

HOUSE BILL NO. HB0192

DUI penalties-refusal of a chemical test.

Sponsored by: Representative(s) Storer, Byron, Clouston,
Larsen, L, Lawley, Posey, Washut, Webb,
Williams and Wylie and Senator(s) Dockstader
and Gierau

A BILL

for

1 AN ACT relating to motor vehicles; providing penalties for
2 refusing chemical tests pursuant to a search warrant after
3 an arrest for driving while under the influence;
4 authorizing specified offenses to be used as evidence in a
5 criminal case; requiring specified offenders to submit to
6 substance use disorder assessments; requiring rulemaking;
7 and providing for effective dates.

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

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11 **Section 1.** W.S. 31-6-102 by creating new subsections
12 (h) through (k), 31-6-108 by creating new subsections (q)
13 through (s) and 31-7-307 by creating new subsections (o)
14 through (q) are amended to read:

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2 **31-6-102. Test to determine alcoholic or controlled**
3 **substance content of blood; suspension of license.**

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5 (h) Any person who is arrested on suspicion of
6 driving while under the influence pursuant to W.S. 31-5-233
7 and who refuses to submit to a chemical test at the request
8 of a peace officer after the issuance of a search warrant
9 obtained under subsection (d) of this section is guilty of
10 a misdemeanor punishable by:

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12 (i) Imprisonment for not more than six (6)
13 months, a fine of not more than seven hundred fifty dollars
14 (\$750.00), or both; and

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16 (ii) Notwithstanding any other law, a mandatory
17 suspension of the person's driver's license for a period of
18 not less than thirty (30) days and not more than one (1)
19 year.

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21 (j) Refusal to submit to a chemical test under
22 subsection (h) of this section may be used as evidence

1 against a person charged with driving while under the
2 influence under W.S. 31-5-233.

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4 (k) A person charged with refusal to submit to a
5 chemical test under subsection (h) of this section shall
6 submit to a substance use disorder assessment conducted by
7 a substance use disorder provider certified by the
8 department of health pursuant to W.S. 9-2-2701(c) or by a
9 provider certified in that person's state of residence at
10 or before sentencing and shall complete any recommended
11 substance use disorder treatment. The cost of the substance
12 use disorder assessment shall be assessed to and paid by
13 the offender.

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15 **31-6-108. Implied consent requirements for youthful**
16 **drivers.**

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18 (q) Any person under twenty-one (21) years of age who
19 is arrested for an offense as defined by W.S. 31-5-234 and
20 who refuses to submit to a chemical test at the request of
21 a peace officer after the issuance of a search warrant
22 obtained under subsection (d) of this section is guilty of
23 a misdemeanor punishable by:

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(i) Imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both; and

(ii) Notwithstanding any other law, a mandatory suspension of the person's driver's license for a period of not less than thirty (30) days and not more than one (1) year.

(r) Refusal to submit to a chemical test under subsection (q) of this section may be used as evidence against a person charged with driving while under the influence under W.S. 31-5-233.

(s) A person charged with refusal to submit to a chemical test under subsection (q) of this section shall submit to a substance use disorder assessment conducted by a substance use disorder provider certified by the department of health pursuant to W.S. 9-2-2701(c) or by a provider certified in that person's state of residence at or before sentencing and shall complete any recommended substance use disorder treatment. The cost of the substance

1 use disorder assessment shall be assessed to and paid by
2 the offender.

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4 **31-7-307. Implied consent requirements for commercial**
5 **motor vehicle drivers.**

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7 (o) Any person who drives or is in actual physical
8 control of a commercial motor vehicle, who is arrested on
9 suspicion of driving while under the influence pursuant to
10 W.S. 31-5-233 and who refuses to submit to a chemical test
11 at the request of a peace officer after the issuance of a
12 search warrant obtained under subsection (e) of this
13 section is guilty of a misdemeanor punishable by:

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15 (i) Imprisonment for not more than six (6)
16 months, a fine of not more than seven hundred fifty dollars
17 (\$750.00), or both; and

18
19 (ii) Notwithstanding any other law, a mandatory
20 suspension of the person's commercial driver's license for
21 a period of not less than thirty (30) days and not more
22 than one (1) year.

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1 (p) Refusal to submit to a chemical test under
2 subsection (o) of this section may be used as evidence
3 against a person charged with driving while under the
4 influence under W.S. 31-5-233.

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6 (q) A person charged with refusal to submit to a
7 chemical test under subsection (o) of this section shall
8 submit to a substance use disorder assessment conducted by
9 a substance use disorder provider certified by the
10 department of health pursuant to W.S. 9-2-2701(c) or by a
11 provider certified in that person's state of residence at
12 or before sentencing and shall complete any recommended
13 substance use disorder treatment. The cost of the substance
14 use disorder assessment shall be assessed to and paid by
15 the offender.

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17 **Section 2.** The department of transportation shall
18 promulgate all rules necessary to implement this act.
19

1 **Section 3.**

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3 (a) Except as provided by subsection (b) of this
4 section, this act is effective July 1, 2026.

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6 (b) Sections 2 and 3 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

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(END)