

HOUSE BILL NO. HB0033

Highway fund-assignment of fine and penalty revenues.

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

A BILL

for

1 AN ACT relating to highway funding; assigning penalty and
2 fine revenues to the highway fund as specified;
3 continuously appropriating such deposited monies to the
4 transportation commission for specified uses; and providing
5 for an effective date.

6

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

8

9 **Section 1.** W.S. 5-9-106, 5-9-149, 7-10-105, 8-1-109,
10 13-10-207(f), 14-6-247(a)(vi), 20-2-402(c),
11 20-6-106(m)(viii), 22-25-108(e), 24-1-119, 27-3-706(a)(ii)
12 and (iii), 30-5-127, 31-1-203(c), 33-1-109, 33-24-113(f),
13 33-24-122(b), 33-24-153(f), 33-28-111(c), 33-44-112,
14 35-4-605, 35-7-1059(o), 37-12-306(f), 39-18-108(c)(xii),
15 40-23-121 and 42-4-120(d) are amended to read:

16

1 **5-9-106. Disposition of money collected for**
2 **violations of city or town ordinances; disposition of fines**
3 **and penalties under general state laws.**

4

5 All money collected by a judge of a circuit court for
6 violations of ordinances of a city or town shall be paid
7 into the general fund of the city or town whose ordinance
8 was violated. The circuit court shall keep separate account
9 books of funds for ordinance violations as designated by
10 the Wyoming supreme court. All fines and penalties under
11 the general laws of the state shall be paid into the ~~county~~
12 ~~treasury to the credit of the public school fund of the~~
13 ~~county~~ highway fund as required by article 16, section 14
14 of the Wyoming constitution.

15

16 **5-9-149. Bank accounts.**

17

18 The accounting system established by the Wyoming supreme
19 court may provide for bank accounts for each circuit court
20 in which money received by the circuit court may be
21 deposited and disbursed as provided therein, and for such
22 records, reports and procedures as the supreme court
23 requires. Money received as fines, forfeitures or court
24 costs may not be deposited in the same bank account as

1 money received in civil matters. If a bank account is
2 established into which fines, costs or forfeitures are
3 deposited, the accounting system established by the supreme
4 court shall require, where available, the use of accounts
5 in a financial institution listed in W.S. 9-4-817(a) which
6 may earn interest, in which the deposits are subject to
7 payment upon demand and which are insured or secured as
8 provided in W.S. 9-4-817(c). Interest earned on deposits of
9 fines and forfeitures in such accounts shall be forwarded
10 monthly to the ~~county treasurer and credited to the county~~
11 ~~public school fund~~ state treasurer for credit to the
12 highway fund as required by article 16, section 14 of the
13 Wyoming constitution. Interest earned on all other deposits
14 in such accounts shall be forwarded to the state treasurer
15 quarterly and credited to the victim's compensation account
16 created by W.S. 1-40-114(a).

17

18 **7-10-105. Disposition of forfeited proceeds.**

19

20 Any proceeds recovered as a result of the forfeiture of
21 bail in any criminal case shall be paid ~~into the county~~
22 ~~treasury to the credit of the public school fund of the~~
23 ~~county in which the defendant was admitted to bail~~ to the

1 state treasurer for credit to the highway fund as required
2 by article 16, section 14 of the Wyoming constitution.

3
4 **8-1-109. Payment of fines and penalties.**

5
6 Unless otherwise specifically provided by law, all civil or
7 administrative fines or penalties collected under the
8 Wyoming statutes shall be paid over to the state treasurer
9 to be credited to the ~~public school fund of the county in~~
10 ~~which the violation for which the fine or penalty was~~
11 ~~imposed occurred~~ highway fund as required by article 16,
12 section 14 of the Wyoming constitution.

13
14 **13-10-207. Civil penalties; amount; factors; notice;**
15 **payment.**

16
17 (f) The Wyoming financial institution, officer or
18 director or the bank holding company shall pay the civil
19 penalty assessed by a final order in full to the
20 commissioner within thirty (30) days of receipt of the
21 final order of assessment. Any civil penalty received under
22 this section shall be deposited into the ~~county public~~
23 ~~school fund of the county in which the violation occurred~~
24 highway fund as required by article 16, section 14 of the

1 Wyoming constitution. Notwithstanding any other provision
2 of law, no Wyoming financial institution or bank holding
3 company shall indemnify or insure any officer or director
4 of a Wyoming financial institution against civil penalties
5 assessed under this section.

6

7 **14-6-247. Sanctions common to all levels.**

8

9 (a) For a child at any sanction level, the juvenile
10 court may:

11

12 (vi) Impose a fine within the limits of law for
13 an offense or misconduct by the child where a fine might be
14 imposed by another court in this state having jurisdiction
15 thereof. Fines shall be paid to the ~~clerk of court for~~
16 ~~deposit to the public school fund of the county in which~~
17 ~~the fine was assessed as provided by law~~ state treasurer
18 for credit to the highway fund as required by article 16,
19 section 14 of the Wyoming constitution;

20

21 **20-2-402. Employer's obligations.**

22

23 (c) Any employer who violates subsection (a) or (b)
24 of this section is subject to a civil penalty of not more

1 than one hundred dollars (\$100.00). Any penalty collected
2 under this section shall be distributed to the ~~county~~
3 ~~public school fund in the county where the penalty was~~
4 ~~collected~~ highway fund as required by article 16, section
5 14 of the Wyoming constitution.

6

7 **20-6-106. Powers and duties of department regarding**
8 **collection of support.**

9

10 (m) The department may:

11

12 (viii) Require all persons, including
13 government, private for-profit employers and not-for-profit
14 employers and public utility companies to respond to a
15 request by the department for information on social
16 security number, address, employment, compensation and
17 benefits of any individual for any individual who owes or
18 is owed support, or against or with respect to whom a
19 support obligation is sought, and who is employed by the
20 person as an employee or contractor, in accordance with
21 rules adopted by the department. Any person who fails to
22 respond to any request for information may be sanctioned by
23 the department by imposing administrative penalties not to
24 exceed twenty-five dollars (\$25.00). The department shall

1 enter the employer information into the state directory of
2 new hires within five (5) business days after receipt of
3 the employer information. The department may issue
4 administrative subpoenas for financial or other information
5 needed to establish, modify or enforce a support order and
6 impose administrative penalties not to exceed twenty-five
7 dollars (\$25.00) for any person failing to respond. The
8 department may administratively subpoena the customer
9 records of public utility companies for the names and
10 addresses of individuals who owe or are owed support, or
11 against or with respect to whom a support obligation is
12 sought. The department shall notify the supervisor of any
13 employee of a governmental agency if the employee fails to
14 respond to a request under this paragraph. Any person who,
15 acting in good faith, provides information to the
16 department under this paragraph shall not be liable for
17 civil damages as a result of the information provided. The
18 department shall ~~deposit~~remit any penalties collected
19 under this paragraph ~~in the public school fund of the~~
20 respective counties to the state treasurer for credit to
21 the highway fund as required by article 16, section 14 of
22 the Wyoming constitution;

23

1 **22-25-108. Failure of candidate or committee to file**
2 **statement.**

3

4 (e) Any candidate failing to file the reports
5 required by W.S. 22-25-106 within the times required by
6 that section is subject to a civil penalty and costs,
7 including reasonable attorney's fees not to exceed five
8 hundred dollars (\$500.00), as hereinafter provided. An
9 action to impose a civil penalty may be prosecuted by and
10 in the name of any candidate adversely affected by the
11 violation, any political party, any district attorney or
12 the attorney general. No filing fee shall be charged for
13 the filing of an action under this subsection nor shall a
14 fee be charged for service of process. Civil penalties
15 shall be paid to the clerk of court for ~~deposit to the~~
16 ~~public school fund of the county in which the fine was~~
17 ~~assessed~~ remittance to the state treasurer for credit to
18 the highway fund as required by article 16, section 14 of
19 the Wyoming constitution. The civil penalty imposed under
20 this subsection shall be not more than one thousand dollars
21 (\$1,000.00).

22

23 **24-1-119. State highway fund created; income and**
24 **expenditure.**

1

2 There is created a fund known as the state highway fund, to
3 the credit of which the state treasurer, who is designated
4 as the state official to receive all amounts paid by the
5 United States under the act of congress approved July 11,
6 1916, shall place all monies previously received for the
7 fund, all money subsequently received from the United
8 States, under cooperative agreements as authorized, all
9 money derived from taxes levied for such purpose or
10 appropriated for the fund, all monies received from the
11 sale of state bonds for highway construction or
12 improvement, all money received from the counties under
13 cooperative agreements as hereinbefore authorized, and all
14 other monies received from donations or bequests, which may
15 be accepted by the commission on behalf of the state of
16 Wyoming, or from any source designated by law for that
17 purpose. All monies in the fund shall be available for the
18 purpose of this act without further appropriation and no
19 warrant shall be drawn on the fund excepting on a voucher
20 approved by the director of the department of
21 transportation or an assistant authorized by the director
22 and approved by the transportation commission. In addition
23 to any other accounts established within the highway fund,
24 all fine and penalty monies collected pursuant to article

1 16, section 14 of the Wyoming constitution shall be
2 deposited into a special account within the highway fund,
3 in the state of Wyoming's online financial system. All
4 monies in the special account including earned interest are
5 continuously appropriated to the transportation commission
6 and shall be applied only for the construction, improvement
7 or maintenance of Wyoming's highways. It is provided that
8 seventy-five percent (75%) of the amount of any bond issue
9 subsequently issued by the state of Wyoming for the
10 construction or improvement of state highways, after the
11 payment of overhead expense, shall be apportioned to and
12 spent in each county in the proportion which the assessed
13 valuation of each county by the last general assessment
14 bears to the total assessment of the state.

15

16 **27-3-706. Experience rating manipulation; penalties.**

17

18 (a) A person who knowingly, or with deliberate
19 ignorance or reckless disregard of the true facts or the
20 requirements of this act, violates or attempts to violate
21 W.S. 27-3-507 or any other provision of this act related to
22 determining the assignment of a contribution rate, or who
23 knowingly advises another to violate the requirements of
24 W.S. 27-3-507 or any other provision of this act related to

1 determining the assignment of a contribution rate, shall be
2 subject to the following penalties:

3

4 (ii) A person who is not an employer shall be
5 subject to a civil penalty of not more than fifty thousand
6 dollars (\$50,000.00). Funds received by the division under
7 this paragraph shall be paid over to the state treasurer to
8 be credited to the ~~public school fund of the county in~~
9 ~~which the violation for which the penalty imposed occurred~~
10 highway fund as required by article 16, section 14 of the
11 Wyoming constitution;

12

13 (iii) In addition to the penalty imposed
14 pursuant to paragraphs (i) and (ii) of this subsection, any
15 violation or attempted violation of W.S. 27-3-507 or any
16 other provision of this act related to determining the
17 assignment of a contribution rate may be prosecuted as a
18 felony punishable by a fine of not more than fifty thousand
19 dollars (\$50,000.00), imprisonment for not more than five
20 (5) years, or both. The fine under this paragraph shall be
21 paid over to the state treasurer to be credited to the
22 ~~public school fund of the county in which the violation for~~
23 ~~which the penalty imposed occurred~~ highway fund as required
24 by article 16, section 14 of the Wyoming constitution.

1

2 **30-5-127. Payment of penalties.**

3

4 Unless otherwise provided by law, all civil or
5 administrative fines or penalties collected under this
6 article shall be paid over to the state treasurer to be
7 credited to the ~~public school fund of the county in which~~
8 ~~the violation for which the fine or penalty was imposed~~
9 ~~occurred~~ highway fund as required by article 16, section 14
10 of the Wyoming constitution.

11

12 **31-1-203. Special enforcement officers; summons and**
13 **notice to appear for violations; deposit for appearance;**
14 **disposition of deposit.**

15

16 (c) The employees designated under subsection (a) of
17 this section upon issuing a summons shall deliver to the
18 offender a notice to appear which shall describe the nature
19 of the offense, with instructions for the offender to
20 report to the nearest circuit court designated in the
21 notice. The employee may accept a deposit for appearance.
22 The court coordinator shall establish a uniform deposit for
23 appearance schedule for each violation of the statutes set
24 forth in subsection (b) of this section. If the employee

1 accepts a deposit for appearance from the offender, he
2 shall give a signed, numbered receipt for the amount
3 received and shall write the receipt number on the notice
4 to appear. The employee shall deliver the deposit and a
5 copy of the notice to appear to the circuit court before
6 whom the offender is to appear and the circuit court judge
7 shall give a receipt to the employee for the amount of the
8 deposit. The circuit court shall assume jurisdiction after
9 filing of a complaint and appearance by the offender. If
10 the offender fails to appear at the appointed time the
11 deposit for appearance may be forfeited by order of the
12 court and paid into the ~~public school fund of the county~~
13 highway fund as required by article 16, section 14 of the
14 Wyoming constitution.

15

16 **33-1-109. Disposition of fines.**

17

18 Every magistrate or other officer to whom any fines imposed
19 under general laws of the state shall be paid for the use
20 of the county, shall, at each regular meeting of the board
21 of county commissioners, make a report of the total amount
22 so collected, and all fines so collected shall be paid ~~into~~
23 ~~the county treasury for the credit of the public school~~
24 ~~fund of the county~~ to the state treasurer for credit to the

1 highway fund as required by article 16, section 14 of the
2 Wyoming constitution, within thirty (30) days after
3 collection thereof.

4
5 33-24-113. Licensing of resident pharmacy;
6 exceptions; display of license; suspension, revocation,
7 letter of admonition, administrative penalty or refusal to
8 renew; appeals.

9
10 (f) Any administrative penalty assessed shall be paid
11 to the board who shall remit the monies to the ~~county~~
12 ~~treasurer to the credit of the public school fund of the~~
13 ~~county in which the violation occurred~~ state treasurer for
14 credit to the highway fund as required by article 16,
15 section 14 of the Wyoming constitution.

16
17 33-24-122. Revocation or suspension of license and
18 registration; letter of admonition; summary suspension;
19 administrative penalties; probation; grounds.

20
21 (b) If a person accused of violating subsection (a)
22 of this section admits the violation, or the board finds
23 the causes alleged to be true and determines that a letter
24 of admonition or revocation or suspension of a license or

1 registration is an inappropriate remedy, the board may
2 assess an administrative penalty against that person of not
3 more than two thousand dollars (\$2,000.00) for each
4 violation of this act or rule promulgated under this act,
5 to be paid ~~into the county treasury to the credit of the~~
6 ~~public school fund of the county in which the violation~~
7 ~~occurred~~ to the state treasurer for credit to the highway
8 fund as required by article 16, section 14 of the Wyoming
9 constitution. In addition to the penalty imposed under
10 this subsection, the board may impose a license probation
11 period upon that person, a violation of which is grounds
12 for license revocation or suspension under subsection (a)
13 of this section.

14

15 **33-24-153. Manufacturer or wholesaler registration;**
16 **requirements for registration; bonds or other security;**
17 **fees; renewal; denial, revocation or suspension; record**
18 **keeping; summary orders; administrative penalties;**
19 **definitions.**

20

21 (f) Any administrative penalty assessed under this
22 section shall be paid to the board who shall remit the
23 monies to the ~~county treasurer to the credit of the public~~
24 ~~school fund of the county in which the violation occurred~~

1 state treasurer for credit to the highway fund as required
2 by article 16, section 14 of the Wyoming constitution.

3
4 **33-28-111. Censure of licensee and suspension or**
5 **revocation of license; grounds.**

6
7 (c) All administrative fines collected under this
8 section shall be paid to the state treasurer to be credited
9 to the ~~public school fund of the county in which the~~
10 ~~violation occurred~~ highway fund as required by article 16,
11 section 14 of the Wyoming constitution.

12
13 **33-44-112. Criminal and civil penalties.**

14
15 The commission of any act prohibited by W.S. 33-44-111 by
16 an athlete agent is a felony punishable by imprisonment of
17 not less than one (1) year, a fine of not more than ten
18 thousand dollars (\$10,000.00), or both. In addition to any
19 criminal penalties, the court may assess a civil penalty of
20 up to ten thousand dollars (\$10,000.00) for a violation of
21 W.S. 33-44-111. Any penalty collected under the provisions
22 of this section shall be deposited in the ~~public school~~
23 ~~fund of the appropriate county~~ highway fund as required by

1 ~~article 7, section 5~~ article 16, section 14 of the Wyoming
2 constitution.

3

4 **35-4-605. Burial or cremation after use.**

5

6 It shall be the duty of all parties, who may secure dead
7 bodies under provisions of this act, to bury the same
8 decently in some public cemetery within a reasonable time
9 after dissection or use, or cremate the same or make such
10 other disposition as may be prescribed by the state
11 department of health. For any violation of this provision,
12 the party or parties so neglecting shall on conviction,
13 forfeit or pay a penalty of not less than fifty dollars
14 (\$50.00), nor more than one hundred dollars (\$100.00), or
15 be imprisoned in the county jail not less than six (6)
16 months nor more than twelve (12) months or both, at the
17 discretion of the court; such penalties to be sued for by
18 the ~~school officers~~ transportation commission or anyone
19 interested therein, for the benefit of the ~~school fund of~~
20 ~~the county in which the offense shall have been committed~~
21 highway fund as required by article 16, section 14 of the
22 Wyoming constitution.

23

1 **35-7-1059. Unlawful clandestine laboratory**
2 **operations; methamphetamine precursors; presumptively**
3 **illegal amount; methamphetamine precursor sales**
4 **limitations; registration requirements; reports; penalties.**

5
6 (o) The board may revoke, suspend or assess an
7 administrative penalty for violations of subsection (m) of
8 this section not to exceed one hundred dollars (\$100.00)
9 for a first offense, five hundred dollars (\$500.00) for a
10 second offense within two (2) years and one thousand
11 dollars (\$1,000.00) for a third offense within three (3)
12 years. Any administrative penalty assessed shall be paid
13 to the board who shall remit the monies to the ~~county~~
14 ~~treasurer to the credit of the public school fund of the~~
15 ~~county in which the violation occurred~~ state treasurer for
16 credit to the highway fund as required by article 16,
17 section 14 of the Wyoming constitution.

18

19 **37-12-306. Civil penalties; applicability.**

20

21 (f) Any civil penalty received under subsection (g)
22 or (h) of this section shall be deposited into the ~~county~~
23 ~~public school fund of the county in which the violation~~

1 ~~occurred~~ highway fund as required by article 16, section 14
2 of the Wyoming constitution.

3
4 **39-18-108. Enforcement.**

5
6 (c) Penalties. The following shall apply:

7
8 (xii) Any penalty collected under the provisions
9 of this subsection shall be deposited in the ~~public school~~
10 ~~fund of the appropriate county~~ highway fund as required by
11 ~~article 7, section 5~~ article 16, section 14 of the Wyoming
12 constitution.

13
14 **40-23-121. Civil penalties.**

15
16 The commissioner may impose a civil penalty upon a person
17 who violates this act or a rule adopted or an order issued
18 under this act in an amount not to exceed five hundred
19 dollars (\$500.00) per day for each day the violation is
20 outstanding, plus the state's costs and expenses for the
21 investigation and prosecution of the matter, including
22 reasonable attorney's fees. Any penalties collected
23 pursuant to this section shall be deposited in the ~~public~~
24 ~~school fund of the appropriate county~~ highway fund as

1 required by ~~article 7, section 5~~ article 16, section 14 of
2 the Wyoming constitution.

3

4 **42-4-120. Contracts for waiver services; authority of**
5 **department; emergency case services; cost based payments;**
6 **training and certification of specialists.**

7

8 (d) In addition to other remedies, in the event of a
9 chronic failure to provide services or services that fail
10 to meet the applicable standard of care for the profession
11 involved or a continuing condition creating serious
12 detriment to the health, safety or welfare of recipients of
13 home and community based waiver services, the department
14 may impose a civil penalty upon the provider. For each day
15 of continuing violation, the civil penalty shall not exceed
16 one thousand dollars (\$1,000.00) or one percent (1%) of the
17 amount paid to the provider during the previous twelve (12)
18 months, whichever is greater, and any administrative
19 penalty assessed under this section shall be paid over to
20 the state treasurer who shall remit the monies to the
21 ~~county treasurer to the credit of the public school fund of~~
22 ~~the county in which the violation occurred~~ highway fund as
23 required by article 16, section 14 of the Wyoming

1 constitution, except as otherwise provided by federal law
2 for Medicaid certified nursing facilities.

3

4 **Section 2.** This act shall be effective only upon the
5 Wyoming Legislature's passage of House Joint Resolution No.
6 2 and ratification by a majority of electors in Wyoming of
7 the constitutional amendment proposed in House Joint
8 Resolution No. 2 which creates Article 16, Section 14 and
9 repeals Article 7, Section 5.

10

11

(END)