

ENROLLED ACT NO. 8, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

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

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

**Section 1.** W.S. 8-1-102(a) by creating a new paragraph (xvii), 31-5-1205(k), 31-7-102(a)(xxv), by creating new paragraphs (xlix) through (lii) and by renumbering (xlix) as (liii), 31-7-103(a), 31-7-106(c), 31-7-113(a) by creating a new paragraph (xii), 31-7-115(c) and by creating a new subsection (d), 31-7-116, 31-7-119(g), 31-7-131(a) through (c), 31-7-137(a) and (b), 31-8-101(a) and by creating new subsections (c), (d) and (e), 31-8-102(a)(intro), 31-8-103(d), 31-8-104 and 31-8-105(a)(iv) are amended to read:

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

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

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

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

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(k) If a person is arrested, cited or issued a summons for violation of W.S. 31-5-233 or a municipal ordinance which substantially conforms to the provisions of W.S. 31-5-233 or for a violation as defined in W.S. 31-5-234(d), he shall surrender possession of his physical driver's license, if applicable, whether issued in Wyoming or another jurisdiction, to the arresting or issuing officer. In addition to other requirements of this section and W.S. 31-5-1204, the officer shall issue a temporary license pursuant to W.S. 31-6-102, 31-6-108 or 31-7-138 to the person arrested or cited and shall forward the surrendered license to the department.

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

(a) As used in this act:

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

(xlix) "Digital driver's license" means a secure electronic representation of a physical driver's license that is stored on the driver's portable electronic device and may be viewed or verified by a person to whom access is allowed. A digital driver's license is optional to purchase, supplemental to a physical driver's license and may be accepted in lieu of a physical driver's license at the option of the person requesting or requiring proof of licensure or identification;

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(1) "Last known address" means the address, email address or other electronic contact information, as applicable, according to the sending method, on file with the division;

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

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

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

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

(a) The administration of this act shall be exercised by the department, which may prescribe forms and reasonable rules and regulations in conformity with this act and the Uniform Electronic Transactions Act under W.S. 40-21-101 through 40-21-119. Provisions of this act prevail over the Uniform Electronic Transactions Act if there is a conflict. The department shall keep records of all monies received and disbursed. The records shall be open to examination by the director of the state department of audit or his designee and the legislative service office. The highway patrol and all peace officers of any county or municipality shall aid in the enforcement of this act.

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

(c) No person shall have more than one (1) valid driver's license or any other state-issued, REAL ID

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

**31-7-113. Fees.**

(a) The following fees are imposed:

(xii) Digital driver's license .....\$20.00 in addition to the applicable physical driver's license fee under this subsection

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

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

(d) A license issued under subsection (a) of this section may include a digital driver's license. A digital driver's license may be issued upon request of a licensee and payment of the required fee. No digital driver's license shall be issued unless the applicant holds the corresponding physical driver's license or unless the corresponding physical driver's license is issued simultaneously. The department may digitally cancel, suspend or revalidate a digital driver's license on the occasions that a physical

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driver's license would be taken possession of, cancelled, suspended, returned or reinstated, as appropriate. A digital driver's license shall be designed:

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

(ii) So that there is no need for the driver's license holder to relinquish possession of the portable electronic device in which the digital driver's license is stored to present the digital driver's license.

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

Every licensee shall have his driver's license in his immediate possession at all times when driving a motor vehicle and shall display the license upon demand of any judicial officer, municipal court judge, any officer or agent of the division or any police officer as defined in W.S. 31-5-102(a)(xxxiii). However, no person charged with violating this section shall be convicted if he produces in court a driver's license previously issued to him and valid at the time of his arrest. For the purposes of this section "display" of a physical license means the surrender of his the physical license to the demanding officer. After examination the officer shall immediately return the license to the licensee except as provided in W.S. 31-5-1205(k). For purposes of this section "display" of a digital driver's license means that a licensee may provide access to the digital driver's license on the licensee's portable electronic device. No law enforcement or judicial officer demanding display of a licensee's digital driver's license for any licensing or identification verification purpose shall take custody of the licensee's portable electronic

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device. Display of a digital driver's license shall not serve as consent to search the driver's portable electronic device. Nothing in this section shall be construed to require a person, other than the department if it has chosen to issue a digital driver's license, to accept a digital driver's license or otherwise require the purchase of equipment to verify the accuracy of a digital driver's license.

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

(g) The division shall send ~~an application~~ a notification for license extension pursuant to subsection (f) of this section to the last known address of an eligible licensee, or notify by electronic means if the eligible licensee has consented to receive notices electronically, within one hundred twenty (120) days prior to license expiration. The license extension application shall be returned to the division with a postmark at least thirty (30) days ~~prior to before the license expiration date or, if the eligible licensee has consented to receive notices electronically, by electronic means at least thirty (30) days before~~ the license expiration date. The application shall be accompanied by written evidence that the applicant's visual acuity is 20/40 or better with or without corrective lenses, as tested within one (1) year prior to submitting the application. Upon receipt of a completed application and the fee prescribed by W.S. 31-7-113(a)(v), the division shall issue a license extension to eligible licensees. The division shall provide a summary of changes in the law relating to motor vehicles to licensees who receive a license extension.

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

(a) Upon cancelling, suspending or revoking a license, the division shall require that ~~the any physical~~ license be

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surrendered to the division and that any digital driver's license be cancelled or suspended.

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

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

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

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

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

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

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

(c) An identification card issued under subsection (a) of this section may include a digital identification card. A digital identification card may be issued upon request of a registrant and payment of the required fee. No digital identification card shall be issued unless the applicant holds the corresponding physical identification card or unless the corresponding physical identification card is issued simultaneously. A registrant may display a digital identification card by providing access to the digital identification card on the registrant's portable electronic device. No law enforcement or judicial officer demanding display of a registrant's digital identification card for any identification verification purpose shall take custody of the



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registrant's portable electronic device. Display of a digital identification card shall not serve as consent to search the registrant's portable electronic device. A digital identification card shall be designed in accordance with W.S. 31-7-115(d)(i) and (ii). Nothing in this section shall be construed to require a person, other than the department if it has chosen to issue a digital identification card, to accept a digital identification card or otherwise require the purchase of equipment to verify the accuracy of a digital identification card.

(d) As used in this chapter:

(i) "Digital identification card" means a secure, electronic representation of a physical identification card that is stored on the registrant's portable electronic device and may be viewed or verified by a person to whom access is allowed. A digital identification card is optional to purchase, supplemental to a physical identification card and may be accepted in lieu of a physical identification card at the option of the person requesting or requiring proof of identification;

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

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

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

**31-8-102. Contents.**

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

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

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

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

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

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

(a) No person shall:

(iv) Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid

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identification card. Possession and display of a digital identification card shall not be considered a violation of this section;

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

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

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk