

Appendix 28

28. Department of Transportation, ch. 241, § 1-5, 1991 Wyo. Sess. Laws 680, 680-734.

1

SESSION LAWS

OF THE

STATE OF WYOMING

Legislative Office

PASSED BY THE

FIFTY-FIRST STATE LEGISLATURE

1991 GENERAL SESSION

CONVENED AT CHEYENNE, January 8, 1991

ADJOURNED February 28, 1991

Compiled and Published under Statutory Authority

by

LEGISLATIVE SERVICE OFFICE

CHAPTER 241

DEPARTMENT OF TRANSPORTATION

Original Senate File No. 184

AN ACT to create W.S. 10-3-204 and 37-1-107; and to amend W.S. 1-26-813, 1-39-118(f)(iii), 6-2-106(c), 9-2-1002(a)(iii), 9-2-1016(b) introductory paragraph and (iv), 9-2-1026.1(b)(i), 9-2-1028(a)(i), 9-2-1104(a), 9-3-101(d), 9-3-602(a) introductory paragraph and (v)(A), 9-3-603(a), 9-3-619, 9-4-204(h), 9-4-205(b), 9-4-217(a), 9-4-601(a)(i), 10-1-101(a) by creating new paragraphs (v) through (vii) and by renumbering (v) and (vi) as (viii) and (ix), 10-2-101(a) introductory paragraph and (iii), 10-2-301, 10-3-101(f), 10-3-201(b) and (c), 10-3-202, 10-3-203, 10-3-501(a) introductory paragraph, 10-3-502, 10-3-503(a) introductory paragraph and (iii), 14-1-205(a), 15-7-603(a), 19-1-101, 21-17-115(a) introductory paragraph and (i) and (b), 24-1-102(a), 24-1-103, 24-1-106(a) introductory paragraph, 24-1-112, 24-1-118, 24-1-119, 24-1-124, 24-1-127, 24-1-128, 24-1-129, 24-1-131, 24-2-101(a), (e) and (f), 24-2-102(a) introductory paragraph, (i) introductory paragraph and (ii), 24-2-105, 24-2-106(a) introductory paragraph and by creating a new paragraph (v) and (b), 24-2-107, 24-2-108, 24-2-109(a) and (b)(iii), 24-2-110(a), (b) and (c) introductory paragraph, 24-2-111(a) introductory paragraph, (i) and (iii), 24-2-112, 24-2-114(a) introductory paragraph, 24-2-115(a) and (b)(ii), 24-3-118(c) and (d), 24-3-122, 24-3-126(a), (b) and (c) introductory paragraph and (ii), 24-4-101, 24-4-102(a), 24-5-102, 24-5-103, 24-5-108, 24-5-117, 24-5-118, 24-5-119, 24-5-121(a) introductory paragraph and (ii), 24-6-105, 24-6-110(b), 24-7-102, 24-7-104, 24-7-105, 24-10-103(a) introductory paragraph and (iv), 24-10-106(g) introductory paragraph and (iv), 24-11-101, 24-12-101, 24-13-102(a)(ii), 24-13-103, 25-3-103(b)(iii), 27-3-502(f), 27-14-102(a)(viii), 30-2-101(a)(x)(O), 31-1-101(a)(iv), 31-1-201(a) through (d), 31-2-202(d)(i) and (ii), (h), (m) and (y) introductory paragraph, 31-2-203(a) and (b), 31-2-204(b), 31-2-211(c), 31-2-213(f), 31-2-215(a), 31-2-217(d) and (g), 31-2-301(d) introductory paragraph, 31-2-503(d), 31-2-508, 31-5-102(a)(vi), (ix) and (l), 31-5-112, 31-5-113(a), 31-5-213, 31-5-1001(a)(ix), (xv), (xxii) and (xxvii), 31-5-1008(a), 31-5-1106(b), 31-5-1205(k), 31-6-101(a)(iii), 31-7-102(a)(iii) and (v), 31-7-103, 31-7-105(c)(ii), 31-7-121(a) and (b), 31-7-202(a)(i) and (iii), 31-8-101(a), 31-9-102(a)(iii), 31-9-103(a), 31-9-104, 31-11-101(a)(iii), 31-11-104, 31-12-105, 31-13-101(a)(ii), 31-13-102(a) and (b), 31-14-102(a)(x)(C), 31-15-102, 31-16-101(a)(ii), 31-17-102(a)(x), 33-19-103(a)(iv) through (vi), 35-2-901(a)(v), 35-5-112(a) through (d), 35-12-110(b)(i), 35-15-109, 36-1-102, 36-8-901(e)(iii), 36-8-1001(d)(iv) and (e)(iii), 37-2-203(f), 37-8-101(a)(ii), (iii), (vi) and (xvi), 37-8-102, 37-8-104(a) introductory paragraph and (vii) and (c) through (e) and by creating a new subsection (f), 37-8-201(a) introductory paragraph, (iii), (b)(iv), (ix) and (c) through (e), 37-8-202(a) through (c), 37-8-203(a), 37-8-204, 37-8-206, 37-8-301(a) and (c), 37-8-303(a), 37-8-304, 37-8-305(a), 37-8-403(a), (e) and (h), 37-8-405(b), 37-8-501(a) through (c), 37-9-301, 37-9-302, 37-9-303(a), 37-9-802, 37-9-1002(a) introductory paragraph, (b) introductory paragraph, (iv) and (c) through (e), 37-10-101(a), 37-10-102, 37-10-103, 37-10-104(a), 37-11-102, 37-11-103, 37-14-103(a), 39-1-309(a) and (c) through (g), 39-6-201(a) by creating a new paragraph (x), 39-6-202, 39-6-208, 39-6-209(a)(iii), 39-6-210(a) and (d)(ii)(A), 39-6-213 by creating new subsections (j) and (k), 39-6-215(a)(iii) and (c), 39-6-305(e) introductory paragraph and (f) introductory paragraph, 39-6-901(a)(vi), 39-6-902, 39-6-903(a), 39-6-909(b), 39-6-910(d), 39-6-911(b) and by creating new subsections (h) and (j), 39-6-913(c) and (e), 39-6-914(c), 39-6-1001(e), 41-3-110(a) and 41-10-113(a)(xx); and to repeal W.S. 10-3-101(e), 31-1-101(a)(ii), 31-5-102(a)(xiv), 31-9-102(a)(i), 31-13-101(a)(i), 37-8-101(a)(iii) and 37-8-104(b) relating to the department of transportation; granting approval for implementation of the department's October 15, 1990, reorganization plan which was submitted to the legislature as required under the Wyoming Government Reorganization Act of 1989, specifying conditions and limitations; conforming existing statutes to the plan; terminating the aeronautics commission at a specified date; providing for rulemaking as specified; granting authorities and responsibilities of the department as specified; prohibiting disclosure of information as specified; and providing for an effective date.

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

Section

(a) W.S. the direc 9-2-1707(zation pla mitted to plan for i

(i) T may oper of the fol

(ii) T transferr poses. Th until Jun

(iii) created program integrate created b the airpo project s Gram she The aerc transpor ity for i

(iv) shall ret lished by

(A) ation ar

(B) the inte

(C) of the c

(v)

(A) state hi

(B) budgets aeronau tive fur

(vi) local go to local

Section 1.

(a) W.S. 9-2-2004 created the department of transportation and required the director to submit a reorganization plan. Pursuant to W.S. 9-2-1707(a)(iii) and 9-2-2004(b), the department of transportation reorganization plan dated October 1990, was approved by the governor and submitted to the legislature as required by law. The legislature approves that plan for implementation on April 1, 1991, subject to the following:

(i) The department and appropriate divisions within the department may operate on the federal fiscal year, from October 1 to September 30 of the following year;

(ii) The office of hearing examiners created by W.S. 31-7-105 shall be transferred to the department of transportation for budget and support purposes. The office of hearing examiners shall function as a separate office until June 30, 1993;

(iii) Pursuant to W.S. 9-2-2004(g)(i), the transportation commission, created by W.S. 24-2-101, shall retain authority over the planning, programming, design, construction, maintenance and operation of an integrated state transportation system. The aeronautics commission, created by W.S. 10-3-101, shall retain full authority and responsibility for the airport grants-in-aid program including all funding, allocations and project selection. The allocation of the funding in the grants-in-aid program shall be in accordance with current state aviation system planning. The aeronautics commission shall also act in an advisory capacity to the transportation commission on aviation matters and in an advocacy capacity for improved air services and facilities;

(iv) Pursuant to W.S. 9-2-2004(g)(ii), the transportation commission shall retain authority to expend funds from the state highway fund established by the legislature. The authority of the commission shall include:

(A) Administering the state highway fund for the maintenance, operation and improvement of the state highway system;

(B) Planning, programming, design and construction activities for the integrated state transportation system; and

(C) Administering all functions directly related to responsibilities of the commission under this subsection.

(v) The following are subject to the statutory budget process:

(A) Any use of state highway funds for purposes not related to the state highway or public road system or transportation planning process;

(B) Administrative expenses of the department, including the budgets for the director's office and the divisions of highway patrol and aeronautics, all Type "2" transfers to the department and all administrative functions not provided for under paragraph (iv) of this subsection.

(vi) Pursuant to W.S. 9-2-2004(g)(iii), the department shall appoint a local government coordinator primarily responsible for providing assistance to local units of government;

(vii) Pursuant to W.S. 9-2-2004(g)(iv) and (v), the following functions are transferred to the department to ensure the department is preparing a statewide comprehensive transportation plan encompassing all modes of transportation, including rail:

(A) All transportation-related functions of the public service commission including air and rail transportation, but excluding pipelines, under title 37;

(B) Federal urban mass transit;

(C) Transportation-related functions of the department of revenue and taxation, including driver control and testing, ports-of-entry, transportation policy division, motor vehicle and driver licensing, registration and fuel taxes.

(viii) For purposes of compliance with requirements of the United States department of transportation, the department shall retain all the duties, responsibilities and authority that the department had as the state highway department.

(b) All positions, personnel, appropriations, property, equipment and authority in agencies or programs transferred to the department of transportation under Type 1 or Type 2 transfers as a result of W.S. 9-2-2004 and this act are under the control and are the responsibility of the department of transportation or its boards and commissions as specified by law. The terms of all persons previously appointed to a board, commission or council within an agency or program which is transferred to the department of transportation under this act are not affected by this act. The validity of rules, regulations, contracts, agreements or other obligations of agencies or programs transferred to the department of transportation under this act is not affected by this act.

(c) The governor, in consultation with the department of transportation and the legislature, may enter into contracts with the national railroad passenger corporation (AMTRAK) and with scheduled air service providers as necessary to improve and enhance rail and air transportation services within the state.

(d) The transportation commission is authorized to appropriate from the funds under its control for transfers made pursuant to the department of transportation reorganization plan as necessary to ensure continuity of services through June 30, 1992.

Section 2. W.S. 10-3-204 and 37-1-107 are created to read:

10-3-204. Termination of commission. Prior to January 1, 1995, the department of transportation shall conduct public hearings to determine if the powers and duties of the aeronautics commission under this act shall be assumed by the department and shall report its findings with a recommendation to the legislature regarding whether the commission shall be terminated effective January 1, 1997.

37-1-107. Department of transportation; appeals. Any party in interest or any person or party authorized under chapters 8 through 11

of title 37 to file for an original hearing before the department of transportation may appeal to a hearing panel appointed by the transportation commission in the same manner, and to the same extent, as provided in the Wyoming Administrative Procedure Act.

Section 3. W.S. 1-26-813, 1-39-118(f)(iii), 6-2-106(c), 9-2-1002(a)(iii), 9-2-1016(b) introductory paragraph and (iv), 9-2-1026.1(b)(i), 9-2-1028(a)(i), 9-2-1104(a), 9-3-101(d), 9-3-602(a) introductory paragraph and (v)(A), 9-3-603(a), 9-3-619, 9-4-204(h), 9-4-205(b), 9-4-217(a), 9-4-601(a)(i), 10-1-101(a) by creating new paragraphs (v) through (vii) and by renumbering (v) and (vi) as (viii) and (ix), 10-2-101(a) introductory paragraph and (iii), 10-2-301, 10-3-101(f), 10-3-201(b) and (c), 10-3-202, 10-3-203, 10-3-501(a) introductory paragraph, 10-3-502, 10-3-503(a) introductory paragraph and (iii), 14-1-205(a), 15-7-603(a), 19-1-101, 21-17-115(a) introductory paragraph and (i) and (b), 24-1-102(a), 24-1-103, 24-1-106(a) introductory paragraph, 24-1-112, 24-1-118, 24-1-119, 24-1-124, 24-1-127, 24-1-128, 24-1-129, 24-1-131, 24-2-101(a), (e) and (f), 24-2-102(a) introductory paragraph, (i) introductory paragraph and (ii), 24-2-105, 24-2-106(a) introductory paragraph and by creating a new paragraph (v) and (b), 24-2-107, 24-2-108, 24-2-109(a) and (b)(iii), 24-2-110(a), (b) and (c) introductory paragraph, 24-2-111(a) introductory paragraph, (i) and (iii), 24-2-112, 24-2-114(a) introductory paragraph, 24-2-115(a) and (b)(ii), 24-3-118(c) and (d), 24-3-122, 24-3-126(a), (b) and (c) introductory paragraph and (ii), 24-4-101, 24-4-102(a), 24-5-102, 24-5-103, 24-5-108, 24-5-117, 24-5-118, 24-5-119, 24-5-121(a) introductory paragraph and (ii), 24-6-105, 24-6-110(b), 24-7-102, 24-7-104, 24-7-105, 24-10-103(a) introductory paragraph and (iv), 24-10-106(g) introductory paragraph and (iv), 24-11-101, 24-12-101, 24-13-102(a)(ii), 24-13-103, 25-3-103(b)(iii), 27-3-502(f), 27-14-102(a)(viii), 30-2-101(a)(x)(O), 31-1-101(a)(iv), 31-1-201(a) through (d), 31-2-202(d)(i) and (ii), (h), (m) and (y) introductory paragraph, 31-2-203(a) and (b), 31-2-204(b), 31-2-211(c), 31-2-213(f), 31-2-215(a), 31-2-217(d) and (g), 31-2-301(d) introductory paragraph, 31-2-503(d), 31-2-508, 31-5-102(a)(vi), (ix) and (l), 31-5-112, 31-5-113(a), 31-5-213, 31-5-1001(a)(ix), (xv), (xxii) and (xxvii), 31-5-1008(a), 31-5-1106(b), 31-5-1205(k), 31-6-101(a)(iii), 31-7-102(a)(iii) and (v), 31-7-103, 31-7-105(c)(ii), 31-7-121(a) and (b), 31-7-202(a)(i) and (iii), 31-8-101(a), 31-9-102(a)(iii), 31-9-103(a), 31-9-104, 31-11-101(a)(iii), 31-11-104, 31-12-105, 31-13-101(a)(ii), 31-13-102(a) and (b), 31-14-102(a)(x)(C), 31-15-102, 31-16-101(a)(ii), 31-17-102(a)(x), 33-19-103(a)(iv) through (vi), 35-2-901(a)(v), 35-5-112(a) through (d), 35-12-110(b)(i), 35-15-109, 36-1-102, 36-8-901(e)(iii), 36-8-1001(d)(iv) and (e)(iii), 37-2-203(f), 37-8-101(a)(ii), (iii), (vi) and (xvi), 37-8-102, 37-8-104(a) introductory paragraph and (vii) and (c) through (e) and by creating a new subsection (f), 37-8-201(a) introductory paragraph, (iii), (b)(iv), (ix) and (c) through (e), 37-8-202(a) through (c), 37-8-203(a), 37-8-204, 37-8-206, 37-8-301(a) and (c), 37-8-303(a), 37-8-304, 37-8-305(a), 37-8-403(a), (e) and (h), 37-8-405(b), 37-8-501(a) through (c), 37-9-301, 37-9-302, 37-9-303(a), 37-9-802, 37-9-1002(a) introductory paragraph, (b) introductory paragraph, (iv) and (c) through (e), 37-10-101(a), 37-10-102, 37-10-103, 37-10-104(a), 37-11-102, 37-11-103, 37-14-103(a), 39-1-309(a) and (c) through (g), 39-6-201(a) by creating a new paragraph (x), 39-6-202, 39-6-208, 39-6-209(a)(iii), 39-6-210(a) and (d)(ii)(A), 39-6-213 by creating new subsections (j) and (k), 39-6-215(a)(iii) and (c), 39-6-305(e) introductory paragraph and (f) introductory paragraph, 39-6-901(a)(vi), 39-6-902, 39-6-903(a),

39-6-909(b), 39-6-910(d), 39-6-911(b) and by creating new subsections (h) and (j), 39-6-913(c) and (e), 39-6-914(c), 39-6-1001(e), 41-3-110(a) and 41-10-113(a)(xx) are amended to read:

1-26-813. Right-of-way along public ways granted; permission necessary for new lines. Corporations authorized to do business in this state for the purpose of constructing, maintaining and operating a public utility may set their fixtures and facilities along, across or under any of the public roads, streets and waters of this state in such manner as not to inconvenience the public in their use. Any public utility desiring to install its facilities in any city shall first attempt to obtain consent from the city council. A person shall first obtain permission from the state transportation commission or the board of county commissioners in the county where the construction is contemplated before entering upon any state highway or county road for the purpose of commencing the construction.

1-39-118. Maximum liability; insurance authorized.

(f) The liability imposed by W.S. 1-39-105 through 1-39-112 may include liability for property damage in an amount less than five hundred dollars (\$500.00) in cases in which no personal injury or death resulted, but only under the following conditions:

(iii) Property damage claims against the state shall be paid from the self-insurance account created by W.S. 1-41-103 except that claims against the department of transportation may be paid from nonrestricted highway funds. Property damage claims against a local governmental entity shall be paid only to the extent the local governing body has appropriated monies for that purpose. There is no obligation on the state legislature or the local governing body to make any appropriation for payment of property damage claims;

6-2-106. Homicide by vehicle; aggravated homicide by vehicle; penalties.

(c) The department of transportation shall revoke the license or permit to drive and the nonresident operating privilege of any person convicted of aggravated homicide by vehicle or of homicide by vehicle.

9-2-1002. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; limitation on scope of rules and regulations promulgated hereunder; divisions enumerated.

(a) As used in this act:

(iii) "Entity" means any governmental unit, special district, corporation, partnership or person which will receive a legislative appropriation, directly or indirectly, excluding the legislature, the judiciary and the Wyoming department of transportation, game and fish department, counties, municipalities and school districts;

9-2-1016. Purchasing and property control division.

(b) For the purpose of this subsection the term "agencies" does not include the University of Wyoming, community college districts, school

distric
to par
the pr

(in
cies' s
becom
forty
(\$15,
value
erty s
in ex
sales
owne
that
may
prop
ceeds
bene
erty
depa
dispe

9-2

(b)

(
color
oper
relat
syst
by r
shal
app
and

9-

(a

inst
of V
dev
por

9.

mo
suj

(s
tar
cat
the

districts and does not include the department of transportation except as to paragraphs (x), (xi), and (xii) of this subsection. The department through the purchasing and property control division shall:

(iv) Supervise and approve disposition by sale or trade-in of all agencies' supplies, materials, automobiles, equipment or property which have become useless to the state. The disposition of real property in excess of forty (40) acres in one (1) tract or valued at fifteen thousand dollars (\$15,000.00) or more shall not be disposed of at less than current appraised value as authorized by the capitol building commission. No other property shall be disposed of at less than fair market value either for cash or in exchange for credit upon purchase of new property or equipment. All sales shall be public and based upon adequate notice except that state-owned motor vehicles may be sold at public or dealer auction and except that for the first sixty (60) days after acquisition, any personal property may be made available to those entities qualifying under federal surplus property guidelines through the state surplus property warehouse. The proceeds of sale, less costs of sale, shall be remitted to the treasurer for the benefit of the fund from which the supplies, materials, equipment or property were purchased. This paragraph shall not apply to, nor shall the department or the capitol building commission approve or supervise the disposition of land by the state transportation commission;

9-2-1026.1. Duties performed through telecommunications division.

(b) Notwithstanding subsection (a) of this section:

(i) The director of the Wyoming department of transportation and the colonel of the Wyoming highway patrol shall administer and control the operation, maintenance and conduct of the two-way, land-based mobile and related facilities for the law enforcement and maintenance radio-microwave systems specifically provided by the department and patrol and performed by radio technicians, dispatchers and telephone operators. The department shall provide and accommodate agency and institutional service needs as approved jointly by the telecommunications division and the department and as agency and institutional budgets allow;

9-2-1028. Definitions.

(a) As used in this act:

(i) "Agency" means any state office, department, board, commission, institution or other operating entity of the state excluding the University of Wyoming, community college districts, school districts, the economic development and stabilization board and the Wyoming department of transportation;

9-2-1104. Commission; powers and duties; advisory capacity to promote system development; public meetings; clerical and administrative support.

(a) The commission shall work with the state communications consultant established by W.S. 9-2-1105, the administrator of the telecommunications division of the department of administration and fiscal control and the department of transportation in an advisory capacity to promote the

development, improvement and efficiency of law enforcement communications systems in the state. The commission shall report in writing each year in October to the governor concerning any problems related to the installation, operation and maintenance of the system. The commission shall make any recommendations it deems appropriate as a part of the report. In addition, the commission shall submit a plan for statewide system networking to the administrator of the telecommunications division for inclusion in the statewide telecommunications plan developed pursuant to W.S. 9-2-1026.1(a).

9-3-101. Salaries; amount; date of payment.

(d) Except for part-time, overtime and shift differential pay and employees and officers of the University of Wyoming and the Wyoming department of transportation, state employees and officers shall be paid on the last working day of the month for wages earned during that month. Part-time pay shall be paid to state employees on the last working day of the month for wages earned from the sixteenth day of the preceding month through the fifteenth day of the current month. Overtime and shift differential pay shall be paid to state employees no later than the last working day of the month following the month in which overtime and shift differential pay was earned. The University of Wyoming and the Wyoming department of transportation are exempt from this subsection.

9-3-602. Definitions.

(a) As used in this article:

(v) "Employee" means:

(A) Any person who is employed by the Wyoming state highway patrol division as a sworn law enforcement officer;

9-3-603. Administration.

(a) There is created the retirement program which is for the benefit of the employees defined in W.S. 9-3-602(a)(v).

9-3-619. Payment of employers' contribution from highway fund and game and fish fund. Provision for the payment of the employers' contribution under this article shall be made in the budget of the Wyoming highway patrol division as approved by the department of transportation out of monies in the state highway fund, in the budget of the Wyoming game and fish commission out of monies in the game and fish fund and in the budget of the attorney general for the division of criminal investigation.

9-4-204. Funds established; use thereof.

(h) The highway fund is to be used to account for all revenues the expenditures of which are constitutionally restricted to highway purposes or which are available for expenditure by the Wyoming transportation commission excluding general fund appropriations.

9-4-205. Appropriations and expenditures.

(b) Expenses required in administrative activities chargeable to accounts within the trust and agency fund and the highway fund excluding the

department of transportation shall be provided by legislative appropriation from the general fund. Monthly, as the general fund appropriations are expended, corresponding amounts shall be transferred from the proper accounts within the funds specified in this subsection to the general fund. The administrative expenses chargeable to these accounts shall be included in the governor's budget to the legislature as provided by law.

9-4-217. Uniform state accounting system.

(a) Notwithstanding any other provision of law, the legislative, the judiciary and each executive branch agency as defined by W.S. 9-2-1002(a)(i), including the University of Wyoming, the game and fish department and the Wyoming department of transportation, shall use the uniform state accounting system designated by the state auditor.

9-4-601. Distribution and use; funds, accounts, cities and towns benefitted; exception for bonus payments.

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, except as provided by subsection (b) of this section, shall be deposited in the trust and agency fund and the first two hundred million dollars (\$200,000,000.00) or the amount of revenues received in the fiscal year commencing July 1, 1984, whichever is less, of revenues received in any fiscal year shall be distributed by the state treasurer as follows:

(i) Two and one-quarter percent (2 1/4%) to the highway fund to be expended by the transportation commission for permanent construction or maintenance work in the counties to which the royalties are attributable with priority given to roads and highways impacted by mineral development;

10-1-101. Definitions.

(a) As used in this act:

(v) "Department" means the department of transportation;

(vi) "Aeronautics commission" means the aeronautics commission created by W.S. 10-3-101;

(vii) "Division" means the division of aeronautics within the department of transportation;

(viii) "Person" means individuals, associations of individuals, firms, partnerships, companies, corporations and other organizations;

(ix) "This act" means W.S. 10-1-101 through 10-6-104.

10-2-101. Annual certification required; qualifications for certificate.

(a) On or before the first Monday in May each year, all persons contracting to transport persons or property by air taxi for compensation or hire shall be certified by the department. Certification shall be based on compliance with the following provisions:

(iii) All aircraft must be properly maintained according to current federal aviation regulations. Before issuance of a certificate, the applicant must file with the department a written statement of intention that the aircraft to be employed in air taxi service will be maintained by a mechanic, naming the mechanic or firm, holding a current federal aviation administration mechanic's certificate for airframe and powerplant;

10-2-301. Aerial hunting or prospecting; annual registration required; contents of registration forms; unlawful unless registered; pilot qualifications.

(a) On or before the first Monday in May, each person prior to piloting aircraft to hunt, drive or trap wild horses or to prospect for minerals, shall register with the department. The department shall prescribe registration forms which shall contain the name and address of the owner of any aircraft so employed, the name and address of the pilot of aircraft so employed, his airman rating, number of hours flown, airman certificate number, the make, model and type of aircraft, the identification number assigned to such aircraft and the type of electronic equipment or other apparatus used in aerial prospecting for minerals and such other information as the department may require.

(b) It is unlawful for any person to engage in any activity described in W.S. 10-2-301(a) unless registered with the department. Any pilot performing these activities as a business or for hire shall have a minimum of five hundred (500) solo hours.

10-3-101. Creation; composition; appointment; term; removal; qualifications; vacancies; compensation; office; director; acceptance of grants.

(f) The department may receive on behalf of the state all grants of money, property or other things of value from the federal government, the state of Wyoming or other public agency or person.

10-3-201. Powers and duties generally.

(b) The aeronautics commission may designate the airports to be built and maintained with the assistance of state or federal funds and is the sole authority to determine the disbursement of funds for the state's airports. The aeronautics commission through the department shall be the authority in the state to apply for, or directly accept, receive, receipt for or disburse any funds granted by the United States government for airport construction or maintenance. A county, city, town or other political subdivision may enter into an agreement with the division describing the terms and conditions of the agency in accordance with federal laws, rules and regulations and applicable laws of this state. The division may enforce the proper maintenance of these airports by the counties, cities and towns as agreed in the contracts existing between the sponsors of the airports and the federal government. All construction and maintenance of these airports shall be under the direction of the department.

(c) The department may offer engineering or other technical advice to any municipality or other qualified party in connection with the construction, maintenance or operation of airports. The commission shall encourage:

10-3-202. Authority to provide air transportation to departments and agencies of state. The department may provide air transportation to departments and agencies of state government under conditions which are considered by the department or agency head to be urgent and to justify such air transportation and when justified within the limits of W.S. 9-4-204(p) and 9-4-205(e).

10-3-203. Emergency authority. The department may supervise and coordinate the air search and rescue of persons and aircraft made necessary by any emergency or disaster.

10-3-501. Civil air patrol; authorization of expenditure of state funds.

(a) The department may expend state funds for the purchase of:

10-3-502. Civil air patrol; approval of purchase order. No expenditure of state funds shall be made unless a purchase order is approved by the department. Funds are under the control of the department.

10-3-503. Civil air patrol; limitation of expenditures.

(a) Under W.S. 10-3-501 through 10-3-503 no expenditure of state funds shall be authorized by the department unless the purchase is specifically for:

(iii) Maintenance supplies and equipment for civil air patrol communications network and administrative costs as may be approved by the department.

14-1-205. Application to department of transportation for indication of emancipated status on driver's license or identification card; fee.

(a) Upon application of an emancipated minor, the department of transportation shall indicate the minor's emancipated status on his Wyoming driver's license or if under eighteen (18) years of age or without a driver's license, on the minor's Wyoming identification card issued under W.S. 31-8-101.

15-7-603. Supplying federal government authorized; existing contracts confirmed.

(a) Any city or town may enter into and fully perform contracts with the United States government, or any department or representative thereof, or road construction contractor working under a contract with the state transportation commission or with public utility corporations to supply water for their use and needs at any place within the corporate limits of the city or town, or adjacent thereto.

19-1-101. Airports and highways for defense; cooperation with United States for construction.

(a) The state department of transportation may cooperate and contract with the government of the United States and other state agencies in the making of surveys, plans, specifications and estimates for, and in the construction, reconstruction and maintenance of, flight strips, airports, roads and bridges necessary to provide access to military and naval reservations,

defense industries, defense-industry sites and sources of raw materials, shut off from general public use at military and naval reservations and defense-industry sites.

(b) In cooperating with the government of the United States and other state agencies the state department of transportation may use monies from the state highway fund for payment of the state's share of preliminary and construction engineering costs of flight strips, airports and roads.

21-17-115. University technology transfer center program.

(a) The University of Wyoming may operate a technology transfer center and provide training to Wyoming county and municipality employees regarding current trends in transportation technology. The funding of the program shall be administered by the Wyoming department of transportation. At least fifty percent (50%) of the cost of the program shall be borne by the federal government or other nonstate sources. The remainder of the cost shall be provided by each of the following contributing twelve and one-half percent (12 1/2%) of the costs as specified:

(i) Wyoming department of transportation from available funds;

(b) The university shall annually certify the cost of the state's share of the program to the transportation commission which shall transfer the amounts specified in W.S. 24-2-110(c)(i) and (d)(iii)(A) to the university to be used for funding the program.

24-1-102. Location, survey and construction.

(a) Any such highways, and such additional highways in connection therewith as may be provided for, which are designated as state highways, shall be located and surveyed under the direction and supervision of the director of the department of transportation or his authorized representative, who shall cause plans and specifications of the highways to be prepared, and designate the materials to be used in their construction. He shall take into consideration the climate, soil and materials to be had in the vicinity, and the extent and nature of the probable traffic on the highway with a view to the most economical construction consistent with efficiency.

24-1-103. State transportation commission of Wyoming to acquire right-of-way; when right-of-way becomes state property. The transportation commission is hereby authorized, required and may proceed under the provisions of W.S. 24-2-109(a), to secure the right-of-way for all state highways presently designated by the transportation commission as part of the state highway system or in the future to be designated as part of the state highway system. When any state highway designated by the transportation commission shall occupy in whole or in part the right-of-way of a formerly constructed highway, whether a county highway or a state highway, so much of the right-of-way as is occupied in the construction of the new highway or reconstruction of the previously constructed highway shall become the property of the state.

24-1-106. Closing or restricting use; when necessary.

(a) The department of transportation may restrict the use of, or close, any state highway whenever the department considers such closing or restriction of use necessary:

24-1-112. Construction and repair of fences to be performed by department of transportation.

(a) In the event that fences paralleling state highways, or built on the highway right-of-way need repair or reconstruction to meet legal fence requirements, as set forth in W.S. 11-33-102, the actual work of repair and reconstruction of the fence, including all corresponding labor costs, shall be performed by the department of transportation.

(b) Where any state highway is reconstructed the new right-of-way fence will be constructed and maintained by the department of transportation.

24-1-118. Construction to be performed at expense of state. Excepting as such work may be performed through mutual agreement with other entities, either public or private, the construction and maintenance of all state highways, including all bridges, and culverts thereon, shall be performed at the expense of the state and by and under the supervision of the commission and the director of the department of transportation or his authorized representative.

24-1-119. State highway fund created; income and expenditure. There is created a fund known as the state highway fund, to the credit of which the state treasurer, who is designated as the state official to receive all amounts paid by the United States under the act of congress approved July 11, 1916, shall place all monies previously received for the fund, all money subsequently received from the United States, under cooperative agreements as authorized, all money derived from taxes levied for such purpose or appropriated for the fund, all monies received from the sale of state bonds for highway construction or improvement, all money received from the counties under cooperative agreements as hereinbefore authorized, and all other monies received from donations or bequests, which may be accepted by the commission on behalf of the state of Wyoming, or from any source designated by law for that purpose. All monies in the fund shall be available for the purpose of this act without further appropriation and no warrant shall be drawn on the fund excepting on a voucher approved by the director of the department of transportation or an assistant authorized by the director and approved by the transportation commission. It is provided that seventy-five percent (75%) of the amount of any bond issue subsequently issued by the state of Wyoming for the construction or improvement of state highways, after the payment of overhead expense, shall be apportioned to and spent in each county in the proportion which the assessed valuation of each county by the last general assessment bears to the total assessment of the state.

24-1-124. Livestock crossings; generally. The department of transportation may provide suitable livestock crossings on all state highways, having an oil surface, in the state of Wyoming, at places where necessity and convenience require. Ranchmen, farmers and livestock raisers and producers may file with the board of county commissioners of their county a request for livestock crossings, and the various boards of county com-

missioners shall recommend from time to time to the department of transportation such crossings as they believe will best suit the necessities and convenience of ranchmen, farmers and livestock raisers and producers in their county.

24-1-127. Speed on city streets designated state highways. When city streets are designated as state highways leading into, through, or out of a town or city, the department of transportation shall regulate the speed limits on such streets.

24-1-128. Marking of highways generally. All center markings and supplementary road shoulder markings on all highways within the boundaries of the state of Wyoming completed in asphalt, oil, concrete, or other hard surface shall be maintained with bright yellow lines, whether or not said markings be solid or broken yellow lines. The director of the department of transportation shall have the duty to enforce the provisions of this section and to provide for the effective maintenance of said yellow markings. The state transportation commission after a hearing may waive the application of this act to any highway or highway project if necessary to promote a safe and effective utilization of such highway or highway project. The governor and the president of the senate and the speaker of the house of representatives of the state of Wyoming shall be notified in writing at least five (5) days before the hearing.

24-1-129. Marking of bypasses. It is declared to be the policy of the state of Wyoming that where the Wyoming department of transportation has by law authorized a bypass to be built around any incorporated city or town, or an unincorporated community of the state of Wyoming, regardless of the population of such city, town or unincorporated community, the officially designated state highway and federal highway markings shall remain on the existing highway through the incorporated city or town or unincorporated community and the existing highway shall be retained and the new bypass highway shall carry the designation "bypass" or other similar markings.

24-1-131. Travel centers generally; control and operation by the state. The transportation commission and the director of the department of transportation shall ensure that all buildings owned or controlled by the department of transportation and utilized as travel centers are directed and operated by one (1) or more agencies appointed by the transportation commission for the best interests of all Wyoming people. For purposes of this section an agency may be defined as a chamber of commerce, or any state or local governmental entity. If no agency is appointed, the commission shall direct and operate the travel centers.

CHAPTER 2

STATE DEPARTMENT OF TRANSPORTATION

24-2-101. Department and commission created; qualifications; appointment; term; removal; compensation of commissioners; location of offices; power to bring civil actions; official seal.

(a) There is created a department of transportation to consist of a transportation commission and a director of the department of transportation.

The c
shall
their
be ap
sena
com
min
less
any

(e)
miss
sion
stat
atc
cut
fede

(f)
tion
anc
har
as

2
do

(g)
sta

po
sa
fo
ex

pr
po
po
in

a
n

s
s

i
c

g
1

1
1

1

The commission shall consist of seven (7) commissioners, not all of whom shall be registered in the same political party. They shall biennially elect their chairman on or after the first day of March. The commissioners shall be appointed by the governor, by and with the advice and consent of the senate, and each shall serve for a term of six (6) years. The terms of all commissioners appointed after the effective date of this section shall terminate on the last day of February of the sixth year of the term regardless of the date of the beginning of the term. The governor may remove any commissioner as provided in W.S. 9-1-202.

(e) The commission shall maintain offices at the state capital. The commission is empowered to sue in the name of the "Transportation Commission of Wyoming", and may be sued by that name in the courts of this state and in no other jurisdiction upon any contract executed by it. The attorney general is the legal advisor of the commission and shall prosecute and defend all actions and shall also appear in all proceedings in any federal department in which the commission is a party or is interested.

(f) The commission shall have a seal bearing the words "Transportation Commission of Wyoming, Official Seal", and all copies of all records and other instruments in the office of the commission, certified under the hand of its secretary with the seal affixed shall be received in any court as prima facie evidence of the original record or instrument.

24-2-102. Acquisition of land for public highways; power of eminent domain limited.

(a) To construct, maintain and supervise the public highways of this state, the department of transportation is authorized to:

(i) Acquire, hold and manage real property in the name of the transportation commission and to develop, improve, operate and maintain the same for any necessary public purpose. Lands acquired for rights-of-way for highways may be up to three hundred (300) feet wide and greater where extra width is necessary for:

(ii) Sell, exchange, abandon, relinquish or otherwise dispose of real property including land, water and improvements for any necessary purpose in accordance with rules and regulations promulgated by the transportation commission, provided that disposition of water rights shall be in accordance with law.

24-2-105. Director of department of transportation; qualifications; salary and expenses; powers and duties. The commission shall submit a minimum of three (3) names of qualified candidates to the governor who shall appoint a director of the department of transportation. The director shall receive an annual salary as provided by law, payable in equal monthly installments. He shall be allowed his actual and necessary traveling and other expenses incurred in the discharge of his official duties, and shall give his entire time to the duties of his office. In consultation with the commission the director shall have complete charge of laying out and establishing highways upon which any portion of the state highway fund is to be expended, including expenditures for roads now in existence or in the future to be constructed, which are part of the state highway system which

are located within or partially within the national forests' boundaries, and shall purchase all materials, supplies and equipment, including road-building machinery, materials, supplies and equipment, and shall employ such engineers, superintendents and employees with salaries as provided by law, as necessary for the proper performance of the duties of the department and the construction work undertaken by it. The director in consultation with the commission may promulgate and adopt rules and regulations as provided by the Wyoming Administrative Procedure Act necessary for the proper performance of the duties and functions of the department.

24-2-106. Appointment of chief engineer; duties of the director of the state department of transportation and the chief engineer.

(a) The director of the department of transportation shall, within two (2) years after the effective date of this act, appoint a qualified chief engineer who shall:

(v) Be a licensed professional civil engineer, knowledgeable and experienced in highway and bridge construction and maintenance.

(b) No contract for the construction of a bridge is valid unless the plans and specifications have been prepared by the director of the department of transportation or the chief engineer or, if prepared by other professional engineers, the bridge designs, plans and specifications have been approved by the director or the chief engineer before the start of construction. The review and approval under this section shall be made without cost to cities, towns and counties. Final payment upon any contract shall not be made until the bridge is inspected and the payment approved by the designer of the bridge and the appropriate governing body.

24-2-107. Annual report of director. The director of the department of transportation shall make an annual report to the commission of the transactions of the department, and on or before December first of each even-numbered year, the commission shall, as required by W.S. 9-2-1014, report to the governor.

24-2-108. Road and bridge construction generally. All road and bridge construction work, any part of the cost of which is paid from the state highway fund, shall be performed in accordance with the plans and specifications prepared by the director of the department of transportation or the chief engineer and approved by the commission, and shall be performed by or under contracts awarded by the commission. The director with the assistance of the chief engineer shall have complete charge, including expenditures for roads now in existence, or in the future to be constructed, which are part of state highway systems which are located within or partially within the national forests' boundaries. All improvements costing more than twenty thousand dollars (\$20,000.00) shall be constructed under contracts awarded after public notice to the lowest responsible bidder determined qualified by the transportation commission of Wyoming which is given the power to determine the qualifications and responsibilities of bidders. The commission may reject any or all bids and readvertise for bids. Improvements costing less than twenty thousand dollars (\$20,000.00) may be constructed by the commission upon force account, with its own forces or under contract, as the commission shall determine.

A sta
peri
not
parc
tatic
stru
conc
requ
brid
app
and
wou
tisir
or r
the
exce
gen
awa
sibil

24
in st
to b

(a
be k
prev
and
title
desi
Wyo

(b

sect
use
fron
Aft
siti
by

24
allo

(a
con
way
trol
or
cat
cou
be
aft

A state highway construction job to be completed within any calendar year period and to cost more than twenty thousand dollars (\$20,000.00) shall not be constructed by department of transportation forces in sections or parcels so as to come within the twenty thousand dollar (\$20,000.00) limitation. Contracts may be entered into with railroad companies for the construction of grade separation structures at actual cost under terms and conditions approved by the commission. Whenever an emergency arises requiring immediate expenditure of funds for the repair or rebuilding of bridges, approaches to bridges and any roadway, when the bridges, approaches to bridges or roadway are required to be rebuilt immediately and in such short time that in the judgment of the commission the people would be seriously inconvenienced in waiting the regular period for advertising for bids, the commission may enter into contract for any building or rebuilding of bridges, approaches or roadway without advertising for the letting of any contract, provided the amount of the contract shall not exceed fifty thousand dollars (\$50,000.00). The commission shall adopt general rules and regulations for the publication of notice to bidders, the awarding of contracts, and for determining the qualifications and responsibilities of bidders.

24-2-109. Designation of state highways; vesting of county interest in state; commission authorized to acquire severed portions of land; land to be sold.

(a) The transportation commission shall designate public highways to be known as state highways, which may coincide in whole or in part with previously established county roads. When the state highway is defined and designated by resolution entered in the records of the commission, all title and interest of the respective counties, in the road and right-of-way designated, shall pass to and vest in the transportation commission of Wyoming.

(b) Pursuant to W.S. 24-2-102:

(iii) Any parcel of land acquired pursuant to paragraph (b)(ii) of this section and not otherwise used for highway purposes or traded for land used for highway purposes shall be offered for sale within two (2) years from the date of the completion of the project for which it was acquired. After written notice to the capitol building commission, the sale or disposition of this land shall be in accordance with rules and regulations adopted by the transportation commission.

24-2-110. Cooperation with counties in construction of county roads; allocation of costs; state-county road construction account established.

(a) The commission shall cooperate with the counties of the state in the construction of county roads, bridges and culverts, other than state highways. All cooperative work shall be performed under the immediate control and supervision of the director of the department of transportation or his authorized representative and in accordance with plans and specifications approved by the director or the chief engineer. The work in any county is known as the state-county road construction program and shall be promptly commenced upon request of the board of county commissioners after the board has entered into written agreement with the commission.

The state-county road construction program is a supplement to federal aid, primary, secondary and farm-to-market road programs in each county. The term "construction" as used in this section means construction, reconstruction, surveys, mapping, right-of-way costs, bridges, culverts and fencing. The department shall use existing grades, bridges and other physical items or facilities in order to minimize or avoid more costly relocation.

(b) Ninety-three percent (93%) of construction expense shall be paid from the account provided by subsection (c) of this section and seven percent (7%) by the county from funds received under W.S. 39-6-210(d)(i)(A) and all expense of maintaining the road after its construction is completed shall be paid by the county.

(c) Ten percent (10%) of gasoline license tax revenues distributed by the state treasurer under W.S. 39-6-210(d)(i) shall be placed in a separate account and be expended by the department of transportation solely for payment of the state's share of the state-county road construction program and as otherwise provided in this subsection. This money shall be allocated as follows:

24-2-111. State transportation commission to cooperate with cities in construction of streets connecting state highways and the construction of storm sewers along streets designated as state highways; approval by city; commission to pay costs of construction and maintenance; exceptions.

(a) The transportation commission may cooperate with incorporated cities and towns in the construction of public streets and highways, including bridges and culverts, but excepting bypass routes, if the streets or highways constitute direct connections between sections of established state highways. All cooperative work shall be performed under the immediate control and supervision of the director of the department of transportation in accordance with plans and specifications prepared under the supervision of the director or the chief engineer, but no contract shall be let nor work commenced until sixty (60) days after the plans for the work have been submitted and approved by the legislative body of the incorporated city or town. The failure of the legislative body of the incorporated city or town to take official action approving or disapproving the plans within sixty (60) days shall constitute approval for the purpose of this section. The entire cost of construction of the streets and highways and the maintenance, including streets and highways currently in existence, shall be paid by the transportation commission with the following exceptions:

(i) The cost of construction of storm sewers along streets designated as state highways shall be paid by the transportation commission. If the city decides to connect other storm sewers with the one constructed by the commission, the commission shall only pay for the cost of a storm sewer needed to provide drainage for the street. If additional costs are incurred, the cities shall pay these additional costs. The city or town, if the population is over fifteen hundred (1,500) or more, shall pay all costs of, and be responsible for, the cleaning and maintenance of the storm sewers;

(iii) The entire cost to the state of the construction, maintenance and acquisition of the necessary right-of-way for any highway route, which con-

stitutes a by for the purp lished by th Officials ar access cont limits of an

24-2-112. The legisla act of cong the United and for otl tory or suj struction, The transp agreemen tion and r congress t as may be other thir provided: ways unc able fund the Uniti funds are so constr provision the prov adminis or impro to be im state's s way to l not a sta between determi way ad have er to pay tenanc the dir pay int structi

24-2- depart

(a)

24-2 street

(a)

stitutes a bypass of any incorporated city or town, and which is constructed for the purpose of satisfying the highway construction standards established by the American Association of State Highway and Transportation Officials and approved by the federal highway administration including access control, regardless whether any portion lies within the corporate limits of any city or town, shall be paid by the transportation commission.

24-2-112. Contracts and agreements with United States government. The legislature of the state of Wyoming assents to the provisions of the act of congress approved July 11, 1916, entitled "an act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," together with all acts and legislation, amendatory or supplementary, or which shall grant or authorize aid for the construction, improvement, maintenance or repair of public roads or highways. The transportation commission is authorized to enter into all contracts and agreements with the United States government relating to the construction and maintenance of roads under the provisions of the act or acts of congress to submit the scheme or program or construction or maintenance as may be required by the federal highway administration and to do all other things necessary fully to carry out the cooperation contemplated and provided for by the act or acts, for the construction or improvement of highways under the act, the good faith of the state is pledged to make available funds sufficient to equal the sums apportioned to the state by or under the United States government during each of the years for which federal funds are appropriated by section 3 of the act and to maintain the roads so constructed with the aid of funds appropriated and to make adequate provisions for carrying out maintenance. Cooperative agreements under the provisions of the act shall be entered into with the federal highway administration only by the commission, but may be for the construction or improvement of either a state highway or a county road. If the road to be improved under such cooperative agreement is a state highway, the state's share of the expense shall be borne entirely by the state; if the highway to be improved or constructed under such cooperative agreement is not a state highway, the state's share of the cost of the work shall be divided between the state and the county upon such basis as the commission shall determine, and before an agreement is entered into with the federal highway administration the county must furnish the right-of-way and shall have entered into an agreement with the commission whereby it shall agree to pay its share of the cost and to pay the cost of all subsequent maintenance, work which shall be performed by and under the supervision of the director of the department of transportation, and the county also shall pay into the state highway fund its share of the estimated cost of the construction.

24-2-114. State agency law enforcement communications system; department duties and responsibilities.

(a) The department of transportation shall:

24-2-115. Program for informational signing by businesses, main street or historic sites; department duties and responsibilities; fees.

(a) As authorized under W.S. 31-5-406(b), the department of transpor-

tation shall establish a program for informational signing by business entities as part of departmental approved motorist service panels or roadside information panels erected within rights-of-way along interstate and primary highways. The program shall be designed for advertising and information of interest to the traveling public in accordance with 23 U.S.C. 131(f).

(b) In establishing the program under this section, the department shall by rule and regulation:

(ii) Provide for application by main street or historic sites for signing upon approval by the federal highway administration for interstate highways and the department of transportation for primary highways;

24-3-118. Hearing before county commissioners; determination and payment of damages; entry on land; abandonment prohibited; records; surveys.

(c) When the road has been established and the award has been paid by the board of county commissioners or by the department of transportation, to the person or persons entitled, or deposited with the county clerk, the highway authorities and their contractors and employees may take possession and exercise full control of the land within the right-of-way of the road so established.

(d) After the county or the department of transportation has taken possession of the right-of-way, there shall be no abandonment of the establishing of the highway, and in the event of an appeal by an owner of real estate affected to the district court from the award finally made by the board of county commissioners, the board shall pay the amount finally determined to be due.

24-3-122. Condemned land tax free during use by state. No taxes covering the real estate taken by the county or the department of transportation for rights-of-way shall be assessed, or charged against the land owner or owners during the time that rights-of-way are being used for the purposes for which they were established.

24-3-126. Abandonment of portion of highway upon reconstruction or relocation of existing highway; relinquishment to county or city in lieu of abandonment.

(a) The transportation commission may abandon or relinquish any portion of state highways upon the reconstruction or relocation of any portion of an existing state highway.

(b) Prior to abandonment of any portion of a state highway, the transportation commission shall offer the highway to the governing body of any county or city in which the highway is located. Upon being notified of the transportation commission's intent to abandon any portion of a state highway, the governing body of the county or city shall comply with the procedures provided for in paragraph (c)(ii) of this section in order to initiate transfer of the state highway.

(c) The abandonment or relinquishment of any portion of state highways shall be conclusively evidenced by the resolution entered in the min-

ute reco
recorded
of the co
way rig
affect th
under th
tenance
of-way a
interest
of-way a
shall ha
mainter
ment ar

(ii)
written
way wit
way sys
the gove
state hig
purpose
county c
ment by
of relinq
deed effi
of any c

24-4-1
by this
It shall
mary, s
constru
market
other ru
ways, o
work ur
transpo

24-4-1
cation c

(a) T
countie
grams.
formed
departn
dance w
enginee
market
its boar
of the c
to feder
state-co

ute record of the commission. A certified copy of the resolution shall be recorded by the secretary of the transportation commission in the office of the county clerk of any county in which abandoned or relinquished highway right-of-way is located. Abandonment or relinquishment shall not affect the rights of corporations or their successors in interest acquired under the provisions of W.S. 1-26-813 to continue the operation and maintenance of transmission and distribution lines constructed upon the right-of-way and shall not affect the rights of any corporation or successors in interest to continue to maintain any facility lawfully in the highway right-of-way at the time of any abandonment or relinquishment. Corporations shall have the right to go upon these lands for the purposes associated with maintenance or use of their facility. Specific rules regarding relinquishment and abandonment are:

(ii) Instead of abandonment, the transportation commission may, upon written request, relinquish to any county or city any portion of a state highway within the county or city proposed to be removed from the state highway system. The request shall be in the form of a resolution adopted by the governing body of the county or city, indicating that the portion of the state highway sought by the governing body will be used for a local public purpose enumerated in the resolution and expressing the agreement of the county or city to assume all responsibility with regard thereto. Relinquishment by the transportation commission shall be by entry of the resolution of relinquishment in the minute record of the commission and by quitclaim deed effective upon recordation in the office of the county clerk and recorder of any county in which the real property is located.

24-4-101. Scope of program. The construction program contemplated by this act shall be known as the "county farm-to-market road program." It shall be in addition to and not as a substitute for any federal aid, primary, secondary and farm-to-market road program or state-county road construction programs and shall include farm to market roads, mine to market roads, rural free delivery mail roads, public school bus roads and other rural roads of community value which connect with important highways, or lead to rail shipping points or local settlements. All construction work under this program shall be done under contract authorized by the transportation commission.

24-4-102. Department of transportation to supervise and control; allocation of costs.

(a) The transportation commission shall cooperate with the respective counties of the state in the construction of county farm-to-market road programs. All work under the county farm-to-market programs shall be performed under the immediate control and supervision of the director of the department of transportation or his authorized representative, and in accordance with plans and specifications approved by the director or the chief engineer, which work in any county to be known as its county farm-to-market road program, and shall be promptly commenced upon request of its board of county commissioners, which request shall contain the pledge of the county for contribution as specified and conducted as a supplement to federal aid, primary, secondary and farm-to-market road programs and state-county road construction programs, and not as a substitute for any

programs. The term "construction" as used in this section shall include construction, reconstruction, surveys, mapping, right-of-way costs, bridges, culverts and fencing, in all of which whenever and to the extent possible, the department of transportation shall use existing grades, bridges and other physical items or facilities in order to minimize or avoid more costly construction. Ninety-three percent (93%) of all expense shall be paid by the department of transportation from the county farm-to-market road account and seven percent (7%) by the county from funds available for road and bridge building purposes, and all expense of maintaining such roads, after construction is completed, shall be paid by the county. Each board of county commissioners of the several counties in the state is authorized to pledge from the account amounts as are required to construct, repair, and maintain roads that serve residents of its county but traverse another county, in the same manner that roads within its county are constructed under the provisions of this act.

24-5-102. Board of county commissioners to incite procedure for industrial road. A board of the county commissioners of any county may on its motion by resolution duly adopted where it deems the public interest so requires and a road-building emergency prevails incite the procedure for the establishment of an industrial road. The course and the point of termination of the road shall be determined by the board of the county commissioners. Before a board of the county commissioners of a county or counties can initiate the road program herein, it must have the cash money available for the project as described. Upon the adoption of such resolution by the board of the county commissioners of one (1) or more counties, it shall immediately notify the transportation commission of Wyoming of its intentions to establish a proposed industrial road.

24-5-103. Three viewers to examine industrial road proposal; appointment of same. Three (3) viewers shall be appointed to examine into the expediency of the proposed industrial road and to make their report immediately. One (1) viewer shall be appointed by the board of the county commissioners at a regular or special meeting or the chairman of the board, if in his judgment an emergency exists, shall appoint a suitable and disinterested elector of the county, who may be a member of the board of the county commissioners; one (1) viewer shall be appointed by the member of the transportation commission in whose district the proposed industrial road is located, and the other viewer shall be appointed by the two (2) previously appointed viewers, which viewer shall not be a resident of the county in which the proposed industrial site is located.

24-5-108. Department of transportation to survey, plat and record proposed road. If upon considering and acting upon the report of the viewers the board of the county commissioners shall decide to lay out a road, they shall contact the department of transportation which shall provide an accurate survey and plat and record the same in the book provided in the county for that purpose; a copy of the plat and notes of the survey shall without unnecessary delay be filed in the office of the county clerk.

24-5-117. Construction under supervision of director of department of transportation; division of construction costs. The transportation commission shall cooperate with the respective counties of the state in the con-

struction
road pro
vision of
represe
by the d
as its in
request
tain the
structio
tion, su
in all of
portatio
facilitie
cent (50
tion, an
paid by
concern

24-5-1
mission
or unde
dollars
an acco
way fu
returne

24-5-
expenc
ticipat
money
from a
which
no cou
sand c
apply
(\$50,0
shall e
shall l

24-5

(a)
tation
shall
qualif

(ii)
the t

24-
authc
acces
ion n
acces

struction of the industrial road program. All work under the industrial road program shall be performed under the immediate control and supervision of the director of the department of transportation or his authorized representative and in accordance with plans and specifications prepared by the director or the chief engineer, which work in the county is known as its industrial road program and shall be promptly commenced upon request of its board of the county commissioners, which request shall contain the pledge of the county for contribution as specified. The term "construction" as used in this section shall include construction, reconstruction, surveys, mapping, right-of-way costs, bridges, culverts and fencing, in all of which whenever and to the extent possible the department of transportation shall use existing grades, bridges and other physical items or facilities in order to minimize or avoid more costly construction. Fifty percent (50%) of all expense shall be paid by the department of transportation, and the other fifty percent (50%) of the construction costs shall be paid by the board of the county commissioners of the county or counties concerned.

24-5-118. Industrial road program account. The transportation commission shall set aside and appropriate out of funds in their possession or under their control, not otherwise appropriated, the sum of one million dollars (\$1,000,000.00) at the beginning of each biennium to be placed in an account known as the industrial road program account within the highway fund. All funds not used during each biennium shall lapse and be returned to the general account of the highway fund.

24-5-119. Counties to match state funds; maximum amount of county expenditures; exception; acquisition of right-of-way. Any county participating in the industrial road program shall match money equally with money set aside pursuant to W.S. 24-5-118. These funds may be derived from any funds in the respective county budget now available or any monies which may subsequently be budgeted for this program, provided, however, no county shall expend on this program in excess of two hundred thousand dollars (\$200,000.00) each and every biennium. This act shall not apply to any project having a total cost of less than fifty thousand dollars (\$50,000.00) total. The board of the county commissioners of each county shall acquire the right-of-way for any industrial road, the expense of which shall be charged against the industrial road program.

24-5-121. Priority of road projects.

(a) In the event there are more county applications than the transportation commission has money available, the transportation commission shall determine which road project shall have priority based on these qualifications:

(ii) County money actually available for the project and deposited with the transportation commission;

24-6-105. Design and regulation of access to highway. The highway authorities of the state, county, city and town are authorized to design any access facility and to regulate, restrict or prohibit access as in their opinion may best serve the traffic for which the facility is intended. When an access facility is established under the authority of this act and if rights

of ingress or egress are granted and designated by the highway authorities at specified points along the access facility as provided, the means of ingress or egress to and from the access facility shall be limited to the use designated by the transportation commission. In the event the commission grants a private and not a commercial entrance or access to the highway, the entrance or point of access shall not be used for or in connection with the conduct of any roadside business or other commercial enterprise. The highway authorities are authorized to divide and separate any access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across access facilities to or from abutting lands, except at such designated points at which access may be permitted, for the use for which access may be permitted, and upon such terms and conditions as may be specified by proper authority from time to time, or as specifically provided for.

24-6-110. Prohibited acts.

(b) The performance of a prohibited act shall not be unlawful if necessitated by an emergency resulting from the then existing condition of such access facility or local service road. If access to the facility is made by means of cutting or removal of a fence or gate, the person so doing shall be liable for its repair or replacement under the direction of the department of transportation. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon arrest and conviction shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

24-7-102. Prohibited expenditures. It is declared to be unlawful for the transportation commission or the department of transportation to expend any monies for the construction of a proposed change or for the acquisition of the necessary right-of-way for the same, until the approval of the governing body of the affected town or city shall have first been obtained as above provided.

24-7-104. Connecting roads; construction. From and after the passage of this act whenever an established state highway is relocated, it shall be the duty of the department of transportation to cause to be constructed a hard-surfaced highway from any city or town of a population of not less than fifty (50) people now on or adjacent to the established highway to the relocated highway by the nearest practicable route.

24-7-105. Connecting roads; expense of construction. The connecting roads from the cities or towns to the relocated highway shall be constructed and maintained by the department of transportation without expense to the county or counties in which the roads are constructed.

24-10-103. Definitions.

(a) Except as otherwise provided, as used in this act:

(iv) "Commission" means the transportation commission of Wyoming;

24-10-106.

(g) Signs on the following an incorporat

(iv) Sceni or other state

STATI

24-11-101. commission, a row money fro ing shall be ev at a rate or r: discretion of t ming farm lo revenues rece 39-6-305(d), (e tute a debt no or statutory d shall be used way facilities sion of miner in the state.

24-12-101. trator appoin within the de sonnel to be a the highway p way patrol d

24-13-102.

(a) As user

(ii) "Dep W.S. 24-2-10

24-13-103. relocation of project on the utility facilit with the orde completing th cation and m

25-3-103. of products 1

(b) All arti grown by or use of the sc

24-10-106. Size, lighting and spacing; where signs may be erected.

(g) Signs may not be located within five hundred (500) feet of any of the following which are adjacent to the highway, unless the signs are in an incorporated area:

(iv) Scenic areas as designated by the department of transportation or other state agency having and exercising such authority;

CHAPTER 11

STATE TRANSPORTATION COMMISSION LOAN ACT

24-11-101. Special obligation loans. The Wyoming transportation commission, a public instrumentality of the state of Wyoming, may borrow money from the Wyoming community development authority. Borrowing shall be evidenced by a special obligation loan or loans bearing interest at a rate or rates not exceeding ten percent (10%) per annum and at the discretion of the transportation commission, with the approval of the Wyoming farm loan board, may be payable from and secured by a pledge of revenues received under W.S. 39-6-303 and administered pursuant to W.S. 39-6-305(d), (e) and (f). Any such special obligation loan shall not constitute a debt nor an indebtedness within the meaning of any constitutional or statutory debt limitations. The proceeds of each special obligation loan shall be used for the purpose of constructing or otherwise acquiring highway facilities which become necessary by reason of the location and expansion of mineral extractive industries and other industrial developments in the state.

24-12-101. Established; composition; designation of rank; administrator appointed; to hold rank of colonel. The highway patrol division within the department of transportation is established to consist of personnel to be appointed and designated as to rank by the administrator of the highway patrol. The director shall appoint an administrator of the highway patrol division who shall hold the rank of colonel.

24-13-102. Definitions.

(a) As used in this chapter:

(ii) "Department" means the department of transportation created by W.S. 24-2-101;

24-13-103. Relocation of utility facilities; payment of costs. If the relocation of any utility facility is necessitated by the construction of a project on the federal-aid highway system, the owner or operator of that utility facility shall relocate the facility at its expense and in accordance with the order of the director of the department of transportation. Upon completing the relocation, the department shall determine the cost of relocation and may pay any portion of that amount to the utility.

25-3-103. Discipline to be reformatory; employment of residents; sale of products for public use or in open market; disposition of proceeds.

(b) All articles manufactured and produced, or all agricultural products grown by or through the labor of residents of the school not required for use of the school, may be furnished to:

(iii) The transportation commission for use on any roads or highways;

27-3-502. Determination of employer and employment; period included; termination; election of coverage; records and reports; registration; action to enjoin operations; service suppliers.

(f) Any employing unit subject to this act shall not commence business or engage in work within this state without notifying and qualifying with the department. A prime or general contractor subcontracting any part of a contract shall require notification by and qualification of any subcontractor under this subsection before awarding a contract or permitting a subcontractor to begin work. The state, a county, municipality or any other political subdivision shall require prime or general contractor notification and qualification with the department before authorizing the contractor to begin work under any public contract. The secretary of state, the Wyoming department of transportation and the department of revenue and taxation shall certify monthly to the department the names and addresses of persons qualifying with that agency during the preceding month. Any employing unit failing to comply with this subsection or W.S. 27-3-510(c) or (d) may be enjoined by the department from engaging or continuing in business subject to this act until required payments are made and the unit complies with this act. All costs of the action including a reasonable attorney fee shall be paid by the employing unit against which the injunction is sought. In addition to the penalties and remedies provided by W.S. 27-3-510 through 27-3-512 and 27-3-704, the department may assess and collect an additional fee of up to three (3) times the amount of delinquent contributions payable under this act for any employing unit, or if the employing unit is a subcontractor, the general contractor, failing to comply with this subsection. This additional fee is part of the payment due for all purposes if an action is instituted under this subsection.

27-14-102. Definitions.

(a) As used in this act:

(viii) "Employer" means any person employing an employee engaged in any extrahazardous occupation, electing coverage for his employees under W.S. 27-14-103(g) and qualified by the division as a resident employer or a nonresident employer. "Employer" includes fire districts for volunteer firemen, counties for volunteer ambulance personnel and search and rescue personnel, the department of transportation for volunteer search pilots, the division of manpower planning for federal Job Training Partnership Act participants not covered by a qualifying employer-employee relationship, the governmental entity for which recipients of general relief perform work and the governmental entity for which prisoners, probationers or parolees perform work;

30-2-101. Definitions.

(a) As used in this act:

(x) "Mining operations" include the following whether in process or development, construction or operation:

(O) solid forming operation and m control an road comp

31-1-101

(a) Exc

(iv) "

31-1-201

(a) The ment of tl tion over the state director o gate rules by the W ment of t rulemaki afforded Act.

(b) Th any divi employe seal of th of any p therefor

(c) Of ment, cc adminis

(d) TI cations, provisio board o of the d rules ar the Wy of the fe ing pro a persc departr clerks.

31-2-

(d) A be acc

(O) All other processes or operations in which mineral materials in solid form are extracted or processed within Wyoming, but excluding mining operations and processes relating to highway and railroad construction and maintenance, other than tunneling, performed directly under the control and supervision of the state department of transportation or a railroad company. The exclusion does not apply to commercial suppliers.

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(iv) "Department" means the department of transportation;

31-1-201. General administrative procedures.

(a) The department shall provide for the administration and enforcement of this act by its divisions. The department has supervisory jurisdiction over the levy and collection of fees and taxes levied by this act and the state board of equalization shall, only after recommendation from the director of the department or any person pursuant to W.S. 16-3-106, promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the fee and taxation provisions of this act. For the purpose of the rulemaking procedures the department shall have any and all rights afforded to a person pursuant to the Wyoming Administrative Procedure Act.

(b) The department shall adopt a seal for the use of the department or any division designated to enforce this act. The department and such employees of the department as it may designate shall prepare under the seal of the department or division and deliver upon request a certified copy of any public record of the department and may charge a reasonable fee therefor to be credited to the state general fund.

(c) Officers and employees of the department designated by the department, county clerks and treasurers and their deputies and employees may administer oaths without fee for the purposes of this act.

(d) The department shall prescribe and provide suitable forms of applications, registration cards and all other forms necessary to carry out the provisions of this act subject to the requirements of this act and the state board of equalization shall, only after recommendation from the director of the department or any person pursuant to W.S. 16-3-106, promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the fee and taxation provisions of this act. For the purpose of the rulemaking procedures the department shall have any and all rights afforded to a person pursuant to the Wyoming Administrative Procedure Act. The department shall provide, at cost, suitable certificate of title forms to county clerks.

31-2-202. Commercial vehicles.

(d) Applications made pursuant to paragraph (b)(i) of this section shall be accompanied by an administrative fee of two dollars (\$2.00) for each

motor vehicle, trailer or semitrailer to be registered and an additional fee to be computed as follows:

(i) In the case of a Wyoming based commercial vehicle or fleet, or a commercial vehicle or fleet based in a jurisdiction permitting proportional registration of similar Wyoming based commercial vehicles or fleets which will be operated under intrastate operating authority granted by the department, divide instate miles by total miles and multiply times the county fee prescribed by W.S. 31-3-101(a)(i) and the state fee prescribed by W.S. 31-3-101(a)(ii) for each vehicle to be registered;

(ii) Except as otherwise provided by paragraph (iv) of this subsection, in the case of a commercial vehicle or fleet based in a jurisdiction permitting proportional registration of similar Wyoming based commercial vehicles or fleets which will not require intrastate operating authority from the department, divide instate miles by total miles and multiply times the equalized highway use tax prescribed by W.S. 31-3-101(a)(iii) and the state fee prescribed by W.S. 31-3-101(a)(ii) for each vehicle to be registered;

(h) The department may enter into agreements relating to proportional registration of commercial vehicles with authorities of one (1) or more jurisdictions to facilitate administration. Every agreement shall be in writing and filed in the office of the secretary of state. Every agreement shall contain a provision authorizing the department to cancel and revoke the agreement with respect to Wyoming upon thirty (30) days notice to other parties thereto. Agreements shall provide for the submission of an application containing the information required by subsection (c) of this section to the department in the case of Wyoming based commercial vehicles and to the department or an authorized agency in another jurisdiction, in the case of non-Wyoming based commercial vehicles. As used in this subsection "commercial vehicle" includes utility trailers, rental vehicles and rental trucks.

(m) Commercial vehicles or fleets registered as provided by this section are fully licensed and registered in Wyoming for any type of movement or operation excluding those instances in which a grant of authority is required for intrastate movement or operation in which case no vehicle shall be operated in intrastate commerce unless the owner or operator has intrastate authority or rights from the department.

(y) A temporary permit issued under this section shall be carried in the power unit. Unlawful use of the temporary permit or fraudulent or false information given to obtain the temporary permit invalidates the permit and results in the penalty provided by W.S. 31-4-104. The department shall cancel, revoke or refuse to issue the temporary permits provided by this section based upon a finding from its records and prior experience or from the records and prior experience of the department that:

31-2-203. Reciprocal agreements and exemptions.

(a) The department may negotiate reciprocal agreements with appropriate officials of any other jurisdiction, in which nonresidents of this state shall be exempt from Wyoming vehicle registration fees in exchange for

equiv
on re

(b)
Wyor
son a
of W
gran
vehic
secti
recip
of ea
cal a
made

31-
by c

(b)
less
arab
hors
set f
abov
arab
to de
may
be c
betw
the k
shal
licer
Wyo
ranc
tura
of pr
of th
the t
"Fa

31

(c)
from
issu
mit
ing
mit
The
the

31
stic

equivalent exemptions from like fees imposed by the other jurisdictions on residents of this state.

(b) The department shall determine from time to time and advise each Wyoming motor vehicle registration and fee collecting official or other person and each state agency charged with enforcing motor vehicle statutes of Wyoming of the name of each state contiguous to Wyoming which has granted or subsequently grants for the benefit of affected Wyoming motor vehicle owners reciprocal exemptions pursuant to W.S. 31-2-202 and subsection (a) of this section, together with the nature and extent of each reciprocal grant by the other state, and shall likewise advise of the name of each jurisdiction with which the department has entered into a reciprocal agreement together with the nature and extent of the reciprocal grants made.

31-2-204. Issuance of certificates of registration and license plates by county; form.

(b) Except as otherwise provided, license plates shall be of metal not less than twelve (12) inches long in the left-hand end of which shall be arabic numerals for the county in which issued, followed by the bucking horse and rider emblem and a distinctive number assigned to the vehicle, set forth in numerals and letters as determined by the department and above or underneath such numerals shall be the word "Wyoming" and arabic numerals for the year of issue or validation. License plates issued to dealers and for trailers shall contain appropriate identification which may be in lieu of the bucking horse and rider emblem. License plates shall be changed or validated annually. There shall be a marked contrast between the color of the plate and that of the numerals and letters and the background of all plates shall be fully reflectorized. Motorcycle plates shall not be less than three (3) inches wide and six (6) inches long. Antique license plates shall bear no date and shall bear the inscription "Pioneer Wyo". License stickers for trucks and trailers used by any farmer or rancher for the transportation of livestock, feed or unprocessed agricultural products owned and produced by the farmer or rancher from the place of production to market and of ranch supplies intended solely for the use of the farmer or rancher, and not for sale, on the return trip, and not for the transportation of goods and persons for hire shall bear the inscription "Farm".

31-2-211. Use of dealer plates; temporary permits.

(c) Vehicles may be operated without registration for thirty (30) days from the date of purchase when displaying a temporary license permit issued by a licensed dealer or the department. A temporary license permit may be renewed for one (1) additional fifteen (15) day period commencing on the day following expiration of the original temporary license permit by any county clerk upon application and payment of a renewal fee. The form and display of temporary license permits shall be prescribed by the department.

31-2-213. Department to supply registration certificates, plates and stickers; handicapped parking permit identification cards.

(f) Applications for temporary and special handicapped parking permit identification cards shall be submitted as provided by rules and regulations of the department.

31-2-215. Disabled veteran's license plates.

(a) A disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the veteran's administration may apply for distinctive license plates for a motor vehicle owned by him upon registration of the vehicle. These license plates shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol or letters identifying the registrant as a disabled veteran. The department shall prescribe the symbol or letters which shall not include arabic numerals designating the county.

31-2-217. Special plates; Pearl Harbor survivors; national guard members.

(d) The special license plates shall be the same color as regular motor vehicle license plates, but shall bear a distinctive symbol or letters identifying the registrant as a survivor of Pearl Harbor or as a member of the Wyoming army or air national guard. The department shall prescribe the symbol or letters which need not include arabic numerals designating the county. The symbol or letters for a survivor of Pearl Harbor license plate shall be different from the symbol or letters for a national guard member license plate.

(g) All applications for special license plates provided by this section shall be made directly to the county treasurer at least thirty (30) days before registration of the vehicle expires. The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

31-2-301. Application for dealer or manufacturer certificates; authorization for dealer or manufacturer plates; revocation of certificate; notice requirement upon transfer of vehicle.

(d) Upon receipt of an approved application indicating the applicant is qualified and will operate from a principal place of business if a dealer or from an established place of business if a manufacturer, and bond and payment of fees the department shall issue a dealer or manufacturer certificate or renewal to the applicant and authorize purchase of dealer or manufacturer plates under subsection (f) of this section on a form prescribed by the department. A licensed dealer may establish and operate an additional place of business as a dealer in one (1) or more locations within a county which are not contiguous to the principal place of business, but each additional place of business, except those located inside an enclosed shopping mall, shall meet the same criteria as a principal place of business under paragraph (b)(iii) of this section. A certificate or renewal of a current certificate may only be issued to:

31-2-503. Applications; contents; effect.

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the mobile home for

whi
upo
depa
nati
bea
ing
mer
the
of ti
lien
con
of ti
or h
of ti
cert

3:
por
orig
upo
for
for
por
by
set
the
tax
por
pre
tio
wic
req
is a
As
31-

3

(

of

po

;

de

of

wi

po

"A

mit
ula-

vice
nay
pon
pon
dis-
an.
not

ard

otor
den-
the
the
late
ber

tion
fore
spe-
this

ori-
tice

nt is
aler
and
cer-
r or
ibed
ddi-
in a
each
hop-
ness
cur-

lark
e for

which application for certificate of title is made, issue a certificate of title, upon a form approved by and provided at cost to the county clerk by the department of transportation, in the name of the owner bearing the signature and seal of the county clerk's office. Each certificate of title shall bear a distinct serial number. The title shall be completely filled out giving a description of the mobile home in a manner prescribed by the department, indicate all encumbrances or liens on the mobile home and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of a sale or transfer of title. Certificates of title are valid for the mobile home so long as the mobile home is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the mobile home for which the certificate was issued.

31-2-508. Payment of taxes, receipt and over-width permit for transportable homes. Before any transportable home or portion thereof, whose original movement commences within the state of Wyoming is conveyed upon any street or highway, the owner shall present a proof of ownership for each portion of a prebuilt or modular home, or a certificate of title if for a mobile home, to the county treasurer of the county in which the transportable home is located, and pay the current year's taxes as computed by the county treasurer. In the event the ad valorem levy has not been set for the current year, the current year's tax shall be computed upon the levy for the previous year. Upon full payment of the current year's taxes due, the county treasurer shall issue a receipt describing the transportable home and indicating the current year's taxes are paid. Upon presentation of the receipt to the director of the department of transportation, or his authorized representative, the owner may be issued an over-width permit. Payment of the taxes due on a transportable home is not required for the issuance of an over-width permit if the transportable home is abandoned and is moved pursuant to W.S. 31-13-101 through 31-13-116. As used in this section, "transportable home" means as defined in W.S. 31-1-101(a)(xxiv).

31-5-102. Definitions.

(a) Except as otherwise provided, as used in this act:

(vi) "Commission" means the Wyoming transportation commission;

(ix) "Department" or "highway department" means the department of transportation of the state of Wyoming;

(l) "Superintendent" means the director of the department of transportation;

31-5-112. Adoption of uniform system of traffic-control devices. The department shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with this act for use upon highways within this state. The uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways"

and other standards issued or endorsed by the federal highway administrator.

31-5-113. Placement and maintenance of traffic-control devices by department.

(a) The department shall place and maintain such traffic-control devices, conforming to the department's manual and specifications, upon all state highways as it deems necessary to indicate and to carry out this act or to regulate, warn or guide traffic.

31-5-213. Restrictions on use of controlled-access highways.

(a) The department may by rule or regulation, and local authorities may by ordinance, with respect to any controlled-access highway under their respective jurisdictions prohibit or regulate the use of the highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The department or the local authority adopting any prohibitory regulation under subsection (a) of this section shall erect and maintain official traffic-control devices on the controlled-access highway on which the regulations are applicable and when so erected no person shall disobey the restrictions stated on the devices.

31-5-1001. Definitions.

(a) As used in this act:

(ix) "Department" or "highway department" means the department of transportation;

(xv) "Interstate or national defense highway" means highways which are designated as part of the interstate system by the transportation commission which are signed and marked accordingly;

(xxii) "Primary and secondary highways" means highways which are designated as part of the primary or secondary system by the transportation commission which are signed and marked accordingly;

(xxvii) "Superintendent" means the director of the department of transportation;

31-5-1008. Oversize-towing disabled vehicles.

(a) The width, height and length limitations prescribed in W.S. 31-5-1002 and 31-5-1004 do not apply to damaged, disabled or abandoned vehicles or combinations of vehicles in compliance with W.S. 31-5-1002 or 31-5-1004, while being towed by a tow truck or otherwise transported in compliance with regulations of the department. The limitation on the number of vehicles in combination imposed by W.S. 31-5-1002 may be exceeded for the purpose of towing disabled or abandoned vehicles or vehicle combinations from highways to the nearest accessible point of safekeeping where the vehicle or vehicles can safely be reduced in size to comply with W.S. 31-5-1002 whereby the safety of the disabled vehicle or other traffic will be maintained.

31-5-1106. reporting of

(b) The dep
accident of wh
supplemental
opinion of the

31-5-1205. written prom driving unde

(k) If a per
W.S. 31-5-233
the provisions
license, whetl
ing or issuing
W.S. 31-5-120
31-6-102 or 31
surrendered l

31-6-101.

(a) As usec

(iii) "Dep

31-7-102.

(a) As usec

(iii) "Cor
or any author
tration of thi

(v) "Dep

31-7-103.

act shall be e
reasonable ru
ment shall ke
shall be oper
the audit div.
all peace offi
ment of this

31-7-105.

(c) Any or

(ii) Any
the district c

31-7-121.

(a) There
five (5) mem

31-5-1106. Written reports required of driver and police officer; reporting of vehicles struck by bullets.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department.

31-5-1205. Traffic citations; notice to appear in court; release upon written promise to appear; procedure before judge or court; arrest for driving under the influence.

(k) If a person is arrested, cited or issued a summons for violation of W.S. 31-5-233 or a municipal ordinance which substantially conforms to the provisions of W.S. 31-5-233 he shall surrender possession of his driver's license, whether issued in Wyoming or another jurisdiction, to the arresting or issuing officer. In addition to other requirements of this section and W.S. 31-5-1204, the officer shall issue a temporary license pursuant to W.S. 31-6-102 or 31-7-138 to the person arrested or cited and shall forward the surrendered license to the department.

31-6-101. Definitions.

(a) As used in this act:

(iii) "Department" means the department of transportation;

31-7-102. Definitions.

(a) As used in this act:

(iii) "Commission" means the transportation commission of Wyoming or any authorized employee of the commission charged with the administration of this act;

(v) "Department" means the department of transportation;

31-7-103. Administration and enforcement. The administration of this act shall be exercised by the department which may prescribe forms and reasonable rules and regulations in conformity with this act. The department shall keep records of all monies received and disbursed. The records shall be open to examination by the state examiner or his designee and the audit division of the legislative service office. The highway patrol and all peace officers of any county or municipality shall aid in the enforcement of this act.

31-7-105. Office of hearing examiners.

(c) Any order of a hearing examiner is subject to appeal as follows:

(ii) Any other decision of the hearing examiner may be reviewed in the district court pursuant to the Wyoming Administrative Procedure Act.

31-7-121. Medical advisory board.

(a) There shall be a medical advisory board consisting of three (3) or five (5) members appointed by the director of the department with the

assistance of the department of health. At least two (2) members of the advisory board shall be licensed to practice medicine in Wyoming and shall have training in areas known to relate to the physical and mental aspects of driving ability. However, at least one (1) member of the board shall be licensed to practice optometry or ophthalmology in Wyoming. Members of the advisory board shall serve at the pleasure of the director and shall serve without compensation but may receive per diem and mileage in the same manner as employees of the state while engaged in the actual performance of their duties.

(b) The board shall advise the department on medical criteria and vision standards relating to the licensing of drivers under this act.

31-7-202. Definitions.

(a) As used in the Driver License Compact enacted in W.S. 31-7-201:

(i) "Licensing authority" means the department of transportation;

(iii) "Head of the licensing authority" means the director of the department of transportation.

31-8-101. Issuance to residents by department; restrictions.

(a) Any Wyoming resident twelve (12) years of age or older may be issued an identification card by the department of transportation. The application shall state the legal name, correct age and any other identifying data the department may require and shall be signed and verified by the applicant. The identification card shall at the applicant's request indicate that the applicant is an anatomical organ donor. An organ donor card shall be issued to an applicant expressing a desire to be an organ donor. A parent's or guardian's signature is required to authorize the organ donor notation on the identification card of or the issuance of a donor card to persons under eighteen (18) years of age. Requirements for a parent or guardian's signature on the organ donor card are specified in W.S. 35-5-104(b).

31-9-102. Definitions.

(a) As used in this act:

(iii) "Division" means the division within the department of transportation charged with administration and enforcement of this act;

31-9-103. Administration; administrative review.

(a) The administration of this act shall be exercised by the department of transportation which may prescribe forms and reasonable rules and regulations in conformity with this act. The administration of this act may be delegated by the department to the division.

31-9-104. Disclosure of driving record. The department shall adopt rules and regulations concerning disclosure of the driving record of any person subject to this act.

31-11-101. Definitions.

(a) As used in this act:

(iii) "Department" means the Wyoming department of transportation;

31-11-104. Sale of seized vehicles; disposition of proceeds; proof of ownership after sale. All vehicles seized under W.S. 31-11-111 remaining unclaimed after ninety (90) days from the date of seizure, shall be sold by the department or its authorized representative, at public auction, to the highest bidder. Notice of sale shall be published not less than ten (10) days preceding the date of the sale, in a newspaper of general circulation in the county where the vehicle is to be sold, giving a full description of the vehicle together with engine or serial numbers or marks, if any. All expenses incident to the sale and storage of the vehicle shall be first paid from the receipts from the sale, and any residue shall be paid by the department to the state treasurer for credit to the general fund. Should any claimant prove ownership of a vehicle sold by the department under this act within six (6) months after the date of sale, the state auditor shall upon proper proof of ownership approved by the department, draw a warrant upon the state treasurer in favor of the claimant for the amount which was paid into the state treasury.

31-12-105. Claims by governmental agencies. The department, in respect to streets, highways, bridges or appurtenances thereto or structures in connection therewith, under its jurisdiction may present claims for liability under W.S. 31-12-103 and 31-12-104, bring actions in the name of the transportation commission of Wyoming for recovery thereon, together with the costs and expenses incurred in any action, and may settle and compromise claims which may arise. Local authorities in respect to streets, highways, bridges or appurtenances thereto or structures in connection therewith, under their respective jurisdictions may present claims for liability under this act, bring actions for recovery thereon, together with the costs and expenses incurred in any action, and settle and compromise claims which may arise.

31-13-101. Definitions.

(a) As used in this act:

(ii) "Department" means the department of transportation;

31-13-102. Powers and duties of department; responsibility of the county.

(a) The department shall administer the provisions of this act.

(b) The department may adopt rules and regulations as necessary to carry out the provisions of this act.

31-14-102. Definitions.

(a) As used in this act:

(x) "License service" means the rendering of assistance by a motor club to any person obtaining:

(C) A transfer of legal ownership or registration in the records of the department of transportation.

31-15-102. State cooperation with and assistance to interstate cooperating committee. The department of transportation shall cooperate with the cooperating committee in carrying out the purpose of W.S. 31-15-101 and shall cooperate with and assist the committee, to the extent funds are appropriated for this purpose, with the provisions of article III, section 1(a) and (b).

31-16-101. Definitions.

(a) As used in this act:

(ii) "Department" means the department of transportation;

31-17-102. Definitions.

(a) For purposes of this act, the following definitions apply:

(x) "Department" means the department of transportation;

33-19-103. Definitions.

(a) Unless the context requires otherwise, the following terms when used have the meanings assigned to them:

(iv) Interstate System. That portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated by the transportation commission and approved by the United States department of transportation pursuant to the provisions of title 23, United States Code, "Highways";

(v) Primary System. That portion of connected main highways, as officially designated or as may hereafter be so designated by the transportation commission and approved by the United States department of transportation pursuant to the provisions of title 23, United States Code, "Highways";

(vi) Commission. Transportation commission of Wyoming;

35-2-901. Definitions; applicability of provisions.

(a) As used in this act:

(v) "Construction area" means a thirty (30) mile radius from the center of the closest community in Wyoming to a nursing care facility or hospital with swing beds as determined by utilizing the state map prepared by the Wyoming department of transportation;

35-5-112. Driver's license indication of anatomical organ donors; procedure; donor cards.

(a) The department of transportation shall adopt and implement a program whereby anatomical organ donors may be so identified by an appropriate decal, sticker or other marking to be affixed to the driver's license or identification card of the person. In addition to affixing the donor marking provided in this subsection, the department shall issue a donor card to each applicant indicating his desire to donate his organs. The donor card shall meet the requirements of W.S. 35-5-104(b). The card shall be

signed b
at any 1

(b) TI
license,
cate his
tificatio
of this s
who has
marking
request.
donor nc
ance of a
tive, the

(c) Th
lished by
having th
ing a do

(d) Th
states as
ing and c

**35-12-1
mendatio**

(b) The
following
it applies

(i) W.

35-15-10
investiga
tion for a
receipt by
with. All
not exclus
state depa
lic service
office of th
at the requ
to render
the condit

36-1-102.
institution
or shall he
ments and
ord the doc
ously recor
the commis
of-way con

signed by the donor and two (2) witnesses as required by W.S. 35-5-104(b) at any time after issuance.

(b) The department shall provide space on every application for a driver's license, identification card or renewal in which the applicant may indicate his desire to have the donor marking on his driver's license or identification card and to receive the donor card as provided in subsection (a) of this section. In addition, any person whose license has not expired or who has already obtained a license or identification card may have the marking affixed by, and receive the donor card from, the department upon request. A parent or guardian's signature is required to authorize the organ donor notation on the driver's license or identification card or the issuance of a donor card to persons under eighteen (18) years of age. To be effective, the donor card shall be executed in compliance with W.S. 35-5-104(b).

(c) The department shall publish the existence of the programs established by this section along with information regarding the procedures for having the marking affixed to a license or identification card and for receiving a donor card.

(d) The department shall notify its counterparts in each of the other states as to the existence of the programs and the significance of the marking and donor card.

35-12-110. Service of notice of application; information and recommendations; application deficiencies, procedure; jurisdiction; hearing.

(b) The office shall obtain information and recommendations from the following state agencies relative to the impact of the proposed facility as it applies to each agency's area of expertise:

(i) Wyoming department of transportation;

35-15-109. Application for license; processing; state agencies to make investigations, reports and recommendations on request. The application for a license shall be processed within twenty (20) days following receipt by the division and shall be issued if all conditions are complied with. All state departments, boards, officers and agencies, including but not exclusive of the state fire marshal, the department of agriculture, the state department of transportation, the state labor department, the public service commission, the workmen's compensation department and the office of the attorney general shall do all things necessary and requisite, at the request of the division, to make and undertake investigations and to render reports and recommendations unto the division in relation to the conditions necessary for the issuance of the license.

36-1-102. Recording and filing documents of title. Every department, institution, board and commission of the state of Wyoming which now has or shall hereafter acquire an interest in real property, except leases, easements and rights-of-way for a term not exceeding three (3) years, shall record the document of title with the appropriate county clerk, unless previously recorded, and after recording, shall file the original document with the commissioner of public lands excepting, however, easement and right-of-way conveyances previously obtained by the state department of trans-

portation or state transportation commission. This section shall have no effect on existing recording statutes.

36-8-901. Reservation of lands for, and description of, Bear River recreation area.

(e) The Wyoming recreation commission shall prepare a plan for the development and operation of the Bear River recreation area. This plan shall be presented to the legislature not later than the second Tuesday in January, 1983. In developing the plan, the commission shall:

(iii) Consult with the city of Evanston and county of Uinta and have the full cooperation of the state transportation commission in planning access to the area;

36-8-1001. Description and declaration; plan for park development and operation; plan for development of prison buildings as state historic site.

(d) The economic development and stabilization board shall prepare a business plan for the development and operation of the Wyoming territorial prison historic site and state park which shall provide for private operation under contract with the state with the authority to implement the business plan. The plan shall be presented to the legislature not later than the second Tuesday in January, 1987. In developing the plan, the board shall:

(iv) Consult with the Wyoming transportation commission for planning and maintenance of access to the park;

(e) Development of the site shall include the prison building, the warden's residence, broom factory, adjacent buildings and the grounds immediately surrounding the historic prison buildings not to exceed seven (7) acres of land. Any plan for development shall provide for:

(iii) Consultation with the Wyoming transportation commission for planning and maintaining access to the historical site; and

37-2-203. Separate hearings; hearings to be open; representation by attorney; reports, investigations.

(f) Nothing in this act in relation to service regulation or in relation to reports or the methods of keeping accounts, records or books shall apply to any common carrier engaged in interstate commerce; provided, that, the department of transportation may, upon proper notice, require any common carrier to furnish to the department of transportation copies of any reports as it may designate which any common carrier may have filed with the interstate commerce commission.

37-8-101. Definitions.

(a) As used in this act:

(ii) "Certificate" means a document authorized to be issued under this act by the department, granting authority to a person to operate a motor vehicle as a common carrier transporting persons or property for hire;

(iii) "Commission" means the transportation commission of Wyoming;

(vi) "Department" means the department of transportation;

(xvi) "State highway" means any highway now or subsequently designated as a state highway by the state transportation commission;

37-8-102. Common motor carriers regulated. All common motor carriers are public utilities. The power to supervise and regulate all motor carriers is delegated to the department.

37-8-104. Powers and duties of the department.

(a) The department shall:

(vii) Conduct hearings or give opportunity for hearing on all applications for certificates and on any other matters as provided by law or as determined by the department;

(c) The department may initiate appropriate civil proceedings in the courts of this state to enforce and cause to be prosecuted criminal violations of this act, or of orders, rules or regulations. The district and county and prosecuting attorneys of this state shall prosecute all criminal violations. Other persons affected by violations of this act or the orders, rules or regulations of the department, may seek redress by appropriate remedy in the courts of this state or upon proper complaint or application to the department. The department may revoke any certificate or permit upon conviction of a carrier of any violation under W.S. 37-8-501(a) or after notice and hearing upon good cause shown. Any cessation, discontinuance or curtailment of any regular route scheduled service by a common motor carrier of passengers for more than thirty (30) days without authority from the department constitutes prima facie evidence of good cause to revoke the certificate.

(d) When fixing rates or fares, the department may hold hearings upon receipt of written protest. Rates fixed by the department shall take effect twenty (20) days after notification of publication unless otherwise ordered by the department. The department may institute rate hearings on its own motion.

(e) The department may examine and audit the shipping records of shippers and consignors to determine the accuracy of rates or fares. Shippers and consignors shall keep and maintain records adequate to enable the department to examine and audit the records. Records shall be maintained for three (3) years or until they are examined and audited, whichever occurs first. The requirements contained in this subsection do not apply to shippers or consignors of unprocessed agricultural products.

(f) Any party in interest or any person or party authorized under chapter 8 of title 37 to file for an original hearing before the department may appeal to a hearing panel appointed by the transportation commission in the same manner, and to the same extent, as provided in the Wyoming Administrative Procedure Act.

37-8-201. Issuance of certificates; matters to be considered; deposit of insurance.

(a) The department shall issue certificates to qualified common carriers. In acting upon applications for certificates the department shall find that:

(iii) Certificates shall remain valid and in effect unless revoked by the department for good cause, such as a violation of this act, or cancelled at the request of the certificate holder.

(b) Applications for certificate shall be made in writing and verified and shall contain the following information:

(iv) Agreement to charge the rates and fares fixed and approved by the department for the transportation of persons or property;

(ix) Appropriate additional information as the department deems necessary.

(c) The department shall require all common carriers to deposit with it policies of insurance companies which companies are either authorized to do business in Wyoming or are lawfully able to transact insurance without a certificate of authority pursuant to title 26 of the Wyoming statutes as determined by the insurance commissioner of this state, or other adequate security, for such cargo, public liability and property damage insurance as the department determines will fully protect the shipping and general public, and adequate security for the remittance to a shipper within ten (10) days of all monies collected on a collect-on-delivery shipment before a certificate may be issued. The policy of insurance, bond or proof of other security shall be continuous and remain in full force and effect unless and until cancelled on not less than thirty (30) days written notice to the department, the notice to commence to run from the date it is received at the office of the department. The cancellation filed with the department shall, upon its effective date, suspend the operating authority of the affected carrier and no operations shall be conducted on any highway until the insurance, bond or other adequate security, in the form and amount as required becomes effective and is approved by the department.

(d) The department shall supervise and regulate the accounts of common carriers, shall require them to use and carry in their motor vehicles at all times uniform bills of lading, showing all property then being transported, to deliver copies to both consignor and consignee and to retain a copy for the inspection of the state highway patrol and the department and to file such monthly reports of their operations and keep and retain such records for inspection by the department as deemed necessary to properly administer this act.

(e) As the department grants each certificate it shall assign each common motor carrier a certificate number and shall notify the appropriate divisions within the department.

37-8-202. Issuance of permits to operate as a contract carrier; deposit of insurance.

(a) The department shall issue permits to qualified contract motor carriers. Applications shall contain information required by the department.

(b) Permits to operate as a contract motor carrier shall be issued upon compliance with this act without a hearing. However, if the privilege

sought app
compete wi
tory, the ap
ing a perm
as are deer
involved. I
irregular r
any comm
revoked by
or cancell

(c) The
it policies
to do busin
out a certi
as determ
quate secu
for the pr
or proof of
effect unl
notice to t
is receive
departme
of the affi
way until
amount r
The depa
records f
for tax in
tract mot
uniform
deliver c
inspectic

37-8-202 carriers:

(a) Th
state mc
or equip
Applica
mits sha
for good
of the p

37-8-2
with th
of a ce
proceed
days fo
transfe

37-8-1
ment b

sought appears to the department to impair the operations of or unduly compete with any common motor carrier serving the same route or territory, the application shall be granted only following a hearing. In granting a permit after a hearing the department shall attach such conditions as are deemed necessary for the protection of the common motor carrier involved. If the privilege sought is the transportation of property over irregular routes, then the privilege shall not be construed to compete with any common motor carrier. Permits shall remain valid and in effect unless revoked by the department for good cause, such as a violation of this act, or cancelled at the request of a permit holder.

(c) The department shall require all contract carriers to deposit with it policies of insurance companies which companies are either authorized to do business in Wyoming or are lawfully able to transact insurance without a certificate of authority pursuant to title 26 of the Wyoming statutes as determined by the insurance commissioner of this state or other adequate security for cargo, public liability and property damage insurance for the protection of the public generally. The policy of insurance, bond or proof of other security shall be continuous and remain in full force and effect unless and until cancelled on not less than thirty (30) days written notice to the department, the notice to commence to run from the date it is received at the office of the department. The cancellation filed with the department shall, upon its effective date, suspend the operating authority of the affected carrier and no operations shall be conducted on any highway until the insurance, bond or other adequate security, in the form and amount required, becomes effective and is approved by the department. The department shall require contract motor carriers to keep and retain records for inspection by it and make monthly reports as are necessary for tax information of the department. The department shall require contract motor carriers to use and carry in their motor vehicles at all times uniform bills of lading, showing all property then being transported, to deliver copies to both consignor and consignee and to retain a copy for the inspection of the department and the state highway patrol.

37-8-203. Issuance of permits to operate as private or interstate motor carriers; records and reporting requirements for interstate carriers.

(a) The department shall issue permits to qualified private and interstate motor carriers. Permits shall not be issued if the proposed operation or equipment to be used will render the highways unsafe for the public. Applications shall contain information required by the department. Permits shall remain valid and in effect unless revoked by the department for good cause, such as a violation of this act, or cancelled at the request of the permit holder.

37-8-204. Transfer of certificates. Certificates may be transferred with the prior approval of the department. Pending approval of a transfer of a certificate, the department may grant, without hearing or other proceedings, temporary approval for a period of not more than ninety (90) days for the operation of the motor carrier properties by the prospective transferee.

37-8-206. Alteration of route; hearings. No route fixed by the department by a certificate or permit shall be changed except by order of the

department after notice of opportunity for hearing or a hearing held for that purpose.

37-8-301. Permanent cards and decals; operation without certificate or permit; inspections.

(a) Not later than April 1, 1989, all motor carriers who are properly qualified and registered with the department shall be issued permanent identification cards and decals. A certificate or permit of any motor carrier issued after January 1, 1988, is valid until a permanent certificate or permit is issued upon application after December 31, 1988, but before April 1, 1989, or until the certificate or permit is cancelled or revoked.

(c) A copy of the current certificate or permit shall upon demand, be presented by the driver of the vehicle to which it is assigned to any of the field investigators of the department, members of the state highway patrol or authorized personnel of the department at its ports of entry. Investigators, patrolmen and authorized personnel may compel the driver to stop and submit his vehicle to their inspection by signs directing the motor carrier to stop at ports of entry or other locations designated by the department or by warning devices on vehicles of investigators, patrolmen or authorized personnel. All ports of entry shall post their hours of operation on signs directing motor carriers to stop for inspection. No vehicle primarily engaged in the transportation of passengers is required to stop at a port of entry unless specifically directed to do so by an investigator, patrolman or authorized personnel or by a sign specifically requiring those vehicles to stop.

37-8-303. Deviation from approved rates or fares; unfair competition by contract carriers prohibited.

(a) It is unlawful for any common carrier to charge a greater or lesser rate or fare than the rate or fare fixed and approved by the department, or for any contract motor carrier, when rates or fares to be charged by motor carriers have been fixed by the department, to charge any lesser rate or fare than that fixed by the department. Common and contract motor carriers shall compute their rates and charges in the same method and manner as provided in the applicable tariff. Common and contract motor carriers are limited to provisions provided in the tariff.

37-8-304. Authority of department to adopt rules and regulations governing drivers, equipment and hazardous materials. The department shall adopt rules and regulations prescribing the permissible operating time and other requirements of motor carrier drivers, equipment and the transportation of hazardous materials which are consistent with comparable regulations of the United States Department of Transportation.

37-8-305. Display of name or trade name.

(a) No person may operate a motor vehicle or combination of vehicles of more than twenty-six thousand (26,000) pounds gross weight as given on the certificate of registration unless the name or trade name of the motor carrier, under whose certificate or permit authority issued by or registered with the department the motor vehicle or combination of vehicles is oper-

ated, is
by or re
cle sha

37-8-
indust

(a) C
operati
gle trip
mit fro
porary
the fir
depart

(e) I
try as
ing a t
ance v
from e

(h)
an age
porary
this ti
in W.S
ices in
of inte
of day

37-8

(b)
state
porta
the ac
lectir
tions

37-

(a)
lation
or re
in th
to a f
ment

(b)
and

(c)
the c
ing t
mak

ated, is displayed. If the vehicle is not operated under authority granted by or registered with the department, the name of the owner of the vehicle shall be displayed.

37-8-403. Single trip permits; temporary permits for motion picture industry vehicles; tour buses.

(a) Operators of motor vehicles engaged in commercial and interstate operations not otherwise qualified with the department may make a single trip in, through or out of Wyoming upon obtaining a temporary permit from the department in accordance with W.S. 31-2-202(s). The temporary permit shall be obtained before loading, unloading or going beyond the first county seat or the first location in Wyoming designated by the department.

(e) Any operator of a motor vehicle engaged in the motion picture industry as defined by W.S. 31-2-202(t) may operate in Wyoming upon obtaining a temporary permit from the department pursuant to and in compliance with W.S. 31-2-202(t). The temporary permit exempts the operator from all fees otherwise required under this title.

(h) An operator of a tour bus may obtain a single temporary permit from an agent of the department in accordance with W.S. 31-2-202(w). The temporary permit exempts the operator from all fees otherwise required under this title. As used in this subsection, "tour bus" means a bus as defined in W.S. 31-1-101 operated by a motor carrier providing a package of services including transportation and lodging, meals or admission to places of interest or entertainment to a group of persons over a specified number of days and following an established itinerary.

37-8-405. Disposition of fees and taxes.

(b) All fees and taxes collected under this act shall be credited to the state highway fund. Each month the director of the department of transportation shall transfer from the state highway fund to the general fund the actual amount expended by the department for administering and collecting the fees under this act within the limits of general fund appropriations for these purposes.

37-8-501. Specific crimes and penalties; enforcement.

(a) Any person who violates any provision of this act or rule and regulation of the department, who fails to comply with any order, decision, rule or regulation of the department or who procures, aids or abets any person in the violation or noncompliance is guilty of a misdemeanor and subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(b) The highway patrol division shall enforce the provisions of this act and all rules, regulations or orders made by virtue of this act.

(c) The highway patrol division and such other enforcement officers as the department designates are charged with the duty of policing and enforcing the provisions of this act. The enforcement officers have authority to make arrests for violation of any of the provisions of this act. The enforce-

ment officers may require the driver to exhibit the permit issued for the vehicle, to submit to the enforcement officer for inspection any and all bills of lading or other evidences of the character of the lading being transported in the vehicle and require the vehicle to proceed to the nearest department check station or county seat, on the route of the carrier, where the officer may inspect the contents of the vehicle for the purpose of comparing same with bills of lading or other evidences of ownership or of transportation for compensation.

37-9-301. Fireguards. It shall be the duty of every railroad corporation operating its line of road, or any part of it, within this state, upon its right-of-way upon each side of its roadbed, to maintain annually an effective fireguard upon order of and satisfactory to specifications set forth by the department of transportation so as to prevent fire from spreading to lands adjacent to said right-of-way. The fireguards need not be maintained within the limits of any city or town, nor along that portion of the line of a railroad where the desert or mountainous character of the adjoining land would render such burning impractical or unnecessary.

37-9-302. Fireguards; penalty. Any railroad corporation failing to comply with the provisions of the preceding section shall be liable to pay a penalty of one hundred dollars (\$100.00) for each and every mile, or fractional mile, of such strips of land as it neglects to treat as directed by the department of transportation upon either side of the line of its road in this state, in each and every year as stated, the same to be collected in any proper action in any court of competent jurisdiction, in the name of the state of Wyoming, and when collected it shall be paid into the school fund of the county where the cause of action accrued. The action shall be brought within one (1) year next after it occurs.

37-9-303. Fireguards; liability for damages.

(a) Every railroad corporation operating its line of road, or any part of it, within this state, shall be liable for all damages by fire resulting from or caused by operating any such line of road together with suppression costs, established by the department of transportation, and any damages and costs in any court of competent jurisdiction.

37-9-802. Penalty; exceptions. Any owner or operator of a railroad running through or within this state as a common carrier of persons or property or both, for compensation, who either operates for its employees, or who furnishes to its employees for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by W.S. 37-9-801, shall be deemed guilty of a misdemeanor and fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and each day or part of a day it operates or furnishes each of the rail track motor cars not so equipped as provided in W.S. 37-9-801, to its employees for operation to or from the place or places where they are required to work shall constitute a separate offense, provided that any common carrier that has not been able to equip its rail track motor cars as required by the provisions of W.S. 37-9-801, on or before the effective date can, by applying to the department of transportation, which is authorized to, and upon good

cause s
a comr
one (1)
grante
and 37
be app
which
of the

37-9-
when :
portati

(a) T
portati
followi

(b) T
of this

(iv)
lic inte

(c) T
section
ble cha

(d) T
any ac

(e) T
the att
of this
ties, m
operate
donme

37-10
of acc

(a) I
of part
and oth
lic high
of any
is creat
crossin
any fur
any pai
any sig
mine th
eral fu
eral aik
act, "c

cause shown, grant by order, additional time to any owner or operator of a common carrier by railroad, in which to equip the cars, not to exceed one (1) year from the effective date of this act. When an order has been granted by the department to the carrier, the provisions of W.S. 37-9-801 and 37-9-802 penalizing rail carriers who do not equip their cars shall not be applicable to those carriers securing an order for additional time in which to equip their cars during the period granted to them only by order of the department.

37-9-1002. Department of transportation authority to take action; when action may be taken; attorney general and department of transportation responsibility.

(a) To fulfill the policy stated in W.S. 37-9-1001 the department of transportation shall, subject to subsections (b) and (c) of this section, take the following actions:

(b) The department shall take the actions authorized in subsection (a) of this section if:

(iv) The department determines action is necessary to protect the public interest.

(c) The department may decide not to take any action authorized in subsection (a) of this section if it determines the action does not have a reasonable chance of fulfilling the policy stated in W.S. 37-9-1001.

(d) The attorney general shall assist and represent the department in any action taken as authorized in this section.

(e) The department is responsible for state rail planning and shall assist the attorney general in any action taken as authorized in subsection (a) of this section and shall provide technical advice and assistance to counties, municipalities and prospective rail carriers seeking to purchase and operate railroad lines which are abandoned or subject to potential abandonment.

37-10-101. Highway crossing protection account established; purposes of account; use in connection with federal funds.

(a) In order to promote the public safety and to provide for the payment of part of the costs of installing, reconstructing and improving automatic and other safety appliance signals or devices at crossings at grade of public highways, as defined in this act, roads or streets over the track or tracks of any railroad corporation or street railway corporation in the state, there is created in the state treasurer's office an account known as the highway crossing protection account within the earmarked revenue fund. Before any funds of the highway crossing protection account shall be used to pay any part of the cost of the installation, reconstruction, or improvement of any signals or devices at any crossing, the commission shall first determine that all federal sources of funding have been exhausted. When federal funds are being utilized, federal guidelines as indicated in the federal aid highway program manual shall be followed. For purposes of this act, "commission" means the Wyoming transportation commission.

37-10-102. Power to close or establish crossings; establishing priority for hazardous crossing locations.

(a) The transportation commission, shall have the power and authority to close or establish crossings at grade of public highways as specified, over the track or tracks of any railroad corporation or street railway corporation in the state of Wyoming.

(b) Upon application to the commission from the duly authorized agents of the cities, counties or other governmental entities or the affected railroad for participation under the terms of this act or upon its own motion when the public interest clearly indicates action should be taken, the commission shall consider the need from the evidence presented, availed or adduced and shall establish a priority rating from the applications or evidence before the commission, assigning priority first to the most hazardous railroad crossing locations, giving proper weight to increased rail traffic and to the traffic volume over such crossing with due consideration being given for school buses and dangerous commodities. If the commission determines there is a need for grade crossing protection, then they shall determine the type of crossing protection required, including whether the crossing is to be made at grade or a grade separation structure. If the crossing be at grade, the commission shall determine the kind and type of grade crossing protection signals and devices required. If the crossing is to be a grade separation structure, the commission shall determine the kind and type of grade separation structure.

37-10-103. Apportionment of cost of grade crossing devices and grade separation structures; between railroad and state, county and city government.

(a) With respect to the installation of safety devices or safety equipment at railroad-highway crossings, under the direction of the affected railroad, it shall be the duty of the transportation commission to apportion the costs and expenses of installing or reconstructing such crossings and safety devices between the railroads and the department of transportation or the county, city or other governmental entity involved in proportion to the respective benefits to be derived, and to make the apportionment of the costs in accordance with justice; but that in allocating the cost and dividing it among the parties involved, the commission shall limit the amount to be charged against the railroad to a maximum of thirty-three and one-third percent (33 1/3%) of the cost of the total project for installing or reconstructing such crossings and safety devices.

(b) With respect to the initial installation of grade separation structures at existing railroad public highway crossings, the commission shall first determine that all federal sources of funding have been exhausted, and then apportion the remaining costs and expenses of the initial installation of the grade separation structures between the railroad and the department of transportation or the county, city or other governmental entity involved, the apportionment to be based upon the causes resulting in the need for grade separation structures in accordance with justice. None of the money in the highway crossing protection account shall be used for payment of grade separation structures.

**37-10-
separat
account
of main
tration**

(a) T
of the h
use of c
that th
or devic
the stat
portati
crossin
be paid
by the

37-11
tificatio
ment c
carrier
applic
the di
applic
state
ing sa
Aeror
craft
obser
craft.
for a
evide
with

37-
inter
trans
oper
direc
onau
adm
up t

37-

(a)
genc
pack
mer
the
mer
not
on c

37-10-104. Apportionment of cost of grade crossing devices and grade separation structures; between state highway crossing protection account and department of transportation, city, town and county; cost of maintaining safety devices and grade separation structures; administration of highway crossing protection account.

(a) The transportation commission is charged with the administration of the highway crossing protection account. In order to compensate for the use of crossings by the public generally, the commission shall also order that the part of the cost of installing, reconstructing or improving signals or devices as will not be paid by the railroad corporation, be divided between the state highway crossing protection account and the department of transportation or the city, town, county or other political entity in which the crossing is located. The commission shall fix in each case the amount to be paid from the crossing protection account and the amount to be paid by the department or by the city, town, county or other political entity.

37-11-102. Conditions precedent to issuance of certificate. No certificate of public convenience and necessity shall be issued by the department of transportation to any person authorizing operation, as a common carrier by aircraft in Wyoming intrastate commerce, unless and until the applicant shall have submitted to the department a certificate, signed by the director of the Wyoming aeronautics commission, to the effect that the applicant has complied with the laws of the United States, the laws of the state of Wyoming, and the lawful rules, regulations and orders, respecting safety of operations; and the provisions of the "Uniform State Law for Aeronautics", with respect to the right to use airports, airplanes and aircraft as necessary in order to properly conduct the proposed operations and observe proper standards of safety in the operation or navigation of aircraft. The Wyoming aeronautics commission shall require all applicants for a certificate of public convenience and necessity to furnish to it such evidence as it may require showing that they have complied in all respects with the laws, rules, regulations and orders.

37-11-103. Hearings; right of aeronautics commission or director to intervene. Whenever a hearing is scheduled before the department of transportation in any proceeding for authority to conduct common aircraft operations in Wyoming intrastate commerce, it shall be the duty of the director of the department to notify the administrator of the Wyoming aeronautics commission; and the Wyoming aeronautics commission or its administrator may intervene in the proceedings for the purpose of setting up the interests of the Wyoming aeronautics commission.

37-14-103. Emergency response fee.

(a) In addition to any other fees and taxes provided by law, an emergency response fee of two hundred dollars (\$200.00) shall apply to each package of radioactive waste transported through this state. The department of transportation shall collect this fee based on a permit issued by the department which is not inconsistent with federal law. The department shall promulgate rules on issuing and revoking permits which are not inconsistent with federal law. The department shall promulgate rules on quarterly reporting and payment of fees, retention of records and audit

requirements. All emergency response fees shall be deposited in the general fund.

39-1-309. Cooperative agreements between states.

(a) The department may enter into cooperative agreements with other jurisdictions, for exchange of information and auditing of users of motor fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement, declaration or amendment is not effective until stated in writing and filed with the department.

(c) The department may, as required by the terms of an agreement, forward to officers or agents of another member jurisdiction any information in the department's possession relative to the manufacture, receipts, sale, use, transportation, or shipment of motor fuels by any person. The department may disclose to officers or agents of another member jurisdiction the location of officers, motor vehicles and other real and personal property of users of motor fuels.

(d) An agreement may provide for each member jurisdiction to audit the records of persons based in the jurisdiction to determine if the motor fuel taxes due each jurisdiction are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the jurisdiction to each jurisdiction in which the person has taxable use of motor fuels. For persons not based in this state and who have taxable use of motor fuel in this state, the department may serve the audit findings received from another jurisdiction, in the form of an assessment, on the person as though an audit was conducted by the department.

(e) Any agreement entered into pursuant to this section does not preclude the department from auditing the records of any licensee under title 39, Wyoming statutes, articles 2 and 9 of chapter 6.

(f) If the department enters into any agreement under the authority of this section and the provisions set forth in the agreement are in conflict with any rules or regulations promulgated by the department, the agreement provisions prevail.

(g) As used in this section:

(i) "Department" means the department of transportation;

(ii) "Motor fuels" means gasoline as defined in W.S. 39-6-201(a)(v) and special fuel as defined in W.S. 39-6-901(a)(xi).

39-6-201. Definitions.

(a) As used in this article:

(x) "Department" means the department of transportation.

39-6-202. Administration. The administration of this article is vested in the department which shall prescribe the forms for the making of returns, and assessment and collection of license taxes and fees hereby imposed. The state board of equalization shall, only after recommendation from the director of the department or any person pursuant to W.S.

16-3-106, promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the provisions of this article. For the purpose of the rulemaking procedures the department shall have any and all rights afforded to a person pursuant to the Wyoming Administrative Procedure Act. All tax returns and records are open to examination by the state examiner or his deputies.

39-6-208. When documents or payments transmitted by mail deemed received.

(a) Any report, claims, tax return, statement or other document or payments required or authorized by this article to be made or filed to or with the department and which is:

(i) Transmitted through the United States mail is deemed filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or other appropriate wrapper containing it;

(ii) Mailed but not received by the department or where received but the cancellation mark is illegible, erroneous or omitted, is deemed filed and received on the date mailed if the sender establishes it was deposited in the mail on or before the due date for filing and submits a duplicate within thirty (30) days following written notification by the department of the nonreceipt.

39-6-209. Gasoline license tax imposed; exceptions.

(a) There is levied and shall be collected a license tax of eight cents (\$.08) per gallon on all gasoline used, sold or distributed for sale or use in this state except:

(iii) Gasoline in quantities of not more than thirty (30) gallons brought into the state in the tanks of a motor vehicle for use in the motor vehicle in which it is transported, or fifty (50) gallons in the case of a common carrier of passengers by motor truck holding a certificate of convenience and necessity from the department is exempt from the license tax;

39-6-210. Distribution of gasoline license taxes.

(a) All gasoline license taxes and fees received by the department under this article shall be transferred to the state treasurer who shall credit them to the proper accounts as specified by the department and in subsection (d) of this section.

(d) After certifying the amounts provided by subsection (c) of this section, the department shall certify the balance of taxes collected under this article to the state treasurer who shall distribute the remainder as follows:

(ii) One-sixth (1/6) shall be distributed as follows:

(A) Seventy-five percent (75%) shall be credited by the state treasurer to the county farm-to-market road account in the highway fund. The department shall allocate to each county a share based fifty percent (50%) upon the ratio which the rural population of each county including the

population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state according to the last federal census and fifty percent (50%) based on the ratio which the area of the county bears to the total area of the state. Any interest earned on invested funds allocated to counties shall be credited to each county and may be used for the county's matching fund requirements and for project costs as provided by W.S. 24-2-110(c)(ii);

39-6-213. Penalties; enjoining sales by delinquent taxpayers; prohibited acts.

(j) No state employee who by virtue of his employment has knowledge of the business affairs of any person filing or required to file any tax returns under this article shall make known its contents in any manner or permit any person to have access to any returns or information contained therein except as provided by law or in the following cases:

(i) The delivery to the taxpayer or his legal representatives upon written request of a copy of any return or report in connection with his tax;

(ii) The publication of statistics so classified to prevent the identification of particular returns or reports;

(iii) The inspection by the attorney general of the report or return of any person who brings an action against the state, or against whom an action is contemplated or has been instituted;

(iv) The introduction into evidence of any report or return or information therefrom in any administrative or court proceeding to which the person making the report or return is a party;

(v) The furnishing of any information to the United States government and its territories, the District of Columbia, any state allowing similar privileges to the board or to the multistate tax commission for relay to tax officials of cooperating states. Information furnished shall be only for tax purposes;

(vi) The inspection of tax returns and records by the department of audit.

(k) Any person who violates subsection (j) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars (\$1,000.00), imprisoned for not more than one (1) year, or both.

39-6-215. Additional gasoline tax imposed; exceptions.

(a) In addition to the tax collected pursuant to W.S. 39-6-209, there is levied and shall be collected a license tax of one cent (\$.01) per gallon on all gasoline used, sold or distributed for sale or use in this state except:

(iii) Gasoline in quantities of not more than thirty (30) gallons brought into the state in the tanks of a motor vehicle for use in the motor vehicle in which it is transported, or fifty (50) gallons in the case of a common carrier of passengers by motor truck holding a certificate of convenience and necessity from the department is exempt from the license tax.

(c) The tax day of the total quality of the balance and the env by W.S. 35- account. Th third month notifies the of the corre sponsibili

39-6-305.

(e) The r be adminis board for u production way, road c nue to the city street j current rev or other po portation, v ject to the f section ma reapply for payment o to be comm not more t and project ever, the fa of the cost at least sev including s levy durin the case of or the city 39-6-412 a nue source

(f) All a tion shall form the k the state stabilizati tion before tion is app investigat

39-6-901

(a) As

(c) The tax imposed by this section shall cease to be collected on the first day of the third month following the date the department of environmental quality notifies the director of the department of transportation that the balance of the corrective action account created by W.S. 35-11-1424 and the environmental pollution financial responsibility account created by W.S. 35-11-1427 exceed ten million dollars (\$10,000,000.00) in each account. The tax shall again be collected beginning on the first day of the third month following the date the department of environmental quality notifies the director of the department of transportation that the balance of the corrective action account or the environmental pollution financial responsibility account has fallen below four million dollars (\$4,000,000.00).

39-6-305. General disposition of revenue collected.

(e) The monies in the account under subsection (d) of this section shall be administered by the Wyoming farm loan board and disbursed by the board for use in areas which are directly or indirectly impacted by the production of minerals, to assist in financing public water, sewer, jail, highway, road or street projects. Not less than fifty percent (50%) of the revenue to the account shall be used to finance state highway, county road or city street projects. The Wyoming farm loan board may make grants from current revenues to any county, city, town, sewer district, water district or other political subdivision of the state, or the state department of transportation, with respect to the use of the revenues under W.S. 39-6-303 subject to the following conditions. Any recipient of revenues under this subsection may, with the approval of the Wyoming farm loan board, annually reapply for and receive an additional grant under this subsection for the payment of any obligation to the state or other obligee. For new projects to be commenced after March 1, 1980, grants shall only be used to finance not more than fifty percent (50%) of the cost of any portion of a project and projects for street, curb, gutter or storm drainage improvements. However, the farm loan board may make grants in excess of fifty percent (50%) of the cost of a project if the board finds that the applicant either levied at least seven (7) mills in the case of a city or town for operating expenses including special district levies chargeable against the general city or town levy during the current fiscal year or levied at least eleven (11) mills in the case of a county for operating expenses during the current fiscal year or the city, town or county is imposing the optional tax permitted by W.S. 39-6-412 at the time of the application and is utilizing all other local revenue sources reasonably and legally available to finance the project, and:

(f) All applications for project assistance under subsection (e) of this section shall be made directly to the Wyoming farm loan board in whatever form the board may prescribe. The board may submit any application to the state department of transportation, the economic development and stabilization board or any other state agency for review and recommendation before approving or disapproving the application. Before any application is approved the Wyoming farm loan board shall determine by proper investigation:

39-6-901. Definitions.

(a) As used in this act:

(vi) "Department" means the department of transportation;

39-6-902. Administration; rulemaking. The administration of this act is vested in the department which shall prescribe the forms for the making of returns, and assessment and collection of license taxes and fees hereby imposed. The state board of equalization shall, only after recommendation from the director of the department or any person pursuant to W.S. 16-3-106, promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the provisions of this act. For the purpose of the rulemaking procedures the department shall have any and all rights afforded to a person pursuant to the Wyoming Administrative Procedure Act. All tax records specified in this act are open to examination by the state examiner or his deputies.

39-6-903. Licensing of wholesalers; fees; reciprocity; bonds.

(a) Every wholesaler who purchases special fuel tax free shall obtain a special fuel tax license from the department for a fee of fifteen dollars (\$15.00). The license is not transferable and is valid until revoked by the department or surrendered by the licensee.

39-6-909. Special fuels license tax imposed; exceptions.

(b) When a wholesaler imports special fuel into or exports special fuel from the state of Wyoming in the fuel supply tanks of motor vehicles, the amount of special fuel consumed in the vehicles on Wyoming highways shall be deemed to be the product of the total amount of the special fuel consumed in his entire operations within and without this state times the total number of miles traveled on the highways within this state divided by the total number of miles traveled within and without the state. In the absence of mileage records, the department may by rule promulgated pursuant to W.S. 39-6-902 adopt the mileage basis for determining the taxable use of motor fuel used in those motor vehicles which travel regularly over prescribed courses on and off the highways within the state of Wyoming. In the absence of records showing the number of miles actually operated per gallon of special fuel consumed, it shall be presumed that not less than one (1) gallon of special fuel was consumed for every four (4) miles traveled.

39-6-910. Distribution of special fuels license taxes and fees.

(d) The state treasurer shall deposit one percent (1%) of the taxes collected under this act into the special fuel taxpayer account created by W.S. 39-6-1001(c) reduced by the amount necessary to ensure the account balance does not exceed seven hundred fifty thousand dollars (\$750,000.00). Not earlier than ninety (90) days after the department issues a notice of delinquency or a notice and demand to a licensee for payment of tax under this act, the department may certify to the state treasurer the amount of the tax owed, but not interest or penalties, and that the tax has not been paid. Upon receipt of the certification, the state treasurer shall distribute from the special fuel taxpayer account in accordance with subsection (c) of this section an amount equal to that specified in the certification to the extent funds are available in the account. Distributions shall be made as

reven
taxes
the s
paye

39-

(b)
and
depa
mati
the l
ten p
colle
fract
men
amou
the U
of th
that
waiv
after
to th
the c
cent
there
shall
quen
licen
requ

(h)
of th
unde
any
exce

(
ten

(
tion

(
any
actic

(
mati
pers

(
men
lar p

revenues are received until the amount certified has been transferred. Any taxes under this act collected after the department has certified them to the state treasurer as unpaid shall be deposited into the special fuel taxpayer account.

39-6-911. Penalties; prohibited acts.

(b) If any person fails or refuses to file the required statement or reports and remit the tax as provided by W.S. 39-6-904(a) and 39-6-913(e), the department shall make a statement for that person from the best information available and from that statement shall determine the amount of the license and use taxes required to be paid and shall add a penalty of ten percent (10%) of the taxes due. The license taxes and penalty shall be collected by the department together with one percent (1%) per month or fractional part thereof on the license taxes from the due date until payment. The department shall notify the delinquent taxpayer of the total amount due by serving written notice upon the person personally or by the United States mail to the last known address as shown on the records of the department. If the delinquent taxpayer proves to the department that the delinquency was due to a reasonable cause, the department shall waive the penalty provided in this subsection. If the delinquent taxpayer after receiving the statement prepared by the department later renders to the department a true statement covering the same reporting period, the department shall use such statement, adding the penalty of ten percent (10%) and interest of one percent (1%) per month or fractional part thereof on the license taxes from the due date until payment. The penalty shall be waived by the department upon satisfactory written proof the delinquency was due to a reasonable cause. The department may suspend the license issued under this act of any person who fails or refuses to file required statements or reports and remit the tax as required under this act.

(h) No state employee who by virtue of his employment has knowledge of the business affairs of any person filing or required to file any tax returns under this article shall make known its contents in any manner or permit any person to have access to any returns or information contained therein except as provided by law or in the following cases:

(i) The delivery to the taxpayer or his legal representatives upon written request of a copy of any return or report in connection with his tax;

(ii) The publication of statistics so classified to prevent the identification of particular returns or reports;

(iii) The inspection by the attorney general of the report or return of any person who brings an action against the state, or against whom an action is contemplated or has been instituted;

(iv) The introduction into evidence of any report or return or information therefrom in any administrative or court proceeding to which the person making the report or return is a party;

(v) The furnishing of any information to the United States government and its territories, the District of Columbia, any state allowing similar privileges to the board or to the multistate tax commission for relay

to tax officials of cooperating states. Information furnished shall be only for tax purposes;

(vi) The inspection of tax returns and records by the department of audit.

(j) Any person who violates subsection (h) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars (\$1,000.00), imprisoned for not more than one (1) year, or both.

39-6-913. Special fuel user license; application; bonding; cab cards; reports; payment of taxes.

(c) The department shall provide special fuel user licensees with cab cards, decals or other means of identifying vehicles as being operated by a licensee under this section. The state board of equalization shall, only after recommendation from the director of the department or any person pursuant to W.S. 16-3-106, promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the provisions of this section. For the purpose of the rulemaking procedures the department shall have any and all rights afforded to a person pursuant to the Wyoming Administrative Procedure Act.

(e) On or before the last day of the calendar month following each calendar quarter, each licensed special fuel user shall file on forms prescribed by the department a report, signed by the user, indicating the total number of miles traveled in all jurisdictions by the user's vehicles subject to the tax under this section, the total number of miles traveled by those vehicles in this state, the amount of special fuel used by those vehicles in all jurisdictions, the amount of tax under this act paid during the calendar quarter and any other information required by the department to compute the licensee's tax liability. The licensee shall pay all taxes due under this act at the time the report is filed. If the tax on special fuel imported into this state in the fuel supply tanks of motor vehicles for taxable use on Wyoming highways can be more accurately determined on a mileage basis the department may approve and adopt that basis. In the absence of mileage records showing the number of miles actually operated per gallon of special fuel consumed, it shall be presumed that not less than one (1) gallon of special fuel was consumed for every four (4) miles traveled. The department shall by rule promulgated pursuant to subsection (a) of this section prescribe procedures under which a special fuel user who is entitled to at least a two hundred fifty dollar (\$250.00) refund of tax under this act for purchases and use of fuel in any calendar month may apply for and receive the refund at any time after the last day of that month.

39-6-914. Additional special fuels tax imposed; exceptions.

(c) The tax imposed by this section shall cease to be collected on the first day of the third month following the date the department of environmental quality notifies the director of the department of transportation that the balance of the corrective action account created by W.S. 35-11-1424 and the environmental pollution financial responsibility account created by W.S. 35-11-1427 exceed ten million dollars (\$10,000,000.00) in each

account
third
notified
of the
respon

39-6-
distri

(e) 1
amount
as a re
1991,
W.S.
39-6-9
of thos
in each
amount

41-3-
road r

(a) .
the rig
or vali
not to
roadbe
tempo
or con
way co
transp
author
shall h
ing th
of and
be dele
provid
approf

41-1-

(a) :
the fol

(xx)
ities a
public
ming,
any st
the str
not cor
sary, i
upon o
ation a

account. The tax shall again be collected beginning on the first day of the third month following the date the department of environmental quality notifies the director of the department of transportation that the balance of the corrective action account or the environmental pollution financial responsibility account has fallen below four million dollars (\$4,000,000.00).

39-6-1001. Taxpayer accounts created within earmarked revenue fund; distribution of funds in excess of specified limits.

(e) If taxes collected from a person are insufficient to satisfy the total amount required to be deposited in the accounts created by this section as a result of the certification by the department of revenue, by April 1, 1991, or the department of transportation that taxes are not paid under W.S. 39-6-412(j) and (k)(vii), 39-6-210(e), 39-6-409(d), 39-6-509(e) or 39-6-910(d), a portion of the taxes collected shall be deposited into each of those accounts in the same proportion as the amount required for deposit in each account due to the person's uncollected taxes bears to the total amount required due to the person's uncollected taxes.

41-3-110. Right to acquire temporary water rights for highway or railroad roadbed construction, repair; generally.

(a) Any person shall have the right to acquire by purchase, gift or lease the right to the use of water which may be embraced in any adjudicated or valid unadjudicated water right, or any portion thereof, for a period of not to exceed two (2) years, for highway construction or repair, railroad roadbed construction or repair, drilling and producing operations, or other temporary purposes, on its own behalf or on behalf of its agents, employees or contractors: provided, that if the proposed use is to be for public highway construction or repair under a contract with the state department of transportation, only the state transportation commission shall have the authority to acquire the water; and the state transportation commission shall have the sole and continuing responsibility for the acquisition, including the payment of all fees, royalties and other consideration for the use of and access to water and the right to acquire the rights to use shall not be delegated to a construction contractor or other third party; and further provided, that any temporary transfer shall be allowed only if no other appropriator is injured thereby.

41-10-113. Powers of district board.

(a) For and on behalf of the district the board of any district shall have the following powers:

(xx) To construct and maintain works and establish and maintain facilities across or along any public street and in, upon, or over any vacant public lands which are now or may become the property of the state of Wyoming, and to construct works and establish and maintain facilities across any stream of water or watercourse. The district shall promptly restore the street to its former state of usefulness as nearly as possible, and shall not completely or unnecessarily impair its usefulness. Whenever it is necessary, in making any improvements under the provisions of this act, to enter upon or cross any property of the state acquired for and utilized in the operation and maintenance of a state highway, the district shall have the right-

of-way over the same by filing a plat of the lands and of its proposed improvements with the state department of transportation and acquiring a license from the department. The license shall provide that the utility facility will be constructed in a manner to conform with applicable federal, state or local laws, codes and ordinances and as directed by the state department of transportation;

Section 4. W.S. 10-3-101(e), 31-1-101(a)(ii), 31-5-102(a)(xiv), 31-9-102(a)(i), 31-13-101(a)(i), 37-8-101(a)(iii) and 37-8-104(b) are repealed.

Section 5. This act is effective April 1, 1991.

Approved March 6, 1991.

CHAPTER 242

GENERAL GOVERNMENT APPROPRIATIONS-5

Original House Bill No. 6

AN ACT to amend 1990 Wyoming Session Laws, Chapter 114, Section 067 relating to appropriations for capital construction projects; decreasing certain amounts; appropriating monies for specified capital construction projects; providing definitions; authorizing the use of revenue bonds to finance capital construction projects; and providing for an effective date.

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

Section 1. As used in this act:

- (a) "Agency" means any governmental unit or branch of government receiving an appropriation under this act;
- (b) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;
- (c) "Approved budget" means an approved budget as defined by W.S. 9-2-1005(e);
- (d) "TA" means an agency's account within the trust and agency fund;
- (e) "UW" means the University of Wyoming fund;
- (f) "LI" means the permanent land income fund;
- (g) "TG" means the GnMA account II (account 04-004-041) in the trust and agency fund;
- (h) "PF" means private funding sources;
- (j) "E3" means the budget reserve account;