

ORIGINAL HOUSE
BILL NO. HB0148

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to fees paid through the office of the secretary of state; increasing fees as specified; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 1-6-301(a) and (b), 9-1-305(a)(i), 17-4-410(a), 17-14-209(a)(i), (ii) and by creating a new paragraph (v), 17-16-1630(a) and (f), 17-16-1720(e), 17-19-122(a)(i), (iv), (v) and (vi), 17-19-1630(d), 17-21-1101(n), 17-29-209(a), 17-29-210(a)(i), (ii) and by creating a new paragraph (v), 17-29-211 by creating a new subsection (o), 17-29-1011(e), 22-5-208(a)(i), (ii) and by creating a new paragraph (iii), 22-24-302, 22-24-402 and 28-7-101(b)(intro) are amended to read:

1-6-301. Secretary of state deemed attorney for service; continuance of action; costs; record of process; jurisdiction; direction of summons.

(a) The use and operation of a motor vehicle on any street or highway within Wyoming by any person upon whom service of process cannot be made within Wyoming either personally or by service upon a duly appointed resident agent is deemed an appointment of the secretary of state of Wyoming as the operator's lawful attorney upon whom may be served all legal processes in any proceeding against him, or his personal representative if he be deceased, due to damage or injury to person or property resulting from the operation of a motor vehicle on the streets or highways within this state. Such operation constitutes the operator's agreement that any process served in any action against him or his personal representative has the same legal force and validity as if served upon him or his personal representative personally within this state.

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Service shall be made by serving a copy of the process upon the secretary of state or by filing such copy in his office, together with payment of a fee of ~~three dollars (\$3.00)~~ ten dollars (\$10.00). Within ten (10) days after the date of service, notice of such service and a copy of the process shall be served upon the defendant or his personal representative either personally or by certified mail addressed to the last known address of the defendant or his personal representative. The plaintiff shall file with the clerk of the court in which the action is brought an affidavit that he has complied with such requirement.

(b) The court in which the action is pending shall order such continuance as necessary to afford the defendant or his personal representative reasonable opportunity to defend the action. The fee of ~~three dollars (\$3.00)~~ ten dollars (\$10.00) paid by the plaintiff to the secretary of state at the time of service of process shall be taxed as costs in the suit.

9-1-305. Fees; amounts; collection; exceptions.

(a) The secretary of state shall collect the following fees in advance for:

(i) Except as provided in W.S. 32-1-114(c), certificate and seal, ~~three dollars (\$3.00)~~ ten dollars (\$10.00);

17-4-410. Filing fees.

(a) A person shall pay a fee of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars (\$250.00) when initially filing an application for registration as a broker-dealer and a fee of ~~two hundred dollars (\$200.00)~~

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two hundred fifty dollars (\$250.00) when filing a renewal of registration as a broker-dealer. If the filing results in a denial or withdrawal, the secretary of state shall retain the entire fee.

17-14-209. Fees.

(a) The secretary of state shall charge and collect the following fees:

(i) For filing a certificate of limited partnership, or for an application for a certificate of continuance ~~or for registering a foreign limited partnership,~~ a fee of one hundred dollars (\$100.00);

(ii) For filing a certificate of amendment or cancellation, or for filing a reservation of name, ~~fifty dollars (\$50.00).~~ sixty dollars (\$60.00);

(v) For registering a foreign limited partnership, a fee of one hundred fifty dollars (\$150.00).

17-16-1630. Filing of reports and payment of tax required; amount of tax; exemptions; records.

(a) Every corporation organized under the laws of this state and every foreign corporation which obtains the right to transact and carry on business within this state (except banks, insurance companies and savings and loan associations) shall file with the secretary of state on or before the first day of the month of registration of every year a certification, under the penalty of perjury, by its treasurer or other fiscal agent setting forth its capital, property and assets located and employed in the state of Wyoming. The statement shall give the names and addresses

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of its officers and directors and the address of its principal office. On or before the first day of the month of registration of every year the corporation shall pay to the secretary of state in addition to all other statutory taxes and fees a license tax based upon the sum of its capital, property and assets reported, of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00) or two-tenths of one mill on the dollar (\$.0002), whichever is greater.

(f) In addition to other fees provided under this section, each corporation shall pay one hundred dollars (\$100.00), except for foreign corporations which shall pay one hundred fifty dollars (\$150.00), to the secretary of state for initial incorporation or qualification to do business in Wyoming.

17-16-1720. Transfer of a Wyoming corporation to another jurisdiction.

(e) Every corporation organized, domesticated or continued under the laws of this state in order to receive a certificate of transfer pursuant to subsection (c) of this section shall pay to the secretary of state, in addition to all other statutory taxes and fees, a special toll charge of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00).

17-19-122. Filing, service and copying fees.

(a) The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

Document	Fee
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(i) Articles of Incorporation.....~~\$25.00~~ \$50.00

(iv) Amendment of articles of incorporation.....~~\$ 3.00~~ \$25.00

(v) Application for certificate of authority~~\$25.00~~ \$50.00

(vi) Application for certificate of existence or authorization.....~~\$ 3.00~~ \$20.00

17-19-1630. Filing of reports.

(d) A fee of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) shall be collected by the secretary of state upon initial incorporation or qualification and an annual franchise fee of twenty-five dollars (\$25.00) shall accompany the annual report.

17-21-1101. Registered limited liability partnerships.

(n) An initial registration fee of one hundred dollars (\$100.00) shall be paid to the secretary of state except for foreign limited liability partnerships which shall pay an initial registration fee of one hundred fifty dollars (\$150.00). In addition each registered limited liability partnership and foreign limited liability partnership shall annually comply with and pay the fees provided by W.S. 17-16-1630(a) through (e) and 17-16-120(j) as if it were a corporation. Any registered foreign limited liability partnership transacting business in this state without registering or annually maintaining its registration is subject to the penalties provided by W.S. 17-16-1502(d).

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17-29-209. Annual report for secretary of state.

(a) Every limited liability company organized under the laws of this state and every foreign limited liability company which obtains a certificate of authority to transact and carry on business within this state shall file with the secretary of state on or before the first day of the month of organization of every year a certification, under the penalty of perjury, by its treasurer or other fiscal agent setting forth its capital, property and assets located and employed in the state of Wyoming. The statement shall give the address of its principal office. On or before the first day of the month of organization of every year the limited liability company or foreign limited liability company shall pay to the secretary of state in addition to all other statutory taxes and fees a license fee based upon the sum of its capital, property and assets reported, of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00) or two-tenths of one mill on the dollar (\$.0002), whichever is greater.

17-29-210. Fees; annual fee.

(a) The secretary of state shall charge and collect fees from limited liability companies and foreign limited liability companies for:

(i) ~~Filing the original articles of organization or issuing a certificate of authority for a foreign limited liability company,~~ one hundred dollars (\$100.00);

(ii) For amending the articles of organization, a filing fee of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00);

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(v) Issuing a certificate of authority for a foreign limited liability company, a filing fee of one hundred fifty dollars (\$150.00).

17-29-211. Series of members, managers, transferable interests or assets.

(o) The secretary of state shall charge and collect fees from limited liability companies and foreign limited liability companies establishing one (1) or more series in the amount of ten dollars (\$10.00) per series designated or established under this section.

17-29-1011. Transfer of a Wyoming limited liability company to another jurisdiction.

(e) Every limited liability company organized, domesticated or continued under the laws of this state in order to receive a certificate of transfer pursuant to subsection (c) of this section shall pay to the secretary of state, in addition to all other statutory taxes and fees, a special toll charge of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00).

22-5-208. Filing fees; exception.

(a) Applications shall be accompanied by the following fees:

(i) ~~Twenty five dollars (\$25.00)~~ One hundred dollars (\$100.00) for the offices of state senator, state representative, district attorney and for the offices to be voted for by electors wholly within a county;

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(ii) ~~Two hundred dollars (\$200.00)~~ Three hundred dollars (\$300.00) for offices to be voted for by electors of the entire state except as provided in paragraph (iii) of this subsection.

(iii) Seven hundred fifty dollars (\$750.00) for any federal office voted for by electors of the entire state.

22-24-302. Application; filing and fee.

An initiative shall be proposed by filing an application with the secretary of state. A fee of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) shall accompany the application. This fee shall be deposited in the general fund.

22-24-402. Application; filing and fee.

A referendum shall be proposed by filing an application with the secretary of state. A fee of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) shall accompany the application. This fee shall be deposited in the general fund.

28-7-101. Registration; reports.

(b) Any person, who, on behalf of any association, corporation, labor union, public, nonprofit or private special interest group or any interest other than personal, is receiving or has a reasonable expectation of receiving expense reimbursement or compensation in excess of five hundred dollars (\$500.00) in a reporting period defined under W.S. 28-7-201(c), as a lobbyist shall, before, or within forty-eight (48) hours of, commencing lobbying

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activities during a reporting period as defined under W.S. 28-7-201(c), register with the secretary of state. The secretary of state shall collect a registration fee of ~~twenty-five dollars (\$25.00)~~ seventy-five dollars (\$75.00) at time of registration, which shall be deposited with the state treasurer to be placed in the general fund. Any person who is not receiving or has no reasonable expectation of receiving expense reimbursement or compensation in excess of five hundred dollars (\$500.00), or who shall receive no compensation beyond travel and per diem expenses for lobbying activities under this chapter shall pay a registration fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) to the secretary of state at the time of registration. Registration shall state:

Section 2. The secretary of state shall promulgate any rules necessary to implement this act.

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Section 3.

(a) Except as provided in subsection (b) of this section, 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.

(b) Section 1 of this act is effective July 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk