

SENATE FILE NO. SF0020

Motor vehicles-liability policies.

Sponsored by: Senator(s) Erb

A BILL

for

1 AN ACT relating to motor vehicles; requiring insurers to
 2 provide notice to the department of transportation upon
 3 cancellation, nonrenewal or issuance of motor vehicle
 4 liability policies; specifying duties of the department of
 5 transportation; amending penalties for failure to maintain
 6 liability coverage; requiring charges for failure to
 7 maintain liability coverage; and providing for an effective
 8 date.

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

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12 **Section 1.** W.S. 31-1-204 is created to read:

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14 **31-1-204. Notice of insurance cancellation or**
 15 **nonrenewal.**

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1 (a) An insurer who cancels or becomes aware of the
2 cancellation, nonrenewal or initial issuance of a motor
3 vehicle liability policy required by law to be issued on a
4 motor vehicle in this state shall provide to the department
5 on a form or in a manner prescribed by rule of the
6 department information regarding the cancellation,
7 nonrenewal or initial issuance within ten (10) days of
8 processing the cancellation, nonrenewal or initial issuance
9 of a policy. The information provided by the insurer shall
10 include the date on which the policy was cancelled, not
11 renewed or initially issued. Except as provided by
12 subsection (c) of this section, the information regarding
13 the policy shall designate by explicit description or by
14 appropriate reference all motor vehicles which were or are
15 to be covered thereby unless the policy is issued to a
16 person who is not the owner of a motor vehicle.

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18 (b) The department shall:

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20 (i) Specify the form or manner in which an
21 insurer shall provide information to the department,
22 including whether the information shall be in written or
23 electronic format;

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1 (ii) Provide notice of cancellation, nonrenewal
2 and issuance information to all law enforcement agencies
3 upon request.

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5 (c) Nothing in this section shall be construed to
6 require an insurer to provide the explicit description of or
7 appropriate reference to a vehicle covered under a
8 commercial vehicle insurance policy that provides automatic
9 coverage or loss thereof for additional or newly acquired or
10 sold vehicles.

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12 (d) On cancellation or nonrenewal of a policy, an
13 insurer shall notify the insured that the department has
14 been notified of the cancellation or nonrenewal.

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16 (e) Information provided by an insurer to the
17 department pursuant to this section shall be solely for the
18 use of the department or appropriate law enforcement
19 officers and is not a public record for purposes of W.S.
20 16-4-201 through 16-4-205.

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22 **Section 2.** W.S. 31-4-103(a) and (b) (intro) is amended
23 to read:

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1 **31-4-103. Failure to maintain liability coverage;**
2 **penalties; exceptions.**

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4 (a) No owner of a motor vehicle required to be
5 registered shall operate or permit the operation of his
6 motor vehicle without having in full force and effect a
7 motor vehicle liability policy in amounts provided by W.S.
8 31-9-405(b) or a bond in amounts provided by W.S.
9 31-9-102(a) (xi). Violation of this subsection is a
10 misdemeanor punishable by imprisonment for not more than
11 six (6) months, a fine of not less than ~~two hundred fifty~~
12 ~~dollars (\$250.00)~~ five hundred dollars (\$500.00) nor more
13 than seven hundred fifty dollars (\$750.00), or both. On a
14 second or subsequent violation of this subsection, the
15 person may be fined not less than ~~five hundred dollars~~
16 ~~(\$500.00)~~ one thousand dollars (\$1,000.00) nor more than
17 one thousand five hundred dollars (\$1,500.00), imprisoned
18 for not more than six (6) months, or both. In addition to
19 the fine or imprisonment imposed for a second or subsequent
20 violation of this subsection, the judge shall require the
21 defendant to deliver the registration and license plates of
22 the vehicle involved to the county treasurer for the county
23 where the citation was issued, and the registration and
24 license plates shall be held by the county treasurer until

1 such time as the judge determines that the defendant has
2 met all obligations imposed by law. Excusable neglect or
3 mistake by another is a defense for any violation of this
4 subsection. If evidence of excusable neglect or mistake by
5 another is presented and the defendant is convicted, the
6 court may consider this evidence in imposing a penalty
7 under this subsection. The judge may suspend part or all
8 of the sentence under this subsection and place the
9 defendant on probation subject to conditions imposed by the
10 judge which shall include a condition that the defendant
11 shall deliver the registration and license plates of the
12 vehicle involved to the county treasurer for the county
13 where the citation was issued. This subsection does not
14 apply to a vehicle owned by a nonresident and registered in
15 a state requiring insurance if a vehicle insurance policy
16 meeting requirements of the laws and regulations of that
17 state is in effect or unless it otherwise complies with the
18 laws of that state concerning compulsory financial
19 responsibility. The department shall report any violation
20 of this subsection to the motor vehicle administrator in
21 the state wherein the vehicle is registered. A vehicle
22 owned by a nonresident and registered in a state not
23 requiring insurance is exempt from this subsection.

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1 (b) Any police officer as defined by W.S.
2 31-5-102(a)(xxxiii), issuing a citation for any moving
3 violation under W.S. 31-5-101 through 31-5-1402 or
4 inspecting any vehicle, shall require the operator of any
5 motor vehicle required to be registered to produce evidence
6 of whether the operator or owner of the motor vehicle has
7 in full force and effect a motor vehicle liability policy
8 in amounts provided by W.S. 31-9-405(b) or a bond in
9 amounts provided by W.S. 31-9-102(a)(xi). If the operator
10 cannot show written proof of financial responsibility, the
11 driver shall have seven (7) days to produce such proof.
12 Any operator or owner of a motor vehicle required to be
13 registered who is not able to demonstrate evidence of
14 compliance with subsection (a) of this section ~~may~~shall be
15 charged with violating that subsection. Additionally, the
16 judge may order any driver failing to produce written proof
17 of financial responsibility to pay restitution in
18 accordance with W.S. 7-9-101 through 7-9-115. Effective
19 January 1, 1993, the displaying or exhibiting of a validly
20 issued insurance identification card as provided by W.S.
21 31-8-201 by an operator or owner of the motor vehicle
22 constitutes compliance with this section. No operator or
23 owner of a motor vehicle charged with violating this
24 section shall be convicted if he produces in court one (1)

1 of the following which was valid at the time of arrest or
2 at the time the citation was issued:

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4 **Section 3.** This act is effective July 1, 2004.

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(END)