

HOUSE BILL NO. HB0179

Food trucks.

Sponsored by: Representative(s) Lindholm, Blackburn, Blake, Burlingame, Clem, Hunt, Styvar and Zwonitzer and Senator(s) Boner, Hicks and Nethercott

A BILL

for

1 AN ACT relating to food trucks; providing for state licensure
2 of food trucks; requiring a fee; requiring rulemaking; and
3 providing for effective dates.

4

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

6

7 **Section 1.** W.S. 11-51-101 through 11-51-103 are created
8 to read:

9

10 CHAPTER 51

11 FOOD TRUCKS

12

13 **11-51-101. Definitions.**

14

15 (a) As used in this chapter:

1

2 (i) "Food truck" means a fully encased food
3 establishment on a motor vehicle or trailer that is pulled by
4 a motor vehicle from which a person, from within the frame of
5 the vehicle or trailer, prepares, cooks, sells or serves food
6 or beverages for immediate human consumption. "Food truck"
7 does not include a pushcart or an ice cream truck;

8

9 (ii) "Operate a food truck" or "operation of a
10 food truck" means to offer for sale any food or beverages for
11 immediate human consumption from the food truck;

12

13 (iii) "Political subdivision" means a city, town
14 or county of the state.

15

16 **11-51-102. Licensing; fees; controlling authority.**

17

18 (a) No person shall operate a food truck in the state
19 without obtaining a license from the department in accordance
20 with this chapter.

21

1 (b) The department shall issue a license to operate a
2 food truck to any person who furnishes satisfactory evidence
3 of the following:

4

5 (i) A license from the department for processing,
6 distributing, storing or preparing food for sale pursuant to
7 W.S. 35-7-124;

8

9 (ii) A sales tax license from the department of
10 revenue if required pursuant to W.S 39-15-106;

11

12 (iii) Compliance with reasonable fire safety
13 standards for food trucks as determined by rule of the
14 department;

15

16 (iv) Compliance with other applicable federal and
17 state laws or regulations governing the operation of a food
18 truck;

19

20 (v) General liability insurance that provides at
21 least one million dollars (\$1,000,000.00) for coverage.

22

1 (c) A license issued by the department in accordance
2 with this chapter shall be subject to the following:

3

4 (i) Subject to subsection (d) of this section, the
5 license shall authorize a person to operate a food truck
6 within any city, town or county in the state, including on
7 public rights-of-way, public parking lots and private
8 property with the express permission from the private
9 property owner;

10

11 (ii) The license shall be valid for one (1) year;

12

13 (iii) The license fee shall be one hundred dollars
14 (\$100.00);

15

16 (iv) The department may revoke or suspend the
17 license if the licensee violates the terms of the license.

18

19 (d) A political subdivision shall not regulate the
20 operation of a food truck by a person licensed in accordance
21 with this chapter except to:

22

1 (i) Subject the operation of a food truck to
2 reasonable time, place and manner restrictions as necessary
3 to provide for the public health and safety of any public or
4 private place in the political subdivision;

5

6 (ii) Enforce the zoning or other ordinances of the
7 political subdivision in relation to the operation of a food
8 truck to the extent those regulations do not violate this
9 chapter.

10

11 (e) License fees collected pursuant to paragraph
12 (c)(iii) of this section shall be retained by the department
13 to cover the direct and indirect costs of implementing this
14 chapter.

15

16 (f) The operation of a food truck in this state is
17 governed exclusively by this chapter and any laws consistent
18 with this chapter. No political subdivision shall charge a
19 fee, require a license or otherwise subject a person operating
20 a food truck to other requirements that are inconsistent with,
21 are more restrictive than or exceed the requirements of this
22 chapter.

23

1 **11-51-103. Rulemaking.**

2

3 The department shall adopt rules in accordance with the
4 Wyoming Administrative Procedure Act for the purpose of
5 carrying out this chapter.

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7 **Section 2.** W.S. 35-7-110(a)(xi) is amended to read:

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9 **35-7-110. Definitions.**

10

11 (a) As used in this act:

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13 (xi) "Establishment" means and includes any place
14 or any area of any establishment, including a food truck as
15 defined in W.S. 11-51-101(a)(i), in which foods, drugs,
16 devices and cosmetics are displayed for sale, manufactured,
17 processed, packed, held or stored. "Establishment" does not
18 include a home kitchen where food is prepared and stored for
19 family consumption, or any other place equipped for the
20 preparation, consumption and storage of food on the premise
21 by employees or nonpaying guests;

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