

8

79 LSO - 154

HOUSE BILL 43

Title: AN ACT to amend W.S. 31-9-102(a) introductory paragraph and (xiii) and by creating new paragraphs (xiv) and (xv), 31-9-202 by creating a new subsection (e) and 31-9-401 by creating a new subsection (e) relating to motor vehicles; providing a definition of moving violation; making mandatory possession of adequate insurance upon conviction of any moving violation; and providing for an effective date.

John R. Hard

Sponsored by:

DATE	ACTION	DATE	ACTION
JAN 9 1979	READ FIRST TIME		
	REFERRED TO COM. NO. <u>8</u>		
	DELIVERED TO COM. NO. <u>8</u>		
JAN 20 1979	RETURNED		
	RECOMMENDED DO. <u>PASS</u> <i>9 pages</i>		
	PLACED ON GENERAL FILE		
JAN 23 1979	CONSIDERED IN COM. ME. WHILE		
	RECOMMENDED DO. <u>PASS</u>		
JAN 24 1979	READ SECOND TIME		
JAN 25 1979	READ THIRD TIME		
	PASSED Ayes <u>55</u> Noes <u>7</u> Excused <u>0</u> Absentees <u>0</u> Sent to Senate		
1-26-79	<div style="border: 1px solid black; padding: 5px;"> Received from House _____ Read first time _____ Referred to Com. No. <u>8</u> Delivered to Com. No. <u>8</u> </div>		
2-22-79	STANDING COMM. REPORT RECOMMENDED DO NOT PASS <i>DIG/178043</i>		

CONTINUED ON BACK

91B 43Third ReadingDate 1/25/79

Roll Call of the House

of the FORTY-FIFTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD	✓				28 O'NEIL	✓			
62 ASAY	✓				27 ORRISON <i>go</i>	✓			
61 BRAGG	✓				26 PERRY <i>go</i>	✓	—		
60 BRYANT	✓				25 PHELAN <i>go</i>	✓			
59 BURNETT	✓	✓			24 PROSSER	✓			
58 CHAMBERLAIN	✓				23 ROTH	✓			
57 CROSS	✓				22 SALISBURY	✓			
56 CROWLEY	✓				21 SANDERS	✓			
55 CURRY	✓				20 SCHWOPE	✓			
54 DONLEY	✓				19 C. SCOTT	✓			
53 DUSL	✓	✓			18 D. SCOTT	✓			
52 EDWARDS	✓				17 SHREVE	✓			
51 ESKENS	✓				16 SIDI <i>go</i>	✓			
50 GARBER	✓				15 SIMONS <i>go</i>	✓			
49 GETTER	✓				14 SMITH	✓			
48 GROPP <i>go</i>	✓	✓			13 SPICER	✓			
47 HANSEN <i>go</i>	✓				12 STAUFFER	✓			
46 HEMMERT	✓				11 STRAND	✓			
45 HUNTER	✓				10 TARTER	✓			
44 HURSH	✓				9 THORSON	✓			
43 JENNINGS	✓				8 TROWBRIDGE	✓			
42 JENSEN	✓				7 TUGMAN	✓			
41 JONES <i>go</i>	✓				6 URBIGKIT	✓			
40 KINNISON <i>go</i>	✓				5 VINICH	✓			
39 LARSON <i>go</i>	✓				4 WIEDERSPAHN	✓			
38 LUMMIS <i>go</i>	✓				3 WILKINS	✓			
37 MacMILLAN	✓	✓			2 WINNINGER	✓			
36 MARTON	✓	✓			1 MR. SPEAKER	✓			
35 McILVAIN	✓				PRESENT _____ AYES <u>55</u> NOES <u>7</u> EXCUSED _____ ABSENT _____ TOTAL <u>62</u> LESS _____				
34 McMILLAN	✓	✓							
33 MEENAN	✓								
32 MICHELI	✓								
31 MICHIE	✓								
30 MORTON	✓								
29 MURPHY	✓								

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 20, 19 79

Mr. Speaker:

Your Committee No. 8 on Transportation & Highwaysto whom was referred H. B. No. 43respectfully reports same back to the House with the recommendation that it DO PASS.

AYES

NOES

Cross
Chamberlain
Curry
Dusl
Getter
Jensen
Roth
Sanders
Trowbridge

William A. "Rory" Cross
William A. "Rory" Cross

Chairman

House of Intro
 _____ To Com No. _____
 _____ Stand Report Do _____ Amd _____ Not _____
 _____ Com Whole Do _____ Amd _____ Not _____
 _____ 2nd Reading Amd _____
 _____ 3rd Reading Amd _____ Pass _____ Fail _____

Second House
 _____ To Com No. _____
 _____ Stand Report Do _____ Amd _____ Not _____
 _____ Com Whole Do _____ Amd _____ Not _____
 _____ 2nd Reading Amd _____
 _____ 3rd Reading Amd _____ Pass _____ Fail _____

1979

STATE OF WYOMING

79LSO-154.01

HOUSE BILL NO. 43

Financial Responsibility Act.

Sponsored by: Representative URBIGKIT

A BILL

for

1 AN ACT to amend W.S. 31-9-102(a) introductory paragraph
 2 and (xiii) and by creating new paragraphs (xiv) and (xv),
 3 31-9-202 by creating a new subsection (e) and 31-9-401 by
 4 creating a new subsection (e) relating to motor vehicles;
 5 providing a definition of moving violation; making manda-
 6 tory possession of adequate insurance upon conviction of
 7 any moving violation; and providing for an effective date.

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

9 Section 1. W.S. 31-9-102(a) introductory paragraph
 10 and (xiii) and by creating new paragraphs (xiv) and (xv),
 11 31-9-202 by creating a new subsection (e) and 31-9-401 by
 12 creating a new subsection (e) are amended to read:

1 31-9-102. Definitions.

2 (a) ~~The following words and phrases, when AS used in~~
3 ~~this act: shall, for the purposes of this act, have the~~
4 ~~meanings respectively ascribed to them in this section,~~
5 ~~except in those instances where the context clearly indi-~~
6 ~~cates a different meaning.~~

7 (xiii) ~~The term "Board" or "state board" means~~
8 ~~the state board of equalization TAX COMMISSION of the THIS~~
9 ~~state of Wyoming or any duly authorized employee of the~~
10 ~~same charged with the administration or enforcement of~~
11 ~~this act; .~~

12 (xiv) "MOVING VIOLATION" MEANS AND INCLUDES
13 BUT IS NOT LIMITED TO THE FOLLOWING MOTOR VEHICLE VIOLA-
14 TIONS AS DEFINED IN W.S. 31-5-101 THROUGH 31-5-1116:

15 (A) DRIVING ON THE WRONG SIDE OF THE
16 ROADWAY;

17 (B) PASSING OTHER MOTOR VEHICLES IMPROP-
18 ERLY;

19 (C) FOLLOWING OTHER MOTOR VEHICLES TOO
20 CLOSELY;

1 (D) MAKING IMPROPER TURNS;

2 (E) SPEEDING;

3 (F) DRIVING TOO SLOW;

4 (G) RECKLESS DRIVING;

5 (H) DRUNKEN DRIVING; AND

6 (J) FAILURE TO STOP AT A RED TRAFFIC
7 SIGNAL OR STOP SIGN.

8 (xv) "THIS ACT" MEANS W.S. 31-9-101 THROUGH
9 31-9-414.

10 31-9-202. License and registrations suspended after
11 accident reported; exclusions and security requirements;
12 insurance requirements upon conviction of moving viola-
13 tion.

14 (e) WITHIN SIXTY (60) DAYS AFTER THE RECEIPT OF A
15 REPORT OF A CONVICTION OF A MOVING VIOLATION WITHIN THIS
16 STATE, THE SUPERINTENDENT SHALL SUSPEND THE LICENSE OF
17 EACH OPERATOR OF A MOTOR VEHICLE REQUIRED TO BE REGISTERED
18 UNDER W.S. 31-4-101, AND ALL REGISTRATIONS OF EACH OWNER
19 OF A MOTOR VEHICLE TO BE REGISTERED UNDER W.S. 31-4-101 IF
20 THIS INDIVIDUAL:

1 (i) CANNOT SUPPLY PROOF OF FINANCIAL RESPONSIBILITY AS DEFINED IN W.S. 31-9-202(b); OR

3 (ii) HAS NOT WITHIN TWENTY (20) DAYS OF THE
4 CONVICTION OBTAINED AN INSURANCE POLICY WHICH PROVIDES A
5 MINIMUM COVERAGE OF TEN THOUSAND DOLLARS (\$10,000.00)
6 BECAUSE OF BODILY INJURY TO OR DEATH OF ONE (1) PERSON IN
7 ANY ONE (1) ACCIDENT, AND SUBJECT TO THAT LIMIT FOR ONE
8 (1) PERSON, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS
9 (\$20,000.00) BECAUSE OF BODILY INJURY TO OR DEATH OF TWO
10 (2) OR MORE PERSONS IN ANY ONE (1) ACCIDENT, AND IN THE
11 AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) BECAUSE OF
12 INJURY TO OR DESTRUCTION OF PROPERTY OF OTHERS IN ANY ONE
13 (1) ACCIDENT.

14 31-9-401. Suspension, etc., of license and registra-
15 tions until proof of financial responsibility furnished or
16 insurance policy obtained within 20 days of conviction;
17 when proof required.

18 (e) THE SUPERINTENDENT SHALL SUSPEND THE LICENSE AND
19 THE REGISTRATIONS FOR ALL MOTOR VEHICLES REGISTERED IN THE
20 NAME OF A PERSON CONVICTED OF A MOVING VIOLATION IF THAT
21 PERSON:

22 (i) CANNOT PROVIDE PROOF OF FINANCIAL RESPONSIBILITY WITH RESPECT TO ALL MOTOR VEHICLES REGISTERED TO

1 THAT PERSON; OR

2 (ii) WITHIN TWENTY (20) DAYS OF THE CONVICTION
3 CANNOT SHOW PROOF AS REQUIRED UNDER W.S. 31-9-202(e)(ii).

4 Section 2. This act is effective May 25, 1979.

5 (END)

FISCAL NOTE

Anticipated <u>REVENUE</u> to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE	=====	=====

Anticipated <u>COST</u> to:	Fiscal Year 19	Fiscal Year 19
	SEE DISCUSSION	
TOTAL ESTIMATED COST	=====	=====

Additional personnel and funding may be required to implement this measure.

disorder which results in disorientation or inability to react to driving conditions in a reasonably safe manner.

d. The person is not able to demonstrate the ability to safely operate a motor vehicle.

e. The person is an habitual user of intoxicants and/or any controlled substances to excess and at least two (2) reputable citizens of the community wherein the person resides shall so certify in writing, one (1) of whom shall be a law enforcement official, which conclusion must be concurred in by a member of the Medical Advisory Board. "To excess" shall be deemed to be to the extent of rendering the person incapable of rational behavior. This grounds for refusal to issue a driver's license shall be removed upon certification by the Medical Advisory Board that the person is no longer an habitual drunkard, or habitual user of any controlled substances. The disability shall be removed when the Medical Advisory Board certifies that the person is no longer an habitual drunkard or habitual user of controlled substances.

f. The person gives false or fictitious information upon the application for license. Refusal to issue a license upon this ground shall not exceed a period of ninety (90) days.

Section 8. Duplicate Licenses. Every person making application for a duplicate license shall be required to sign a statement of agreement to return the original license to the Motor Vehicle Division if it shall thereafter come into the person's possession.

Section 9. Grounds for Suspension or Revocation. The license of any person may be suspended for up to twelve (12) months or revoked for any of the following reasons:

a. A person who is convicted of an offense for which the law requires suspension or revocation.

b. A person who becomes subject to any of the conditions which are grounds for refusal to issue a license.

c. A person who is an habitually reckless or negligent driver. Upon a showing of the records of the Division that a person has been convicted of three (3) moving violations within a one (1) year period, such record shall be cause for a review by the Division of all factors to determine the degree of disregard for the safety of lives and property, and may, in the judgment of the Division, be grounds for suspension of the person's license as an habitually reckless or negligent driver. If the record shall be insufficient upon which to adjudge the person as an habitually reckless or negligent driver, the person shall nevertheless be given notice in writing of the review conducted, and as to the possible consequences

of further convictions becoming a part of the driving record. A moving violation is an act of control or lack of control by the driver of a motor vehicle while the vehicle is in motion, which results in a conviction.

Section 10. Surrender of License or Permit. Upon cancellation, suspension or revocation of any license or permit which by law requires the immediate surrender of the license or permit, the requirement shall be deemed to be complied with if the holder deposits the license in the United States mail postpaid, and duly addressed to the Motor Vehicle Division, delivers it to an employee of the Department, or delivers it to a member of the Wyoming Highway Patrol.

Section 11. Inconvenience class "C" or "M" Licenses. The application of persons not less than 14 years of age, but who have not yet reached their 16th birthday, for a restricted license shall be accompanied by a copy of the person's birth certificate or a certification of the person's date of birth by the school the person attends, and an affidavit setting forth the purpose or purposes for which there is a need for the applicant to drive, the names and relationship of persons having the same domicile as the applicant, designating those having driver's licenses and stating the reasons those licensed drivers cannot drive for the purposes for which application is made. No person shall operate a motor vehicle or motorcycle for any purpose other than those stated in the affidavit. Determination of circumstances which constitute an extreme inconvenience shall be made by the Cheyenne office of the Motor Vehicle Division of the Department of Revenue and Taxation. Supplemental affidavits may be filed during the existence of the license if the needs shall change, which shall be subject to approval or disapproval by the Department. If the needs for which the license is authorized cease to exist, the license shall be cancelled and immediately surrendered to the Division.

Section 12. Oaths. Every oath, affidavit or verification which shall be required to obtain a license or permit may be submitted to or administered by any driver's license examiner.

Section 13. Right to Hearing. Every person whose driver's license is suspended or revoked shall be notified of the right to a hearing on the suspension or revocation. This hearing will be held by the Independent Hearing Examiner. The person shall have twenty (20) days from the date of issue written on the "Notice of Proposed License Suspension" or the "Notice of Proposed License Revocation" in which to make a request for a hearing. The request for a hearing shall be made by mailing a written request, postage paid, to the Driver's License Division, Wyoming Department of Revenue and Taxation, 2200 Carey Avenue, Cheyenne, Wyoming 82002.