

ENROLLED ACT NO. 95, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to motor vehicles; creating a rebuttable presumption pertaining to ownership of vehicles registered under the laws of another jurisdiction that are operated by Wyoming residents; providing for notice and hearing as specified; providing a penalty; amending vehicle registration exemptions; requiring rulemaking; specifying applicability and deadlines; and providing for effective dates.

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

Section 1. W.S. 31-2-201 by creating new subsections (o) and (p) and 31-2-224(a)(v) by creating a new subparagraph (C) are amended to read:

31-2-201. Registration required; timelines.

(o) A resident found to be in control of a vehicle operated or driven upon any highway for which Wyoming vehicle registration is required shall be rebuttably presumed to be the actual owner of the vehicle, subject to the following:

(i) The department, in consultation with the department of revenue, a county treasurer or a Wyoming peace officer, is authorized to determine that a resident is in control of a vehicle operated or driven upon any highway in Wyoming for which Wyoming vehicle registration is required. Factors that indicate a resident is in control of a vehicle include, but are not limited to the following:

(A) The resident was a purchaser of the vehicle;

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(B) The resident operated or stored the vehicle in Wyoming for any period of time;

(C) The resident is a partner, member or shareholder of the business entity that purports to be the owner of the vehicle;

(D) The resident is insured to drive the vehicle.

(ii) Upon a determination that a resident is in control of a vehicle operated or driven upon any highway in Wyoming for which Wyoming vehicle registration is required, the department shall notify the resident in writing that the resident is required to register the vehicle and to pay any sales or use taxes due on the purchase or use of the vehicle in accordance with W.S. 39-15-107(b)(i) or 39-16-107(b)(ii) within thirty (30) days from the date of the notice;

(iii) The department shall promulgate rules necessary to implement this subsection, including rules to provide the resident an opportunity for a hearing and appeal in accordance with the Wyoming Administrative Procedure Act. Following a final determination in the appeal in favor of the department, the resident shall owe the taxes and fees determined to be due.

(p) If a resident found to be in control of a vehicle operated or driven upon any highway for which Wyoming vehicle registration is required under subsection (o) of this section fails to pay registration fees or applicable sales or use taxes due within thirty (30) days from the date of the notice required under subsection (o) of this section or within thirty (30) days following a final

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determination in favor of the department, the person shall be charged a penalty equal to seventy-five percent (75%) of the unpaid registration fees.

31-2-224. Registration exemptions.

(a) The following vehicles are exempt from the provisions of this article:

(v) Vehicles owned by a nonresident, validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country and:

(C) Not operated primarily by a resident found to be in control of a vehicle under W.S. 31-2-201(o).

Section 2. A resident in control of a vehicle operated or driven upon any highway for which Wyoming vehicle registration is required, who is in control of the vehicle and has previously registered the vehicle in another state on or before March 1, 2017, and who registers the vehicle before July 1, 2018, shall be subject to neither imposition of tax pursuant to W.S. 39-15-103(a)(i)(A) or 39-16-103(a)(i) nor recovery of delinquent taxes, penalty or interest pursuant to W.S. 39-15-110(b) or 39-16-108(c)(vii).

Section 3. The department of transportation shall promulgate rules and regulations necessary to implement this act on or before October 15, 2017.

Section 4.

ORIGINAL HOUSE
BILL NO. HB0280

ENGROSSED

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(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk