and holding
6 a valid drivers license, and full time students, as determined
7 by the regulations of the institution, enrolled in a high
8 school or in an institution of higher learning in this state
9 and holding a valid drivers license, during the period of
10 matriculation for which nonresident enrollment fees are paid,
11 shall not become residents of this state for driver licensing
12 purposes. However, upon expiration of present nonresident
13 drivers license they may, if they so desire, apply for Wyo-
14 ming drivers licenses as provided in this act.

15 (c) A nonresident who is at least eighteen (18) years
16 of age, whose home state or country does not require the
17 licensing of operators, may operate a motor vehicle in this
18 state as an operator only, for a period of not more than
19 ninety (90) days in any calendar year, if the motor vehicle
20 so operated is duly registered in the home state or country
21 of such nonresident.

22 (f) A person operating or driving a farm tractor or
23 implement of husbandry temporarily drawn, propelled, or
24 moved on the highways of this state.

25 (g) Any person operating a motor vehicle for the pur-
26 poses of demonstrating his driving ability to an authorized
27 examiner of operators and chauffeurs when such examiner is
28 occupying a seat beside or behind the driver of such motor
29 vehicle.

30 Section 6. The division shall not issue any license
31 under this act:

32 (a) To any person as an operator who is under sixteen
33 (16) years of age. Provided, however, the division may issue
34 a restricted license as provided to any person who is fifteen
35 (15) years of age or older to operate a motor-driven cycle.

1 (b) To any person as a chauffeur who is under eighteen
2 (18) years of age.

3 (c) To any person as an operator or chauffeur whose
4 license has been suspended, during such suspension; nor to
5 any person whose license has been revoked except as provided
6 in section 29 of this act.

7 (d) To any person as an operator or chauffeur who is
8 an habitual drunkard, an habitual user of narcotic drugs,
9 or an habitual user of any other drug to a degree which ren-
10 ders him incapable of safely driving a motor vehicle.

11 (e) To any person as an operator or chauffeur who has
12 previously been adjudged to be afflicted with or suffering
13 from any mental disability or mental disease and who has not
14 at the time of application been restored to competency by
15 the methods provided by law.

16 (f) To any person as an operator or chauffeur who is
17 required by this act to take an examination, unless that per-
18 son has successfully passed the examination.

19 (g) To any person who is required under the laws of
20 this state to deposit proof of financial responsibility and
21 who has not deposited that proof.

22 (h) To any person when the director has good cause to
23 believe that the operation of a motor vehicle on the highways
24 by that person would be inimical to public safety or welfare.

25 (i) To any person who is not a bonafide resident of
26 the State of Wyoming, except as otherwise provided herein.

27 Section 7. (a) The division upon issuing a chauffeur's
28 license shall so indicate thereon, and shall appropriately
29 examine each applicant. The division may impose rules and
30 regulations governing the exercise of the privilege granted
31 by the license and for the conduct of the examination as it
32 may deem necessary for the safety and welfare of the travel-
33 ing public.

34 (b) No person under twenty-one (21) years of age may
35 drive any school bus transporting school children or any
36 motor vehicle when used for transporting persons for compensa-

1 tion, unless he is licensed as a chauffeur. However, a per-
2 son who is sixteen (16) years of age or older and under
3 twenty-one (21) years of age, and who has secured the approval
4 of the school district and the permission of the parents or
5 guardians of all the children to be transported may be given
6 a special driver's license for the operation of a motor vehi-
7 cle in which students may be transported to and from school.

8 Section 8. (a) Any person who has passed his fifteenth
9 (15th) birthday may apply to the division for an instruction
10 permit. The division may, in its discretion, after the ap-
11 plicant has successfully passed all parts of the examination
12 other than the driving test, issue to the applicant an instruc-
13 tion permit which entitles the applicant while having the
14 permit in his possession to drive a motor vehicle upon the
15 highways for the period the permit is in effect when accom-
16 panied by a licensed operator or chauffeur who has at least
17 one (1) year of driving experience, who has held his license
18 in this state for a period of one (1) year, and who is
19 occupying a seat beside the driver, except an instruction
20 permit may not be issued for the operation of a motor-driven
21 cycle or motorcycle. Any instruction permit issued to a
22 person fifteen (15) years of age or older is valid for ninety
23 (90) days and may be renewed once or a new permit issued for
24 an additional period of ninety (90) days.

25 (b) Any person who has passed his fifteenth (15th)
26 birthday may apply to the division for a permit restricted
27 to the operation of a motor-driven cycle. The division
28 shall appropriately examine the applicant and upon proof
29 to its satisfaction of the applicant's qualifications and
30 payment of the fee as for an operator's license, issue the
31 permit.

32 Section 9. (a) Every application for an instruction
33 permit or for an operator's or chauffeur's license shall be
34 made upon a form furnished by the division. Every applica-
35 tion shall be accompanied by the proper fee. The applicant
36 is entitled to only three (3) attempts to pass the examina-

1 tion within a period of six (6) months from the date of
2 first application, and shall have only three (3) attempts
3 to pass the examination within each six (6) months period
4 thereafter.

5 (b) Every application shall state the full name, date
6 of birth, sex, and residence address of the applicant, and
7 briefly describe the applicant, and shall state whether the
8 applicant has ever been licensed as an operator or chauffeur.
9 If an applicant has ever been licensed as an operator or
10 chauffeur he shall state when and by what state or country
11 he has been so licensed, and whether any license has ever
12 been suspended or revoked, or whether an application has ever
13 been refused. If any license of the applicant has been sus-
14 pended or revoked or if his application for any driver's
15 license has ever been refused he shall state the date of such
16 suspension, revocation or refusal of application and the
17 reason therefor, and any other information required by the
18 division.

19 (c) When an application is received from a person
20 previously licensed in another jurisdiction, the division
21 shall request a copy of his driver's record from that juris-
22 diction. When received, the driver's record becomes part
23 of the driver's record in this state with the same force and
24 effect as though entered on the driver's record in this state
25 in the original instance.

26 (d) When the division receives a request for an oper-
27 ator's record from another licensing jurisdiction the record
28 shall be forwarded without charge.

29 Section 10. (a) The application of any person under
30 eighteen (18) years of age for an instruction permit, oper-
31 ator's license, or special license to operate a motor-driven
32 cycle shall not be granted unless the application is signed
33 in the presence of the division representative by both father
34 and mother of the applicant, if both father and mother are
35 living and have custody of the applicant; otherwise, the
36 parent, or other person having custody of such minor; or

1 other person of legal age willing to assume the obligation
2 imposed; provided, that at the time application is made, it
3 is the duty of the parents, guardian, or other person having
4 custody of the applicant, or other person of legal age will-
5 ing to assume the obligation imposed, to present to the divi-
6 sion representative the birth certificate or baptismal certi-
7 ficate of the applicant, or other document, which shall show
8 the true birth date of the applicant.

9 (b) Any negligence or wilful misconduct of a minor
10 under eighteen (18) years of age when driving a motor vehicle
11 shall be imputed to the person who signed the application of
12 the minor for a permit or license, and that person shall be
13 jointly and severally liable with the minor for any damages
14 resulting from the minor's negligence or wilful misconduct,
15 except as provided in subsection (c) of this section.

16 (c) If a minor deposits or there is deposited upon
17 his behalf proof of financial responsibility in respect to
18 the operation of a motor vehicle owned by him, or if not the
19 owner of a motor vehicle, then with respect to the operation
20 of any motor vehicle in form and in amounts as required
21 under the motor vehicle financial responsibility laws of
22 this state, then the division may accept the application of
23 the minor when signed by one (1) parent or guardian of the
24 minor, and while that proof is maintained the parent or
25 guardian is not subject to the liability imposed by subsec-
26 tion (b) of this section.

27 Section 11. Any person, or the executor of the estate
28 of such person, who has signed the application of a minor for
29 a license may file with the division a verified written
30 request that the license of the minor be cancelled. The
31 division shall immediately cancel the license of the minor
32 and the person who signed the application shall be relieved
33 from the liability imposed under this act by reason of having
34 signed the application on account of any subsequent negli-
35 gence or wilful misconduct of the minor in operating a motor
36 vehicle. However, the liability of the person who signed

1 the minor's application shall not terminate until the minor's
2 license is received by the division.

3 Section 12. (a) Any driver's license issued to any
4 person who has not passed his eighteenth (18th) birthday,
5 is probationary only, subject to suspension or revocation
6 for cause by the division. Upon the licensee's first,
7 second or third conviction or forfeiture of bond for any
8 moving traffic violation, his probationary driver's license
9 shall be suspended for a period of not more than thirty (30)
10 days for each conviction or forfeiture of bond. Upon a
11 fourth conviction or forfeiture of bond for any moving
12 traffic violation, the probationary driver's license shall
13 be revoked until the licensee reaches age eighteen (18) or
14 for one (1) year, whichever is the longer. Upon conviction
15 or forfeiture of bail of any such violation the court shall
16 immediately forward an abstract of the court record to the
17 division. For the purposes of this section the term "con-
18 viction" shall be as defined in section 25 (c). No person
19 who has had his probationary license suspended or revoked
20 may be issued any other driver's license until he has reached
21 age eighteen (18) or until the prescribed period of suspen-
22 sion or revocation has expired and no probationary license
23 which has been suspended shall be returned until the full
24 period of suspension has elapsed. No more than ten (10)
25 days prior to the termination of a suspension or revocation,
26 which terminates on or after the person's eighteenth (18th)
27 birthday, the person whose probationary license has been sus-
28 pended or revoked may, upon payment of the fee, apply for
29 an operator's or chauffeur's license.

30 (b) In addition, the board of review may revoke any
31 probationary license upon evidence being presented to it that
32 the person is habitually careless, negligent, or reckless
33 in his driving habits or is such a person that his driving
34 habits endanger himself or others. The decision of the divi-
35 sion suspending or revoking any probationary license is sub-
36 ject to review by the state board of equalization or any

1 court of competent jurisdiction upon appeal. The provisions
2 of this section are in addition to the authority granted to
3 the division in other sections of this act.

4 (c) The fee for a probationary license is the same as
5 for an operator's license.

6 Section 13. (a) The division shall examine every
7 applicant for an operator's or chauffeur's license, except
8 as otherwise provided in this section. The examination
9 shall include a test of the applicant's eyesight, his ability
10 to read and understand highway signs regulating, warning
11 and directing traffic, his knowledge of the traffic laws of
12 this state, and shall include an actual demonstration of
13 ability to exercise ordinary and reasonable control in the
14 operation of a motor vehicle and such further physical and
15 mental examination as the division finds necessary to deter-
16 mine the applicant's fitness to operate a motor vehicle
17 safely upon the highways. The division shall provide for
18 giving an examination either in the county where the appli-
19 cant resides or at a place reasonably convenient to the
20 applicant within thirty (30) days from the date the applica-
21 tion is received.

22 (b) The division may, in its discretion, waive the
23 examination of any person applying for a renewal license
24 under the provisions of this act.

25 Section 14. (a) The division shall upon payment of
26 the required fee issue to every qualified applicant an oper-
27 ator's or chauffeur's license as applied for. The license
28 shall bear a distinguishing number assigned to the licensee,
29 the full name, date of birth, residence address, and brief
30 description of the licensee, and a facsimile of the signa-
31 ture of the licensee. No license is valid unless it shows
32 the signature of the licensee.

33 (b) Whenever the department issues an original license
34 to a person under the age of twenty-one (21) years such
35 license shall be designated and clearly marked as a "pro-
36 visional license". Upon renewal as applicable to operators'

1 licenses the department may for reasonable cause as shown
2 by its records designate the renewal of the license as pro-
3 visional, otherwise a license in usual form shall be issued
4 subject to other provisions of this chapter.

5 Section 15. Every license issued shall bear thereon
6 the color photograph of the applicant, the distinguishing
7 number assigned to the applicant and shall contain the name,
8 birthdate and residence of the applicant and a brief des-
9 cription of such person for the purpose of identification,
10 and shall also provide a space for the signature of the ap-
11 plicant; and thereafter there shall be endorsed thereon a
12 record of each suspension or cancellation or revocation
13 authorized by this act. Every person licensed shall write
14 his usual signature with pen and ink in the space provided
15 for that purpose on the license issued to him immediately
16 upon receipt of such license, and such license shall not be
17 valid until it is so signed, except in the case of a person
18 who cannot write his or her name, and in such cases such
19 person may make his or her mark in the presence of one attest-
20 ing witness.

21 Section 16. Every licensee shall have his operator's
22 or chauffeur's license in his immediate possession at all
23 times when operating a motor vehicle and shall display his
24 license upon demand of a justice of the peace, or any other
25 judge, justice, or magistrate of any court of competent
26 jurisdiction, a peace officer, traffic officer, or agent of
27 the division. However, no person charged with violating
28 this section may be convicted if he produces in court or
29 the office of the arresting officer an operator's or chauf-
30 feur's license issued to him and valid at the time of his
31 arrest.

32 Section 17. (a) The division may, whenever good
33 cause appears, impose restrictions suitable to the licensee's
34 driving ability with respect to the type of or special
35 mechanical control devices required on a motor vehicle which
36 the licensee may operate or such other restrictions applic-

1 able to the licensee as the division may determine to be
2 appropriate to assure the safe operation of a motor vehicle
3 by the licensee.

4 (b) The division may either issue a special restricted
5 license or may set forth such restrictions upon the usual
6 license form.

7 (c) The division may, upon receiving satisfactory
8 evidence of any violation of the restrictions of the license,
9 suspend or revoke the same but the licensee shall be entitled
10 to a hearing as upon a suspension or revocation under this
11 act.

12 (d) It is a misdemeanor for any person to operate a
13 motor vehicle in any manner in violation of the restriction
14 imposed in a restricted license issued to him.

15 Section 18. If any license issued under this act to
16 operate a motor vehicle is lost or destroyed, the person to
17 whom it was issued may obtain a duplicate, or substitute
18 thereof, upon furnishing proof satisfactory to the depart-
19 ment that the permit or license has been lost or destroyed.
20 For each duplicate license so issued there shall be charged
21 and collected the sum of two dollars and fifty cents (\$2.50).

22 Section 19. (a) Every applicant for an operator's
23 license shall pay to the division for the license a fee of
24 five dollars (\$5.00). Every operator's license shall expire
25 on the birth anniversary of the licensee occurring within the
26 third year after the year in which such license is issued.
27 Every operator's license is renewable within ninety (90) days
28 prior to its expiration upon application and payment of the
29 required fee.

30 (b) Every applicant for a chauffeur's license shall
31 pay to the division for the license a fee of five dollars
32 (\$5.00). Every chauffeur's license shall expire one (1)
33 year from the date of its issue. Every chauffeur's license
34 is renewable sixty (60) days prior to its expiration upon
35 application and payment of the required fee.

1 Section 20. Whenever any person after applying for or
2 receiving an operator's or chauffeur's license moves from
3 the address named in the application or in the license issued
4 to him or when the name of a licensee is changed by marriage
5 or otherwise the licensee shall within ten (10) days notify
6 the division in writing of his old and new address or of
7 such former and new names and of the number of the license
8 then held by him. Except that in cases of name change the
9 applicant shall apply for a duplicate license, showing such
10 name change and shall pay a fee of two dollars and fifty cents
11 (\$2.50).

12 Section 21. (a) The division shall file every appli-
13 cation for a license received by it and shall maintain suit-
14 able indexes containing in alphabetical order:

15 (i) All applications denied and on each note the reasons
16 for such denial;

17 (ii) Applications granted; and

18 (iii) The name of every licensee whose license has
19 been suspended or revoked by the division and after such
20 name note the reasons for such action.

21 (b) The division shall file all accident reports and
22 abstracts of court record of convictions received by it under
23 the laws of this state and maintain convenient records or
24 make suitable notations in order that an individual record
25 on each licensee showing the convictions of such licensee
26 and the traffic accidents in which he has been involved may
27 be readily ascertained and available for the consideration
28 of the division upon any application for renewal of license
29 and at other suitable times.

30 Section 22. (a) The division is hereby authorized to
31 cancel any operator's or chauffeur's license upon determin-
32 ing that the licensee was not entitled to the license or
33 that the licensee failed to give the required or correct
34 information in his application.

35 (b) Upon cancellation, the licensee shall surrender
36 the cancelled license to the division.

1 Section 23. (a) The privilege of driving a motor
2 vehicle on the highways of this state given to a nonresident
3 is subject to suspension or revocation by the division in
4 like manner and for like cause as an operator's or chauffeur's
5 license issued under this act.

6 (b) This division is further authorized upon receiv-
7 ing a record of the conviction in this state of a nonresi-
8 dent driver of a motor vehicle of any offense under the
9 motor vehicle laws of this state, forward a certified copy
10 of that record to the motor vehicle administrator in the
11 state in which the person so convicted is licensed to drive.

12 Section 24. The division shall suspend or revoke the
13 license of any resident of this state or the privilege of
14 a nonresident to drive a motor vehicle in this state upon
15 receiving notice of the conviction or forfeiture of bond of
16 such person in another state of an offense which, if committed
17 in this state, would be grounds for the suspension or revoca-
18 tion of the license of an operator or chauffeur. The suspen-
19 sion period shall become effective from the date of the
20 receipt of notice of conviction or forfeiture of bond.

21 Section 25. (a) Whenever any person is convicted of
22 any offense for which this act makes mandatory the revoca-
23 tion of the operator's or chauffeur's license of such per-
24 son by the division, the court in which the conviction is
25 had shall require the surrender to it of all operator's and
26 chauffeur's licenses then held by the person convicted and
27 the court shall immediately forward the license together
28 with a record of the conviction to the division.

29 (b) Every court having jurisdiction over offenses
30 committed under this act, or any other act of this state
31 or municipal ordinance regulating the operation of motor
32 vehicles on highways, shall within ten (10) days forward to
33 the division a record of the conviction of any person in
34 that court for a violation of any laws other than regulations
35 governing standing or parking.

1 (c) For the purpose of this act the term "conviction"
2 means a final conviction as rendered in the court of first
3 impression, notwithstanding the fact that an appeal may be
4 taken from that conviction. Also, for the purposes of this
5 chapter an unvacated forfeiture of bail or collateral
6 deposited to secure a defendant's appearance in court, a
7 plea of nolo contendere accepted by the court, the payment
8 of a fine, a plea of guilty or a finding of guilt on a
9 traffic law violation charge shall be equivalent to a convic-
10 tion regardless of whether the penalty is rebated, suspended
11 or probated.

12 (d) Where a convicted person secures a judgment of
13 acquittal or reversal in an appellate court after convic-
14 tion in the court of first impression, the division shall
15 reinstate his operator's or chauffeur's license and return
16 his license immediately upon receipt of a certified copy of
17 the judgment of acquittal or reversal.

18 Section 26. (a) The division shall immediately and
19 without preliminary hearing revoke the license of any oper-
20 ator or chauffeur upon receiving a record of his conviction
21 of any of the following offenses:

22 (i) Manslaughter or negligent homicide resulting from
23 the operation of a motor vehicle;

24 (ii) Driving, or in actual physical control of a motor
25 vehicle while under the influence of intoxicating liquor or
26 under the influence of a narcotic drug, or under the influence
27 of any other substance to a degree which renders him incapable
28 of safely driving a motor vehicle, provided, however, that
29 for the first offense under this subsection the license shall
30 be suspended for a period of ninety (90) days from the date
31 of conviction or its equivalent; for the second offense the
32 license shall be suspended for a period of six (6) months
33 from the date of conviction or its equivalent; and upon the
34 third or subsequent offense the license shall be revoked
35 from the date of conviction or its equivalent for a period
36 of one (1) year.

1 (iii) Any felony in the commission of which a motor
2 vehicle is used.

3 (iv) Failure to stop and render aid as required under
4 the laws of this state in the event of a motor vehicle
5 accident resulting in the death or personal injury of another.

6 (v) Making of a false affidavit or statement under
7 oath to the division under this act or under any other law
8 relating to the ownership or operation of motor vehicles.

9 (vi) Reckless driving, provided, however, that for
10 the first offense under this subsection the license shall
11 be suspended for a period of ninety (90) days from the date
12 of conviction or its equivalent; for the second offense the
13 license shall be suspended for a period of six (6) months
14 from the date of conviction or its equivalent; and upon the
15 third or subsequent offense the license shall be revoked
16 from the date of conviction or its equivalent for a period
17 of one (1) year.

18 (vii) There is hereby established a statute of limi-
19 tation of five (5) years after which no conviction or viola-
20 tion shall be considered for the purpose of the suspension
21 provisions contained herein.

22 Section 27. (a) The division is hereby authorized to
23 suspend the license of an operator or chauffeur without
24 preliminary hearing upon a showing by its records or other
25 sufficient evidence that the licensee:

26 (i) Has committed an offense for which mandatory revoca-
27 tion of license is required upon conviction;

28 (ii) Has been involved as a driver in any accident
29 resulting in the death or personal injury of another or
30 property damage in excess of one hundred dollars (\$100.00).
31 However, for the purpose of this subsection the director or
32 his duly authorized agent shall first conduct an investiga-
33 tion to determine whether the loss of life or injury to per-
34 son or property was due wholly or in part to the negligence,
35 reckless driving, or other unlawful conduct of the driver;

1 (iii) Has been convicted of offenses against traffic
2 regulations governing the movement of vehicles, with such
3 frequency as to indicate a disrespect for traffic laws and
4 a disregard for the safety of other persons on the highways;
5 (The term "frequency" shall mean that the operator or chauff-
6 feur has been so convicted two (2) or more times within
7 twelve (12) months or six (6) or more times within thirty-
8 six (36) months next preceding the latest conviction;)

9 (iv) Is an habitually reckless or negligent driver of
10 a motor vehicle; (The term "habitually" shall mean that the
11 operator or chauffeur shall have committed two (2) or more
12 negligent or reckless acts within twelve (12) months next
13 preceding the latest commission of such an act or shall have
14 committed six (6) or more negligent or reckless acts within
15 thirty-six (36) months next preceding the latest commission
16 of such an act);

17 (v) Is incompetent to drive a motor vehicle; (The
18 term "incompetent" shall mean mentally or physically in-
19 competent as determined by investigation based on competent
20 medical evidence. The term "incompetent" shall also mean
21 that the operator or chauffeur is otherwise unqualified to
22 be licensed under the terms and provisions of this act);

23 (vi) Has permitted an unlawful or fraudulent use of
24 his license;

25 (vii) Is afflicted with such mental or physical
26 infirmities or disabilities as would constitute ground for
27 refusal of a license under this act; or

28 (viii) Has committed an offense in another state which
29 if committed in this state would be grounds for suspension
30 or revocation.

31 (b) Except in the case of mandatory action in refusals
32 to issue, suspensions, revocations and cancellations of chauff-
33 feur's or driver's licenses as provided by the law of the
34 State of Wyoming, all actions to refuse to issue, revoke,
35 cancel or suspend a chauffeur's or driver's license shall be
36 done in formal meeting by the majority vote of the director

1 of revenue, the director of the motor vehicle division, and
2 the assistant director of the motor vehicle division after
3 due consideration. In the event that any one of the afore-
4 mentioned persons is unable to attend such a meeting, another
5 qualified employee of the department of revenue shall be
6 appointed to act in the place of such absent person by the
7 director of revenue. It shall be the duty of the assistant
8 director of the motor vehicle division to notify the state
9 board of equalization of each nonmandatory refusal to issue,
10 revocation, suspension and cancellation of a chauffeur's
11 or driver's license and the reasons therefor. Upon suspending,
12 cancelling, refusing to issue or revoking the license of any
13 person, the division shall immediately notify the applicant
14 or licensee in writing, and upon request, he shall be afforded
15 a hearing before the state board of equalization as early as
16 practicable within twenty (20) days after receipt of the
17 request. Said hearing is to be held in Cheyenne, Laramie
18 County, Wyoming. In the alternative, the applicant or
19 licensee may appeal to the district court of the jurisdic-
20 tion wherein he resides as provided in section 31-273, Wyo-
21 ming Statutes 1957. A complete record of the hearing before
22 the state board of equalization shall be prepared, and
23 based upon the record, the state board of equalization shall
24 either rescind the order of suspension, cancellation, revoca-
25 tion or refusal to issue, or for good cause shown, continue,
26 modify or extend such order. Notwithstanding anything to the
27 contrary contained herein the licensee or applicant may also
28 apply to the district court as provided hereinabove after
29 the hearing before the board of equalization for review of
30 the board's action.

31 Section 28. The division, having good cause to believe
32 that a licensed operator or chauffeur is incompetent as the
33 term is defined herein, may upon written notice of at least
34 five (5) days to the licensee require him to submit to an
35 examination. Upon the conclusion of the examination the
36 division shall take appropriate action and may suspend or

1 revoke the license of such person or permit him to retain
2 the license, or may issue a license subject to restrictions
3 as permitted under section 18 (a). Refusal or neglect of
4 the licensee to submit to an examination is ground for sus-
5 pension or revocation of his license.

6 Section 29. (a) The division shall not suspend a
7 driver's license or privilege to drive a motor vehicle on
8 the public highways for a period of more than one (1) year,
9 except as permitted under section 34 (b).

10 (b) Any person whose license or privilege to drive
11 a motor vehicle on the public highways has been revoked is
12 not entitled to have his license or privilege renewed or
13 restored unless the revocation was for a cause which has
14 been removed, except that after the expiration of one (1)
15 year from the date on which the revoked license was surren-
16 dered to and received by the division the person may make
17 application for a new license as provided by law. The divi-
18 sion shall not issue a new license unless and until it is
19 satisfied after investigation of the character, habits and
20 driving ability of the person that it will not be inimical
21 to the public interest to grant the privilege of driving a
22 motor vehicle on the public highways.

23 Section 30. The division upon suspending or revoking
24 a license shall require that the license be surrendered
25 immediately to the division to be retained by the division.
26 At the end of the period of suspension the license so surren-
27 dered shall be returned to the licensee if permitted by law.

28 Section 31. No resident or nonresident whose operator's
29 or chauffeur's license or privilege to operate a motor
30 vehicle in this state has been suspended or revoked as pro-
31 vided in this act may operate a motor vehicle in this state
32 under a license or permit issued by any other jurisdiction
33 during suspension, or after revocation until a new license
34 is obtained as provided in this act.

35 Section 32. (a) Any person denied a license or whose
36 license has been cancelled, suspended or revoked by the

1 division except when the cancellation or revocation is
2 mandatory under the provisions of this act has the right
3 to file a petition within thirty (30) days for a hearing
4 of the matter in the district court in the county in which
5 the person resides. The court shall set the matter for
6 hearing and give written notice thereof to the director.
7 The filing of the petition shall not stay enforcement of
8 the decision of the division. Whenever applicable the hear-
9 ing provided in section 27 (b) shall be conducted before a
10 hearing may be granted by the court.

11 (b) If, before the date set for hearing, application
12 is made to the court for leave to present additional evidence,
13 and it is shown to the satisfaction of the court that the
14 additional evidence is material and that there were good
15 reasons for failure to present it in the proceeding before
16 the division, the court may order that the additional evidence
17 be taken before the division upon conditions determined by
18 the court. The division may modify its findings and deci-
19 sion by reason of the additional evidence and shall file
20 that evidence and any modifications, new findings or decisions
21 with the reviewing court.

22 (c) The review shall be conducted by the court and
23 shall be confined to the record. In cases of alleged ir-
24 regularities in the proceedings before the division, not
25 shown in the record, the court may, in its discretion, take
26 testimony, hear oral argument, and receive written briefs
27 bearing upon the alleged irregularities.

28 (d) The court shall not substitute its judgment for
29 that of the division on determinations of fact made by the
30 division and which are supported by substantial evidence in
31 the record. The court may affirm the decision of the agency
32 or remand the case for further proceedings, or it may reverse
33 or modify the decision if the appellant has been substantially
34 prejudiced because the division's action was:

35 (i) Contrary to constitutional or statutory provisions;

- 1 (ii) In excess of, or without statutory authority or
- 2 jurisdiction;
- 3 (iii) Made upon unlawful procedure;
- 4 (iv) Affected by other error of law;
- 5 (v) Not supported by reliable, probative, and sub-
- 6 stantial evidence in the record; or
- 7 (vi) Arbitrary or capricious or characterized by abuse
- 8 of discretion or clearly unwarranted exercise of discretion.

9 Section 33. It is a misdemeanor for any person:

10 (a) To display or cause or permit to be displayed or

11 have in his possession any cancelled, revoked, suspended,

12 fictitious or fraudulently altered operator's or chauffeur's

13 license;

14 (b) To lend his operator's or chauffeur's license to

15 any other person or knowingly permit the use thereof by

16 another;

17 (c) To display or represent as one's own any operator's

18 or chauffeur's license not issued to him;

19 (d) To fail or refuse to surrender to the division

20 upon its lawful demand any operator's or chauffeur's license

21 which has been suspended, revoked or cancelled;

22 (e) To use a false or fictitious name in any applica-

23 tion for an operator's or chauffeur's license or to knowing-

24 ly make a false statement or to knowingly conceal a material

25 fact or otherwise commit a fraud in any such application;

26 (f) To permit any unlawful use of an operator's or

27 chauffeur's license issued to him;

28 (g) To alter, change, reproduce or make a copy of a

29 license for identification purposes or to use an altered,

30 changed or reproduced license, or copy thereof, for any pur-

31 pose whatsoever;

32 (h) To make any false affidavit, or knowingly swear or

33 affirm falsely to any matter or thing required by the terms

34 of the act to be sworn to or affirmed; or

35 (i) To do any act forbidden or fail to perform any

36 act required by this act.

1 Section 34. (a) Any person who drives a motor vehicle
2 on any public highway of this state when his privilege to do
3 so is suspended or revoked is guilty of a misdemeanor and
4 upon conviction shall be punished by imprisonment for not
5 less than two (2) days or more than six (6) months and there
6 may be imposed in addition thereto a fine of not more than
7 one hundred dollars (\$100.00).

8 (b) The division upon receiving a record of the con-
9 viction of any person under this section upon a charge of
10 driving a vehicle while the license of such person was sus-
11 pended shall extend the period of suspension for an addi-
12 tional period of one (1) year from the date of conviction.
13 If the conviction is upon a charge of driving while a license
14 was revoked the division shall not issue a new license for
15 an additional period of one (1) year after the date the per-
16 son would otherwise have been entitled to apply for a new
17 license.

18 Section 35. Any person who permits his motor vehicle
19 to be used, or who permits any motor vehicle to be used, by
20 his child or ward who is under sixteen (16) years of age
21 when the child or ward is not authorized to use such vehicle
22 or is otherwise in violation of this act is guilty of a mis-
23 demeanor. The fact that a person had no knowledge that the
24 use would be in violation of this act is not a defense to a
25 violation of this section.

26 Section 36. Any person who permits his motor vehicle
27 to be used by any person who is not authorized to use such
28 vehicle or is otherwise in violation of this act is guilty
29 of a misdemeanor. The fact that he had no knowledge that
30 the use would be in violation of this act shall not be a
31 defense to a violation of this section.

32 Section 37. No person may employ as a chauffeur of a
33 motor vehicle any person not licensed as provided in this
34 act.

35 Section 38. Any person who violates any provision of
36 this act defined as a misdemeanor shall be punished by a

1 fine of not less than twenty-five dollars (\$25.00) and not
2 more than one hundred dollars (\$100.00) or by imprisonment
3 for not more than six (6) months in the county jail or by
4 both fine and imprisonment. Provided that on conviction for
5 the second or subsequent violation, the fine shall be not
6 less than fifty dollars (50.00) nor more than one hundred
7 dollars (\$100.00) and the person so convicted shall be con-
8 fined to the county jail for a period of not less than five
9 (5) days and not more than ninety (90) days.

10 Section 39. Any person of lawful age who makes ap-
11 plication for a driver's license or chauffeur's license to
12 the motor vehicle division of the Wyoming department of
13 revenue or authorized representative, and upon satisfactor-
14 ily passing such examination as may be given and upon pay-
15 ment of proper fee may be issued a receipt for payment. The
16 receipt may be used as a temporary license, and is valid for
17 a period of sixty (60) days after issuance, while the appli-
18 cation is being verified and processed and the regular
19 license is being issued.

20 Section 40. The license fees levied and collected
21 under the provisions of this act shall be credited to the
22 department of revenue, which shall be held by the depart-
23 ment for the purpose of paying a part of the cost of ad-
24 ministration and enforcement, and in furtherance of safety
25 education. The department is not required to return any
26 such surplus to the general fund at the end of any fiscal
27 year. The department shall draw up a budget for the division
28 sufficient to carry out the provisions of this act. The
29 budget shall be subject to approval by the legislature which
30 shall then authorize whatever additional funds may be neces-
31 sary for the administration of this act.

32 Section 41. The state highway patrol, police officers
33 and all other duly authorized agents are hereby vested with
34 the power and authority and charged with the duty of prompt-
35 ly and properly enforcing the provisions of this act and all
36 rules, regulations or orders made by virtue thereof, and of

1 the policing, controlling and regulating of all provisions
2 of this act, and to that end, are hereby vested with the
3 power to make arrests for violations hereof, or of any rule,
4 regulation or order of the board of equalization.

5 Section 42. The motor vehicle division shall make all
6 necessary rules and regulations for the administration of
7 this act.

8 Section 43. Sections 31-248 through 31-272, and
9 sections 31-274 through sections 31-276, Wyoming Statutes
10 1957, inclusive, as amended, are hereby repealed.