

HOUSE BILL NO. HB0280

Vehicle registration requirements.

Sponsored by: Representative(s) Eklund, Blake and Brown and
Senator(s) Emerich and Meier

A BILL

for

1 AN ACT relating to motor vehicles; creating a rebuttable
2 presumption pertaining to ownership of vehicles registered
3 under the laws of another jurisdiction that are operated by
4 Wyoming residents; providing for notice and hearing as
5 specified; providing a penalty; amending vehicle
6 registration exemptions; and providing for effective dates.

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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. 31-2-201 by creating new subsections
11 (o) and (p) and 31-2-224(a)(v) by creating a new
12 subparagraph (C) are amended to read:

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14 **31-2-201. Registration required; timelines.**

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1 (o) A resident found to be in control of a vehicle
2 operated or driven upon any highway for which Wyoming
3 vehicle registration is required shall be rebuttably
4 presumed to be the actual owner of the vehicle, subject to
5 the following:

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7 (i) The department, in consultation with the
8 department of revenue, a county treasurer or a Wyoming
9 peace officer, is authorized to determine that a resident
10 is in control of a vehicle operated or driven upon any
11 highway in Wyoming for which Wyoming vehicle registration
12 is required. Factors that indicate a resident is in
13 control of a vehicle include, but are not limited to the
14 following:

15
16 (A) The resident was a purchaser of the
17 vehicle;

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19 (B) The resident operated or stored the
20 vehicle in Wyoming for any period of time;

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1 (C) The resident is a partner, member or
2 shareholder of the business entity that purports to be the
3 owner of the vehicle;

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5 (D) The resident is insured to drive the
6 vehicle.

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8 (ii) Upon a determination that a resident is in
9 control of a vehicle operated or driven upon any highway in
10 Wyoming for which Wyoming vehicle registration is required,
11 the department shall notify the resident in writing that
12 the resident is required to register the vehicle and to pay
13 any sales or use taxes due on the purchase or use of the
14 vehicle in accordance with W.S. 39-15-107(b)(i) or
15 39-16-107(b)(ii) within thirty (30) days from the date of
16 the notice;

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18 (iii) The department shall promulgate rules
19 necessary to implement this subsection, including rules to
20 provide the resident an opportunity for a hearing and
21 appeal in accordance with the Wyoming Administrative
22 Procedure Act. Following a final determination in the

1 appeal in favor of the department, the resident shall owe
2 the taxes and fees determined to be due.

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4 (p) If a resident found to be in control of a vehicle
5 operated or driven upon any highway for which Wyoming
6 vehicle registration is required under subsection (o) of
7 this section fails to pay registration fees or applicable
8 sales or use taxes due within thirty (30) days from the
9 date of the notice required under subsection (o) of this
10 section or within thirty (30) days following a final
11 determination in favor of the department, the person shall
12 be charged a penalty equal to seventy-five percent (75%)
13 of the unpaid registration fees.

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15 **31-2-224. Registration exemptions.**

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17 (a) The following vehicles are exempt from the
18 provisions of this article:

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20 (v) Vehicles owned by a nonresident, validly
21 registered in another state or country, displaying
22 registration numbers or plates in accordance with the laws
23 of that state or country and:

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(C) Not operated primarily by a resident
found to be in control of a vehicle under W.S. 31-2-201(o).

Section 2. The department of transportation shall promulgate rules and regulations necessary to implement this act on or before October 15, 2017.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

(b) Section 2 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)