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

1 for

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

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

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

CHAPTER 51

FOOD TRUCKS


(a) As used in this chapter:
(i) "Food truck" means a fully encased food establishment on a motor vehicle or trailer that is pulled by a motor vehicle from which a person, from within the frame of the vehicle or trailer, prepares, cooks, sells or serves food or beverages for immediate human consumption. "Food truck" does not include a pushcart or an ice cream truck;

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

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

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

(a) No person shall operate a food truck in the state without obtaining a license from the department in accordance with this chapter.
(b) The department shall issue a license to operate a food truck to any person who furnishes satisfactory evidence of the following:

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

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

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

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

(v) General liability insurance that provides at least one million dollars ($1,000,000.00) for coverage.
(c) A license issued by the department in accordance with this chapter shall be subject to the following:

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

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

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

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

(d) A political subdivision shall not regulate the operation of a food truck by a person licensed in accordance with this chapter except to:
(i) Subject the operation of a food truck to reasonable time, place and manner restrictions as necessary to provide for the public health and safety of any public or private place in the political subdivision;

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

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

(f) The operation of a food truck in this state is governed exclusively by this chapter and any laws consistent with this chapter. No political subdivision shall charge a fee, require a license or otherwise subject a person operating a food truck to other requirements that are inconsistent with, are more restrictive than or exceed the requirements of this chapter.
11-51-103. Rulemaking.

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

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

35-7-110. Definitions.

(a) As used in this act:

(xi) "Establishment" means and includes any place or any area of any establishment, including a food truck as defined in W.S. 11-51-101(a)(i), in which foods, drugs, devices and cosmetics are displayed for sale, manufactured, processed, packed, held or stored. "Establishment" does not include a home kitchen where food is prepared and stored for family consumption, or any other place equipped for the preparation, consumption and storage of food on the premise by employees or nonpaying guests;
Section 3. On or before July 1, 2019, the department of agriculture shall adopt any rules necessary to implement this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(b) Section 3 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)