

## Wyoming

### Are mandatory arbitration provisions recognized in your state? If so, are there any limitations to its enforcement?

Yes, Wyoming generally recognizes mandatory arbitration provisions.<sup>i</sup> The rights and obligations to arbitrate are created by contract, and therefore, “state law principles governing contract formation” are applied “in deciding whether an arbitration agreement is enforceable.”<sup>ii</sup> Wyoming has adopted the Uniform Arbitration Act.<sup>iii</sup> Arbitration is a method of voluntary settlement of disputes embedded in public policy of Wyoming and is favored by the Wyoming Supreme Court.<sup>iv</sup>

Statutory grounds for vacating an arbitration award upon application of a party to a court are as follows:

The award was procured by corruption, fraud or other undue means;

There was evident partiality by an arbitrator appointed as a neutral, corruption of any of the arbitrators or misconduct prejudicing the rights of any party;

The arbitrators exceeded their powers;

The arbitrators refused to postpone the hearing upon sufficient cause being shown, refused to hear evidence material to the controversy or otherwise conducted the hearing as to prejudice substantially the rights of a party; or

There was no arbitration agreement, the issue was not adversely determined by a court as provided by law and the applicant did not participate in the arbitration hearing without raising the objection. [].<sup>v</sup>

Awards may also be vacated for “behavior beyond the bounds of natural justice...or a manifest mistake of fact or law appearing upon the face of the award.”<sup>vi</sup>

### What is your state’s law, if any, regarding gift cards, subscription services and loyalty programs?

#### I. Gift Cards

Wyoming only regulates gifts cards in the context of unclaimed property. The Wyoming Uniform Unclaimed Property Act, W.S. §§ 34-24-101, *et seq.*, uses the term “Merchant stored value card” to refer to a gift card, and the term is defined as “an electronic promise that is: (A) Redeemable at a single merchant or an affiliated group of merchants that share the same name, mark or logo; (B) Issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the owner of the card; (C) Purchased on a prepaid basis in exchange for payment; (D)

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Upon presentation, honored by a single merchant or affiliated group of merchants for goods or services.”<sup>vii</sup>

Pursuant to W.S. § 34-24-114, a merchant stored value card is deemed abandoned if the balance is greater than \$100 and has not been redeemed more than five years after the issuance date or last activity by owner, whichever is later.<sup>viii</sup> The state may take custody of a merchant stored value card under certain circumstances.<sup>ix</sup> A merchant stored value card which has no expiration date, does not impose a fee in relation to the transfer or use of the card is exempt from W.S. §34-24-114.

### II. Loyalty Programs

Customer loyalty programs are not prohibited by statutes prohibiting unfair discrimination.<sup>x</sup>

### III. Subscription Services

Wyoming does not regulate subscription services at this time.

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<sup>i</sup> W.S. 1-36-103.

<sup>ii</sup> *Miller v. Life Care Ctrs. of Am., Inc.*, 2020 WY 155, ¶ 14.

<sup>iii</sup> W.S. § 1-36-101 *et seq.*

<sup>iv</sup> *In re Town of Greybull*, 560 P.2d 1172 (Wyo. 1977).

<sup>v</sup> W.S. § 1-36-114(a).

<sup>vi</sup> *JBC of Wyoming Corp. v. City of Cheyenne*, 843 P.2d 1190, 1194-95 (Wyo. 1992).

<sup>vii</sup> W.S. § 34-24-102(a)(xviii).

<sup>viii</sup> W.S. § 34-24-114(a).

<sup>ix</sup> W.S. § 34-24-114(c).

<sup>x</sup> W.S. § 40-4-101(c)(vii).