

SENATE FILE NO. SF0026

Ports-of-entry mutual aid agreements.

Sponsored by: Joint Transportation, Highways and Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to the department of transportation;  
2 authorizing mutual aid agreements between the department  
3 and adjoining states for the operation of joint ports-of-  
4 entry; providing for the appointment of special enforcement  
5 officers pursuant to a port-of-entry mutual aid agreement;  
6 and providing for an effective date.

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

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10 **Section 1.** W.S. 31-1-203 by creating new subsections  
11 (d) through (h) is amended to read:

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13 **31-1-203. Special enforcement officers; summons and**  
14 **notice to appear for violations; deposit for appearance;**  
15 **disposition of deposit.**

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1       (d) The department may enter into mutual aid  
2 agreements with adjoining states to provide for the  
3 construction and joint operation of ports-of-entry located  
4 near the borders of the party states. A mutual aid  
5 agreement pursuant to this subsection may provide for the  
6 issuance of permits and the collection of highway user  
7 fees, registration fees, permit fees, fuel taxes or any  
8 other motor carrier fees that may be prescribed by law at a  
9 joint port-of-entry on behalf of the adjoining state. As a  
10 condition precedent to a written agreement becoming  
11 effective under this act, the agreement shall be submitted  
12 to and receive the approval of the attorney general and the  
13 governor.

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15       (e) A mutual aid agreement pursuant to subsection (d)  
16 of this section shall specify the following:

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18           (i) Its duration, which shall be not more than  
19 four (4) years;

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21           (ii) The purpose of the agreement;

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23           (iii) The manner of financing the agreement and  
24 establishing and maintaining a budget therefor;

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(iv) The method to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(v) Provision for administering the agreement;

(vi) The manner of acquiring, holding and disposing of real and personal property used in the agreement;

(vii) The minimum standards for port-of-entry employees implementing the provisions of the agreement;

(viii) The respective liability of each party to the agreement for the actions of port-of-entry employees when acting under the provisions of the agreement;

(ix) The minimum insurance, if any, required of each party to the agreement;

1           (x) The exact chain of command or delegation of  
2 authority to be followed by port-of-entry employees acting  
3 under the provisions of the agreement;

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5           (xi) The enforcement authority that the port-of-  
6 entry employee of each state may exercise;

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8           (xii) Any other necessary and proper matters.

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10          (f) A special enforcement officer, appointed under  
11 subsection (a) of this section may receive an appointment  
12 from an adjoining state and act on behalf of the adjoining  
13 state to enforce vehicle weight laws at a joint port-of-  
14 entry, as provided in a mutual aid agreement pursuant to  
15 subsection (d) of this section. A special enforcement  
16 officer with an appointment from an adjoining state, upon  
17 determining there is probable cause to believe a person is  
18 in violation of the weight laws of the adjoining state,  
19 may issue a summons to appear in the appropriate state  
20 court of the adjoining state. The summons shall command  
21 the person to appear in the court of the adjoining state  
22 where the violations occurred. A special enforcement  
23 officer shall not have the power to arrest any person on  
24 behalf of an adjoining state.

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2 (g) The department may appoint an out-of-state  
3 special enforcement officer to issue summons as provided in  
4 subsection (b) of this section at a joint port-of-entry  
5 located in an adjoining state, pursuant to a mutual aid  
6 agreement as provided in subsection (d) of this section.

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8 (h) Whenever port-of-entry employees of an adjoining  
9 state are performing duties pursuant to a mutual aid  
10 agreement pursuant to subsection (d) of this section, the  
11 employees shall have the same powers, duties, rights,  
12 privileges and immunities as comparable Wyoming port-of-  
13 entry employees as provided for in the agreement.

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15 **Section 2.** This act is effective July 1, 2007.

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(END)