

TITLE 31: CHAPTER 2 -ARTICLE 7 -OFF-ROAD RECREATIONAL VEHICLES

TITLE 31  
MOTOR VEHICLES

CHAPTER 1  
GENERAL PROVISIONS

ARTICLE 1  
DEFINITIONS

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(i) "Commercial vehicle" means any vehicle or vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit and shall include, but not be limited to:

(A) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty six thousand (26,000) pounds;

(B) A power unit having three (3) or more axles regardless of weight; or

(C) Is used in combination when the weight of such combination exceeds twenty six thousand (26,000) pounds of gross vehicle weight.

(ii) Repealed by Laws 1991, ch. 241, § 4.

(iii) "Dealer" means a person regularly engaged in the business of having in his possession vehicles for sale or trade, or for use and operation for purposes pursuant to the business;

(iv) "Department" means the department of transportation;

(v) "Factory price" means ninety percent (90%) of the manufacturer's suggested retail price of the vehicle, when new, including all improvements and modifications attached to the vehicle and all accessories and equipment used with the vehicle during the period for which registration is issued, but excludes federal excise taxes, the cost of transportation from the place of manufacture to the place of sale to the first user, mobile radio telephone equipment leased and nonstandard improvements and modifications necessary to permit operation by or transportation of persons with a mobility handicap as defined in W.S. 31 2 213(d);

(vi) "Fleet" means one (1) or more commercial vehicles each of which actually travels a portion of its total miles in Wyoming as designated by the department;

(vii) "Gross vehicle weight" means the total weight of a vehicle or vehicle combination including the unladen weight of the vehicle or vehicle combination plus the maximum legal declared weight of the load to be carried in or on the vehicle or vehicle combination;

(viii) "Highway" means the entire width between the boundary lines of every way publicly maintained or if not publicly maintained, dedicated to public use when any part is open to the use of the public for purposes of vehicular travel;

(ix) "Identifying number" means the vehicle identification numbers and letters if any assigned by the manufacturer or by the department for the purpose of identifying a vehicle. The term shall include any numbers or letters assigned by the manufacturer for the purpose of identifying a part of a vehicle and any number placed on a part in accordance with this act or regulations of the commission for the purpose of identifying it;

(x) "Implement of husbandry" means sheep wagons, portable livestock loading chutes and every vehicle designed and used exclusively for agricultural operations and only incidentally operated or moved upon the highways but includes a trailer only when being towed by a farm tractor;

(xi) "Interstate" means the transportation of persons or property between Wyoming and any other jurisdiction;

(xii) "Intrastate" means the transportation of persons or property between points within Wyoming;

(xiii) "Jurisdiction" means the states, districts, territories or possessions of the United States, a foreign country and a state or province of a foreign country;

(xiv) "Legal owner" means the person in whose name a valid certificate of title has been issued;

(xv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power or motorized skateboards. The term includes the following vehicles as hereafter defined:

(A) "Antique" means any motor vehicle which is at least twenty five (25) years old and owned solely as a collectors item;

(B) "Bus" means a motor vehicle designed to carry more than ten (10) passengers and primarily used to transport persons for compensation;

(C) "Moped" means a vehicle equipped with two (2) or three (3) wheels, foot pedals to permit muscular propulsion by human power, an automatic transmission and a motor with cylinder capacity not exceeding fifty (50) cubic centimeters producing no more than two (2) brake horsepower, which motor is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface;

(D) "Motor home" means a motor vehicle designed, constructed and equipped as a dwelling place, living abode or sleeping place either permanently or temporarily, but excluding a motor vehicle carrying a camper;

(E) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but which may have attached thereto a sidecar for the purpose of transporting a single passenger. For the purpose of registration and titling "motorcycle" includes motorized bicycles and scooters, but excludes mopeds, motorized skateboards and off road recreational vehicles as defined in subparagraph (K) of this paragraph. A recreational vehicle primarily designed for off road use which is fifty (50) inches or less in width, has an unladen weight of nine hundred (900) pounds or less, has four (4) low pressure tires as defined by subparagraph (K) of this paragraph, is designed to be ridden astride a seat or saddle, and is not a golf cart may be registered and titled under

this act and is deemed to be:

(I) A motorcycle for the purpose of this act if titled and registered pursuant to this act; or

(II) An off road recreational vehicle under subparagraph (K) of this paragraph if not titled and registered pursuant to this act.

(F) "Passenger car" means a motor vehicle designed to carry ten (10) persons or less and primarily used to transport persons, including ambulances and hearses but excluding motorcycles, motor homes and school buses;

(G) "Pedestrian vehicle" means any self propelled conveyance designed, manufactured and intended for the exclusive use of persons with a physical disability, but in no case shall a pedestrian vehicle:

(I) Exceed forty eight (48) inches in width.

(II) and (III) Repealed by Laws 1989, ch. 155, § 2.

(H) "School bus" means a motor vehicle that is owned by or leased to or registered to a public school district and is used to transport children to or from school or in connection with school activities and is designed for and capable of carrying twelve (12) or more passengers, but not including buses operated by common carriers in transportation of school children or buses owned by a community college or the University of Wyoming;

(J) "Truck" means a motor vehicle designed, used or maintained for the transportation of property, including pickup trucks;

(K) "Off road recreational vehicle" means:

(I) A recreational vehicle primarily designed for off-road use which is fifty (50) inches or less in width, has an unladen weight of nine hundred (900) pounds or less and is designed to be ridden astride upon a seat or saddle and to travel on at least three (3) low pressure tires. A "low pressure tire" is a pneumatic tire at least six (6) inches in width, designed for use on wheels with a rim diameter of twelve (12) inches or less and having a manufacturer's recommended operating pressure of ten (10) pounds per square inch or less;

(II) Any unlicensed motorcycle which has an unladen weight of six hundred (600) pounds or less and is designed to be ridden off road with the operator astride upon a seat or saddle and travels on two (2) tires; and

(III) Any multi wheeled motorized vehicle not required by law to be licensed and is designed for cross country travel on or over land, sand, snow, ice or other natural terrain and which has an unladen weight of more than nine hundred (900) pounds.

(xvi) "Nonresident" means a person not a resident;

(xvii) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation, other than any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips;

(xviii) "Owner" means:

(A) The legal owner; or

(B) A person, other than a lienholder, having the property in or title to a vehicle including a person entitled to use and possession of a vehicle subject to a security interest in another person but excluding a lessee under a lease not intended as security.

(xix) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about easily as a pedestrian;

(xx) "Rental vehicle" means a vehicle which is rented or offered for rental without a driver;

(xxi) "Resident" means:

(A) Any person, except a full time student at the University of Wyoming or a Wyoming community college, who owns, leases or rents a place of residence within Wyoming and who, regardless of domicile, remains in the jurisdiction for a period of one hundred twenty (120) days or more; or

(B) Any person, other than a daily commuter from another jurisdiction which exempts vehicles of daily commuters from Wyoming from registration under a reciprocity agreement or a full time student at the University of Wyoming or a Wyoming community college, who is gainfully employed in Wyoming; or

(C) Any individual, partnership, company, firm, corporation or association which maintains a main or branch office or warehouse facility within Wyoming or which bases and operates motor vehicles in Wyoming; or

(D) Any individual, partnership, company, firm, corporation or association which operates motor vehicles in intrastate haulage in Wyoming.

(xxii) "This act" means W.S. 31 1 101 through 31 4 104;

(xxiii) "Trailer" means a vehicle without propelling power designed to be drawn by a motor vehicle, but excludes converter gear, dollies and connecting mechanisms. The term includes the following vehicles as hereafter defined:

(A) "House trailer" means every trailer which is:

(I) Designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily;

(II) Equipped for use as a conveyance on streets and highways; and

(III) Eight and one half (8 1/2) feet or less in width, excluding appurtenances, or more than eight and one half (8 1/2) feet in width and used primarily as a mobile laboratory or mobile office.

(B) "Semitrailer" means a trailer so designed and used in conjunction with a motor vehicle that some part of its weight and that of its load rests upon or is carried by another vehicle, but excludes converter gear, dollies and connecting mechanisms;

(C) "Utility trailer" means any trailer less than six thousand (6,000) pounds gross vehicle weight.

(xxiv) "Transportable home" means and includes the following as defined:

(A) "Modular home" means a residential dwelling constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards;

(B) "Prebuilt home" means any residential dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Prebuilt home shall include, but not be limited to, a manufactured home, modular home and mobile home; or

(C) "Manufactured home" means a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards which is a unit more than eight and one half (8 1/2) feet in width which is designed, constructed and equipped as a dwelling place, living abode or place of business to which wheels may be attached for movement upon streets and highways except a unit used primarily as a mobile laboratory or mobile office.

(xxv) "Unladen weight" means the actual weight of a vehicle including the cab, body and all accessories with which the vehicle is equipped for normal use on the highways excluding the weight of any load. The unladen weight of vehicles mounted with machinery or equipment not normally designed for the vehicle and not used for the transportation of property other than the machinery or equipment is three fourths (3/4) of the gross weight of the

vehicle;

(xxvi) "Vehicle" means a device in, upon or by which any person or property may be transported or drawn upon a highway, excluding devices moved by human power or used exclusively upon rails or tracks, implements of husbandry, machinery used in construction work not mainly used for the transportation of property over highways and pedestrian vehicles while operated by a person who by reason of a physical disability is otherwise unable to move about as a pedestrian;

(xxvii) "Vehicle identification number or VIN" means the numbers and letters, if any, designated by the department for the purpose of identifying the vehicle or the unique identifier assigned to each vehicle by the manufacturer pursuant to regulations;

(xxviii) "U-Drive-It motor vehicle" means a motor vehicle which is rented or offered for rental without a driver and is designed to carry ten (10) persons or less, including consumer rental trucks used to transport personal property and effects, but not including trucks used to transport commercial freight;

(xxix) "Motorized skateboard" means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in this act as a "motor vehicle", "motorcycle", "motor-driven cycle" or "pedestrian vehicle".

## CHAPTER 2 TITLE AND REGISTRATION

### ARTICLE 1 CERTIFICATES OF TITLE

31-2-101. Required application.

(a) Except as provided by W.S. 31 2 102 and subsection (b) of this section, every owner of a vehicle which will be operated on Wyoming highways and for which no Wyoming certificate of title has been issued to the owner, or the transferee upon transfer of ownership of a vehicle for which a Wyoming certificate of title is required, shall apply for a certificate of title at the office of a county clerk.

(b) Every owner or transferee upon transfer of ownership of an off road recreational vehicle may apply for a certificate of title at the office of a county clerk.

31-2-102. Exclusions.

(a) No certificate of title shall be issued for:

- (i) Vehicles owned by the United States;
- (ii) Farm tractors;
- (iii) Vehicles of nonresident owners titled in another state. If the vehicle is required to be registered in Wyoming, upon proper showing of the current registration in another state, the county clerk shall issue a special nontransferable certificate for registration purposes;
- (iv) Utility trailers weighing one thousand (1,000) pounds or less unladen;
- (v) Repealed by Laws 1993, ch. 16, § 2.
- (vi) Vehicles not required to be registered in Wyoming except as otherwise provided by law.

31-2-103. Contents of application; signature; vehicle identification number; issuance of certificate.

(a) Applications for certificates of title shall be under oath and contain or be accompanied by:

(i) The name and address of the owner and the person to whom the certificate of title is to be delivered;

(ii) A description of the vehicle including make, vehicle identification number, type of body and motive power;

(iii) If a new vehicle purchased from a licensed dealer in any state:

(A) The manufacturer's certificate of origin indicating the date of sale to and the name of the first person receiving it from the manufacturer and a certification the vehicle was new when sold by the manufacturer; and

(B) Certification by the dealer that the vehicle was new when sold to the applicant.

(iv) Certification of applicant's ownership and any liens or encumbrances upon the vehicle;

(v) The current title containing an assignment and warranty of title, if applicable, and an affidavit by the seller, either separate or contained on the current title, which shall contain a reference to the federal regulations stating that failure to complete or providing false information may result in fines and imprisonment and include the following statement: "I state that the odometer now reads .... miles (no tenths) and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein unless one (1) of the following statements is checked: A. I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage is in excess of its mechanical limits; B. I hereby certify that the odometer reading is NOT the actual mileage. WARNING ODOMETER DISCREPANCY", to be retained by the county clerk upon issuance of a new title;

(vi) In the case of a vehicle registered or titled in a state other than Wyoming a current statement made by a Wyoming law enforcement officer or licensed Wyoming dealer for vehicles in his inventory or possession that the vehicle identification number on the vehicle has been inspected and that the inspection occurred in Wyoming and certifying the correct vehicle identification number displayed on the vehicle. In the case of a vehicle not in Wyoming, the vehicle identification number may be inspected and certified on a form prescribed by the department if the inspection is made by an authorized law enforcement officer of a city, county or state law enforcement agency or a commissioned officer at a federal military installation and the form is duly notarized and delivered to the county clerk in the county where the application for certificate of title is made along with payment for the inspection fee required under W.S. 31 3 102(b)(iv). If the certificate of title or registration of a vehicle under this paragraph contains a brand or any word or symbol indicating the vehicle has been damaged by flood, rebuilt, reconstructed or otherwise modified, the brand, word or symbol shall be carried forward on all subsequent certificates of title issued in this state. A vehicle designated by any other state as nonrepairable or any other word or symbol of like kind shall be issued a certificate of title and may be reregistered if the owner complies with the provisions of W.S. 31 2 107 and 31 2 108;

(vii) Factory price, or in lieu thereof, the valuation as prescribed by W.S. 31 3 101(c);

(viii) Repealed by Laws 2001, Ch. 72, § 3.

(ix) Such other information as required by the department or county clerk.

(b) If the application for title is for a new vehicle purchased from a licensed Wyoming dealer, the application may be signed by the dealer, include a statement of transfer by the dealer and of any lien retained by the dealer. Only a licensed Wyoming dealer may sign a statement of transfer.

(c) If a vehicle to be titled has no vehicle identification number, the applicant shall apply for and obtain a number from the department.

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the vehicle for which application for certificate of title is made, issue a certificate of title, upon a form approved by and provided at cost to the county clerk by the department in the name of the owner bearing the signature and seal of the county clerk's office. The county clerk shall not deliver a certificate of title issued under this section until presentation of a receipt for payment of sales or use tax pursuant to W.S. 39 15 107(b) or 39 16 107(b). If a lien is filed with respect to the vehicle, the county clerk shall immediately deliver a copy of the filed lien and a copy of the issued title to the financial institution. Each certificate of title shall bear a document control number with county designation and certificate of title number. The title shall be completely filled out giving a description of the vehicle including factory price in a manner prescribed by the department, indicate all encumbrances or liens on the vehicle and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of a sale or transfer of title. Certificates of title are valid for the vehicle so long as the vehicle is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the vehicle for which the certificate was issued.

(e) Notwithstanding subsection (d) of this section, a person regularly engaged in the business of making loans or a supervised financial institution, as defined in W.S. 40 14 140(a)(xix), that repossesses a motor vehicle on which it has filed a lien shall not be liable for sales or use tax or for any penalties for nonpayment of the sales or use tax pursuant to W.S. 39 15 107(b) or 39 16 107(b) prior to obtaining a title from the county clerk for that vehicle.

(f) Notwithstanding subsection (d) of this section, an insurance company that acquires ownership of a motor vehicle pursuant to a damage settlement shall not be liable for sales or use tax or for any penalties for nonpayment of the sales or use tax pursuant to W.S. 39 15 107(b) or 39 16 107(b) prior to obtaining a title from the county clerk for that vehicle.

#### 31-2-104. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a vehicle who sells or transfers his interest in a vehicle for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the vehicle with a statement of all liens and encumbrances thereon, which assignment, warranty and statement shall be subscribed by the owner before a notary public and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the vehicle. Except as provided in subsection (b) of this section, the transferee shall present the certificate to a county clerk and apply for a new certificate of title within the same time periods as required by W.S. 31 2 201(a)(ii).

(i) Repealed By Laws 2003, Ch. 33, § 2.

(ii) Repealed By Laws 2003, Ch. 33, § 2.

(iii) Repealed By Laws 2003, Ch. 33, § 2.

(b) If the transferee is a licensed dealer who holds the vehicle for resale, procures the certificate of title from the transferor and operates the vehicle only for demonstration purposes under dealer license plates, the dealer is not required to obtain a new certificate of title but may transfer the vehicle by

an assignment and warranty of title upon the certificate of title and deliver the certificate to a subsequent transferee.

(c) In the event of a transfer by operation of law of any interest in a vehicle as upon an order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or sales contract or otherwise than by voluntary act of the person whose title or interest is transferred, the administrator, receiver, trustee, sheriff, creditor or other representative or successor in interest of the person whose interest is transferred shall forward to the county clerk an application for a certificate of title together with a verified or certified statement of the transfer of interest. The statement shall set forth the reason for the involuntary transfer, the interest transferred, the name of the transferee, the process or procedure effecting the transfer and other information requested by the county clerk. Evidence and instruments otherwise required by law to effect a transfer of legal or equitable title to or an interest in a vehicle in such cases shall be furnished with the statement. If a transfer of title to a creditor is accomplished in accordance with the provisions of this subsection, a creditor retains the right to seek any deficiency balance which may exist after sale, provided the creditor has complied with all applicable law, and the transfer by itself shall not be considered a strict foreclosure or an election to retain the collateral in satisfaction of an obligation as provided by W.S. 34.1 9 620 and does not affect the debtor's right to redeem the collateral under W.S. 34.1 9 623. If from the records of the county clerk there appears to be any lien on the vehicle which was recorded prior to the lien of the creditor applying for title and which has not been released, the certificate of title shall contain a statement of the lien. The creditor repossessing and applying for title to the vehicle shall notify all persons holding liens on the vehicle by certified mail return receipt requested at least fifteen (15) days prior to filing the application for title. Any proceeds from the sale, lease or other disposition of the vehicle shall be distributed in accordance with the provisions of W.S. 34.1 9 608.

(d) Repealed by Laws 2003, Ch. 33, § 2.

(e) Repealed by Laws 2001, Ch. 72, § 3.

(f) Any person knowingly providing false or incomplete information on the damage disclosure statement is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both.

(g) No person shall transfer ownership of a vehicle from a manufacturer's statement of origin or a manufacturer's certificate of origin unless the person is the manufacturer of the vehicle or a properly licensed dealer.

(h) The requirement under subsection (a) of this section to deliver a certificate of title to a transferee at the time the vehicle is delivered does not apply to a transferor if:

(i) The certificate of title is being held by a bank or other financial institution on the date the vehicle is delivered. The transferor shall then deliver to the transferee a dealer's invoice or a signed, notarized bill of sale, in substantially the form specified in paragraph (ii) of this subsection, and the certificate of title shall be delivered to the transferee within thirty (30) days from the date of the sale; or

(ii) The transferor is an auctioneer of vehicles and transfers the vehicle in the course of his business as an auctioneer of vehicles or through an auctioneer of vehicles. The transferor or auctioneer shall then deliver the certificate of title to the transferee within thirty (30) days of the date of sale and shall deliver to the transferee at the time the vehicle is delivered a

signed, notarized bill of sale in substantially the following form:

VEHICLE BILL OF SALE

I, (NAME OF TRANSFEROR OR AUCTIONEER), on (date), hereby sell and convey all (my interest the interest of (name of current owner)) in the following described vehicle: (COLOR, YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION NUMBER) to (NAME OF TRANSFEREE) in exchange for: (sales price). I hereby state that the certificate of title for the above described vehicle is held by (NAME OF TRANSFEROR-VEHICLE AUCTIONEER, BANK OR OTHER FINANCIAL INSTITUTION) and that within thirty (30) days, (NAME OF TRANSFEREE) will be provided a properly executed title free of all liens for the vehicle unless otherwise specified in this bill of sale.

DATE: \_\_\_\_\_

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(TRANSFEROR'S OR AUCTIONEER'S SIGNATURE)  
(BILL OF SALE MUST BE NOTARIZED)

**ARTICLE 7**  
**OFF-ROAD RECREATIONAL VEHICLES**

**31-2-701. Definitions.**

(a) Except as otherwise provided, as used in this act:

(i) "Off-road recreational vehicle" means as defined in W.S. 31-1-101(a)(xv)(K);

(ii) "Wyoming off-road recreational vehicle trail" means an off-road recreational vehicle trail or area specifically designated, marked or signed by the department of state parks and cultural resources as a Wyoming off-road recreational vehicle trail.

**31-2-702. Registration selling agents; application for trail user registration decal; affidavit required if vehicle serial number not visible; penalty.**

(a) The department of state parks and cultural resources through the division of state parks and historic sites, shall in accordance with W.S. 36-4-123, appoint agents to sell off-road recreational vehicle trail user registration decals. Each selling agent shall retain one dollar (\$1.00) for each trail user registration decal sold. Designated department employees may sell trail registration user decals under this article and if decals are sold, the employee shall not receive any commission on user registration fees collected under this article.

(b) Beginning January 1, 2002, each owner of an off-road recreational vehicle shall for each vehicle used on Wyoming off-road recreational vehicle trails as established and administered by the department, annually file in writing and in duplicate with any designated registration selling agent, an application for trail user registration of the off-road recreational vehicle. The application shall state the name and address of the owner, the name of the applicant and the make, model and identifying serial number of the off-road recreational vehicle. If the vehicle identifying serial number is not legible or visible, the applicant shall upon a form provided by the department, provide proof of ownership by affidavit certified in writing. Any person knowingly presenting a false or fraudulent statement under this subsection is subject to

the penalties provided by W.S. 6-5-303.

(c) Any person who operates an off-road recreational vehicle on any Wyoming off-road recreational vehicle trail without a decal required under this article or in violation of the provisions of W.S. 31-5-1601 is guilty of a misdemeanor and upon conviction, shall be fined not more than one hundred dollars (\$100.00).

**31-2-703. Required user registration fee; disposition of fees; duties of department of state parks and cultural resources.**

(a) The owner of an off-road recreational vehicle which will be operated on Wyoming off-road recreational vehicle trails shall, upon filing of an application, pay to the registration selling agent an annual user registration fee of fifteen dollars (\$15.00).

(b) The registration selling agent shall forward to the department of state parks and cultural resources the original copy of the user registration application together with fourteen dollars (\$14.00) collected under subsection (a) of this section.

(c) There is created an off-road recreational vehicle trails account. The fees received by the department of state parks and cultural resources under this article shall be deposited into the account created by this subsection and shall be expended by the department for the administration of the off-road recreational vehicle trails program.

(d) The department of state parks and cultural resources shall:

(i) Administer the Wyoming off-road recreational vehicle trails program;

(ii) Furnish a sufficient quantity of numbered decals and application forms to each registration selling agent;

(iii) Keep full and complete records of all registered off-road recreational vehicles; and

(iv) Consult with the Wyoming trails advisory council to assist the department to establish and maintain adequate off-road recreational vehicle trails.

**31-2-704. Payment of fees; issuance of numbered decal; trespass warning printed on decal.**

(a) Upon receipt of user registration fees imposed under this article, the selling agent shall issue a numbered decal which shall be prominently displayed on the off-road recreational vehicle.

(b) Numbered decals issued under this article shall contain the following language: "Warning: trespass upon private property while operating an off-road recreational vehicle is punishable by imprisonment up to six (6) months, a fine up to seven hundred fifty dollars (\$750.00), or both, under W.S. 6-3-303."

**31-2-705. Lost, mutilated or destroyed decal.**

In the event of loss, mutilation or destruction of any numbered decal, the owner of an off-road recreational vehicle may obtain a duplicate or new numbered decal from any authorized selling agent or any employee of the department of state parks and cultural resources upon filing an affidavit explaining the loss, mutilation or destruction of the original numbered decal

and paying a fee of two dollars (\$2.00). The selling agent shall forward to the department of state parks and cultural resources one dollar (\$1.00) of each fee collected under this section to be deposited in the account created by W.S. 31-2-703(c).

### **31-2-706. Duration of decal.**

Each decal issued under this article is effective for the calendar year and shall expire on December 31 of the registration year.

### **31-2-707. Exemptions.**

(a) Off-road recreational vehicles owned or used by a governmental agency are exempt from this article.

(b) In addition to subsection (a) of this section, the off-road recreational vehicle trail user registration required under this article may be waived on an annual basis by the director of the department of state parks and cultural resources for any area designated by the department through a cooperative agreement whereby other governmental agencies agree to contribute to the off-road recreational vehicle trail maintenance and grooming for that area.

## **CHAPTER 5 REGULATION OF TRAFFIC ON HIGHWAYS**

### **ARTICLE 1 IN GENERAL**

31-5-101. Short title.

This act may be cited as the "Uniform Act Regulating Traffic on Highways".

31-5-102. Definitions.

(a) Except as otherwise provided, as used in this act:

(i) Repealed by Laws 2002, Ch. 68, § 2.

(ii) "Authorized emergency vehicles" means:

(A) Vehicles of fire departments, fire patrols, game and fish law enforcement personnel, livestock board law enforcement personnel, brand inspectors, law enforcement agencies, public and private ambulances, medical rescue units and extrication rescue units;

(B) Privately owned vehicles used by members of a fire department or emergency service organization while performing or traveling to perform assigned fire fighting or emergency service duties are authorized emergency vehicles if:

(I) Authorized in writing by the appropriate governing body of the city, town or county in which the emergency services organization is located;

(II) Equipped with at least one (1) flashing red, white or amber light visible from the front of the vehicle; and

(III) Equipped with a marker on the front of the vehicle indicating the department or organization with which affiliated.

(iii) "Bicycle" means every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels except scooters and similar devices;

(iv) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(v) "Business district" means the territory contiguous to and including a highway when within any six hundred (600) feet along the highway where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings, which buildings occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;

(vi) "Commission" means the Wyoming transportation commission;

(vii) "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;

(viii) "Crosswalk" means:

(A) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one (1) side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline;

(B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(ix) "Department" or "highway department" means the department of transportation of the state of Wyoming;

(x) "Driver" means every person who drives or is in actual physical control of a vehicle;

(xi) "Explosives" means any chemical compounds, mixtures or devices, the primary or common purpose of which is to function by explosion, e.g., with substantially instantaneous release of gas and heat, unless the compounds, mixtures or devices are otherwise specifically classified. Explosives are classified as follows, commensurate with the degree of hazard:

(A) Class A □□ detonating, or otherwise of maximum hazard, e.g. black powder;

(B) Class B □□ rapid combustion rather than detonation, e.g. igniter;

(C) Class C □□ minimum hazard, e.g. fireworks.

(xii) "Farm tractor" means every motor vehicle designed and used exclusively as a farm implement for drawing implements of husbandry;

(xiii) "Flammable liquid" means any liquid which has a flash point below one hundred degrees Fahrenheit (100° F) and has a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred degrees Fahrenheit (100° F);

(xiv) "Repealed by Laws 1991, ch. 241, § 4.

(xv) "House trailer" means:

(A) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

(B) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subparagraph (A) of this paragraph, but which is used instead permanently or temporarily for advertising, sales display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(xvi) "Implement of husbandry" means a vehicle designed and used exclusively for agricultural operations and only incidentally operated or moved upon a highway;

(xvii) "Intersection" means:

(A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(B) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highway shall be regarded as a separate intersection;

(C) The junction of an alley with a street or highway does not constitute an intersection.

(xviii) "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

(xix) "Local authorities" means every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state;

(xx) "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material;

(xxi) "Moped" means a motor-driven cycle both with foot pedals to permit muscular propulsion by human power and with a motor which produces no more than two (2) brake horsepower and which is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface. If an internal combustion engine is used, the displacement shall not exceed more than fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the driver after the drive system is engaged;

(xxii) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding off-road recreation vehicles as defined in W.S. 31-1-101(a)(xv)(K), but including a motor vehicle designed as a recreational vehicle primarily for off-road use to be ridden astride and to travel on four (4) wheels;

(xxiii) "Motor-driven cycle" means any motorcycle, including motor scooters and motorized bicycles having an engine with less than one hundred fifty (150) cubic centimeters displacement or with five (5) brake horsepower or less but does not include motorized skateboards;

(xxiv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power, motorized skateboards and golf carts as defined by paragraph (a)(lxi) of this section;

(xxv) "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(xxvi) "Owner" means a person who holds the legal title of a vehicle or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act;

(xxvii) "Park" when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;

(xxviii) "Pedestrian" means any person afoot;

(xxix) "Pedestrian vehicle" means any self-propelled conveyance designed, manufactured and intended for the exclusive use of persons with a physical disability, but in no case shall the vehicle:

(A) Exceed forty-eight (48) inches in width.

(B) Repealed by Laws 1989, ch. 155, § 2.

(C) Repealed by Laws 1989, ch. 155, § 2.

(xxx) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about easily as a pedestrian;

(xxxi) "Pneumatic tire" means every tire in which compressed air is designed to support the load;

(xxxii) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections;

(xxxiii) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(xxxiv) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(xxxv) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(xxxvi) "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

- (xxxvii) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
- (xxxviii) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business;
- (xxxix) "Right of way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;
- (xl) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
- (xli) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;
- (xlii) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school, but not including buses operated by common carriers in urban transportation of school children;
- (xliii) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;
- (xliv) "Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;
- (xlv) "Snowmobile" means any mechanically driven vehicle of a type which utilizes sleet type runners, or skis or any endless belt tread or combination of these, designed primarily for operation over snow;
- (xlvi) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;
- (xlvii) "Stop" when required means complete cessation from movement;
- (xlviii) "Stop, stopping or standing" when prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;
- (xlix) "Street or highway" means the entire width between the boundary lines of every way publicly maintained or if not publicly maintained, dedicated to public use when any part thereof is open to the use of the public for purposes of vehicular travel;
- (l) "Superintendent" means the director of the department of transportation;
- (li) "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on the through highway in obedience to a stop sign, yield sign or other official traffic control devices, when the signs or devices are erected as provided in this act;
- (lii) "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel;
- (liii) "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed;
- (liv) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight and that of its load rests upon or is carried by another vehicle;
- (lv) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;
- (lvi) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;
- (lvii) "Urban district" means the territory contiguous to and including any public street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more;
- (lviii) "Vehicle" means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks and except golf carts as defined by paragraph (a)(lxi) of this section;

- (lix) "This act" means W.S. 31□5□101 through 31□5□1601;
  - (lx) "Emergency services" means fire fighting, first aid, medical services, rescue, transportation and other related activities necessary to ensure the health or safety of a person or property in imminent peril;
  - (lxi) "Golf cart" means a motor vehicle which:
    - (A) Has not less than three (3) wheels in contact with the ground;
    - (B) Has an unladen weight of less than one thousand three hundred (1,300) pounds;
    - (C) Is designed to be or is operated at not more than fifteen (15) miles per hour;
    - (D) Is designed to carry golf equipment and not more than four (4) persons including the driver; and
    - (E) Is being used to transport an occupant directly to, or from or on a golf course, or is being used for special events or circumstances authorized by the city, town or county.
- "Motorized skateboard" means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in this act as a "motor vehicle", "motorcycle", "motor-driven cycle" or "pedestrian vehicle".

31-5-124. Off-road recreational vehicles; limitation on use; equipment.

(a) No person shall operate an off-road recreational vehicle as defined in W.S. 31□1□101(a)(xv)(K) upon public streets or highways except:

(i) For incidental operation of vehicles specified in W.S. 31□1□101(a)(xv)(K), upon a public street or highway located outside the limits of an incorporated municipality pursuant to agricultural operations as defined in W.S.

31□18□801(a)(i). An off-road recreational vehicle operated upon a public street or highway under this paragraph is subject to the same equipment requirements under this act as an implement of husbandry, except that vehicles specified in W.S. 31□1□101(a)(xv)(K)(II), when operated pursuant to this paragraph, shall:

(A) Wherever practicable, only be operated off the main traveled portion of the roadway. Crossings of main traveled roadways shall be made at right angles to the roadway or as nearly so as practicable, but in any case yielding the right-of-way to all traffic in the main traveled roadway;

(B) If the operator is a minor, or if a minor is a rider, be operated with a helmet in accordance with W.S.

31□5□115(o);

(C) Be operated only by a person who possesses a valid driver's license with a motorcycle endorsement pursuant to W.S. 31□7□109(d)(vi).

(ii) For operation of a vehicle in accordance with the provisions of W.S. 31□5□1601.

## **ARTICLE 9 EQUIPMENT**

### **31-5-901. General requirements; applicability of provisions.**

(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this act, or which is equipped in any manner in violation of this act, or for any person to do any act forbidden or fail to perform any act required under this act.

(b) Nothing contained in this act shall prohibit equipment required by the United States Department of Transportation nor the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this act.

(c) The provisions of W.S. 31□5□901 through 31□5□970 and regulations of the superintendent with respect to equipment required on vehicles shall not apply to vehicles moved solely by human power, motorcycles, motor□driven cycles, mopeds, implements of husbandry, highway construction machinery or farm tractors except as specifically made applicable.

(d) A federal motor vehicle safety standard which conflicts with a provision of this act shall supersede that provision as to any vehicle in compliance with the federal standard. The highway department shall report any conflict to the legislature and the superintendent may adopt a regulation to replace the superseded provision.

### **31-5-921. Farm and other vehicles and equipment; slow moving vehicle emblems.**

(a) Every vehicle, including animal-drawn vehicles and vehicles referred to in W.S. 31-5-901(c) not specifically required by other provisions of this act to be equipped with lamps or other lighting devices, shall at the times specified in W.S. 31-5-910 be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of the vehicle and shall also be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances within six hundred (600) feet to the rear when illuminated by the lawful lower beams of head lamps.

(b) Every farm tractor and every self-propelled implement of husbandry manufactured or assembled after January 1, 1974, shall at all times, and every other such motor vehicle shall at all times mentioned in W.S. 31-5-910, be equipped with lamps and reflectors as follows:

(i) At least two (2) head lamps complying with the regulations of the superintendent;

(ii) At least one (1) red lamp visible when lighted from a distance of not less than one thousand (1,000) feet to the rear mounted as far to the left of the center of the vehicle as possible;

(iii) At least two (2) red reflectors visible from all distances within six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps.

(c) On every combination of farm tractors and towed farm equipment or towed implement of husbandry, the farm tractor shall be equipped as required by subsection (b) of this section, and the towed unit shall at all times mentioned in W.S. 31-5-910 be equipped with lamps and reflectors as follows:

(i) If the towed unit or its load extends more than four (4) feet to the rear of the tractor or obscures any light thereon, the unit shall be equipped on the rear with at least one (1) red lamp visible when lighted from a distance of not less than one thousand (1,000) feet to the rear mounted as far to the left of the center of the towed vehicle as practicable, and at least two (2) red reflectors visible from all distances within six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps;

(ii) If the towed unit of the combination extends more than four (4) feet to the left of the center line of the tractor, the unit shall be equipped on the front with an amber reflector visible from all distances within six hundred (600) feet to one hundred (100) feet to the front when directly in front of lawful lower beams of head lamps. The reflector shall be so positioned to indicate as nearly as practicable, the extreme left projection of the towed unit.

(d) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry and special mobile equipment designed for operation at speeds not in excess of twenty-five (25) miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (e) of this section.

(e) Every combination of farm tractor and towed farm equipment or towed implement of husbandry or units towed by special mobile equipment normally operating at speeds not in excess of twenty-five (25) miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(i) Where the towed unit or any load thereon obscures the slow moving vehicle emblem on the towing unit, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(ii) Where the slow moving vehicle emblem on the towing unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(f) Use of the slow moving vehicle emblem is not required on highway construction and maintenance equipment when the vehicle is operated exclusively within areas guarded by a flagman or clearly visible warning signs.

(g) No person shall use the slow moving vehicle emblem except as required in this section nor display the emblem on a vehicle traveling at a speed in excess of twenty-five (25) miles per hour nor on a stationary object along the highway.

(h) The emblem required in subsections (d) and (e) of this section shall comply with current standards and specifications of the American Society of Agricultural Engineers.

**ARTICLE 16**  
**OFF-ROAD RECREATIONAL VEHICLES**

**31-5-1601. Operation on highways.**

(a) An off-road recreational vehicle may be operated upon streets, roads or highways within Wyoming subject to the following conditions:

(i) Off-road recreational vehicles may be operated on main-traveled roadways only upon that portion of a street, road or highway designated open by the state, local or federal agency with jurisdiction over the roadway and designated a Wyoming off-road recreational vehicle trail pursuant to W.S. 31-2-701 through 31-2-707 by the department of state parks and cultural resources. No portion of a street, road or highway shall be designated as a Wyoming off-road recreational vehicle trail by the department without the consent of the state, local or federal agency with jurisdiction over the roadway. Off-road recreational vehicles operated upon roadways designated as trails shall be subject only to the user registration fee prescribed by W.S. 31-2-703 and shall not be deemed a motorcycle as defined in W.S.

31-1-101(a)(xv)(E)(I) and 31-5-102(a)(xxii);

(ii) Crossings of main-traveled roadways shall be made at right angles to the roadway or as nearly so as practicable, but in any case yielding the right-of-way to all traffic in the main-traveled roadway;

(iii) When operating at any time from one-half (½) hour after sunset to one-half (½) hour before sunrise, the off-road recreational vehicle shall be equipped with lighted lamps and illuminating devices in accordance with W.S. 31-5-910 through 31-5-940;

(iv) The off-road recreational vehicle shall be equipped with an adequate braking device that may be operated either by hand or foot; and

(v) If operated on state or federal lands, the off-road recreational vehicle shall be equipped with:

(A) An approved spark arrester;

(B) A noise muffler which produces a propulsion noise level of not more than one hundred two (102) decibels at twenty (20) inches in a stationary test.

(b) Nothing in this section authorizes the operation of an off-road recreational vehicle upon a street, road or highway within Wyoming by a person who has not been issued a valid driver's license or permit.

**CHAPTER 7**  
**DRIVER'S LICENSES**

**ARTICLE 1**  
**IN GENERAL**

31-7-109. Classes of licenses.

(a) Every driver's license issued by the division shall be classified by the class, type or endorsement of the vehicles the licensee may drive.

(b) License classification, type or endorsement shall take into account the operational characteristics of the vehicles operated.

(c) Qualifications of applicants may be determined by any test authorized by W.S. 31-7-114.

(d) Licensing classification plan:

(i) Class "A" consists of any combination of vehicles with a gross combination weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds, including all vehicles under classes "B" or "C", except motorcycles;

(ii) Class "B" consists of any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds or any such vehicle towing a vehicle which does not have a gross vehicle weight rating in excess of ten thousand (10,000) pounds, including all vehicles under class "C", except motorcycles;

(iii) Class "C" consists of any single vehicle or combination of vehicles, except motorcycles, that does not meet the definition of class "A" or class "B" vehicles under this subsection, but that is not designed to transport sixteen (16) or more passengers including the driver or is not placarded for transportation of hazardous materials;

- (iv) Class "I" indicates an instruction permit issued pursuant to W.S. 31-7-110(a) and (b);
- (v) Repealed by Laws 1989, ch. 176, §§ 2, 3.
- (vi) Class "M" consists of motorcycles which may be added to a license valid for any other class or may be issued as the only class on a license if the applicant is not licensed for any other classification;
- (vii) Class "I2" indicates an intermediate permit issued pursuant to W.S. 31-7-110(g).

NOTE: This section becomes effective 9/16/2005.

- (e) Repealed by Laws 1989, ch. 176, §§ 2, 3.
- (f) Any person licensed to drive any class of vehicle pursuant to this section may also drive a moped or an off-road recreational vehicle as defined in W.S. 31-1-101(a)(xv)(K), upon public streets or highways pursuant to W.S. 31-5-124.
- (g) Repealed by Laws 1989, ch. 176, §§ 2, 3.
- (h) The following driver's license endorsements are special authorizations permitting the driver to operate certain types of motor vehicles or transport certain types of cargo if the endorsement is displayed on the driver license:
  - (i) Repealed by Laws 1993, ch. 145, §§ 2, 5.
  - (ii) "N" authorizes the operation of a vehicle which is designed to transport as its primary cargo any liquid, bulk or gaseous material within a tank having a designed capacity of one thousand (1,000) gallons or more and attached to the vehicle;
  - (iii) Repealed by Laws 1993, ch. 145, §§ 2, 5.
  - (iv) "T" authorizes a class "A" vehicle to be operated while pulling more than one (1) trailer;
  - (v) Repealed by Laws 1993, ch. 145, §§ 2, 5.
  - (vi) "K" prohibits the operation of a class "A" or class "B" vehicle equipped with air brakes.
- (j) Repealed by Laws 1993, ch. 145, §§ 2, 5.

## **CHAPTER 17 FUEL TAX**

### **ARTICLE 1 GASOLINE TAX**

#### **39-17-111. Distribution.**

- (a) All gasoline license taxes and fees received by the department under this article shall be transferred to the state treasurer who shall credit them to the proper accounts as specified by the department and in subsection (d) of this section.
- (b) The state treasurer shall deposit all license fees under W.S. 39-17-106 into the state highway fund.
- (c) The department shall certify to the state treasurer amounts to be credited to appropriate accounts based upon deductions from the taxes collected under this article in the following order:
  - (i) Deduct the pro rata share of the cost of collecting the taxes received from gasoline used for aircraft at any municipal or county airport and distribute the remainder to the city, town or county where the airport is located. These funds shall be used for the maintenance of the airport;
  - (ii) Deduct an amount collected on fuel used in snowmobiles, computed by multiplying the number of snowmobiles for which registration and user fees have been paid during the current fiscal year under W.S. 31-2-404(a)(i) and 31-2-409(a)(ii) times sixteen dollars and twenty-five cents (\$16.25) plus the number of snowmobiles for which registration fees have been paid during the current fiscal year under W.S. 31-2-404(a)(ii) times thirty-two dollars and fifty cents (\$32.50). The amount computed shall be credited to a separate account to be expended by the department of state parks and cultural resources to improve snowmobile trails in Wyoming;

NOTE: Effective 7/1/2006, this section will read as follows:

- (ii) Deduct an amount collected on fuel used in snowmobiles, computed by multiplying the number of snowmobiles for which registration and user fees have been paid during the current fiscal year under W.S. 31-2-404(a)(i) and 31-2-409(a)(ii) times sixteen dollars and twenty-five cents (\$16.25) plus the number of gallons of gasoline used by snowmobiles for which registration fees have been paid during the current fiscal year under W.S. 31-2-404(a)(ii)

times the current gasoline tax rate as defined by W.S. 39-17-104(a)(i). The number of gallons used by commercial snowmobiles shall be reported to the department by all businesses offering commercial snowmobile recreational leasing. The amounts computed shall be credited to a separate account to be expended by the department of state parks and cultural resources to improve snowmobile trails in Wyoming;

(iii) Until June 30, 2008, deduct an amount collected on fuel used in motorboats, computed by multiplying the number of motorboats numbered during the current fiscal year under W.S. 41-13-102 and five thousand (5,000) nonresident motorboats times sixteen dollars and twenty-five cents (\$16.25). The amount computed shall be credited to a separate account to be expended by the department of state parks and cultural resources to improve facilities for use by motorboats and motorboat users at state parks and state recreation areas and to provide grants to governmental entities for improvement of publicly owned boating facilities at public parks and recreational facilities;

(iv) Until June 30, 2008, deduct an amount collected on fuel used in off-road recreational vehicles, computed by multiplying the number of off-road recreational vehicles for which user registration fees have been paid during the current fiscal year under W.S. 31-2-703(a) times ten dollars and forty cents (\$10.40). The amount computed shall be credited to a separate account to be expended by the department of state parks and cultural resources to improve off-road recreational vehicle trails in Wyoming.

(d) After certifying the amounts provided by subsection (c) of this section, the department shall certify the balance of taxes collected under this article to the state treasurer who shall distribute the remainder into the accounts within the state highway fund created under this subsection as follows:

(i) Thirteen and one-half percent (13.5%) shall be distributed monthly to county treasurers. Each county treasurer shall credit such revenues to the county road fund for the improvement and maintenance of county roads. The distribution to each county shall be based on:

(A) One-third (1/3) in the ratio in which the area of the county bears to the total area of the state;

(B) One-third (1/3) in the ratio in which the rural population including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state according to the last federal census;

(C) One-third (1/3) in the ratio in which the assessed valuation of the county bears to the last total assessed valuation of the state.

(ii) Fourteen percent (14%) shall be credited by the state treasurer to the counties' road construction account in the highway fund for distribution by the department to the county treasurers of the various counties for their road construction funds, except that an amount equal to the contribution required of the counties for the cost of the university's technology transfer program under W.S. 21-17-115(a)(ii) or thirty-one thousand two hundred fifty dollars (\$31,250.00), whichever is less shall be first distributed to the highway fund. Each county treasurer shall credit the revenues to the road construction fund in that county. The department shall allocate to each county a share based fifty percent (50%) upon the ratio which the rural population of each county including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state according to the last federal census and fifty percent (50%) based on the ratio which the area of the county bears to the total area of the state. Any interest earned on invested funds allocated to counties shall be retained by each county and shall be used for project costs as provided by W.S. 24-2-110(a);

(iii) Fifteen percent (15%) shall be distributed as follows:

(A) To the highway fund, an amount equal to the contribution required of the cities and town for the cost of the university's technology transfer program under W.S. 21-17-115(a)(iii) or thirty-one thousand two hundred fifty dollars (\$31,250.00), whichever is less;

(B) The remainder to be distributed monthly to incorporated cities and towns to be used in their street and alley programs as follows:

(I) Seventy-five percent (75%) based on the taxes paid upon gasoline sold to and distributed by dealers located within each incorporated city and town;

(II) Twenty-five percent (25%) in the ratio which the population of each city or town bears to the total population of all cities and towns according to the last federal census.

(iv) Fifty-seven and one-half percent (57.5%) to the state highway account.

(e) As used in subsection (d) of this section, "last federal census" means the last official federal census conducted by the bureau of the census to become effective on July 1 next following the receipt of the official census figures.

(f) All taxes collected under W.S. 39-17-104(a)(iii) shall be transferred to the state treasurer who shall deposit them only into the state highway fund. The provisions of this section and W.S. 39-17-105(c) shall not apply to the tax imposed by W.S. 39-17-104(a)(iii). Any refund for any overpayment of this one cent (\$.01) tax shall be taken from

the taxes collected pursuant to W.S. 39-17-104(a)(iii).

(g) Repealed By Laws 2003, Ch. 15, § 2.

(h) Repealed By Laws 2005, ch. 105, § 2,