

## HOUSE BILL NO. HB0046

Graduated driver's licenses.

Sponsored by: Representative(s) Berger, Edwards, Iekel,  
Johnson, W., Landon, Osborn and Tipton and  
Senator(s) Barrasso, Boggs, Burns, Erb and  
Peck

A BILL

for

1 AN ACT relating to motor vehicles; providing for graduated  
2 driver's permits for certain minors; specifying conditions;  
3 specifying exceptions; amending definitions; conforming  
4 provisions; repealing void provisions; and providing for an  
5 effective date.

6

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

8

9       **Section 1.** W.S. 31-7-102 (a) (xxv), 31-7-108 (a),  
10 31-7-109 (d) by creating a new paragraph (vii), 31-7-110 (a),  
11 (f) and by creating a new subsection (g), 31-7-113 (a) by  
12 creating a new subsection (xi), 31-7-117 (f) (i) and (ii),  
13 31-7-126 and 31-7-304 (a) (ii) (C) are amended to read:

14

15       **31-7-102. Definitions.**

1

2 (a) As used in this act:

3

4 (xxv) "License", "driver's license", "commercial  
5 driver's license", ~~or~~ "instruction permit" or "intermediate  
6 permit" means ~~any~~ a license or permit secured by a person  
7 from the division, in accordance with this act which grants  
8 the privilege to drive or operate a motor vehicle on the  
9 public highways, streets and roads of this state;

10

11 **31-7-108. Persons not to be licensed; investigation**  
12 **by the division.**

13

14 (a) No driver's license shall be issued to any person  
15 who is under the age of ~~sixteen (16)~~ eighteen (18) years,  
16 except as provided in W.S. 31-7-110 and 31-7-117(c).

17

18 **31-7-109. Classes of licenses.**

19

20 (d) Licensing classification plan:

21

22 (vii) Class "I2" indicates an intermediate  
23 permit issued pursuant to W.S. 31-7-110(g).

24

1           **31-7-110. Instruction and temporary driver's permits.**

2

3           (a) Any person who is at least fifteen (15) years of  
4 age may apply to the division for an instruction permit.  
5 The division, after the applicant has successfully passed  
6 all parts of the examination other than the driving test,  
7 may issue to the applicant an instruction permit which  
8 entitles the applicant while having the permit in his  
9 immediate possession to drive a specified type or class of  
10 motor vehicle for a period of one (1) year when accompanied  
11 by a person at least ~~eighteen (18)~~ twenty-one (21) years of  
12 age who holds a valid driver's license and has been  
13 licensed as a driver for the type or class of vehicle being  
14 used for at least ~~one (1) year~~ three (3) years, who is fit  
15 and capable of exercising control over the vehicle and who  
16 is occupying a seat beside the driver. This subsection ~~does~~  
17 and subsections (f) and (g) of this section do not apply to  
18 motorcycle instruction permits.

19

20           (f) Any person who is at least fourteen (14) years of  
21 age and who has applied and been approved for a restricted  
22 license under W.S. 31-7-117(c), shall apply to the division  
23 for an instruction permit. The division, after the  
24 applicant has successfully passed all parts of the

1 examination other than the driving test, may issue to the  
2 applicant an instruction permit which entitles the  
3 applicant while having the permit in his immediate  
4 possession to drive a class "C" motor vehicle for a period  
5 of sixty (60) days when accompanied by a person at least  
6 ~~eighteen (18)~~ twenty-one (21) years of age who holds a  
7 valid driver's license and has been licensed as a driver  
8 for a class "C" vehicle for at least ~~one (1) year~~ three (3)  
9 years, who is fit and capable of exercising control over  
10 the vehicle and who is occupying a seat beside the driver.

11

12 (g) Any person, who is at least sixteen (16) years of  
13 age and has held an instruction permit pursuant to  
14 subsection (a) or (f) of this section or a similar permit  
15 from another jurisdiction and has completed practice  
16 driving of at least fifty (50) actual driving hours,  
17 including at least ten (10) hours of night driving, may  
18 apply to the division for an intermediate permit that  
19 entitles the applicant to drive a specified type or class  
20 of motor vehicle. No permit may be issued unless a parent  
21 or guardian certifies the applicant has completed the  
22 practice driving requirements. Provided that when  
23 operating a motor vehicle, a person with an intermediate  
24 permit:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(i) May not transport more than one (1) passenger under the age of twenty-one (21) who is not a member of the permittee's immediate family unless accompanied by a licensed driver twenty-one (21) years of age or older;

(ii) Shall only be upon a public highway between the hours of 5:00 a.m. and 11:00 p.m. unless:

(A) Accompanied by a licensed driver twenty-one (21) years of age or older;

(B) Required by medical necessity as evidenced by a signed statement from medical personnel;

(C) Driving to or from work as evidenced by a signed statement from the permittee's employer;

(D) Driving to or from school, a school activity or a religious activity as evidenced by a signed statement of a school or religious official or a parent or guardian; or

1                   (E) Required due to a medical emergency.

2

3                   (iii) May apply for a driver's license no sooner  
4 than one (1) year after obtaining an intermediate permit  
5 provided his permit had not been suspended or revoked  
6 pursuant to W.S. 31-5-233, 31-5-234, 31-5-235, 31-6-108 or  
7 a similar local ordinance or a similar statute or ordinance  
8 in another jurisdiction and the permittee has not been  
9 convicted of a violation of W.S. 31-5-1402, a similar  
10 violation in any jurisdiction, a moving violation in any  
11 jurisdiction or subsection (g) of this section. Provided  
12 that:

13

14                   (A) Upon receiving competent evidence of a  
15 conviction or permit suspension or revocation for an  
16 offense specified in this subsection, the division shall  
17 notify the person holding the intermediate permit that he  
18 will not be able to apply for a driver's license until a  
19 year from the date of the conviction or until he reaches  
20 the age of eighteen (18) whichever occurs first;

21

22                   (B) A person who has been issued a license  
23 prior to receipt of evidence of the conviction or permit  
24 suspension or revocation by the division shall have the

1 license cancelled and be required to reapply for an  
2 intermediate permit and shall not be allowed to reapply for  
3 a driver's license until one (1) year from the date of  
4 conviction or until the permittee has reached the age of  
5 eighteen (18) whichever occurs first unless the department  
6 determines that reapplying for a license would be futile  
7 because the person will be eighteen (18) years of age  
8 before the application process would be accomplished;

9  
10 (C) A person may contest the existence of a  
11 conviction, permit suspension or revocation under this  
12 paragraph by producing documents to the division proving  
13 that he is not the person who is the subject of the  
14 conviction, permit suspension or revocation or that the  
15 conviction, permit suspension or revocation did not result  
16 from an offense listed in, or similar to an offense listed  
17 in, this paragraph. A hearing and appeal from an adverse  
18 decision by the division shall be allowed under the Wyoming  
19 Administrative Procedure Act solely on the issue of the  
20 identification of the person or whether the offense  
21 resulting in the conviction, permit suspension or  
22 revocation is an offense listed in, or similar to an  
23 offense listed in, this paragraph.

24

1           **31-7-113. Fees.**

2

3           (a) The following fees are imposed:

4

5                       (xi) Intermediate permit..... \$15.00

6

7           **31-7-117. Restricted licenses.**

8

9           (f) A person who is at least fifteen (15) years of  
10 age who holds a restricted class "C" license may drive  
11 beyond the hours and radius specified in subsection (c) of  
12 this section if the person is accompanied by a person who:

13

14                       (i) Is at least ~~eighteen (18)~~ twenty-one (21)  
15 years of age;

16

17                       (ii) Holds a valid driver's license and has been  
18 licensed ~~to drive as a driver for the type or class of~~  
19 vehicle being used for at least ~~one (1) year~~ three (3)  
20 years;

21

22           **31-7-126. Reporting of convictions and failure to**  
23 **appear by courts.**

24



1 Every court having jurisdiction under any statute of this  
2 state or a municipal ordinance adopted by local authority  
3 regulating the driving of motor vehicles, shall forward to  
4 the division within ten (10) working days from the date of  
5 conviction a record of the conviction of any person in the  
6 court for a violation of any of those laws or ordinances,  
7 other than those regulating standing or parking of a motor  
8 vehicle. ~~Each court in this state shall also forward to the~~  
9 ~~division within ten (10) working days from the date of~~  
10 ~~conviction a record of the conviction of any person under~~  
11 ~~nineteen (19) years of age in the court for a violation of~~  
12 ~~any law regarding the possession, delivery, manufacture or~~  
13 ~~use of a controlled substance or alcohol.~~ The court shall  
14 also forward to the division a report of any violation by  
15 any person of a written promise to appear in court as given  
16 to the arresting officer upon the issuance of a traffic  
17 citation and any failure to appear in court at the time  
18 specified by the court. Failure of a court to forward a  
19 record of conviction or violation under this section within  
20 the time specified in this section from the date of  
21 conviction or violation shall not affect the division's  
22 authority under this act.

23

24 **31-7-304. Issuance; classifications and endorsements.**

1

2 (a) Commercial driver's licenses may be issued with  
3 the following classifications and endorsements. The holder  
4 of a valid commercial driver's license may drive all  
5 vehicles in the class for which that license is issued and  
6 all lesser classes of vehicles except motorcycles and  
7 vehicles which require a separate endorsement, unless the  
8 proper endorsement appears on the license:

9

10 (ii) The following driver's license endorsements  
11 are special authorizations permitting the driver to operate  
12 certain types of motor vehicles or transport certain types  
13 of cargo if the endorsement is displayed on the driver's  
14 license:

15

16 (C) "P" authorizes the driver to operate a  
17 bus or any motor vehicle as defined in W.S.  
18 31-7-102(a)(iii) used for the transportation of passengers,  
19 providing the licensed driver has attained the age of  
20 eighteen (18) years; ~~except the "P" endorsement may be  
21 placed upon the license of a licensed driver between the  
22 ages of sixteen (16) and eighteen (18) years who has  
23 secured the approval of the school district and the  
24 permission of a parent or guardian of each child to be~~

1 ~~transported, thereby allowing the driver to transport~~  
2 ~~students to and from school;~~

3

4       **Section 2.** W.S. 31-7-108(b)(vii) is repealed.

5

6       **Section 3.** This act shall only apply to persons  
7 applying for a license or permit who are under the age of  
8 eighteen (18) on July 1, 2004 and who do not have a valid  
9 driver's license from this state or another jurisdiction.

10

11       **Section 4.** This act is effective July 1, 2004.

12

13

(END)