

HOUSE BILL NO. HB0005

Driver's licenses and IDs.

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

A BILL

for

1 AN ACT relating to motor vehicles; authorizing digital
2 driver's licenses and identification cards; establishing
3 fees; authorizing electronic notice relating to expirations,
4 renewals and other transactions; clarifying which credentials
5 may be possessed; providing definitions; providing rulemaking
6 authority; making conforming amendments; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 8-1-102(a) by creating a new paragraph
12 (xvii), 31-5-1205(k), 31-7-102(a)(xxv), by creating new
13 paragraphs (xlix) through (lii) and by renumbering (xlix) as
14 (liii), 31-7-103(a), 31-7-106(c), 31-7-113(a) by creating a
15 new paragraph (xii), 31-7-115(c) and by creating a new

1 subsection (d), 31-7-116, 31-7-119(g), 31-7-131(a) through
2 (c), 31-7-137(a) and (b), 31-8-101(a) and by creating new
3 subsections (c), (d) and (e), 31-8-102(a)(intro),
4 31-8-103(d), 31-8-104 and 31-8-105(a)(iv) are amended to
5 read:

6

7 **8-1-102. Definitions.**

8

9 (a) As used in the statutes unless the legislature
10 clearly specifies a different meaning or interpretation or
11 the context clearly requires a different meaning:

12

13 (xvii) "Surrender" when referring to a driver's
14 license or identification card means as provided in
15 W.S. 31-7-131.

16

17 **31-5-1205. Traffic citations; notice to appear in**
18 **court; release upon written promise to appear; procedure**
19 **before judge or court; arrest for driving under the influence.**

20

21 (k) If a person is arrested, cited or issued a summons
22 for violation of W.S. 31-5-233 or a municipal ordinance which
23 substantially conforms to the provisions of W.S. 31-5-233 or

1 for a violation as defined in W.S. 31-5-234(d), he shall
2 surrender possession of his physical driver's license, if
3 applicable, whether issued in Wyoming or another
4 jurisdiction, to the arresting or issuing officer. In
5 addition to other requirements of this section and W.S.
6 31-5-1204, the officer shall issue a temporary license
7 pursuant to W.S. 31-6-102, 31-6-108 or 31-7-138 to the person
8 arrested or cited and shall forward the surrendered license
9 to the department.

10

11 **31-7-102. Definitions.**

12

13 (a) As used in this act:

14

15 (xxv) "License", "driver's license", "digital
16 driver's license", "commercial driver's license",
17 "instruction permit", "commercial learner's permit" or
18 "intermediate permit" means a license or permit secured by a
19 person from the division, in accordance with this act which
20 grants the privilege to drive or operate a motor vehicle on
21 the public highways, streets and roads of this state;

22

1 (xlix) "Digital driver's license" means a secure
2 electronic representation of a physical driver's license that
3 is stored on the driver's portable electronic device and may
4 be viewed or verified by a person to whom access is allowed.
5 A digital driver's license may be used in lieu of a physical
6 driver's license and is optional to purchase and supplemental
7 to a physical driver's license;

8
9 (l) "Last known address" means the address, email
10 address or other electronic contact information, as
11 applicable, according to the sending method, on file with the
12 division;

13
14 (li) "Portable electronic device" means an
15 electronic device that is portable in nature, is easily
16 carried or conveyed by hand and may be used to display,
17 transmit, or both;

18
19 (lii) "REAL ID Act" means the REAL ID Act of 2005,
20 Public Law 109-13, 119 Stat. 302, enacted May 11, 2005, and
21 subsequent amendments thereto;

22

1 ~~(xlix)~~(liii) "This act" means W.S. 31-7-101
2 through 31-7-313.

3

4 **31-7-103. Administration and enforcement.**

5

6 (a) The administration of this act shall be exercised
7 by the department, which may prescribe forms and reasonable
8 rules and regulations in conformity with this act and the
9 Uniform Electronic Transactions Act under W.S. 40-21-101
10 through 40-21-119. Provisions of this act prevail over the
11 Uniform Electronic Transactions Act if there is a conflict.

12 The department shall keep records of all monies received and
13 disbursed. The records shall be open to examination by the
14 director of the state department of audit or his designee and
15 the legislative service office. The highway patrol and all
16 peace officers of any county or municipality shall aid in the
17 enforcement of this act.

18

19 **31-7-106. License required; limited to one license.**

20

21 (c) No person shall have more than one (1) valid
22 driver's license or any other state-issued, REAL ID
23 Act-compliant identification card at any time. A person shall

1 surrender to the division all valid physical driver's
 2 licenses or state-issued, REAL ID Act or other applicable
 3 federal law compliant identification cards in his possession
 4 or any person who has been previously licensed or issued an
 5 identification card in this or any other state but who does
 6 not have in their possession the license or identification
 7 card previously issued in this or any other state shall
 8 complete an affidavit of "No License/ID Card in Possession",
 9 before receiving a driver's license under this act.

10

31-7-113. Fees.

12

(a) The following fees are imposed:

14

(xii) Digital driver's license\$20.00

in addition to the applicable physical driver's license fee
under this subsection

18

31-7-115. Issuance, description and contents.

20

(c) Any permit issued in connection with a commercial
 learner's permit shall be issued ~~on~~as a separate document or
digital document, which shall comply with all security

23

1 measures required by the department to comply with applicable
2 federal law.

3
4 (d) A license issued under subsection (a) of this
5 section may include a digital driver's license. A digital
6 driver's license may be issued upon request of a licensee and
7 payment of the required fee. No digital driver's license shall
8 be issued unless the applicant holds the corresponding
9 physical driver's license or unless the corresponding
10 physical driver's license is issued simultaneously. The
11 department may digitally cancel, suspend or revalidate a
12 digital driver's license on the occasions that a physical
13 driver's license would be taken possession of, cancelled,
14 suspended, returned or reinstated, as appropriate. A digital
15 driver's license shall be designed:

16
17 (i) To protect to the maximum extent practicable
18 the digital driver's license holder's privacy, including the
19 use of privacy enhancing technologies or other security
20 methods as deemed appropriate by the department;

21
22 (ii) So that there is no need for the driver's
23 license holder to relinquish possession of the portable

1 electronic device in which the digital driver's license is
2 stored to present the digital driver's license.

3
4 **31-7-116. Carrying and displaying.**

5
6 Every licensee shall have his driver's license in his
7 immediate possession at all times when driving a motor vehicle
8 and shall display the license upon demand of any judicial
9 officer, municipal court judge, any officer or agent of the
10 division or any police officer as defined in W.S.
11 31-5-102(a)(xxxiii). However, no person charged with
12 violating this section shall be convicted if he produces in
13 court a driver's license previously issued to him and valid
14 at the time of his arrest. For the purposes of this section
15 "display" of a physical license means the surrender of his
16 the physical license to the demanding officer. After
17 examination the officer shall immediately return the license
18 to the licensee except as provided in W.S. 31-5-1205(k). For
19 purposes of this section "display" of a digital driver's
20 license means that a licensee may provide access to the
21 digital driver's license on the licensee's portable
22 electronic device. No law enforcement or judicial officer
23 demanding display of a licensee's digital driver's license

1 for any licensing or identification verification purpose
2 shall take custody of the licensee's portable electronic
3 device. Display of a digital driver's license shall not serve
4 as consent to search the driver's portable electronic device.

5

6 **31-7-119. Expiration and renewal; required tests;**
7 **extension.**

8

9 (g) The division shall send ~~an application~~ a
10 notification for license extension pursuant to subsection (f)
11 of this section to the last known address of an eligible
12 licensee, or notify by electronic means if the eligible
13 licensee has consented to receive notices electronically,
14 within one hundred twenty (120) days prior to license
15 expiration. The license extension application shall be
16 returned to the division with a postmark at least thirty (30)
17 days ~~prior to~~ before the license expiration date or, if the
18 eligible licensee has consented to receive notices
19 electronically, by electronic means at least thirty (30) days
20 before the license expiration date. The application shall be
21 accompanied by written evidence that the applicant's visual
22 acuity is 20/40 or better with or without corrective lenses,
23 as tested within one (1) year prior to submitting the

1 application. Upon receipt of a completed application and the
2 fee prescribed by W.S. 31-7-113(a)(v), the division shall
3 issue a license extension to eligible licensees. The division
4 shall provide a summary of changes in the law relating to
5 motor vehicles to licensees who receive a license extension.

6

7 **31-7-131. Surrender and return of license.**

8

9 (a) Upon cancelling, suspending or revoking a license,
10 the division shall require that ~~the~~any physical license be
11 surrendered to the division and that any digital driver's
12 license be cancelled or suspended.

13

14 (b) Any person whose license has been cancelled,
15 suspended or revoked shall immediately return his physical
16 license to the division.

17

18 (c) At the end of a period of a suspension, the division
19 shall return a license to the licensee, if unexpired, and
20 revalidate any digital driver's license, if applicable.

21

22 **31-7-137. Proof of receipt of notice or order; change**
23 **of address or name.**

1

2 (a) Evidence that a notice or order from the division
3 under this act was mailed to the last known address of a
4 person is prima facie proof the person received the notice or
5 order five (5) days after the notice or order was mailed. ~~As~~
6 ~~used in this section, "last known address" means the address~~
7 ~~on file with the division. Evidence that a notice or order~~
8 ~~from the division was sent by electronic means to the person's~~
9 ~~last known address, if the person has consented to receive~~
10 ~~notices electronically, is prima facie proof that the person~~
11 ~~received the notice or order one (1) day after the notice or~~
12 ~~order was sent electronically.~~

13

14 (b) A person licensed under this act shall notify the
15 division in writing within ten (10) days of any change of his
16 address or name. Notification to the division may be by
17 electronic means if the division has made electronic
18 notification available and if the person opts to use
19 electronic means. The division shall maintain a record of
20 the names and addresses of all persons licensed under this
21 act and shall amend the record when notified under this
22 subsection.

23

1 31-8-101. Issuance to residents by department;
2 restrictions; limited to one state-issued credential; digital
3 identification card; definitions; rulemaking.

4
5 (a) Any Wyoming resident may be issued an
6 identification card by the department of transportation if
7 the resident does not possess or surrenders any other
8 state-issued, REAL ID Act or other applicable federal law
9 compliant driver's license or identification card. The
10 application shall state the registrant's full legal name,
11 social security number, date of birth and any other
12 identifying data the department may require and shall be
13 signed and verified by the applicant. The identification
14 card shall at the applicant's request indicate that the
15 applicant is an anatomical organ donor as provided by W.S.
16 35-5-205 or that the applicant has a medical alert designation
17 as provided for in W.S. 31-7-142. Before receiving an
18 identification card under this chapter a person who
19 previously has been licensed or issued an identification card
20 in this or any other state but who does not have the
21 credential in their possession shall complete an affidavit of
22 "No License/ID Card in Possession."

23

1 (c) An identification card issued under subsection (a)
2 of this section may include a digital identification card. A
3 digital identification card may be issued upon request of a
4 registrant and payment of the required fee. No digital
5 identification card shall be issued unless the applicant
6 holds the corresponding physical identification card or
7 unless the corresponding physical identification card is
8 issued simultaneously. A registrant may display a digital
9 identification card by providing access to the digital
10 identification card on the registrant's portable electronic
11 device. No law enforcement or judicial officer demanding
12 display of a registrant's digital identification card for any
13 identification verification purpose shall take custody of the
14 registrant's portable electronic device. Display of a digital
15 identification card shall not serve as consent to search the
16 registrant's portable electronic device. A digital
17 identification card shall be designed in accordance with
18 W.S. 31-7-115(d)(i) and (ii).

19
20 (d) As used in this chapter:

21
22 (i) "Digital identification card" means a secure,
23 electronic representation of a physical identification card

1 that is stored on the registrant's portable electronic device
2 and may be viewed or verified by a person to whom access is
3 allowed. A digital identification card may be used in lieu of
4 a physical identification card and is optional to purchase
5 and supplemental to a physical identification card;

6
7 (ii) "Portable electronic device" means as defined
8 in W.S. 31-7-102(a)(li);

9
10 (iii) "REAL ID Act" means the REAL ID Act of 2005,
11 Public Law 109-13, 119 Stat. 302, enacted May 11, 2005, and
12 subsequent amendments thereto.

13
14 (e) The department may promulgate rules to implement
15 the provisions of this chapter.

16
17 **31-8-102. Contents.**

18
19 (a) The identification card or digital identification
20 card shall resemble a Wyoming driver's license or digital
21 driver's license. It shall have:

22
23 **31-8-103. Expiration; records; new cards.**

1

2 (d) The division shall send ~~an application~~ a
3 notification for an identification card to the last known
4 address of every eligible registrant, or notify by electronic
5 means if the eligible registrant has consented to receive
6 notices electronically, within one hundred twenty (120) days
7 prior to expiration of the registrant's identification card.
8 Every identification card is renewable upon application and
9 payment of the required fee. As used in this section, "last
10 known address" means the address, email address or other
11 electronic contact information, as applicable according to
12 the sending method, on file with the division.

13

14 **31-8-104. Fees.**

15

16 Every applicant for an identification card shall pay ten
17 dollars (\$10.00) to the department plus an additional ten
18 dollars (\$10.00) for a digital identification card if
19 applicable. The state treasurer shall credit identification
20 card fees to the highway fund. Identification cards, ,
21 including digital identification cards, issued as a result of
22 the cancellation of a license under W.S. 31-7-122(a)(i) shall
23 be issued without payment of any fee.

1

2 **31-8-105. Prohibited acts; penalties.**

3

4 (a) No person shall:

5

6 (iv) Photograph, photostat, duplicate or in any
7 way reproduce any identification card or facsimile thereof in
8 such a manner that it could be mistaken for a valid
9 identification card. Possession and display of a digital
10 identification card shall not be considered a violation of
11 this section;

12

13 **Section 2.** This act is effective July 1, 2020.

14

15

(END)