

ENROLLED ACT NO. 6, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to license revocations; revising the process for liquor license suspension or revocation; revising the sales tax license revocation; designating the state board of equalization as the tribunal for appeals of license revocations; and providing for an effective date.

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

**Section 1.** W.S. 12-7-201(d) and (e), 39-15-106(a) and (g)(intro) and 39-15-108(c)(viii)(intro) are amended to read:

**12-7-201. Civil action; administrative and judicial proceedings; disposition of liquors.**

(d) The division may revoke any license or permit issued under this title for violation of any of the rules and regulations promulgated by the department pursuant to this title or for violation of any of the provisions of this title. ~~Revocation proceedings initiated by the division shall be conducted as a contested case under the Wyoming Administrative Procedure Act before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the division.~~ Prior to suspension or final revocation of a license or permit under this chapter the division shall issue at least two (2) written notices of the intent to revoke or suspend the license or permit to the licensee. The notices shall be provided at least one (1) week apart and the final notice shall be provided at least thirty (30) days prior to any suspension or revocation. The notice shall identify the violation warranting revocation or suspension of the license or permit, the date when it will be suspended or revoked and the ability to appeal and to continue to operate as provided in this subsection. Unless the division

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orders otherwise, a licensee may continue to operate under the license or permit pending an appeal of a license suspension or revocation to the state board of equalization made under this subsection. Any appeal shall be filed with the state board of equalization not more than thirty (30) days following the suspension or revocation of the license or permit. Appeals before the state board shall be conducted as a contested case under the Wyoming Administrative Procedure Act and the state board shall either affirm or deny the action taken by the division. The state board may affirm an order of immediate suspension of a license or permit if the division demonstrates that the licensee should not be permitted to operate pending the outcome of an appeal made under this subsection. The decision of the ~~division~~state board shall be subject to judicial review under W.S. 16-3-114 except that the review shall not operate to stay a revocation or suspension order of the division during the pendency of the district court proceeding or during a later appeal to the supreme court. Should the license or permit of a ~~defendant~~licensee expire during the pendency of an appeal before the state board or in any of the courts of this state, no new or renewal license shall be granted by the licensing authority to the ~~defendant~~licensee or any other person pending the outcome of the appeal.

(e) Upon the final revocation of a liquor license or permit, all alcoholic liquors in the possession of the license holder and which are in merchantable condition shall be delivered to the division which shall reimburse the license holder for the value thereof at its then regular wholesale prices. All malt beverages and nonmerchantable alcoholic liquors shall be disposed of at the direction of the division.

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**39-15-106. Licenses; permits.**

(a) Every vendor shall obtain from the department a sales tax license to conduct business in the state. Any out-of-state vendor not otherwise subject to this article may voluntarily apply for a license from the department and if licensed, shall collect and remit the state sales tax imposed by W.S. 39-15-104. The license shall be granted only upon application stating the name and address of the applicant, the character of the business in which the applicant proposes to engage, the location of the proposed business and other information as the department may require. Effective July 1, 1997, a license fee of sixty dollars (\$60.00) shall be required from each new vendor, except for any remote vendor who has no requirement to register in this state, or who is using one (1) of the technology models pursuant to the streamlined sales and use tax agreement. Failure of a vendor to timely file any return may result in forfeiture of the license granted under this section. The department shall charge sixty dollars (\$60.00) for reinstatement of any forfeited license. The department shall send any vendor who reports no gross sales for three (3) consecutive years a form prescribed by the department to show cause why the vendor's license should not be revoked. The vendor shall complete and file the report with the department within thirty (30) days of receipt of the form. If the department finds just cause for the vendor to retain the license, no further action shall be taken. If the department finds just cause to revoke the license, the vendor shall be notified of the revocation. Any vendor whose license is revoked under this subsection may appeal the decision to the state board of equalization as provided in subsection (g) of this section.

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(g) The department may, after providing ~~notice and an opportunity for a hearing~~ two (2) written notices of intent to revoke identifying the reasons therefore, revoke the license of any vendor violating any provision of this article. ~~and~~ The notices shall be provided at least one (1) week apart and the final notice shall be provided at least thirty (30) days prior to any revocation. The revocation of the department shall inform the vendor of all steps necessary to conform with the revocation and shall include the consequences of failure to cease business activities and the opportunity to appeal as provided in this subsection. The vendor may appeal a revocation under this subsection to the state board of equalization not more than thirty (30) days following the revocation of the license. Appeals before the state board shall be conducted as contested case proceedings under the Wyoming Administrative Procedure Act. If a license is revoked under this subsection, no license shall thereafter be issued to that person until the applicant has:

**39-15-108. Enforcement.**

(c) Penalties. The following shall apply:

(viii) The department may, after providing ~~notice and an opportunity for a hearing~~ two (2) written notices of intent to revoke identifying the reasons therefore, revoke the license of any vendor violating any provision of this article. ~~and~~ The notices shall be provided at least one (1) week apart and the final notice shall be provided at least thirty (30) days prior to any revocation. The revocation of the department shall inform the vendor of all steps necessary to conform with the revocation and shall include the consequences of failure to cease business activities and the opportunity to appeal as

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provided in this subsection. The vendor may appeal a revocation under this paragraph to the state board of equalization not more than thirty (30) days following the revocation of the license. Appeals before the state board shall be conducted as contested case proceedings under the Wyoming Administrative Procedure Act. If a license is revoked under this subsection, no license shall thereafter be issued to that person until the applicant has:

**Section 2.** This act is effective July 1, 2017.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk