

SENATE FILE NO. SF0011

License revocation process.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

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

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

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

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13 **12-7-201. Civil action; administrative and judicial**
14 **proceedings; disposition of liquors.**

15

1 (d) The division may revoke any license or permit
2 issued under this title for violation of any of the rules
3 and regulations promulgated by the department pursuant to
4 this title or for violation of any of the provisions of
5 this title. ~~Revocation proceedings initiated by the~~
6 ~~division shall be conducted as a contested case under the~~
7 ~~Wyoming Administrative Procedure Act before a hearing~~
8 ~~examiner of the office of administrative hearings, who~~
9 ~~shall recommend a decision to the division.~~ Prior to
10 suspension or final revocation of a license or permit under
11 this chapter the division shall issue at least two (2)
12 written notices of the intent to revoke or suspend the
13 license or permit to the licensee. The notices shall be
14 provided at least one (1) week apart and the final notice
15 shall be provided at least thirty (30) days prior to any
16 suspension or revocation. The notice shall identify the
17 violation warranting revocation or suspension of the
18 license or permit, the date when it will be suspended or
19 revoked and the ability to appeal and to continue to
20 operate as provided in this subsection. Except as otherwise
21 provided in this subsection, if the division suspends or
22 revokes a license or permit the licensee may continue to
23 operate under the license or permit pending an appeal to

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

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

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10 **39-15-106. Licenses; permits.**

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12 (a) Every vendor shall obtain from the department a
13 sales tax license to conduct business in the state. Any
14 out-of-state vendor not otherwise subject to this article
15 may voluntarily apply for a license from the department and
16 if licensed, shall collect and remit the state sales tax
17 imposed by W.S. 39-15-104. The license shall be granted
18 only upon application stating the name and address of the
19 applicant, the character of the business in which the
20 applicant proposes to engage, the location of the proposed
21 business and other information as the department may
22 require. Effective July 1, 1997, a license fee of sixty
23 dollars (\$60.00) shall be required from each new vendor,

1 except for any remote vendor who has no requirement to
2 register in this state, or who is using one (1) of the
3 technology models pursuant to the streamlined sales and use
4 tax agreement. Failure of a vendor to timely file any
5 return may result in forfeiture of the license granted
6 under this section. The department shall charge sixty
7 dollars (\$60.00) for reinstatement of any forfeited
8 license. The department shall send any vendor who reports
9 no gross sales for three (3) consecutive years a form
10 prescribed by the department to show cause why the vendor's
11 license should not be revoked. The vendor shall complete
12 and file the report with the department within thirty (30)
13 days of receipt of the form. If the department finds just
14 cause for the vendor to retain the license, no further
15 action shall be taken. If the department finds just cause
16 to revoke the license, the vendor shall be notified of the
17 revocation. Any vendor whose license is revoked under this
18 subsection may appeal the decision to the state board of
19 equalization as provided in subsection (g) of this section.

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21 (g) The department may, after providing ~~notice and an~~
22 ~~opportunity for a hearing~~ two (2) written notices of intent
23 to revoke identifying the reasons therefore, revoke the

1 license of any vendor violating any provision of this
2 article. ~~and~~ The notices shall be provided at least one (1)
3 week apart and the final notice shall be provided at least
4 thirty (30) days prior to any revocation. The revocation of
5 the department shall inform the vendor of all steps
6 necessary to conform with the revocation and shall include
7 the consequences of failure to cease business activities
8 and the opportunity to appeal as provided in this
9 subsection. The vendor may appeal a revocation under this
10 subsection to the state board of equalization not more than
11 thirty (30) days following the revocation of the license.
12 Appeals before the state board shall be conducted as
13 contested case proceedings under the Wyoming Administrative
14 Procedure Act. If a license is revoked under this
15 subsection, no license shall thereafter be issued to that
16 person until the applicant has:

17
18 **39-15-108. Enforcement.**

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20 (c) Penalties. The following shall apply:

21
22 (viii) The department may, after providing
23 ~~notice and an opportunity for a hearing~~ two (2) written

1 notices of intent to revoke identifying the reasons
2 therefore, revoke the license of any vendor violating any
3 provision of this article. ~~and~~ The notices shall be
4 provided at least one (1) week apart and the final notice
5 shall be provided at least thirty (30) days prior to any
6 revocation. The revocation of the department shall inform
7 the vendor of all steps necessary to conform with the
8 revocation and shall include the consequences of failure to
9 cease business activities and the opportunity to appeal as
10 provided in this subsection. The vendor may appeal a
11 revocation under this paragraph to the state board of
12 equalization not more than thirty (30) days following the
13 revocation of the license. Appeals before the state board
14 shall be conducted as contested case proceedings under the
15 Wyoming Administrative Procedure Act. If a license is
16 revoked under this subsection, no license shall thereafter
17 be issued to that person until the applicant has:

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

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21 (END)