

SENATE FILE NO. SF0056

Fuel tax bonds.

Sponsored by: Senator(s) Meier and Representative(s)
Wallis

A BILL

for

1 AN ACT relating to fuel taxes; authorizing certificates of
2 deposit to secure taxes due from licensees; specifying
3 requirements; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 39-17-106(e)(intro) and by creating a
8 new paragraph (vi), 39-17-108(c)(iii), 39-17-206(k)(intro)
9 and by creating a new paragraph (vi) and 39-17-208(c)(iii)
10 are amended to read:

11

12 **39-17-106. Licenses; permits.**

13

14 (e) The department may require bonds, or accept in
15 lieu of a bond a certificate of deposit meeting the

1 requirements of paragraph (vi) of this subsection, under
2 this article as follows:

3
4 (vi) In lieu of a surety or cash bond the
5 department may accept a certificate of deposit under the
6 following requirements:

7
8 (A) The certificate of deposit:

9
10 (I) Shall be issued by a financial
11 institution authorized to do business in Wyoming and
12 qualified by law to act as a depository of public funds in
13 this state;

14
15 (II) Shall be payable not more than
16 one (1) year after being deposited with the department.

17
18 (B) The department shall be given a first
19 priority security interest in the certificate of deposit.
20 The certificate of deposit shall not be subject to
21 attachment or execution unless the attachment or execution
22 arises out of a suit for delinquent taxes, penalties and
23 interest due under this article and the return of the
24 license issued under this article. The entire amount of

1 the certificate of deposit shall be forfeited to the state
2 if the licensee practices any fraud, makes any fraudulent
3 representation or violates any law relating to the conduct
4 of the business for which he is licensed under this
5 article;

6
7 (C) The certificate of deposit and related
8 documents providing for the security interest and
9 forfeiture shall be approved as to form by the Wyoming
10 attorney general;

11
12 (D) The licensee shall pay all cost
13 incurred by the department to perfect its security
14 interest;

15
16 (E) Any interest earned on a certificate of
17 deposit shall accrue to the licensee.

18
19 **39-17-108. Enforcement.**

20
21 (c) Penalties. The following shall apply:

22
23 (iii) Any person who fails to furnish any report
24 or remit any license tax to the department as required by

1 this article is guilty of a misdemeanor. Each offense is
2 punishable as provided in paragraph (vii) of this
3 subsection. In addition, the department may suspend or
4 revoke any license held by the offender and may require the
5 offender, as a condition of any future licensing under this
6 article, to provide a surety bond, cash bond or certificate
7 of deposit as provided by W.S. 39-17-106(e);

8
9 **39-17-206. Licenses; permits.**

10
11 (k) The department may require bonds, or accept in
12 lieu of a bond a certificate of deposit meeting the
13 requirements of paragraph (vi) of this subsection, under
14 this article as follows:

15
16 (vi) In lieu of a surety or cash bond the
17 department may accept a certificate of deposit under the
18 following requirements:

19
20 (A) The certificate of deposit:

21
22 (I) Shall be issued by a financial
23 institution authorized to do business in Wyoming and

1 qualified by law to act as a depository of public funds in
2 this state;

3
4 (II) Shall be payable not more than
5 one (1) year after being deposited with the department.

6
7 (B) The department shall be given a first
8 priority security interest in the certificate of deposit.
9 The certificate of deposit shall not be subject to
10 attachment or execution unless the attachment or execution
11 arises out of a suit for delinquent taxes, penalties and
12 interest due under this article and the return of the
13 license issued under this article. The entire amount of
14 the certificate of deposit shall be forfeited to the state
15 if the licensee practices any fraud, makes any fraudulent
16 representation or violates any law relating to the conduct
17 of the business for which he is licensed under this
18 article;

19
20 (C) The certificate of deposit and related
21 documents providing for the security interest and
22 forfeiture shall be approved as to form by the Wyoming
23 attorney general;

1 (D) The licensee shall pay all cost
2 incurred by the department to perfect its security
3 interest;

4
5 (E) Any interest earned on a certificate of
6 deposit shall accrue to the licensee.

7
8 **39-17-208. Enforcement.**

9
10 (c) Penalties. The following shall apply:

11
12 (iii) Any person who fails to furnish any report
13 or remit any license tax to the department as required by
14 this article is guilty of a misdemeanor. Each offense is
15 punishable as provided in paragraph (vii) of this
16 subsection. In addition, the department may suspend or
17 revoke any license held by the offender and may require the
18 offender, as a condition of any future licensing under this
19 article, to provide a surety bond, cash bond or certificate
20 of deposit as provided in W.S. 39-17-206(k);

21
22 **Section 2.** This act is effective July 1, 2010.

23
24 (END)