

## HOUSE BILL NO. HB0089

County clerks-frivolous filings procedure.

Sponsored by: Representative(s) Larsen, L and Lawley and  
Senator(s) Ellis and Nethercott

A BILL

for

1 AN ACT relating to county clerks; authorizing county clerks  
2 to seek to have frivolous filings rejected or notated as  
3 frivolous; specifying requirements and procedures for  
4 rejecting or notating frivolous filings; and providing for  
5 an effective date.

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

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9 **Section 1.** W.S. 18-3-403 is created to read:

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11 **18-3-403. County clerks; rejection or notation of**  
12 **frivolous filings.**

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14 (a) As used in this section:

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1           (i) "Filing" means any document filed or  
2 recorded with the county clerk except for conveyances as  
3 defined by W.S. 34-1-102 and liens;

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5           (ii) "Frivolous" means lacking an arguable basis  
6 in law or in fact or being presented for any improper  
7 purpose, including harassment.

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9           (b) A county clerk may reject any frivolous filing  
10 that a person seeks to file with the clerk, in accordance  
11 with the following:

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13           (i) If the clerk determines that the filing may  
14 be frivolous, the clerk may decline to file the filing and  
15 may hold the filing in abeyance, subject to this  
16 subsection;

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18           (ii) For any filing that the clerk declines to  
19 file or holds in abeyance, the clerk shall file a motion  
20 with the district court in the county for an order that the  
21 filing is frivolous. The person seeking to file the filing  
22 shall be given notice and an opportunity to be heard before  
23 the district court acts on the motion;

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2 (iii) If the district court determines that the  
3 filing is frivolous, the court may enter an order declaring  
4 the filing frivolous, after which the clerk may reject the  
5 filing. For any filing rejected under this subsection, the  
6 clerk shall refund any fee collected from the person  
7 seeking to file the filing within ten (10) days of the  
8 district court's order;

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10 (iv) No filing shall be rejected under this  
11 subsection if the clerk has deposited any fee received for  
12 the filing or if the clerk has filed the filing.

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14 (c) A county clerk may seek to notate any filing  
15 previously filed with the clerk in accordance with the  
16 following:

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18 (i) The clerk may review any filed filings to  
19 determine if a filing is frivolous;

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21 (ii) Upon identifying a filing that the clerk  
22 believes may be frivolous, the clerk may file a motion with  
23 the district court in the county for an order that the

1 filing is frivolous. The person who submitted the filing to  
2 the clerk shall be given notice and an opportunity to be  
3 heard before the district court acts on the motion;

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5 (iii) If the district court determines that the  
6 filing is frivolous, the court may enter an order declaring  
7 the filing frivolous;

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9 (iv) Upon the entry of an order under paragraph  
10 (iii) of this subsection, the clerk may include a notation  
11 with the filing stating that the filing has been deemed  
12 frivolous.

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14 (d) Any filing declared frivolous by a district court  
15 under this section shall have no legal effect.

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17 **Section 2.** This act is effective July 1, 2024.

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(END)