

HOUSE BILL NO. HB0005

Driver's licenses and IDs.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; authorizing digital
2 driver's licenses and identification cards; establishing
3 fees; authorizing electronic notice relating to expirations,
4 renewals and other transactions; clarifying which credentials
5 may be possessed; providing definitions; providing rulemaking
6 authority; making conforming amendments; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 8-1-102(a) by creating a new paragraph
12 (xvii), 31-5-1205(k), 31-7-102(a)(xxv), by creating new
13 paragraphs (xlix) through (lii) and by renumbering (xlix) as
14 (liii), 31-7-103(a), 31-7-106(c), 31-7-113(a) by creating a
15 new paragraph (xii), 31-7-115(c) and by creating a new

1 subsection (d), 31-7-116, 31-7-119(g), 31-7-131(a) through
2 (c), 31-7-137(a) and (b), 31-8-101(a) and by creating new
3 subsections (c), (d) and (e), 31-8-102(a)(intro),
4 31-8-103(d), 31-8-104 and 31-8-105(a)(iv) are amended to
5 read:

6

7 **8-1-102. Definitions.**

8

9 (a) As used in the statutes unless the legislature
10 clearly specifies a different meaning or interpretation or
11 the context clearly requires a different meaning:

12

13 (xvii) "Surrender" when referring to a driver's
14 license or identification card means as provided in
15 W.S. 31-7-131.

16

17 **31-5-1205. Traffic citations; notice to appear in**
18 **court; release upon written promise to appear; procedure**
19 **before judge or court; arrest for driving under the influence.**

20

21 (k) If a person is arrested, cited or issued a summons
22 for violation of W.S. 31-5-233 or a municipal ordinance which
23 substantially conforms to the provisions of W.S. 31-5-233 or

1 for a violation as defined in W.S. 31-5-234(d), he shall
2 surrender possession of his physical driver's license, if
3 applicable, whether issued in Wyoming or another
4 jurisdiction, to the arresting or issuing officer. In
5 addition to other requirements of this section and W.S.
6 31-5-1204, the officer shall issue a temporary license
7 pursuant to W.S. 31-6-102, 31-6-108 or 31-7-138 to the person
8 arrested or cited and shall forward the surrendered license
9 to the department.

10

11 **31-7-102. Definitions.**

12

13 (a) As used in this act:

14

15 (xxv) "License", "driver's license", "digital
16 driver's license", "commercial driver's license",
17 "instruction permit", "commercial learner's permit" or
18 "intermediate permit" means a license or permit secured by a
19 person from the division, in accordance with this act which
20 grants the privilege to drive or operate a motor vehicle on
21 the public highways, streets and roads of this state;

22

1 (xlix) "Digital driver's license" means a secure
2 electronic representation of a physical driver's license that
3 is stored on the driver's portable electronic device and may
4 be viewed or verified by a person to whom access is allowed.
5 A digital driver's license is optional to purchase,
6 supplemental to a physical driver's license and may be
7 accepted in lieu of a physical driver's license at the option
8 of the person requesting or requiring proof of licensure or
9 identification;

10
11 (l) "Last known address" means the address, email
12 address or other electronic contact information, as
13 applicable, according to the sending method, on file with the
14 division;

15
16 (li) "Portable electronic device" means an
17 electronic device that is portable in nature, is easily
18 carried or conveyed by hand and may be used to display,
19 transmit, or both;

20
21 (lii) "REAL ID Act" means the REAL ID Act of 2005,
22 Public Law 109-13, 119 Stat. 302, enacted May 11, 2005, and
23 subsequent amendments thereto;

1

2 ~~(xlix)~~(liii) "This act" means W.S. 31-7-101
3 through 31-7-313.

4

5 **31-7-103. Administration and enforcement.**

6

7 (a) The administration of this act shall be exercised
8 by the department, which may prescribe forms and reasonable
9 rules and regulations in conformity with this act and the
10 Uniform Electronic Transactions Act under W.S. 40-21-101
11 through 40-21-119. Provisions of this act prevail over the
12 Uniform Electronic Transactions Act if there is a conflict.

13 The department shall keep records of all monies received and
14 disbursed. The records shall be open to examination by the
15 director of the state department of audit or his designee and
16 the legislative service office. The highway patrol and all
17 peace officers of any county or municipality shall aid in the
18 enforcement of this act.

19

20 **31-7-106. License required; limited to one license.**

21

22 (c) No person shall have more than one (1) valid
23 driver's license or any other state-issued, REAL ID

1 Act-compliant identification card at any time. A person shall
 2 surrender to the division all valid physical driver's
 3 licenses or state-issued, REAL ID Act or other applicable
 4 federal law compliant identification cards in his possession
 5 or any person who has been previously licensed or issued an
 6 identification card in this or any other state but who does
 7 not have in their possession the license or identification
 8 card previously issued in this or any other state shall
 9 complete an affidavit of "No License/ID Card in Possession",
 10 before receiving a driver's license under this act.

11

12 **31-7-113. Fees.**

13

14 (a) The following fees are imposed:

15

16 (xii) Digital driver's license\$20.00
 17 in addition to the applicable physical driver's license fee
 18 under this subsection

19

20 **31-7-115. Issuance, description and contents.**

21

22 (c) Any permit issued in connection with a commercial
 23 learner's permit shall be issued ~~en~~as a separate document or

1 digital document, which shall comply with all security
2 measures required by the department to comply with applicable
3 federal law.

4
5 (d) A license issued under subsection (a) of this
6 section may include a digital driver's license. A digital
7 driver's license may be issued upon request of a licensee and
8 payment of the required fee. No digital driver's license shall
9 be issued unless the applicant holds the corresponding
10 physical driver's license or unless the corresponding
11 physical driver's license is issued simultaneously. The
12 department may digitally cancel, suspend or revalidate a
13 digital driver's license on the occasions that a physical
14 driver's license would be taken possession of, cancelled,
15 suspended, returned or reinstated, as appropriate. A digital
16 driver's license shall be designed:

17
18 (i) To protect to the maximum extent practicable
19 the digital driver's license holder's privacy, including the
20 use of privacy enhancing technologies or other security
21 methods as deemed appropriate by the department;

22

1 (ii) So that there is no need for the driver's
2 license holder to relinquish possession of the portable
3 electronic device in which the digital driver's license is
4 stored to present the digital driver's license.

5
6 **31-7-116. Carrying and displaying.**

7
8 Every licensee shall have his driver's license in his
9 immediate possession at all times when driving a motor vehicle
10 and shall display the license upon demand of any judicial
11 officer, municipal court judge, any officer or agent of the
12 division or any police officer as defined in W.S.
13 31-5-102(a)(xxxiii). However, no person charged with
14 violating this section shall be convicted if he produces in
15 court a driver's license previously issued to him and valid
16 at the time of his arrest. For the purposes of this section
17 "display" of a physical license means the surrender of his
18 the physical license to the demanding officer. After
19 examination the officer shall immediately return the license
20 to the licensee except as provided in W.S. 31-5-1205(k). For
21 purposes of this section "display" of a digital driver's
22 license means that a licensee may provide access to the
23 digital driver's license on the licensee's portable

1 electronic device. No law enforcement or judicial officer
2 demanding display of a licensee's digital driver's license
3 for any licensing or identification verification purpose
4 shall take custody of the licensee's portable electronic
5 device. Display of a digital driver's license shall not serve
6 as consent to search the driver's portable electronic device.

7
8 **31-7-119. Expiration and renewal; required tests;**
9 **extension.**

10
11 (g) The division shall send ~~an application a~~
12 notification for license extension pursuant to subsection (f)
13 of this section to the last known address of an eligible
14 licensee, or notify by electronic means if the eligible
15 licensee has consented to receive notices electronically,
16 within one hundred twenty (120) days prior to license
17 expiration. The license extension application shall be
18 returned to the division with a postmark at least thirty (30)
19 days ~~prior to~~ before the license expiration date or, if the
20 eligible licensee has consented to receive notices
21 electronically, by electronic means at least thirty (30) days
22 before the license expiration date. The application shall be
23 accompanied by written evidence that the applicant's visual

1 acuity is 20/40 or better with or without corrective lenses,
2 as tested within one (1) year prior to submitting the
3 application. Upon receipt of a completed application and the
4 fee prescribed by W.S. 31-7-113(a)(v), the division shall
5 issue a license extension to eligible licensees. The division
6 shall provide a summary of changes in the law relating to
7 motor vehicles to licensees who receive a license extension.

8

9 **31-7-131. Surrender and return of license.**

10

11 (a) Upon cancelling, suspending or revoking a license,
12 the division shall require that ~~the~~any physical license be
13 surrendered to the division and that any digital driver's
14 license be cancelled or suspended.

15

16 (b) Any person whose license has been cancelled,
17 suspended or revoked shall immediately return his physical
18 license to the division.

19

20 (c) At the end of a period of a suspension, the division
21 shall return a license to the licensee, if unexpired, and
22 revalidate any digital driver's license, if applicable.

23

1 31-7-137. Proof of receipt of notice or order; change
2 of address or name.

3
4 (a) Evidence that a notice or order from the division
5 under this act was mailed to the last known address of a
6 person is prima facie proof the person received the notice or
7 order five (5) days after the notice or order was mailed. ~~As~~
8 ~~used in this section, "last known address" means the address~~
9 ~~on file with the division.~~ Evidence that a notice or order
10 from the division was sent by electronic means to the person's
11 last known address, if the person has consented to receive
12 notices electronically, is prima facie proof that the person
13 received the notice or order one (1) day after the notice or
14 order was sent electronically.

15
16 (b) A person licensed under this act shall notify the
17 division in writing within ten (10) days of any change of his
18 address or name. Notification to the division may be by
19 electronic means if the division has made electronic
20 notification available and if the person opts to use
21 electronic means. The division shall maintain a record of
22 the names and addresses of all persons licensed under this

1 act and shall amend the record when notified under this
2 subsection.

3

4 **31-8-101. Issuance to residents by department;**
5 **restrictions; limited to one state-issued credential; digital**
6 **identification card; definitions; rulemaking.**

7

8 (a) Any Wyoming resident may be issued an
9 identification card by the department of transportation if
10 the resident does not possess or surrenders any other
11 state-issued, REAL ID Act or other applicable federal law
12 compliant driver's license or identification card. The
13 application shall state the registrant's full legal name,
14 social security number, date of birth and any other
15 identifying data the department may require and shall be
16 signed and verified by the applicant. The identification
17 card shall at the applicant's request indicate that the
18 applicant is an anatomical organ donor as provided by W.S.
19 35-5-205 or that the applicant has a medical alert designation
20 as provided for in W.S. 31-7-142. Before receiving an
21 identification card under this chapter a person who
22 previously has been licensed or issued an identification card
23 in this or any other state but who does not have the

1 credential in their possession shall complete an affidavit of
2 "No License/ID Card in Possession."

3
4 (c) An identification card issued under subsection (a)
5 of this section may include a digital identification card. A
6 digital identification card may be issued upon request of a
7 registrant and payment of the required fee. No digital
8 identification card shall be issued unless the applicant
9 holds the corresponding physical identification card or
10 unless the corresponding physical identification card is
11 issued simultaneously. A registrant may display a digital
12 identification card by providing access to the digital
13 identification card on the registrant's portable electronic
14 device. No law enforcement or judicial officer demanding
15 display of a registrant's digital identification card for any
16 identification verification purpose shall take custody of the
17 registrant's portable electronic device. Display of a digital
18 identification card shall not serve as consent to search the
19 registrant's portable electronic device. A digital
20 identification card shall be designed in accordance with
21 W.S. 31-7-115(d)(i) and (ii). Nothing in this section shall
22 be construed to require a person to accept a digital
23 identification card or otherwise require the purchase of

1 equipment to verify the accuracy of a digital identification
2 card.

3
4 (d) As used in this chapter:

5
6 (i) "Digital identification card" means a secure,
7 electronic representation of a physical identification card
8 that is stored on the registrant's portable electronic device
9 and may be viewed or verified by a person to whom access is
10 allowed. A digital identification card is optional to
11 purchase, supplemental to a physical identification card and
12 may be accepted in lieu of a physical identification card at
13 the option of the person requesting or requiring proof of
14 identification;

15
16 (ii) "Portable electronic device" means as defined
17 in W.S. 31-7-102(a)(li);

18
19 (iii) "REAL ID Act" means the REAL ID Act of 2005,
20 Public Law 109-13, 119 Stat. 302, enacted May 11, 2005, and
21 subsequent amendments thereto.

22

1 (e) The department may promulgate rules to implement
2 the provisions of this chapter.

3
4 **31-8-102. Contents.**

5
6 (a) The identification card or digital identification
7 card shall resemble a Wyoming driver's license or digital
8 driver's license. It shall have:

9
10 **31-8-103. Expiration; records; new cards.**

11
12 (d) The division shall send ~~an application~~ a
13 notification for an identification card to the last known
14 address of every eligible registrant, or notify by electronic
15 means if the eligible registrant has consented to receive
16 notices electronically, within one hundred twenty (120) days
17 prior to expiration of the registrant's identification card.
18 Every identification card is renewable upon application and
19 payment of the required fee. As used in this section, "last
20 known address" means the address, email address or other
21 electronic contact information, as applicable according to
22 the sending method, on file with the division.

23

1 **31-8-104. Fees.**

2

3 Every applicant for an identification card shall pay ten
4 dollars (\$10.00) to the department plus an additional ten
5 dollars (\$10.00) for a digital identification card if
6 applicable. The state treasurer shall credit identification
7 card fees to the highway fund. Identification cards, including digital identification cards,
8 issued as a result of
9 the cancellation of a license under W.S. 31-7-122(a)(i) shall
10 be issued without payment of any fee.

11

12 **31-8-105. Prohibited acts; penalties.**

13

14 (a) No person shall:

15

16 (iv) Photograph, photostat, duplicate or in any
17 way reproduce any identification card or facsimile thereof in
18 such a manner that it could be mistaken for a valid
19 identification card. Possession and display of a digital
20 identification card shall not be considered a violation of
21 this section;

22

1 **Section 2.** This act is effective July 1, 2020.

2

3

(END)