

HOUSE BILL NO. HB0173

Diesel fuel-unlawful use.

Sponsored by: Representative(s) Cohee and Senator(s) Boggs
and Hinchey

A BILL

for

1 AN ACT relating to diesel fuel taxes; imposing and
2 modifying penalties related to the unlawful use of diesel
3 fuel; providing for an administrative fine; conforming
4 provisions; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 39-17-208(c)(viii) is amended to
9 read:

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11 **39-17-208. Enforcement.**

12

13 (c) Penalties. The following shall apply:

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15 (viii) ~~Except as otherwise provided for by law,~~
16 ~~no person shall operate a motor vehicle upon any public~~

1 ~~road or highway in this state with dyed diesel fuel~~
2 ~~contained in the supply tank of the vehicle. Any person~~
3 ~~who violates this subsection is guilty of a misdemeanor~~
4 ~~punishable by a fine of not more than three hundred dollars~~
5 ~~(\$300.00) or three dollars (\$3.00) for every gallon of fuel~~
6 ~~involved, whichever is greater. The penalty fine under this~~
7 ~~subsection paragraph shall increase with subsequent~~
8 ~~violations by multiplying the penalty fine imposed by the~~
9 ~~number of prior violations.~~ Payment of all fines imposed
10 under this paragraph shall be made to the county treasurer
11 of the county in which the violation occurs to be credited
12 to the county school fund. In addition to any other penalty
13 provided for in this subsection, after notice and an
14 opportunity to be heard, the department may impose an
15 administrative fine of the greater of one thousand dollars
16 (\$1,000.00) or ten dollars (\$10.00) per gallon of dyed
17 diesel fuel based on the maximum storage capacity of the
18 storage tank that contains the fuel if a person:

19

20 (A) Sells or stores any diesel fuel that
21 has been dyed for a use which the person selling or storing
22 the fuel knows, or has reason to know, is a taxable use of
23 the fuel;

24

1 (B) Willfully alters or attempts to alter
2 the strength of composition of any dye in any dyed diesel
3 fuel in order for the fuel to be used for a taxable
4 purpose; or

5
6 (C) Uses dyed diesel fuel for a taxable
7 purpose.

8

9 **Section 2.** This act is effective July 1, 2002.

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(END)