

HOUSE BILL NO. _____

Diesel fuel-unlawful use.

Sponsored by: Joint Transportation and Highways Interim Committee

A BILL

for

1 AN ACT relating to diesel fuel taxes; imposing and
2 modifying penalties related to the unlawful use of diesel
3 fuel; providing for a civil fine; conforming provisions;
4 and providing for an effective date.

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

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8 **Section 1.** W.S. 39-17-208(c)(viii) is amended to
9 read:

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11 **39-17-208. Enforcement.**

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13 (c) Penalties. The following shall apply:

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15 (viii) Except as otherwise provided for by law,
16 no person shall operate a motor vehicle upon any public

1 road or highway in this state with dyed diesel fuel
2 contained in the supply tank of the vehicle. Any person
3 who violates this subsection ~~is guilty of a misdemeanor~~
4 ~~punishable by a fine of not more than three hundred dollars~~
5 ~~(\$300.00) or three dollars (\$3.00) for every gallon of fuel~~
6 ~~involved, whichever is greater~~ shall pay a civil fine
7 assessed by the department. The ~~penalty fine~~ under this
8 ~~subsection~~ paragraph shall increase with subsequent
9 violations by multiplying the ~~penalty fine~~ imposed by the
10 number of prior violations. Payment of all fines imposed
11 under this paragraph shall be made to the county treasurer
12 of the county in which the violation occurs to be credited
13 to the county school fund. In addition to any other penalty
14 provided for in this subsection, after notice and an
15 opportunity to be heard, the department may impose a civil
16 fine of the greater of one thousand dollars (\$1,000.00) or
17 ten dollars (\$10.00) per gallon of dyed diesel fuel based
18 on the maximum storage capacity of the storage tank that
19 contains the fuel if a person:

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21 (A) Sells or stores any diesel fuel that
22 has been dyed for a use which the person selling or storing
23 the fuel knows, or has reason to know, is an unlawful use
24 of the fuel;

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(B) Willfully alters or attempts to alter the strength of composition of any dye in any dyed diesel fuel in order for the fuel to be used for an unlawful purpose; or

(C) Uses dyed diesel fuel for an unlawful purpose.

Section 2. This act is effective July 1, 2003.

(END)