



Notice of Intent to Adopt Rules

Revised July 2016

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted:

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c. The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):
_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Reasons).
_____ (Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members.
Requests for a public hearing may be submitted:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/pealed to comply with federal law or regulatory requirements. Yes No

	If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):
 The proposed rules meet, but do not exceed, minimum federal requirements.
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):
 The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____
 Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at LSO-Rules@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

MOTOR VEHICLES AND LICENSING SECTION

CHAPTER 1, DRIVER'S LICENSES AND MOTOR VEHICLE SAFETY

Chapter 1, Driver's Licenses and Motor Vehicle Safety, is a revised rule and regulation of the Wyoming Department of Transportation. These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-4-103 (f), W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, W.S. 31-7-401, W.S. 31-8-201, and W.S. 31-9-103 to administer various matters relating to driver's licenses and commercial driver's licenses (CDL) and to comply with the Federal Motor Carrier Safety Regulations in Title 49 of the Code of Federal Regulations.

This revised rule and regulation applies legislative changes from the 2015 Wyoming Legislature to comply with current statutes, especially pertaining to the Z endorsement and the handicap placard. Other changes update language, revise or clarify safety standards and other requirements (such as medical), and remove material no longer needed or material referenced elsewhere (in keeping with the Governor's continuing rules reduction initiative).

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Wyoming Department of Transportation
Driver's Licenses and Motor Vehicle Safety

CHAPTER 1

Section 1. **Authority.**

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-4-103 (f), W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, W.S. 31-7-401, W.S. 31-8-201, and W.S. 31-9-103.

Section 2. **Purposes of the Rules.**

(a) These rules are intended to provide a uniform and understandable interpretation of the undefined portion of the Driver's License Act, W.S. 31-7-101 through W.S. 31-7-140; the Uniform Commercial Driver's License Act, W.S. 31-7-301 through W.S. 31-7-313; Ignition Interlock Restricted Licenses, W.S. 31-7-401 through W.S. 31-7-404; and Use of False Identity, Citizenship, or Resident Alien Documents, W.S. 6-3-615. These rules include applications and examinations for obtaining driver's licenses, commercial driver's licenses, and temporary and instructional permits; extension or expiration of valid driver's licenses; grounds for cancellation or denial of licenses and/or permits; grounds for suspension and/or disqualification; notices of intent to suspend, deny, disqualify, revoke, or cancel; and procedures for providing hearings.

(b) These rules also provide a uniform and understandable interpretation of the undefined portions of W.S. 31-4-103 and W.S. 31-9-101 through W.S. 31-9-415.

(c) These rules are also provided to implement the Federal Motor Carrier Safety Regulations in Title 49 of the Code of Federal Regulations (CFR) and W.S. 31-7-310 as currently amended.

(d) These rules are additionally provided to implement Title 6 CFR, Chapter 1, Part 37, as currently amended.

Section 3. **Definitions.**

(a) All definitions as set forth in W.S. 31-7-102 apply to these rules.

(b) As used in these rules and regulations, the following terms have the following meanings:

(i) “Birth Certificate” means the record related to a birth that is permanently stored either electronically or physically at the State Office of Vital Statistics or equivalent agency in a registrant’s state of birth.

(ii) “Certified copy” referred to in W.S. 31-7-111(a) means:

(A) An original official document with original signatures, seals, and entries of information; or

(B) Any reproduction of an official document that has been reproduced from an original document on file at a government agency, as long as the reproduced copy bears a certification by the custodian that it is a true and accurate copy of the document on file, bears the original signature of the certifying person, and bears the seal of the office (if the office has a seal).

(iii) “CDL downgrade” means:

(A) The state allows a driver to change his or her self-certification to interstate, but operating exclusively in transportation or operation excepted in Section 6 of these rules.

(B) The state allows the driver to change his or her self-certification to intrastate only, but operating exclusively in transportation or operation excepted in Section 6 of these rules, or

(C) The state removes the CDL (Commercial Driver’s License) privilege from the driver license.

(iv) “Deny or Denial” means the refusal to issue or renew a driver license or identification (ID) card, as provided in W.S. 31-7-108 and W.S. 31-8-101(b) and by these rules.

(v) “Department” means the Wyoming Department of Transportation.

(vi) “Domicile” as referred to in W.S. 31-7-117(c) means the domicile of the parent or guardian having legal custody and signing the affidavit of extreme inconvenience.

(vii) “Driver License Record” may include one or more of the following:

(A) “Driving history record” means any record maintained by the Department as required by W.S. 31-5-1214(f) and W.S. 31-7-120.

(B) “Verification record” means any document(s) scanned as proof of identity, proof of residence, or proof of social security number as required by W.S.31-7-111(a) and (b)(iv); or

(C) “Medical record” means a medical evaluation, visual evaluation, or federal medical examiners certificate (DOT Medical card or long form) held by the Department, as required by law.

(viii) “False document” means a document that a trained examiner determines to be altered, counterfeit, or otherwise fraudulent; or a document presented by a person not legally possessing the document; or both.

(ix) “FMCSR” means Federal Motor Carrier Safety Regulations, Parts 383, 390 through 397, and 399.

(x) “Ignition interlock restricted license” means a restricted driver’s license issued by the Department pursuant to W.S. 31-7-401 through W.S. 31-7- 404 and these rules.

(xi) “Individual” means any man, woman, or child or individual business or organization on whom the Department keeps records or maintains information.

(xii) “Investigation” means:

(A) The review of medical or vision information submitted by a medical or vision professional to include evaluating the individual’s ability to demonstrate ordinary and reasonable control of a motor vehicle as evidenced by the results of an examination. This review may also involve evaluating the individual’s character and habits.

(B) “Fraud investigation” means the formal evaluation of the information on a person’s application for a driver’s license or identification card; identifying documents; a digital image, signature, or driving record; or any other information received by a trained examiner to determine authenticity; lawful status; or violations of federal regulations, state law, or state rules and regulations. It shall also include the formal inquiry into questionable activities of Department employees in the performance of their job duties for violations of Department rules and regulations or state or federal law.

(xiii) “Manual transmission” (also known as stick shift, stick, straight drive, or standard transmission) means a transmission utilizing a driver operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot.

(xiv) “Moving violations” means an act of control or lack of control by the driver of a motor vehicle while the vehicle is in motion that results in a conviction, including a conviction for driving in violation of the restriction on a driver license.

(xv) “National Driver Register” means Public Law 86-660 of 1960 setting forth the National Driver Register. This law was expanded in 1966 under Public Law 89-563 and again in 1982 under Title 2, National Driver Register Act to Establish an Index on Adverse Driver Licensing Actions Taken by State Administrators.

(xvi) “Person” means an individual, organization, or entity, but does not include this state or an agency thereof.

(xvii) “Proof of identity document” or “legal identity document” means as defined in 6 CFR, Chapter 1, Part 37.11(c) and W.S. 31-7-111, as currently amended.

(xviii) “Regular job” referred to in W.S. 31-7-117(c) means any employment that requires a minimum of 10 hours of work within a one-week period.

(xix) “Restrictions” means the following restrictions that may be imposed and placed on the driver’s license or permit in an encoded form:

(A) “Restrictions” for licenses issued on or after October 1, 2010, are Corrective Lenses–*B*; Mechanical Aids (special brakes, hand controls, or other adaptive devices)–*C*; Prosthetic Aid–*D*; Automatic Transmission–*E*; Outside Mirrors–*F*; Daylight Driving Only–*G*; Limit to Employment Only–*H*; Limited Others (the Department can be contacted for details about this restriction)–*I*; Valid Without Photo and/or signature–*J*; CDL Intrastate Only–*K*; Vehicles Without Air Brakes (CDL only)–*L*; Except Class “A” Bus (CDL only)–*M*; Except Class “A” and “B” Bus (CDL only)–*N*; Except Tractor Trailer (CDL only)–*O*; Class “M” Only, 4-Wheel Recreation Vehicles Only–*R*; Must have variance letter or SPE certificate in possession–*V*; Annual Vision–*Y*; or Annual Medical–*Z*.

(B) “Restrictions” for licenses issued on or after January 1, 2014, are Automatic Transmission–*A*; Corrective Lenses–*B*; Mechanical Aids (special brakes, hand controls, or other adaptive devices)–*C*; Prosthetic Aid–*D*; No Manual Transmission (CDL only)–*E*; Daylight Driving Only–*G*; Limited Others (the Department can be contacted for details about this restriction)–*I*; Valid Without Photo and/or signature–*J*;

CDL/CLP (Commercial Learner's Permit) Intrastate Only–*K*; Vehicles Without Air Brakes (CDL/CLP only)–*L*; Except Class “A” Bus (CDL only)–*M*; Except Class “A” and “B” Bus (CDL only)–*N*; No Tractor/Trailer Fifth Wheel Coupler (CDL only)–*O*; No Passenger (CLP only)–*P*; Class “M” Only, 4-Wheel Recreation Vehicles Only–*R*; Except Tractor/Trailer (CDL only)–*T*; Must Have Variance Letter or SPE Certificate in Possession (CDL/CLP only)–*V*; No Cargo in Tank (CLP only)–*X*; or No Full Air Brake System (CDL only)–*Z*.

(I) An applicant for a commercial driver's license who is at least 18 years of age but has not attained the age of 21 years shall be restricted to a commercial driver's license (CDL/CLP) Intrastate Only restriction (*K*) except while operating under an exemption allowed by FMCSR– 49 CFR 391.

(II) An applicant for a commercial driver's license who has a medical or visual condition—as defined in FMCSR-49 CFR 391—that normally prohibits him or her from operating a commercial vehicle interstate shall be restricted to operating a commercial vehicle with a CDL/CLP Intrastate Only restriction (*K*), unless he or she possesses a medical or vision waiver issued by the Federal Motor Carrier Safety Administration.

(III) An applicant who passes the skills test for a commercial license with a truck or truck/tractor pulling a trailer or semi-trailer that has a gross combination weight rating of 26,001 pounds or more but the truck or truck-tractor has a gross vehicle weight rating of less than 26,001 pounds shall be restricted to Except Tractor Trailer (CDL only) – (*T*).

(IV) An applicant who passes the skills test for a commercial license with a truck or truck/tractor pulling a trailer or semi-trailer with a pintle hook or other non-fifth wheel connection shall be restricted to No Tractor/Trailer Fifth Wheel Coupler (CDL only)–(*O*).

(V) An applicant who has applied for a Commercial Learner's Permit (CLP) and passed a written examination for a Tank endorsement (*N*) will be restricted on the CLP to, No Cargo in Tank (CLP only) - (*X*).

(VI) An applicant who has applied for a Commercial Learner's Permit (CLP) and passed a written examination for a Passenger endorsement (*P*) will be restricted on the CLP to No Passenger (CLP only) - (*P*).

(xx) “School” referred to in W.S. 31-7-117(c) means the person’s primary place of education where he or she attends regularly scheduled classes but does not include places or locations where extracurricular activities take place.

(xxi) “Social security number” means the social security number assigned by the Social Security Administration, or other tracking and identification numbers or letters deemed appropriate by the Department.

(xxii) “Third-party agreement” means the agreement provided by the Department and signed by the person responsible for the third-party tester.

(xxiii) “Third-party examiner” means an individual who is a payroll or volunteer employee of a third-party tester and who has been certified by the Department to administer approved driver’s license skills tests on the behalf of the third-party tester.

(xxiv) “Third-party tester” means a government entity, association, educational institution, or business entity engaged in the use of commercial motor vehicles, certified by the Department to administer approved Driver License skills tests.

(xxviii) “Trained examiner” means a Department employee who has completed and passed the American Association of Motor Vehicle Administrators Fraudulent Document Recognition Level 1 and Level 2 training course to recognize altered, counterfeit, or fraudulent documents.

Section 4. **Applications for Licenses, Permits, and Identification Cards.**

(a) Each applicant shall present a proof of identity or legal identification document with each application and complete an application form furnished by the Wyoming Department of Transportation.

(i) Any applicant that does not have a proof of identity or legal identification document, as defined in Section 3 (b)(xvii) of these rules, may present alternative documentation that must be approved by the manager of Driver Services before any applicant can be completed.

(ii) An applicant who presents a proof of identity or legal identification document(s) suspected by a trained examiner to be false shall have the document(s) seized. Whenever possible, the applicant shall be given a receipt for the seized document(s). Examiners shall contact local law enforcement upon seizing the suspicious document(s).

(iii) If the law enforcement agency refuses to receive the seized document(s), the document(s) shall be sent to the Driver Services fraud unit located in Cheyenne for review and held until authenticity is determined as described in the following:

(A) If it is determined that the document(s) seized is (are) authentic and the person who presented the document(s) possesses the document(s) legally, then the document(s) will be returned to that person.

(B) If it is determined that the document(s) seized is (are) false or the person who presented the document(s) does not possess the document(s) legally, then the Driver Services fraud unit in Cheyenne will retain and not return the document(s).

(b) In addition to the information specifically requested on the application form as called for by statute, the applicant is required to fill out additional identifying information including;

(i) Natural eye and hair color; and

(ii) Indicate whether he or she is a citizen of the United States.

(A) If not a citizen of the United States, the person must provide proof of "lawful status" or "temporary lawful status" in the United States, as defined in Title 6, CFR, Chapter 1, Part 37.03.

(c) The applicant shall answer the questions pertaining to medical history within the previous 2 years as requested on the application. Any applicant answering in the affirmative to any of the medical questions or listing any physical or mental disabilities may be required to have a qualified doctor complete the medical form furnished by the Department.

(d) All applicants for a driver's license, instruction permit, or identification card shall provide the Department their social security number.

(i) Any applicant applying for a noncommercial driver's license or instruction permit who does not have a social security number shall be required to submit a sworn affidavit under penalty of perjury stating he or she does not have a social security number.

(ii) Any applicant applying for a commercial driver's license who has a conscientious objection to disclosing his or her social security number may be issued a

pseudo-number upon submitting a written request to the Department stating the basis for his or her objection.

(e) All applicants for a commercial driver's license are required at the time of application to self-declare if they are exempt or non-exempt interstate status.

(i) If the applicant is in a non-exempt status, the applicant must present a valid federal medical examiner's certificate, from a qualified national registry doctor to the examiner.

(ii) If the applicant is in an exempt status, the applicant must present a document showing he or she is operating under an exemption as allowed in 49 CFR 390.3(f), 391.2, 391.68, or 398.3.

(iii) If an applicant's federal medical examiner's certificate is expired, the applicant shall:

(A) Provide the Department a new valid federal medical examiner's certificate;

(B) Provide a document showing that he or she is operating under an exemption as allowed in 49 CFR 390.3(f), 391.2, 391.68, or 398.3; or

(C) If no longer medically qualified or exempt, have his or her CDL privilege removed from his or her driver's license.

(iv) If an applicant does not comply with preceding (iii), the Department shall downgrade the license to a non-CDL class license.

(v) If an applicant has a valid federal medical examiner's certificate with a medical or vision waiver, the letter or skill performance evaluation certificate shall be presented at the time of the application or renewal.

(f) Any applicant applying for a commercial driver's license requesting to waive the skills test shall complete the certification form provided by the Department. Commercial applicants meeting the requirements of FMCSR 383 may be excused from taking the driving skills test.

(g) Commercial driver's license applicants required to take a driving skills test shall sign the Commercial Driver's License Skills Test Form (FSCDL-101 A) to certify the class and type of vehicle used for the driving skills test.

(h) Any driver's license issued to an applicant under the age of 21 shall expire on the applicant's twenty-first birthday except

(i) A restricted Class "C" and/or Class "M" license, which shall expire 30 days after the licensee's sixteenth birthday;

(ii) An intermediate license shall expire 30 days after the licensee's seventeenth birthday.

(i) All applicants shall be screened through the Problem Driver Pointer System (PDPS) and the Driver's License Number (DLN) Survey for licensing eligibility. PDPS and the DLN Survey shall show a status of "eligible" or "licensed" before the person may be issued a license.

(j) Any license issued to a nonresident alien shall be a temporary license valid only for the period authorized on the U.S. Immigration and Naturalization Service documents presented.

(k) Any license issued to a nonresident alien shall be identified with a suffix code of NR (nonresident alien) in the class field of the license.

Section 5. **Name Changes.**

(a) Changes of name because of adoption, change in marital status, or other legal proceeding may be made when applying for any service. An original copy of the official document authorizing the name change—such as a marriage certificate, divorce decree, or court order—shall be presented to the examiner at the time of application.

(b) Changes of name not authorized in a legal proceeding may be granted if the use of the name is not for any fraudulent purpose, does not infringe on the interests or rights of others, is not prohibited by any judicial or administrative adjudication, and is otherwise legal. The applicant shall complete an "Affidavit of Name Change" form provided by the Department. The affidavit shall be notarized and accompanied by a certified copy of the person's proof of identity document(s).

(c) The affidavit described in Subsection (b) shall include:

(i) The applicant's full first, middle, and last names, as shown on the applicant's proof of identity document.

(ii) The applicant's full first, middle, and last names as changed.

- (iii) The applicant's date and place of birth.
- (iv) The applicant's present mailing address and physical address or residence if different from the mailing address.
- (v) The applicant's natural or adoptive mother's full name, including her maiden name.
- (vi) The applicant's natural or adoptive father's full name.
- (vii) Any other names that the applicant has used during the preceding 10 years. The affidavit shall also show the date and places (by state, county, and city) where each name was used.
- (viii) Each address where the applicant has resided during the last 10 years and the length of time the applicant resided at each location.
- (ix) The applicant's current job title and employer (including the address and location of both the employer and the job work site), and the previous job title(s) and employer(s) the applicant has had during the preceding 10 years (including the address and location of both the employer and job work site).
- (x) The applicant's certification that the requested name change and use of such name on any license or identification card issued by the Department, in whole or in part:
 - (A) Is not for any wrongful or fraudulent purpose;
 - (B) Does not and shall not infringe on the interest, rights, or privacy of any other person;
 - (C) Is not prohibited by or in violation of any judicial or administrative adjudication.
- (xi) The applicant's certification that he or she understands it is unlawful to use a false or fictitious name on any application or affidavit and that any Department-issued license or identification card shall be canceled for failing to give the required or correct information.

Section 6. Commercial Driver's License (CDL) Exemptions.

Pursuant to W.S. 31-7-303, drivers are exempted from the general requirement under W.S. 31-7-106(a) to obtain a **commercial** driver's license. Drivers listed in the

following are still required to obtain a Class C license with the Z endorsement on their driver's license unless they are exempted by W.S. 31-7-107(a):

- (a) Operators of a farm or ranch vehicle that is:
 - (i) Controlled and operated by a farmer or rancher, including operation by employees or family members;
 - (ii) Used to transport agricultural products, farm machinery, and/or farm supplies to or from a farm or ranch;
 - (iii) Not used in the operations of a common contract motor carrier;
 - (iv) Used anywhere within the state of Wyoming, if registered in the state of Wyoming as a farm vehicle; and
 - (v) Used within 150 air miles of the farm or ranch if travelling across state lines.
- (b) Firefighters and other persons who operate commercial motor vehicles that are necessary to preserve life or property or execute emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles used in response to emergencies.
- (c) A driver employed by an eligible unit of local government operating a commercial motor vehicle within the boundaries of that unit to remove snow or ice from a roadway by plowing or salting, if:
 - (i) The properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle; or
 - (ii) The governmental entity determines that a snow or ice emergency exists and additional assistance is required.
- (d) Active duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians required to wear military uniforms); and active duty U.S. Coast Guard personnel.

Section 7. **Applications for Renewal by Mail.**

(a) An application for renewal by mail shall be mailed to an eligible licensee unless one or more of the following provisions apply:

(i) The applicant's license and/or operating privilege has been canceled, revoked, denied, or disqualified in the 4 years immediately preceding the date the license expires; or

(ii) The applicant holds:

(A) A "valid without photo, and/or valid without signature" license as provided in Section 8 of this chapter of rules and regulations; or

(B) A commercial driver's license with the Hazardous Materials endorsement issued pursuant to W.S. 31-7-304(e); or

(C) A commercial driver's license and does not have a valid federal medical examiner's certificate as required by W.S. 31-7-304(f); or

(iii) The applicant

(A) Is licensed as a nonresident alien; or

(B) Has legally changed his or her name since the license was last issued.

(b) An application for renewal by mail may be mailed to a Wyoming resident who is temporarily out of state.

(c) Applications for military personnel and their dependents shall be processed in the same manner as provided for in W.S. 31-7-119(c) and W.S. 31-7-119(g).

(i) Unless received from active duty military personnel or their dependents, applications for renewal by mail mailed to the Department postmarked later than the expiration date of the license shall be denied and returned with the applicant's enclosed fee.

(ii) Applications for renewal by mail mailed to the Department by active duty military personnel or their dependents, whether postmarked before or after the expiration date of the license, shall be processed pursuant to W.S. 31-7-119(c) and W.S. 31-7-119(g). Active duty military personnel shall not be charged a fee to renew their Wyoming licenses.

(d) Unless presented by active duty military personnel, any application for a renewal by mail presented in person to a driver's license examiner after the license has expired shall be denied, and the applicant shall be processed as a first-time applicant and charged the required fee.

(i) Active duty military personnel applying in person for renewal of their Wyoming driver's license who present an expired license, not expired more than four (4) years, shall be processed pursuant to W.S. 31-7-119(c) and W.S. 31-7-119(g) and not charged a fee.

(ii) If the licensee does not want the *I* restriction imposed on the license indicating, "Expiration waived when accompanied by active duty military ID card," the licensee will be treated as a non-military client.

(iii) Dependents of active duty personnel applying in person for renewal of their Wyoming driver's license who present an expired license shall be processed pursuant to W.S. 31-7-119(c) and W.S. 31-7-119(g) and charged the renewal fee.

Section 8. "Valid Without Photo" and/or "Valid Without Signature" Licenses.

(a) At its discretion, the Department may issue a temporary "valid without photo" and/or "valid without signature" license under certain circumstances.

(b) The "valid without photo" and/or "valid without signature" license may be issued if:

(i) A person applies to the Department for a renewal of a valid Wyoming driver's license and is unable to return to Wyoming or if an equipment malfunction caused the license to be unusable and the person has left the state for an extended period;

(ii) The person complies with the vision requirements found in W.S. 31-7-119(g);

(iii) The person submits the required fee to the Department; and

(iv) The Problem Driver Pointer System (PDPS) and Driver License Number (DLN) Survey does not show an ineligible status in any state.

(c) A licensee who holds a commercial driver's license shall not be issued a "valid without photo" and/or "valid without signature" license.

(d) Any person holding a "valid without photo" and/or "valid without signature" license shall surrender it within 30 days after returning to Wyoming, obtain a Wyoming license with a photograph and/or signature, and pay the required fee.

Section 9. Restricted Class "C" or "M" Licenses.

(a) Any affidavit for a restricted Class "C" and/or "M" license shall be signed by the parent or guardian having legal custody and shall include a finding by the Highway Patrol that extreme inconvenience actually exists. The affidavit shall also:

(i) Set forth the purpose or purposes for which the applicant needs to drive;

(ii) State the names and relationship of persons possessing valid driver's licenses residing at the same domicile as the applicant and a statement of the reasons these licensed drivers cannot provide transportation for the applicant;

(iii) State the class(es) of license desired; and

(iv) Include statements from the school superintendent or principal and/or employer verifying enrollment, employment, school hours (including extracurricular activities), and/or work hours.

(v) Any other circumstance that the Highway Patrol finds is an extreme inconvenience shall be limited to the need to provide transportation to individuals living in the applicant's domicile for medical or health purposes if:

(A) The medical or health reason is a long-term condition requiring transportation for at least 6 months; and

(B) A signed statement from a medical doctor or vision specialist familiar with the medical or health condition is submitted describing the condition, its duration, and the need for transportation resulting from it.

(b) Any applicant failing to apply for a restricted license within 30 days of the affidavit's approval shall be required to submit another affidavit to the Highway Patrol.

(c) Restricted Class "C" and "M" licenses shall expire 30 days after the licensee's sixteenth birthday.

Section 10. **Oaths.**

Each oath, affidavit, or verification required to obtain a license or permit, or to include the gift of life designation, next of kin designation, or veteran's designation, may be submitted to or administered by any authorized driver's license examiner.

Section 11. **Examinations.**

(a) All first-time and renewal driver's license applicants, as well as applicants for instruction permits, may be required to pass a vision screening when issued a license. Applicants may also be required to pass a knowledge test of traffic regulations and traffic regulatory signs and/or demonstrate ability to operate a motor vehicle of the class and type for which application is made. The driver's license examinations shall include a determination of legal qualifications to hold a driver's license. Any applicant who has not held a valid driver's license in the preceding 2 years, immediately prior to application, must take all knowledge tests and driving skills tests as required by the Department.

(b) Any vehicle used for the driving skills test shall meet the requirements found in W.S. 31-5-901 through W.S. 31-5-1402. Any special mechanical devices on any motor vehicle shall be properly installed and inspected before the driving skills test is administered.

(c) At the examiner's discretion, the driving skills test may be waived for a first-time applicant for a classified driver's license if the applicant presents a signed certificate of completion from a driver's education course approved by the Wyoming Department of Education or a driver training course certified by the Department of Transportation.

(d) An applicant for a commercial driver's license, who was exempt from having a commercial driver's license (CDL) as provided in Section 6(d) of these rules, may qualify for a waiver of the driving skills test by completing a certification form provided by the Department. At a minimum, the certification shall verify that, during the 2-year period immediately prior to application, the applicant:

- (i) Has not possessed more than one driver's license;

(ii) Has not had any driver's license or driving privileges suspended, revoked, or canceled;

(iii) Has not had any commercial driver's license or driving privileges disqualified;

(iv) Has not had more than one conviction for any serious traffic violations, or a record of an at-fault or uninsured accident (as defined in W.S. 31-7-102[xli] and the *Rules and Regulations of the Wyoming Department of Transportation*); and

(v) Has at least 2 years' experience operating a vehicle of the type and class for which application is being made, immediately preceding discharge from the military, and was:

(A) Regularly employed within the last 90 days in a military position requiring the operation of a commercial motor vehicle (CMV),

(B) Was exempted from CDL requirements in 49 CFR 383.3(c), and

(C) Was operating a vehicle representative of the commercial motor vehicle the applicant expects to operate, for at least two years immediately preceding discharge from the military.

(vi) The applicant shall also provide all other information required by the FMCSR.

(e) The written and driving skills testing requirements may be waived upon the renewal of a commercial driver's license, except that:

(i) Testing requirements mandated by the FMCSR may not be waived;

(ii) A driving skills test may not be waived if the licensee has had any driver's license or driving privileges revoked, canceled, or disqualified.

(iii) The licensee shall provide a vehicle representative of the type and class of driver's license for which he or she is applying in order for the Department to administer a driving skills test.

(f) Any applicant for a School Bus endorsement shall also pass the required test(s) for and be issued a Passenger (P) endorsement. Testing for a School Bus endorsement includes a written test and a skills test in a school bus as required by FMCSR.

(g) Vision requirements.

(i) The driver's license examiner may approve issuing the license:

(A) If the vision screening given by an examiner, optometrist, or ophthalmologist shows an acuity of at least 20/40 or better with both eyes, with or without corrective lenses;

(B) If the applicant has previously failed the vision screening and presents a written vision statement from an optometrist or ophthalmologist dated within the last 3 months showing an acuity of 20/40 or better, with both eyes, with or without corrective lenses;

(C) If the vision screening shows an applicant's visual acuity to be 20/50 or worse, with or without correction, he or she shall demonstrate the ability to operate a motor vehicle safely; and the license shall be issued with the appropriate restrictions based upon the vision screening and the results of the driving skills test;

(D) If the vision screening from an optometrist or ophthalmologist shows the applicant has an eye disease or condition, the examiner shall place restrictions on the license as recommended by the optometrist or ophthalmologist;

(E) If the applicant has a total combined horizontal field of vision, with both eyes, of at least 120 degrees, or if blind in one eye, at least 90 degrees in the other eye.

(h) The knowledge test(s) may be given orally if the driver's license examiner determines it is necessary. A minimum grade of 80 percent shall be required to pass the knowledge test.

(i) At the examiner's discretion, any applicant may be required to demonstrate his or her ability to operate a motor vehicle safely as required by W.S. 31-7-122.

Section 12. **Third-Party Testing.**

(a) A third-party examiner shall enter into an agreement with the Department in order to administer driving skills tests to applicants for commercial driver's licenses. The agreement shall include, but is not limited to, the following terms:

(i) The third-party examiner shall permit:

(A) The Federal Motor Carrier Safety Administration (FMCSA), or its representative, and the Department to conduct random examinations, inspections, and audits without prior notice;

(B) The Department to conduct on-site inspections and/or audits at least annually;

(C) Transmit schedules and testing scores both pass and fail, via the Commercial Skills Test Information System (CSTIMS) as prescribed by the CSTIMS user manual; or the Department may test a sample of drivers examined by the third party to compare pass/fail results, or both, as deemed appropriate; and

(ii) The Department reserves the right to cancel agreements with third-party examiners that fail to comply with state or federal standards for the commercial driver's license testing program or with any other terms of these rules, the third-party agreement, or Attachment A to that agreement.

(b) The third-party examiner shall meet the same qualification and training standards as Department driver's license examiners.

(c) Any applicant for a commercial driver's license who passes the driving skills test administered by an authorized third party shall provide evidence to the Department that he or she has successfully passed the driving skills test. All affidavits presented in place of taking a driving skills test or submitting a Commercial Driver's License Test History form shall be signed by the person tested and dated within 6 months of the time the affidavit is presented to the Department. All affidavits shall be executed by a proper official of the legal entity having entered into a third-party examiner agreement with the Department or by a Wyoming driver's license examiner.

(d) Third-party examiners shall conduct a minimum of 10 tests on different applicants within a 1 year period to maintain active examiner status. If a third party examiner fails to complete 10 different tests, the person must attend a refresher course conducted by the state, or successfully administer a skills test to a state certified examiner.

(e) Third-party examiners shall have a current valid Wyoming CDL of the type and class for which they will be testing and not have been suspended, revoked, canceled, or disqualified in the last 5 years;

(f) A school intended to train truck drivers shall be eligible to become a third-party tester upon complying with the following:

(i) The school shall be licensed with the Wyoming Department of Education, Private School Non-degree Program, and provide a copy of the license to the Department of Transportation;

(ii) All third-party examiners shall complete training and certification provided by the Wyoming Department of Transportation Driver Services Program and have a certificate on file with the Department;

(iii) A third-party tester or examiner shall not charge any fee for skills tests administered, except those fees and tuition allowed by the Wyoming Department of Education;

(iv) A third-party examiner shall test only individuals registered as students with the school licensed to act as a third-party tester.

(v) A third-party examiner shall not act as both an examiner and trainer-instructor of a student registered with a school licensed to act as a third-party tester;

(vi) A truck driving school shall also comply with all provisions of preceding Section 12(a) through (e) of these regulations; and

(vii) A third-party tester for a truck driving school shall re-certify annually with the Department.

(g) Third-party testers or examiners shall have their certification canceled if the Department determines that Wyoming statutes, Department rules and regulations, or the third-party agreement or Attachment A as signed by the third-party tester have been violated.

(h) A third-party tester may be re-certified upon satisfying the Department that all violations have been corrected and all third-party examiners have been re-trained and certified in accordance with these rules.

(i) All third-party examiners shall complete a nationwide criminal background check. The results of the report shall be filed with the Department.

(j) All non-government third-party examiners must file a bond with the state of Wyoming in the amount of \$10,000 and maintain the bond to retain certification by the Department.

Section 13. Fees.

(a) A commercial driver's license driving skills test shall not be scheduled and/or conducted until the Department receives the required fee.

(i) The required commercial driver's license driving skills test fee shall be forfeited by the applicant and not refunded upon:

(A) Failure to appear at the scheduled time and location, or failure to cancel 24 hours in advance of the scheduled time, unless the failure to appear was caused by factors beyond the person's control, such as road closures and/or documented medical emergencies. Failure to obtain—or the unavailability of—a vehicle of the proper class and type shall not be deemed as beyond the person's control, and the fee shall be forfeited.

(B) Failure of any portion of the required driving skills test.

(C) Rejection of the vehicle by the examiner because of faulty or unsafe equipment or equipment of the improper class and/or type.

(D) A third or subsequent cancellation of the driving skills test.

(ii) A commercial driver's license driving skills test shall not be rescheduled until the Department receives an additional skills test fee.

(b) The Department shall accept personal checks for required fees if:

(i) The personal check is made payable to the Department;

(ii) The personal check is printed (not handwritten) with the name and current address of the person issuing the check; and

(iii) The personal check is for the amount of the required fee(s) only.

(c) The Department shall not accept two-party or payroll checks.

(d) The fee for a driver's license record shall be \$5.

(e) The fee for a driver's license record requested and searched by electronic medium shall be \$5.

(f) Additional fees shall be assessed as needed for programming costs.

Section 14. Driver License or Identification Card Not Delivered.

(a) A license or identification card returned to the Department undelivered shall be held for 60 days from the date it was mailed by the Department. If the Department receives no inquiry within the 60 days, the license or identification card shall be subject to cancellation.

(b) If a licensee notifies the Department within 60 days of the mail date that he or she did not receive a license or identification card, another card shall be issued without fee if the person's address has not changed. The licensee must wait 30 days after the card has been mailed before the Department can issue a replacement license or identification card.

Section 15. Grounds for Suspension.

(a) The license of any person may be suspended for up to 12 months if the licensee is a repeated violator. The Department shall consider a licensee a repeated violator when its records show that a person has been convicted of 3 or more moving violations within a one-year period. The Department shall take the following action with repeated violators:

(i) Notify the person, in writing, that he or she has been convicted of 3 moving violations within a one-year period (using the offense date of the violations) and identify the possible consequences of receiving additional moving violation convictions.

(ii) Suspend the license for 90 days upon receiving evidence of a conviction for a fourth moving violation (using the offense date of the violations) within a one-year period; and

(iii) Suspend the license for an additional 90 days upon receiving evidence of subsequent conviction(s) totaling 4 or more moving violations within a one-year period (using the offense date of the violations).

(b) Moving violations used in one suspension action may be used in a subsequent suspension action if the record, with addition of a new moving violation or violations, shows at least 4 moving violations within a one-year period (using the offense date of the violations).

(c) Upon receiving a record of conviction, the Department shall suspend a driver's license for violations of W.S. 31-7-133 for 90 days.

(d) The Department shall suspend commercial driver's licenses for 90 days for violations of any CDL endorsements.

(e) Any person who fails to appear in court shall have his or her license suspended for up to 12 months, or until he or she appears in court and complies with the conditions of the citation, whichever comes first.

(f) Any person suspended under the authority granted in W.S. 31-7-140 shall have his or her Wyoming driver's license suspended until cleared by the court issuing such action. The driver's license shall be reinstated after all fees required by the State have been paid.

Section 16. Grounds for Cancellation, Denial, or Disqualification.

(a) Any person shall be denied the issuance of a license or have an existing license canceled for any of the following:

(i) The person is not legally, physically, or mentally qualified to hold a license because of

(A) Legal age;

(B) Nonresident status;

(C) Previous disqualification, cancellation, denial, suspension, or revocation;

(D) Failure to meet statutory requirements; or

(E) Other reasons as may be described by Department policy, procedure, or other legal actions.

(ii) Upon receipt by the Department of a written medical statement from a qualified medical professional that the person is not medically, physically, or mentally capable of safely operating a motor vehicle.

(iii) Upon receipt by the Department of a written vision statement from an optometrist or ophthalmologist indicating the person's:

(A) Best visual acuity with or without corrective lenses is worse than 20/100 with both eyes;

(B) Best visual acuity with or without corrective lenses is worse than 20/100 in the carrier lenses, and the bioptic telescope or other low-vision aid does not correct the visual acuity to at least 20/40 or,

(C) Total combined horizontal field of vision, with both eyes, is less than 120 degrees, or if blind in one eye, less than 90 degrees in the other eye.

(iv) Upon receipt by the Department of a medical statement from a qualified medical professional that the person is afflicted with a medical disorder resulting in a loss, interruption, or lapse of consciousness and/or motor function. The denial or cancellation shall not be reconsidered until the Department receives a written statement from a qualified medical professional stating that:

(A) The affliction no longer exists; or

(C) The affliction is medically controlled.

(v) Upon receipt by the Department of a written medical statement from a qualified medical professional that the person is afflicted with a medical or other disorder resulting in the inability to operate a motor vehicle safely.

(vi) Inability to demonstrate ordinary and reasonable skills to operate a motor vehicle safely as evidenced by the results of an investigation. Upon recommendation of the examiner, the person may:

(A) Apply for and receive an instruction permit, subject to any restrictions and/or conditions the Department imposes;

(B) Hold the instruction permit for at least 3 months; and then

(C) Request, in writing, that the Department conduct another investigation to determine if a license should be issued.

(vii) Disqualification under any of the commercial driver's license provisions of W.S. 31-7-305 and W.S. 31-7-310. The cancellation shall become effective on the same date as the disqualification.

(A) A person shall be disqualified from operating a commercial motor vehicle for:

(I) A period of 60 days if convicted of 2 serious traffic violations, or 120 days if convicted of 3 serious traffic violations, committed in a **commercial** vehicle arising from separate incidents occurring within a 3-year period.

(II) A period of 60 days if convicted of 2 serious traffic violations, or 120 days if convicted of 3 serious traffic violations, committed in a **noncommercial** vehicle arising from separate incidents occurring within a 3-year period only if the second or third conviction results in a suspension.

(III) Receipt by the Department of a disqualification from the Federal Motor Carrier Safety Administration for any violation listed under W.S. 31-7-305.

(B) Any person with lifetime disqualifications resulting wholly or in part from involvement with alcohol or controlled substances shall be ineligible for relicensing until 10 calendar years from the date of disqualification. After 10 years, the following provisions apply:

(I) When he or she makes written request for reapplication, such person shall be subject to the requirements as defined in Section 16, Subsections (b) and (c) of this rules chapter.

(C) Any person with a lifetime disqualification resulting from reasons other than involvement with alcohol or controlled substances shall not be eligible for relicensing until 10 calendar years from the date of disqualification. A commercial driver's license shall not be issued until the Department receives a written request and conducts an investigation, and the applicant complies with any restrictions and/or conditions imposed as a result of the investigation.

(D) No person shall be issued a new commercial driver's license until the Department ends or reduces the disqualification and the applicant is otherwise eligible for a commercial driver's license.

(I) A lifetime disqualification for a third or subsequent conviction of any offense as defined in W.S. 31-7-305(a) shall not be reduced to 10 years.

(II) A lifetime disqualification for using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance shall not be reduced to 10 years.

(E) Any person whose commercial driver's license has been canceled because of disqualification, but is otherwise eligible, may be issued a non-commercial driver's license.

(F) All applicants shall pass all required knowledge and skills tests and pay the required fees.

(x) Upon receipt by the Department of a report from the Bureau of Citizen and Immigration Services (BCIS) indicating that a non-U.S. citizen is not complying with immigration laws, the license shall remain canceled; and the person shall not be allowed to reapply until the Department receives evidence from the BCIS that his or her status is acceptable for licensing.

(xi) Holds a commercial driver's license and fails to comply with W.S. 31-7-304(f). The person's privilege to hold a commercial driver's license shall be canceled, and the person may be issued a non-commercial class license.

(b) The Department shall investigate the driving ability, character, and habits of an individual when he or she applies for reinstatement after completing a revocation and/or disqualification period if this person had a license or driving privilege revoked or disqualified as the result of involvement with alcohol and/or a controlled substance. An investigation shall be conducted when the Department has documented evidence that the person has an alcohol and/or substance abuse problem. In both instances, the license shall be denied until each requirement set out below is satisfied. The individual shall:

(i) Submit a current alcohol and/or controlled substance evaluation with a recommended course of treatment and/or counseling, by a counselor certified by the Wyoming Department of Health, Substance Abuse Division. This evaluation shall include information on whether the person is complying with the following:

(A) Submit evidence of satisfactory completion of, or current attendance in, a recommended course of treatment or counseling program. This evidence shall include information that the individual is complying with the counselor's recommended course of treatment.

(B) Provide verifiable evidence that the person has demonstrated compliance with an alcohol and/or controlled substance treatment or counseling program, or has been in substantial compliance with W.S. 31-7-401 through W.S. 31-7-404, for the previous six months.

(ii) If investigation by the Department reveals any documented incidents in an IIR provider's report or convictions of violating his or her revocation, disqualification, or ignition interlock requirements/restrictions, within the 6 months immediately prior to the date of the scheduled investigation, the Department may:

(A) Deny issuance of a new license;

(B) Deny application for at least 6 months; and

(C) Require the person to do the following:

(I) Provide evidence of completion of an approved alcohol and/or controlled substance treatment or counseling program within the six month denial period;

(II) Not receive any convictions/violations involving the use of alcohol or drugs during the four year term of any license issued after the investigation is completed; and

(III) Observe any other restrictions or conditions imposed by the Department.

(c) Any person who violates a restriction imposed by the Department under Section 16(b) shall have the license canceled and cannot apply for a new license until proof is submitted that:

(i) The person has completed an approved inpatient alcohol and/or controlled substance program since the last known incident; or

(ii) Is currently enrolled in and making satisfactory progress in an alcohol and/or controlled substance treatment program since the last known incident.

(d) Any person who has had a license revoked for a reason other than Section 16 (a) or (b) shall be denied a license until after the Department conducts an investigation and the person complies with any restrictions the Department imposes as a result of the investigation.

(e) An investigation may consist of a driving skills test in a vehicle representative of the type and class of license the person holds or for which he or she is applying, and any requirements or restrictions from an investigation completed under subsection (a) or (b) of this section.

Section 17. Surrender of License or Permit.

A license or permit that is suspended, canceled, or revoked shall be considered surrendered when given to any Wyoming Department of Transportation Driver Services employee, any law enforcement officer, or addressed and mailed to the Wyoming Department of Transportation, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340, with an "Attention: Driver Services" line.

Section 18. Right to Contested Case Hearings or Record Reviews.

(a) Every person whose driver's license is disqualified, suspended, revoked, canceled, or denied shall be notified of the right to request a contested case hearing or record review. The notification shall advise the person that:

(i) If the only reason for requesting a hearing is to receive limited driving privileges, then the request shall initiate a record review conducted by the Department.

(ii) If the request is for any purpose other than to receive limited driving privileges, then it shall initiate a contested case hearing before the Office of Administrative Hearings.

(b) Requests for record reviews of disqualifications, suspensions, revocations, cancellations, or denial actions for which limited driving privileges are not granted pursuant to W.S. 31-7-105 shall be denied.

Section 19. Requests for Contested Case Hearings or Record Reviews.

(a) Every request for a contested case hearing or record review arising from any driver's license-related action shall be made in writing and addressed to the Wyoming Department of Transportation, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340. Upon the Department giving notice of intent to suspend, revoke, cancel,

disqualify, or deny a request for a contested case hearing or record review shall be considered timely if received or postmarked within 20 days of the date the Department gave the person notice of the Department's intended action and shall be accompanied by the required fee.

(b) "Computation of Time." The Department shall allow 5 days from the date the notice of intent was mailed to the person's last known address on file with the Department. The Department considers the order as received 5 days after mailing it. The 20-day period to request a contested case hearing or record review therefore shall begin on the sixth day after the Department gives notice of its intent, and the period shall conclude at midnight on the twentieth day thereafter—unless that day is a Saturday, Sunday, or legal holiday. In such cases, the period runs until midnight on the following business day.

(c) "Late Request." Except as provided in this Subsection (c), no contested case hearing shall be granted unless the request is made in a timely manner.

(i) Upon receiving a late request for a contested case hearing, the Department may grant a late contested case hearing if satisfactory written evidence and documentation is submitted showing that the lateness was not caused by the petitioner but instead by some external factor beyond his or her control.

(ii) Upon receiving a late request for a record review, the Department may grant a probationary driver's license for limited driving privileges if the person holds a permanent driver's license that is not expired, if he or she is otherwise entitled to limited driving privileges, and if the Department receives satisfactory written evidence indicating that failure to grant the limited driving privileges would cause an undue hardship.

(iii) Upon denial of a late request for a contested case, the Department shall refund the required fee.

(d) "Stay of Action." When a contested case hearing or timely record review is granted, the proposed action shall be stayed. The stay shall be effective the day the Department grants a contested case hearing or record review. Stays shall not be granted retroactively. Stays shall continue as follows:

(i) For a contested case, until a contested case hearing is conducted before the Office of Administrative Hearings and a final order has been entered; or

(ii) For a timely record review, the suspension dates are stayed for up to 30 days from the date the record review is granted or a probationary driver's license

for limited driving privileges is issued, as long as the individual still holds a permanent driver's license that is not expired or has otherwise been withdrawn.

Section 20. Probationary Licenses.

(a) Upon receiving a request for a record review, the Department shall issue an order granting a probationary license, for one suspension action in a 5 year period, if:

(i) The person holds a permanent driver's license that is not expired and is otherwise eligible for a probationary license, pays the required fee; and

(ii) When required, the person files and maintains an SR-22 for a 3-year period. An SR-22, when required, shall be on file with the Department before a probationary license is issued. The probationary license shall be canceled if the Department receives an SR-26.

(iii) When required, the person shall submit a current alcohol and/or controlled substance evaluation by a counselor certified by the Wyoming Department of Health, Substance Abuse Division. The evaluation shall recommend, at a minimum, an alcohol and drug class that meets the Wyoming Substance Abuse Standards. The probationary license shall be issued when the person is enrolled in a class to be completed no later than 30 days after the start date of the suspension and/or upon proof the class was completed successfully. Instead of the class, the counselor may recommend more extensive treatment. If treatment is recommended, the person shall submit proof of current enrollment and satisfactory progress in an alcohol and/or controlled substance treatment program since the last known incident.

(iv) Upon receiving an adverse counselor's report, the Department shall deny or cancel the probationary license.

(b) The order granting a probationary driver's license shall include the following information, terms, and conditions:

(i) The starting and ending dates for which the probationary license is valid; and

(ii) The days, times, and reasons when the person is authorized to drive. An applicant shall pay an additional fee for any probationary license that must be changed or reissued because of his or her need to drive for circumstances not contained in the original application.

(iii) The probationary license and the order shall be carried by the person at all times when operating a motor vehicle.

(iv) Conviction for violating any traffic law, other than for parking, shall result in the immediate cancellation of the probationary license without further hearing.

(c) The Department shall issue a probationary license upon receiving an order from the Office of Administrative Hearings if the person is otherwise entitled to hold such a license and all fees have been received.

Section 21. **Undue Hardship.**

(a) Subject to W.S. 31-7-105, an undue hardship exists if the person establishes that being unable to drive shall result in the inability to provide the person or the person's dependents with the basic necessities of life, to include (but not limited to) food, clothing, and shelter.

(b) Undue hardship may also include the need to drive for educational purposes.

(c) An undue hardship does not exist if another licensed driver in the household is able to do the required driving.

(d) The undue hardship can only apply to a person having the hardship for purposes of driving in the state of Wyoming if:

(i) The person holds a current Wyoming driver's license, or

(ii) The person holds a current out-of-state license and is suspended in this state.

(e) If the undue hardship occurs in a state other than Wyoming, the probationary license may be denied if the other state does not honour a Wyoming probationary license.

Section 22. **Appeals to the Office of Administrative Hearings.**

Any person denied a probationary license as the result of a Department record review or adversely affected by a record review decision of the Department is entitled to appeal the decision to the Office of Administrative Hearings. The person has 20 days

from the date the Department denies the probationary license or gives notice of its record review decision to request a hearing before the Office of Administrative Hearings, or the opportunity for a hearing is waived. An appeal under this section shall be treated as an appeal for a contested case under W.S. 31-7-105(e).

Section 23. Driver's License Records.

Driver's license records include only those records as defined in Section 3 of these rules.

(b) Unless otherwise provided by statute, the Department shall make available a 3/10 year driving record in accordance with the provisions of W.S. 31-5-1214(f), W.S. 31-7-120, W.S. 16-4-202(a), and the Driver's Privacy Protection Act (DPPA). The driving history record shall reflect at least the following actions:

(i) All mandatory convictions, suspensions, revocations, or disqualifications;

(ii) Uninsured accidents and accident suspensions; and

(iii) Moving violations, moving violation suspensions, administrative per se suspensions, implied consent suspensions, financial responsibility requirements, and any other authorized administrative actions.

(c) No "Driving History Record," as defined under "Driver License Records" in Section 3 of these rules, shall be released except upon expressed written request by the individual record holder; or to a third party except upon presentation of a signed release from the record holder; or upon written request by law enforcement, or government agency, or court to carry out their official functions, or those permitted disclosures allowed in *Wyoming Department of Transportation Rules & Regulations, Motor Vehicles and Licensing, Chapter 7*.

(d) A record defined in these rules as "Verification record" under Driver License Records in Section 3 of these rules, shall not be released as part of any other record request, except upon expressed written consent of the record holder as allowed in *Wyoming Department of Transportation Rules & Regulations, Motor Vehicles and Licensing, Chapter 7*.

(e) A record defined in these rules as a “Medical Record” under Driver License Records in Section 3 of these rules, shall not be released as part of any other record request, except upon expressed written consent of the record holder as allowed in *Wyoming Department of Transportation Rules & Regulations, Motor Vehicles and Licensing, Chapter 7*.

Section 24. Application for Handicap Placards.

(a) Any application for a handicap placard shall be completed by an eligible person—as defined by W.S. 31-2-213(d)(ii)—or by a person or an agency responsible for transporting eligible persons. Proof of the identity for the eligible person shall be required when the placard is issued. The application shall include the following:

(i) The applicant’s name, date of birth, address, and telephone number.

(ii) Information about whether the applicant:

(A) Is requesting placards (and the number of placards); or

(B) Will obtain vehicle plates from the county treasurer.

(iii) The applicant’s signature and the date.

(b) The medical section shall be completed and signed by a physician, physician’s assistant, or nurse practitioner and the application submitted to the Department.

(c) Issuance of a handicap placard may result in a driver’s license review to determine the eligible person’s ability to operate a motor vehicle safely and to verify that the license reflects the proper restrictions for the stated condition. The medical information submitted on the application for a handicap placard is subject to the terms and conditions set forth in Section 16 of this rules chapter.

(d) Any eligible person may appear in person at a driver’s license exam office or apply by mail when applying for a handicap placard. If the eligible person is unable to appear but already exists as a client in the driver information system, a placard(s) may be issued on his or her behalf to a family member or a representative. The eligible person shall sign the handicap application, which shall be presented at the exam.

Section 25. Reinstatement After Child Support Suspensions.

Upon receiving notice from the court or the Department of Family Services, this Department shall reinstate the obligor's Wyoming driver's license and/or driving privilege upon payment of the \$5 reinstatement fee if the license and/or privilege is not suspended, canceled, disqualified, or revoked for any other reason. The Department shall send the license, if valid and on file, to the obligor's last known address on record with this Department.

Section 26. Ignition Interlock Restricted Licenses.

(a) An ignition interlock restricted license shall not be issued to any person holding a commercial driver's license (CDL) or who is otherwise ineligible by statute to have an ignition interlock restricted license.

(b) Anyone applying for an ignition interlock restricted license must complete an application provided by the Department. For offenses on or after July 1, 2009, an application for an ignition interlock restricted license shall be made only after the Department has received and entered a disposition from a court of an alcohol related conviction for W.S. 31-5-233 or W.S. 31-5-234.

(c) When an eligible applicant has completed all requirements for an ignition interlock restricted license, and has provided the Department with a certificate of installation from the ignition interlock service provider, the Department may issue the license if the applicant is otherwise eligible. Such license shall contain:

(i) An expiration date with a period not to exceed 4 years.

(ii) The restriction *IIR* on the license, which states: "Must operate a vehicle equipped with an approved Ignition Interlock Device."

(d) The applicant shall pay any required reinstatement fees at the time the ignition interlock restricted license is issued and provide proof of financial responsibility.

(i) In addition to any required reinstatement fees, the applicant will be required to pay a fee of \$100.

(ii) This fee does not apply to any person applying for an ignition interlock restricted license who has qualified as an indigent person as allowed in subsection (f) of this section.

(e) Any person applying for removal of the ignition interlock restriction after completing a revocation period must meet the requirements of preceding Section 16, Subsection (b) of this chapter of rules and regulations before the ignition interlock restriction can be removed.

(f) Indigent persons may be eligible for partial payment by the Department. All the following shall apply:

(i) Anyone requesting assistance under W.S. 31-7-401(b)(vii), at the time of application, shall be an active participant in the federal food stamp program of the Wyoming Department of Family Services at the time of installation.

(ii) After an individual has complied with section 33(c) of this rule, the Department may reimburse the individual one half the cost of installation if presented with a receipt from the ignition interlock service provider for the total costs to the individual. This receipt shall be processed through the Department's Financial Services Program for payment to the individual.

(iii) The Department may also reimburse the individual one half the cost of monthly service fees if presented with a receipt from the ignition interlock services provider for the total costs to the individual. This receipt shall be processed through the Department's Financial Services Program for payment to the individual.

(iv) The individual shall remain an active participant with the Department of Family Services to receive this payment.

(v) Eligibility for this payment shall be for the period of time an individual remains an active participant in the federal food stamp program with the Wyoming Department of Family Services.

(vi) When the Department becomes aware of an individual's ineligibility, the Department shall notify the individual that he or she is no longer eligible.

Section 27. **Temporary Motorcycle License.**

Upon application to the department, the department may issue a 90 day temporary motorcycle license, subject to the following restrictions and conditions:

(a) The applicant must pass a written examination;

(b) The applicant will be issued a paper temporary for a period of 90 days;

(c) The applicant must pay a fee of \$3;

(d) The applicant may renew the temporary motorcycle license one time for an additional fee of \$3;

(e) After having held 2 temporary motorcycle licenses an applicant must retake any required written test(s) before being issued another temporary motorcycle license.

Section 28. Motor Vehicle Safety Responsibility.

(a) Proof of Financial Responsibility.

In addition to mandatory revocations or suspensions under W.S. 31-7-127 and W.S. 31-7-128, proof of financial responsibility shall be required and maintained for all suspensions under W.S. 31-9-202.

(b) Insurance Cards.

(i) In addition to the requirements established in W.S. 31-8-201, all insurance providers shall indicate and identify on the face of the insurance card:

(A) The insurance provider's National Association of Insurance Commissioners (NAIC) code, and

(B) If the provider uses a bar code on its insurance cards, the bar code shall comply with American National Standards Institute (ANSI) 2-dimensional bar code standards available through the following: <http://www.ansi.org>. This rule includes no amendments to the standard subsequent to the effective date of July 1, 2008.

(ii) In addition to the requirements established in W.S. 31-8-201, all commercial insurance providers shall also include on the face of the insurance card a statement indicating Commercial, Commercial Exempt, or other similar language indicating that the vehicle is covered under a commercial or fleet policy.

(iii) The insurance card may be carried in an electronic form as provided in W.S. 31-8 201(c).

(c) Insurance Verification System.

(i) Sellers of motor vehicle liability policies for vehicles owned in Wyoming shall comply with the provisions of the State of Wyoming Financial

Responsibility Verification Program Web Services Program Guide for Insurers. This guide is available at cost by contacting the Wyoming Department of Transportation, Driver Services Program, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340.

- (ii) This compliance requirement does not apply to:
 - (A) Self-insurers pursuant to W.S. 31-9-414,
 - (B) Self-insurers pursuant to W.S. 31-9-415,
 - (C) Government vehicles as described by W.S. 31-4-103(d)(ii),
 - (D) Vehicles meeting the requirements of W.S. 31-9-408 and W.S. 31-9-409, or
 - (E) Commercial vehicles as described by W.S. 31-4-103(d)(iv).
- (d) Right to Hearing.

Any party entitled to a contested case hearing in a matter involving the Wyoming Department of Transportation shall proceed under the provisions of the Wyoming Administrative Procedures Act, W.S. 16-3-101 through W.S. 16-3-115, as amended, and the provisions of Chapter 3, Appeals and Hearings, of the General Section of Wyoming Department of Transportation Rules and Regulations, as amended.

Section 29. Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reductions

(a) W.S. 26-14-105(C) requires the Wyoming Department of Transportation to approve motor vehicle accident prevention courses for liability insurance premium reductions. This section sets forth the requirements for the approval of such courses.

(b) In order to be approved, a motor vehicle accident prevention course must:

(i) Provide a minimum of 6 hours of classroom instruction. Such instruction must address the following subject areas:

- (A) Accident preventability;
- (B) Defensive Driving Techniques;

- (C) Alcohol and substance abuse;
- (D) The aging process;
- (E) Driver attitude; and
- (F) Traffic laws of the State of Wyoming.

(ii) The course may include audio-visual and electronic aids.

(iii) The course should include a student manual for each student.

(c) The instructor must present the student with a completion certificate upon completion of the course that is acceptable to the insurance provider.

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Wyoming Department of Transportation
Driver's Licenses and Motor Vehicle Safety

CHAPTER 1

Section 1. Authority.

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-4-103 (f), W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, W.S. 31-7-401, W.S. 31-8-201, and W.S. 31-9-103.

Section 2. Purposes of the Rules.

(a) These rules are intended to provide a uniform and understandable interpretation of the undefined portion of the Driver's License Act, W.S. 31-7-101 through W.S. 31-7-140; the Uniform Commercial Driver's License Act, W.S. 31-7-301 through W.S. 31-7-313; Ignition Interlock Restricted Licenses, W.S. 31-7-401 through W.S. 31-7-404; and Use of False Identity, Citizenship, or Resident Alien Documents, W.S. 6-3-615. These rules include applications and examinations for obtaining driver's licenses, commercial driver's licenses, and temporary and instructional permits; extension or expiration of valid driver's licenses; grounds for cancellation or denial of licenses and/or permits; grounds for suspension and/or disqualification; notices of intent to suspend, deny, disqualify, revoke, or cancel; and procedures for providing hearings.

(b) These rules also provide a uniform and understandable interpretation of the undefined portions of W.S. 31-4-103 and W.S. 31-9-101 through W.S. 31-9-415.

(c) These rules are also provided to implement the Federal Motor Carrier Safety Regulations in Title 49 of the Code of Federal Regulations (CFR) and W.S. 31-7-310 as currently amended.

(d) These rules are additionally provided to implement Title 6 CFR, Chapter 1, Part 37, as currently amended.

Section 3. Definitions.

(a) All definitions as set forth in W.S. 31-7-102 apply to these rules.

(b) As used in these rules and regulations, the following terms have the following meanings:

(i) “Birth Certificate” means the record related to a birth that is permanently stored either electronically or physically at the State Office of Vital Statistics or equivalent agency in a registrant’s state of birth.

(ii) “Certified copy” referred to in W.S. 31-7-111(a) means:

(A) An original official document with original signatures, seals, and entries of information; or

(B) Any reproduction of an official document that has been reproduced from an original document on file at a government agency, as long as the reproduced copy bears a certification by the custodian that it is a true and accurate copy of the document on file, bears the original signature of the certifying person, and bears the seal of the office (if the office has a seal).

(iii) “CDL downgrade” means:

(A) The state allows a driver to change his or her self-certification to interstate, but operating exclusively in transportation or operation excepted in Section 6 of these rules.

(B) The state allows the driver to change his or her self-certification to intrastate only, but operating exclusively in transportation or operation excepted in Section 6 of these rules, or

(C) The state removes the CDL (Commercial Driver’s License) privilege from the driver license.

(iv) “Deny or Denial” means the refusal to issue or renew a driver license or identification (ID) card, as provided in W.S. 31-7-108 and W.S. 31-8-101(b) and by these rules.

(v) “Department” means the Wyoming Department of Transportation.

(vi) “Domicile” as referred to in W.S. 31-7-117(c) means the domicile of the parent or guardian having legal custody and signing the affidavit of extreme inconvenience.

(vii) “Driver License Record” may include one or more of the following:

(A) “Driving history record” means any record maintained by the Department as required by W.S. 31-5-1214(f) and W.S. 31-7-120.

(B) “Verification record” means any document(s) scanned as proof of identity, proof of residence, or proof of social security number as required by W.S.31-7-111(a) and (b)(iv); or

(C) “Medical record” means a medical evaluation, visual evaluation, or federal medical examiners certificate (DOT Medical card or long form) held by the Department, as required by law.

(viii) “False document” means a document that a trained examiner determines to be altered, counterfeit, or otherwise fraudulent; or a document presented by a person not legally possessing the document; or both.

(ix) “FMCSR” means Federal Motor Carrier Safety Regulations, Parts 383, 390 through 397, and 399.

(x) “Ignition interlock restricted license” means a restricted driver’s license issued by the Department pursuant to W.S. 31-7-401 through W.S. 31-7- 404 and these rules.

(xi) “Individual” means any man, woman, or child or individual business or organization on whom the Department keeps records or maintains information.

(xii) “Investigation” means:

(A) The review of medical or vision information submitted by a medical or vision professional to include evaluating the individual’s ability to demonstrate ordinary and reasonable control of a motor vehicle as evidenced by the results of an examination. This review may also involve evaluating the individual’s character and habits.

(B) “Fraud investigation” means the formal evaluation of the information on a person’s application for a driver’s license or identification card; identifying documents; a digital image, signature, or driving record; or any other information received by a trained examiner to determine authenticity; lawful status; or violations of federal regulations, state law, or state rules and regulations. It shall also include the formal inquiry into questionable activities of Department employees in the performance of their job duties for violations of Department rules and regulations or state or federal law.

(xiii) “Manual transmission” (also known as stick shift, stick, straight drive, or standard transmission) means a transmission utilizing a driver operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot.

(xiv) “Moving violations” means an act of control or lack of control by the driver of a motor vehicle while the vehicle is in motion that results in a conviction, including a conviction for driving in violation of the restriction on a driver license.

(xv) “National Driver Register” means Public Law 86-660 of 1960 setting forth the National Driver Register. This law was expanded in 1966 under Public Law 89-563 and again in 1982 under Title 2, National Driver Register Act to Establish an Index on Adverse Driver Licensing Actions Taken by State Administrators.

(xvi) “Person” means an individual, organization, or entity, but does not include this state or an agency thereof.

(xvii) “Proof of identity document” or “legal identity document” means as defined in 6 CFR, Chapter 1, Part 37.11(c) and W.S. 31-7-111, as currently amended.

(xviii) “Regular job” referred to in W.S. 31-7-117(c) means any employment that requires a minimum of 10 hours of work within a one-week period.

(xix) “Restrictions” means the following restrictions that may be imposed and placed on the driver’s license or permit in an encoded form:

(A) “Restrictions” for licenses issued on or after October 1, 2010, are Corrective Lenses–*B*; Mechanical Aids (special brakes, hand controls, or other adaptive devices)–*C*; Prosthetic Aid–*D*; Automatic Transmission–*E*; Outside Mirrors–*F*; Daylight Driving Only–*G*; Limit to Employment Only–*H*; Limited Others (the Department can be contacted for details about this restriction)–*I*; Valid Without Photo and/or signature–*J*; CDL Intrastate Only–*K*; Vehicles Without Air Brakes (CDL only)–*L*; Except Class “A” Bus (CDL only)–*M*; Except Class “A” and “B” Bus (CDL only)–*N*; Except Tractor Trailer (CDL only)–*O*; Class “M” Only, 4-Wheel Recreation Vehicles Only–*R*; Must have variance letter or SPE certificate in possession–*V*; Annual Vision–*Y*; or Annual Medical–*Z*.

(B) “Restrictions” for licenses issued on or after January 1, 2014, are Automatic Transmission–*A*; Corrective Lenses–*B*; Mechanical Aids (special brakes, hand controls, or other adaptive devices)–*C*; Prosthetic Aid–*D*; No Manual Transmission (CDL only)–*E*; Daylight Driving Only–*G*; Limited Others (the Department can be contacted for details about this restriction)–*I*; Valid Without Photo and/or signature–*J*;

CDL/CLP (Commercial Learner's Permit) Intrastate Only–*K*; Vehicles Without Air Brakes (CDL/CLP only)–*L*; Except Class “A” Bus (CDL only)–*M*; Except Class “A” and “B” Bus (CDL only)–*N*; No Tractor/Trailer Fifth Wheel Coupler (CDL only)–*O*; No Passenger (CLP only)–*P*; Class “M” Only, 4-Wheel Recreation Vehicles Only–*R*; Except Tractor/Trailer (CDL only)–*T*; Must Have Variance Letter or SPE Certificate in Possession (CDL/CLP only)–*V*; No Cargo in Tank (CLP only)–*X*; or No Full Air Brake System (CDL only)–*Z*.

(I) An applicant for a commercial driver's license who is at least 18 years of age but has not attained the age of 21 years shall be restricted to a commercial driver's license (CDL/CLP) Intrastate Only restriction (*K*) except while operating under an exemption allowed by FMCSR– 49 CFR 391.

(II) An applicant for a commercial driver's license who has a medical or visual condition—as defined in FMCSR-49 CFR 391—that normally prohibits him or her from operating a commercial vehicle interstate shall be restricted to operating a commercial vehicle with a CDL/CLP Intrastate Only restriction (*K*), unless he or she possesses a medical or vision waiver issued by the Federal Motor Carrier Safety Administration.

(III) An applicant who passes the skills test for a commercial license with a truck or truck/tractor pulling a trailer or semi-trailer that has a gross combination weight rating of 26,001 pounds or more but the truck or truck-tractor has a gross vehicle weight rating of less than 26,001 pounds shall be restricted to Except Tractor Trailer (CDL only) – (*T*).

(IV) An applicant who passes the skills test for a commercial license with a truck or truck/tractor pulling a trailer or semi-trailer with a pintle hook or other non-fifth wheel connection shall be restricted to No Tractor/Trailer Fifth Wheel Coupler (CDL only)–(*O*).

(V) An applicant who has applied for a Commercial Learner's Permit (CLP) and passed a written examination for a Tank endorsement (*N*) will be restricted on the CLP to, No Cargo in Tank (CLP only) - (*X*).

(VI) An applicant who has applied for a Commercial Learner's Permit (CLP) and passed a written examination for a Passenger endorsement (*P*) will be restricted on the CLP to No Passenger (CLP only) - (*P*).

(xx) “School” referred to in W.S. 31-7-117(c) means the person’s primary place of education where he or she attends regularly scheduled classes but does not include places or locations where extracurricular activities take place.

(xxi) “Social security number” means the social security number assigned by the Social Security Administration, or other tracking and identification numbers or letters deemed appropriate by the Department.

(xxii) “Third-party agreement” means the agreement provided by the Department and signed by the person responsible for the third-party tester.

(xxiii) “Third-party examiner” means an individual who is a payroll or volunteer employee of a third-party tester and who has been certified by the Department to administer approved driver’s license skills tests on the behalf of the third-party tester.

(xxiv) “Third-party tester” means a government entity, association, educational institution, or business entity engaged in the use of commercial motor vehicles, certified by the Department to administer approved Driver License skills tests.

(xxviii) “Trained examiner” means a Department employee who has completed and passed the American Association of Motor Vehicle Administrators Fraudulent Document Recognition Level 1 and Level 2 training course to recognize altered, counterfeit, or fraudulent documents.

Section 4. **Applications for Licenses, Permits, and Identification Cards.**

(a) Each applicant shall present a proof of identity or legal identification document with each application and complete an application form furnished by the Wyoming Department of Transportation.

(i) Any applicant that does not have a proof of identity or legal identification document, as defined in Section 3 (b)(xvii) of these rules, may present alternative documentation that must be approved by the manager of Driver Services before any application can be completed.

(ii) An applicant who presents a proof of identity or legal identification document(s) suspected by a trained examiner to be false shall have the document(s) seized. Whenever possible, the applicant shall be given a receipt for the seized document(s). Examiners shall contact local law enforcement upon seizing the suspicious document(s).

(iii) If the law enforcement agency refuses to receive the seized document(s), the document(s) shall be sent to the Driver Services fraud unit located in Cheyenne for review and held until authenticity is determined as described in the following:

(A) If it is determined that the document(s) seized is (are) authentic and the person who presented the document(s) possesses the document(s) legally, then the document(s) will be returned to that person.

(B) If it is determined that the document(s) seized is (are) false or the person who presented the document(s) does not possess the document(s) legally, then the Driver Services fraud unit in Cheyenne will retain and not return the document(s).

(b) In addition to the information specifically requested on the application form as called for by statute, the applicant is required to fill out additional identifying information including;

(i) Natural eye and hair color; and

(ii) Indicate whether he or she is a citizen of the United States.

(A) If not a citizen of the United States, the person must provide proof of "lawful status" or "temporary lawful status" in the United States, as defined in Title 6, CFR, Chapter 1, Part 37.03.

(c) The applicant shall answer the questions pertaining to medical history within the previous 2 years as requested on the application. Any applicant answering in the affirmative to any of the medical questions or listing any physical or mental disabilities may be required to have a qualified doctor complete the medical form furnished by the Department.

(d) All applicants for a driver's license, instruction permit, or identification card shall provide the Department their social security number.

(i) Any applicant applying for a noncommercial driver's license or instruction permit who does not have a social security number shall be required to submit a sworn affidavit under penalty of perjury stating he or she does not have a social security number.

(ii) Any applicant applying for a commercial driver's license who has a conscientious objection to disclosing his or her social security number may be issued a

pseudo-number upon submitting a written request to the Department stating the basis for his or her objection.

(e) All applicants for a commercial driver's license are required at the time of application to self-declare if they are exempt or non-exempt interstate status.

(i) If the applicant is in a non-exempt status, the applicant must present a valid federal medical examiner's certificate, from a qualified national registry doctor to the examiner.

(ii) If the applicant is in an exempt status, the applicant must present a document showing he or she is operating under an exemption as allowed in 49 CFR 390.3(f), 391.2, 391.68, or 398.3.

(iii) If an applicant's federal medical examiner's certificate is expired, the applicant shall:

(A) Provide the Department a new valid federal medical examiner's certificate;

(B) Provide a document showing that he or she is operating under an exemption as allowed in 49 CFR 390.3(f), 391.2, 391.68, or 398.3; or

(C) If no longer medically qualified or exempt, have his or her CDL privilege removed from his or her driver's license.

(iv) If an applicant does not comply with preceding (iii), the Department shall downgrade the license to a non-CDL class license.

(v) If an applicant has a valid federal medical examiner's certificate with a medical or vision waiver, the letter or skill performance evaluation certificate shall be presented at the time of the application or renewal.

(f) Any applicant applying for a commercial driver's license requesting to waive the skills test shall complete the certification form provided by the Department. Commercial applicants meeting the requirements of FMCSR 383 may be excused from taking the driving skills test.

(g) Commercial driver's license applicants required to take a driving skills test shall sign the Commercial Driver's License Skills Test Form (FSCDL-101 A) to certify the class and type of vehicle used for the driving skills test.

(h) Any driver's license issued to an applicant under the age of 21 shall expire on the applicant's twenty-first birthday except

(i) A restricted Class "C" and/or Class "M" license, which shall expire 30 days after the licensee's sixteenth birthday;

(ii) An intermediate license shall expire 30 days after the licensee's seventeenth birthday.

(i) All applicants shall be screened through the Problem Driver Pointer System (PDPS) and the Driver's License Number (DLN) Survey for licensing eligibility. PDPS and the DLN Survey shall show a status of "eligible" or "licensed" before the person may be issued a license.

(j) Any license issued to a nonresident alien shall be a temporary license valid only for the period authorized on the U.S. Immigration and Naturalization Service documents presented.

(k) Any license issued to a nonresident alien shall be identified with a suffix code of NR (nonresident alien) in the class field of the license.

Section 5. **Name Changes.**

(a) Changes of name because of adoption, change in marital status, or other legal proceeding may be made when applying for any service. An original copy of the official document authorizing the name change—such as a marriage certificate, divorce decree, or court order—shall be presented to the examiner at the time of application.

(b) Changes of name not authorized in a legal proceeding may be granted if the use of the name is not for any fraudulent purpose, does not infringe on the interests or rights of others, is not prohibited by any judicial or administrative adjudication, and is otherwise legal. The applicant shall complete an "Affidavit of Name Change" form provided by the Department. The affidavit shall be notarized and accompanied by a certified copy of the person's proof of identity document(s).

(c) The affidavit described in Subsection (b) shall include:

(i) The applicant's full first, middle, and last names, as shown on the applicant's proof of identity document.

(ii) The applicant's full first, middle, and last names as changed.

- (iii) The applicant's date and place of birth.
- (iv) The applicant's present mailing address and physical address or residence if different from the mailing address.
- (v) The applicant's natural or adoptive mother's full name, including her maiden name.
- (vi) The applicant's natural or adoptive father's full name.
- (vii) Any other names that the applicant has used during the preceding 10 years. The affidavit shall also show the date and places (by state, county, and city) where each name was used.
- (viii) Each address where the applicant has resided during the last 10 years and the length of time the applicant resided at each location.
- (ix) The applicant's current job title and employer (including the address and location of both the employer and the job work site), and the previous job title(s) and employer(s) the applicant has had during the preceding 10 years (including the address and location of both the employer and job work site).
- (x) The applicant's certification that the requested name change and use of such name on any license or identification card issued by the Department, in whole or in part:
 - (A) Is not for any wrongful or fraudulent purpose;
 - (B) Does not and shall not infringe on the interest, rights, or privacy of any other person;
 - (C) Is not prohibited by or in violation of any judicial or administrative adjudication.
- (xi) The applicant's certification that he or she understands it is unlawful to use a false or fictitious name on any application or affidavit and that any Department-issued license or identification card shall be canceled for failing to give the required or correct information.

Section 6. Commercial Driver's License (CDL) Exemptions.

Pursuant to W.S. 31-7-303, drivers are exempted from the general requirement under W.S. 31-7-106(a) to obtain a **commercial** driver's license. Drivers listed in the

following are still required to obtain a ~~noncommercial~~ a Class C license with the Z endorsement on their driver's license unless they are exempted by W.S. 31-7-107(a):

- (a) Operators of a farm or ranch vehicle that is:
 - (i) Controlled and operated by a farmer or rancher, including operation by employees or family members;
 - (ii) Used to transport agricultural products, farm machinery, and/or farm supplies to or from a farm or ranch;
 - (iii) Not used in the operations of a common contract motor carrier;
 - (iv) Used anywhere within the state of Wyoming, if registered in the state of Wyoming as a farm vehicle; and
 - (v) Used within 150 air miles of the farm or ranch if travelling across state lines.
- (b) Firefighters and other persons who operate commercial motor vehicles that are necessary to preserve life or property or execute emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles used in response to emergencies.
- (c) A driver employed by an eligible unit of local government operating a commercial motor vehicle within the boundaries of that unit to remove snow or ice from a roadway by plowing or salting, if:
 - (i) The properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle; or
 - (ii) The governmental entity determines that a snow or ice emergency exists and additional assistance is required.
- (d) Active duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians required to wear military uniforms); and active duty U.S. Coast Guard personnel.

Section 7. **Applications for Renewal by Mail.**

(a) An application for renewal by mail shall be mailed to an eligible licensee unless one or more of the following provisions apply:

(i) The applicant's license and/or operating privilege has been canceled, revoked, denied, or disqualified in the 4 years immediately preceding the date the license expires; or

(ii) The applicant holds:

(A) A "valid without photo, and/or valid without signature" license as provided in Section 8 of this chapter of rules and regulations; or

(B) A commercial driver's license with the Hazardous Materials endorsement issued pursuant to W.S. 31-7-304(e); or

(C) A commercial driver's license and does not have a valid federal medical examiner's certificate as required by W.S. 31-7-304(f); or

(iii) The applicant

(A) Is licensed as a nonresident alien; or

(B) Has legally changed his or her name since the license was last issued.

(b) An application for renewal by mail may be mailed to a Wyoming resident who is temporarily out of state.

(c) Applications for military personnel and their dependents shall be processed in the same manner as provided for in W.S. 31-7-119(c) and W.S. 31-7-119(g).

(i) Unless received from active duty military personnel or their dependents, applications for renewal by mail mailed to the Department postmarked later than the expiration date of the license shall be denied and returned with the applicant's enclosed fee.

(ii) Applications for renewal by mail mailed to the Department by active duty military personnel or their dependents, whether postmarked before or after the expiration date of the license, shall be processed pursuant to W.S. 31-7-119(c) and W.S. 31-7-119(g). Active duty military personnel shall not be charged a fee to renew their Wyoming licenses.

(d) Unless presented by active duty military personnel, any application for a renewal by mail presented in person to a driver's license examiner after the license has expired shall be denied, and the applicant shall be processed as a first-time applicant and charged the required fee.

(i) Active duty military personnel applying in person for renewal of their Wyoming driver's license who present an expired license, not expired more than four (4) years, shall be processed pursuant to W.S. 31-7-119(c) and W.S. 31-7-119(g) and not charged a fee.

(ii) If the licensee does not want the *I* restriction imposed on the license indicating, "Expiration waived when accompanied by active duty military ID card," the licensee will be treated as a non-military client.

(iii) Dependents of active duty personnel applying in person for renewal of their Wyoming driver's license who present an expired license shall be processed pursuant to W.S. 31-7-119(c) and W.S. 31-7-119(g) and charged the renewal fee.

Section 8. "Valid Without Photo" and/or "Valid Without Signature" Licenses.

(a) At its discretion, the Department may issue a temporary "valid without photo" and/or "valid without signature" license under certain circumstances.

(b) The "valid without photo" and/or "valid without signature" license may be issued if:

(i) A person applies to the Department for a renewal ~~or duplicate~~ of a valid Wyoming driver's license and is unable to return to Wyoming or if an equipment malfunction caused the license to be unusable and the person has left the state for an extended period;

(ii) The person complies with the vision requirements found in W.S. 31-7-119(g);

(iii) The person submits the required fee to the Department; and

(iv) The Problem Driver Pointer System (PDPS) and Driver License Number (DLN) Survey does not show an ineligible status in any state.

(c) A licensee who holds a commercial driver's license shall not be issued a "valid without photo" and/or "valid without signature" license ~~but may be issued a "valid without photo" and/or "valid without signature" noncommercial license of the same class.~~

(d) Any person holding a "valid without photo" and/or "valid without signature" license shall surrender it within 30 days after returning to Wyoming, obtain a Wyoming license with a photograph and/or signature, and pay the required fee.

Section 9. **Restricted Class "C" or "M" Licenses.**

(a) Any affidavit for a restricted Class "C" and/or "M" license shall be signed by the parent or guardian having legal custody and shall include a finding by the Highway Patrol that extreme inconvenience actually exists. The affidavit shall also:

(i) Set forth the purpose or purposes for which the applicant needs to drive;

(ii) State the names and relationship of persons possessing valid driver's licenses residing at the same domicile as the applicant and a statement of the reasons these licensed drivers cannot provide transportation for the applicant;

(iii) State the class(es) of license desired; and

(iv) Include statements from the school superintendent or principal and/or employer verifying enrollment, employment, school hours (including extracurricular activities), and/or work hours.

(v) Any other circumstance that the Highway Patrol finds is an extreme inconvenience shall be limited to the need to provide transportation to individuals living in the applicant's domicile for medical or health purposes if:

(A) The medical or health reason is a long-term condition requiring transportation for at least 6 months; and

(B) A signed statement from a medical doctor or vision specialist familiar with the medical or health condition is submitted describing the condition, its duration, and the need for transportation resulting from it.

(b) Any applicant failing to apply for a restricted license within 30 days of the affidavit's approval shall be required to submit another affidavit to the Highway Patrol.

(c) Restricted Class "C" and "M" licenses shall expire 30 days after the licensee's sixteenth birthday.

Section 10. **Oaths.**

Each oath, affidavit, or verification required to obtain a license or permit, or to include the gift of life designation, next of kin designation, or veteran's designation, may be submitted to or administered by any authorized driver's license examiner.

Section 11. **Examinations.**

(a) All first-time and renewal driver's license applicants, as well as applicants for instruction permits, may be required to pass a vision screening when issued a license. Applicants may also be required to pass a knowledge test of traffic regulations and traffic regulatory signs and/or demonstrate ability to operate a motor vehicle of the class and type for which application is made. The driver's license examinations shall include a determination of legal qualifications to hold a driver's license. Any applicant who has not held a valid driver's license in the preceding 2 years, immediately prior to application, must take all knowledge tests and driving skills tests as required by the Department.

(b) Any vehicle used for the driving skills test shall meet the requirements found in W.S. 31-5-901 through W.S. 31-5-1402. Any special mechanical devices on any motor vehicle shall be properly installed and inspected before the driving skills test is administered.

(c) At the examiner's discretion, the driving skills test may be waived for a first-time applicant for a classified driver's license if the applicant presents a signed certificate of completion from a driver's education course approved by the Wyoming Department of Education or a driver training course certified by the Department of Transportation.

(d) An applicant for a commercial driver's license ~~or a Wyoming Class "A" or Class "B" noncommercial driver's license~~, who was exempt from having a commercial driver's license (CDL) as provided in Section 6(d) of these rules, may qualify for a waiver of the driving skills test by completing a certification form provided by the Department. At a minimum, the certification shall verify that, during the 2-year period immediately prior to application, the applicant:

- (i) Has not possessed more than one driver's license;
- (ii) Has not had any driver's license or driving privileges suspended, revoked, or canceled;
- (iii) Has not had any commercial driver's license or driving privileges disqualified;
- (iv) Has not had more than one conviction for any serious traffic violations, or a record of an at-fault or uninsured accident (as defined in W.S. 31-7-102[xli] and the *Rules and Regulations of the Wyoming Department of Transportation*); and
- (v) Has at least 2 years' experience operating a vehicle of the type and class for which application is being made, immediately preceding discharge from the military, and was:
 - (A) Regularly employed within the last 90 days in a military position requiring the operation of a commercial motor vehicle (CMV),
 - (B) Was exempted from CDL requirements in 49 CFR 383.3(c), and
 - (C) Was operating a vehicle representative of the commercial motor vehicle the applicant expects to operate, for at least two years immediately preceding discharge from the military.
- (vi) The applicant shall also provide all other information required by the FMCSR.
- (e) The written and driving skills testing requirements may be waived upon the renewal of a commercial driver's license, except that:
 - (i) Testing requirements mandated by the FMCSR may not be waived;
 - (ii) A driving skills test may not be waived if the licensee has had any driver's license or driving privileges revoked, canceled, or disqualified.
 - (iii) The licensee shall provide a vehicle representative of the type and class of driver's license for which he or she is applying in order for the Department to administer a driving skills test.

(f) Any applicant for a School Bus endorsement shall also pass the required test(s) for and be issued a Passenger (P) endorsement. Testing for a School Bus endorsement includes a written test and a skills test in a school bus as required by FMCSR.

(g) Vision requirements.

(i) The driver's license examiner may approve issuing the license:

(A) If the vision screening given by an examiner, optometrist, or ophthalmologist shows an acuity of at least 20/40 or better with both eyes, with or without corrective lenses;

(B) If the applicant has previously failed the vision screening and presents a written vision statement from an optometrist or ophthalmologist dated within the last 3 months showing an acuity of 20/40 or better, with both eyes, with or without corrective lenses;

(C) If the vision screening shows an applicant's visual acuity to be 20/50 or worse, with or without correction, he or she shall demonstrate the ability to operate a motor vehicle safely; and the license shall be issued with the appropriate restrictions based upon the vision screening and the results of the driving skills test;

(D) If the vision screening from an optometrist or ophthalmologist shows the applicant has an eye disease or condition, the examiner shall place restrictions on the license as recommended by the optometrist or ophthalmologist;

(E) If the applicant has a total combined horizontal field of vision, with both eyes, of at least 120 degrees, or if blind in one eye, at least ~~60~~ 90 degrees in the other eye.

(h) The knowledge test(s) may be given orally if the driver's license examiner determines it is necessary. A minimum grade of 80 percent shall be required to pass the knowledge test.

(i) At the examiner's discretion, any applicant may be required to demonstrate his or her ability to operate a motor vehicle safely as required by W.S. 31-7-122.

Section 12. **Third-Party Testing.**

(a) A third-party examiner shall enter into an agreement with the Department in order to administer driving skills tests to applicants for commercial driver's licenses. The agreement shall include, but is not limited to, the following terms:

(i) The third-party examiner shall permit:

(A) The Federal Motor Carrier Safety Administration (FMCSA), or its representative, and the Department to conduct random examinations, inspections, and audits without prior notice;

(B) The Department to conduct on-site inspections and/or audits at least annually;

(C) ~~Department examiners to take the tests actually administered by the third party as if the examiners were test applicants~~ Transmit schedules and testing scores both pass and fail, via the Commercial Skills Test Information System (CSTIMS) as prescribed by the CSTIMS user manual; or the Department may test a sample of drivers examined by the third party to compare pass/fail results, or both, as deemed appropriate; and

(ii) The Department reserves the right to cancel agreements with third-party examiners that fail to comply with state or federal standards for the commercial driver's license testing program or with any other terms of these rules, the third-party agreement, or Attachment A to that agreement.

(b) The third-party examiner shall meet the same qualification and training standards as Department driver's license examiners.

(c) Any applicant for a commercial driver's license who passes the driving skills test administered by an authorized third party shall provide evidence to the Department that he or she has successfully passed the driving skills test. All affidavits presented in place of taking a driving skills test or submitting a Commercial Driver's License Test History form shall be signed by the person tested and dated within 6 months of the time the affidavit is presented to the Department. All affidavits shall be executed by a proper official of the legal entity having entered into a third-party examiner agreement with the Department or by a Wyoming driver's license examiner.

(d) Third-party examiners shall conduct a minimum of 10 tests on different applicants within a 1 year period to maintain active examiner status. If a third party examiner fails to complete 10 different tests, the person must attend a refresher course

conducted by the state, or successfully administer a skills test to a state certified examiner.

(e) Third-party examiners shall have a current valid Wyoming CDL of the type and class for which they will be testing and not have been suspended, revoked, canceled, or disqualified in the last 5 years;

(f) A school intended to train truck drivers shall be eligible to become a third-party tester upon complying with the following:

(i) The school shall be licensed with the Wyoming Department of Education, Private School Non-degree Program, and provide a copy of the license to the Department of Transportation;

(ii) All third-party examiners shall complete training and certification provided by the Wyoming Department of Transportation Driver Services Program and have a certificate on file with the Department;

(iii) A third-party tester or examiner shall not charge any fee for skills tests administered, except those fees and tuition allowed by the Wyoming Department of Education;

(iv) A third-party examiner shall test only individuals registered as students with the school licensed to act as a third-party tester.

(v) A third-party examiner shall not act as both an examiner and trainer-instructor of a student registered with a school licensed to act as a third-party tester;

(vi) A truck driving school shall also comply with all provisions of preceding Section 12(a) through (e) of these regulations; and

(vii) A third-party tester for a truck driving school shall re-certify annually with the Department.

(g) Third-party testers or examiners shall have their certification canceled if the Department determines that Wyoming statutes, Department rules and regulations, or the third-party agreement or Attachment A as signed by the third-party tester have been violated.

(h) A third-party tester may be re-certified upon satisfying the Department that all violations have been corrected and all third-party examiners have been re-trained and certified in accordance with these rules.

(i) All ~~non-government~~ third-party examiners shall complete a nationwide criminal background check ~~on or before January 1, 2014~~. The results of the report shall be filed with the Department.

(j) All non-government third-party examiners must file a bond with the state of Wyoming in the amount of \$10,000 and maintain the bond to retain certification by the Department.

Section 13. Fees.

(a) A commercial driver's license driving skills test shall not be scheduled and/or conducted until the Department receives the required fee.

(i) The required commercial driver's license driving skills test fee shall be forfeited by the applicant and not refunded upon:

(A) Failure to appear at the scheduled time and location, or failure to cancel 24 hours in advance of the scheduled time, unless the failure to appear was caused by factors beyond the person's control, such as road closures and/or documented medical emergencies. Failure to obtain—or the unavailability of—a vehicle of the proper class and type shall not be deemed as beyond the person's control, and the fee shall be forfeited.

(B) Failure of any portion of the required driving skills test.

(C) Rejection of the vehicle by the examiner because of faulty or unsafe equipment or equipment of the improper class and/or type.

(D) A third or subsequent cancellation of the driving skills test.

(ii) A commercial driver's license driving skills test shall not be rescheduled until the Department receives an additional skills test fee.

~~(iii) The skills test fee shall be required for a person who must take a driving skills test to be issued a non-CDL Class "A" or Class "B" driver's license.~~

(b) The Department shall accept personal checks for required fees if:

- (i) The personal check is made payable to the Department;
 - (ii) The personal check is printed (not handwritten) with the name and current address of the person issuing the check; and
 - (iii) The personal check is for the amount of the required fee(s) only.
- (c) The Department shall not accept two-party or payroll checks.
 - (d) The fee for a driver's license record shall be ~~five dollars~~ (\$5).
 - (e) The fee for a driver's license record requested and searched by electronic medium shall be ~~five dollars~~ (\$5).
 - (f) Additional fees shall be assessed as needed for programming costs.

Section 14. Driver License or Identification Card Not Delivered.

(a) A license or identification card returned to the Department undelivered shall be held for 60 days from the date it was mailed by the Department. If the Department receives no inquiry within the 60 days, the license or identification card shall be subject to cancellation.

(b) If a licensee notifies the Department within 60 days of the mail date that he or she did not receive a license or identification card, another card shall be issued without fee if the person's address has not changed. The licensee must wait 30 days after the card has been mailed before the Department can issue a replacement license or identification card.

Section 15. Grounds for Suspension.

(a) The license of any person may be suspended for up to 12 months if the licensee is a repeated violator. The Department shall consider a licensee a repeated violator when its records show that a person has been convicted of 3 or more moving violations within a one-year period. The Department shall take the following action with repeated violators:

(i) Notify the person, in writing, that he or she has been convicted of 3 moving violations within a one-year period (using the offense date of the violations) and identify the possible consequences of receiving additional moving violation convictions.

(ii) Suspend the license for 90 days upon receiving evidence of a conviction for a fourth moving violation (using the offense date of the violations) within a one-year period; and

(iii) Suspend the license for an additional 90 days upon receiving evidence of subsequent conviction(s) totaling 4 or more moving violations within a one-year period (using the offense date of the violations).

(b) Moving violations used in one suspension action may be used in a subsequent suspension action if the record, with addition of a new moving violation or violations, shows at least 4 moving violations within a one-year period (using the offense date of the violations).

(c) Upon receiving a record of conviction, the Department shall suspend a driver's license for violations of W.S. 31-7-133 for 90 days.

(d) The Department shall suspend commercial driver's licenses for 90 days for violations of any CDL endorsements.

(e) Any person who fails to appear in court shall have his or her license suspended for up to 12 months, or until he or she appears in court and complies with the conditions of the citation, whichever comes first.

(f) Any person suspended under the authority granted in W.S. 31-7-140 shall have his or her Wyoming driver's license suspended until cleared by the court issuing such action. The driver's license shall be reinstated after all fees required by the State have been paid.

Section 16. **Grounds for Cancellation, Denial, or Disqualification.**

(a) Any person shall be denied the issuance of a license or have an existing license canceled for any of the following:

(i) The person is not legally, physically, or mentally qualified to hold a license because of

(A) Legal age;

(B) Nonresident status;

(C) Previous disqualification, cancellation, denial, suspension, or revocation;

(D) Failure to meet statutory requirements; or

(E) Other reasons as may be described by Department policy, procedure, or other legal actions.

(ii) Upon receipt by the Department of a written medical statement from a qualified medical professional that the person is not medically, physically, or mentally capable of safely operating a motor vehicle.

(iii) Upon receipt by the Department of a written vision statement from an optometrist or ophthalmologist indicating the person's:

(A) Best visual acuity with or without corrective lenses is worse than 20/100 with both eyes;

(B) Best visual acuity with or without corrective lenses is worse than 20/100 in the carrier lenses, and the bioptic telescope or other low-vision aid does not correct the visual acuity to at least 20/40 or,

(C) Total combined horizontal field of vision, with both eyes, is less than 120 degrees, or if blind in one eye, less than ~~60~~ 90 degrees in the other eye.

(iv) Upon receipt by the Department of a medical statement from a qualified medical professional that the person is afflicted with a medical disorder resulting in a loss, interruption, or lapse of consciousness and/or motor function. The denial or cancellation shall not be reconsidered until the Department receives a written statement from a qualified medical professional stating that:

(A) The affliction no longer exists; or

(C) The affliction is medically controlled.

(v) Upon receipt by the Department of a written medical statement from a qualified medical professional that the person is afflicted with a medical or other disorder resulting in the inability to operate a motor vehicle safely.

(vi) Inability to demonstrate ordinary and reasonable skills to operate a motor vehicle safely as evidenced by the results of an investigation. Upon recommendation of the examiner, the person may:

(A) Apply for and receive an instruction permit, subject to any restrictions and/or conditions the Department imposes;

(B) Hold the instruction permit for at least 3 months; and then

(C) Request, in writing, that the Department conduct another investigation to determine if a license should be issued.

(vii) Disqualification under any of the commercial driver's license provisions of W.S. 31-7-305 and W.S. 31-7-310. The cancellation shall become effective on the same date as the disqualification.

(A) A person shall be disqualified from operating a commercial motor vehicle for:

(I) A period of 60 days if convicted of 2 serious traffic violations, or 120 days if convicted of 3 serious traffic violations, committed in a **commercial** vehicle arising from separate incidents occurring within a 3-year period.

(II) A period of 60 days if convicted of 2 serious traffic violations, or 120 days if convicted of 3 serious traffic violations, committed in a **noncommercial** vehicle arising from separate incidents occurring within a 3-year period only if the second or third conviction results in a suspension.

(III) Receipt by the Department of a disqualification from the Federal Motor Carrier Safety Administration for any violation listed under W.S. 31-7-305.

(B) Any person with lifetime disqualifications resulting wholly or in part from involvement with alcohol or controlled substances shall be ineligible for relicensing until 10 calendar years from the date of disqualification. After 10 years, the following provisions apply:

(I) When he or she makes written request for reapplication, such person shall be subject to the requirements as defined in Section 16, Subsections (b) and (c) of this rules chapter.

~~(II) If a license is issued, such person is prohibited from driving or being in control of any vehicle transporting hazardous material required to be placarded in accordance with 49 CFR 172.500 through 49 CFR 172.558.~~

(C) Any person with a lifetime disqualification resulting from reasons other than involvement with alcohol or controlled substances shall not be eligible

for relicensing until 10 calendar years from the date of disqualification. A commercial driver's license shall not be issued until the Department receives a written request and conducts an investigation, and the applicant complies with any restrictions and/or conditions imposed as a result of the investigation.

(D) No person shall be issued a new commercial driver's license until the Department ends or reduces the disqualification and the applicant is otherwise eligible for a commercial driver's license.

(I) A lifetime disqualification for a third or subsequent conviction of any offense as defined in W.S. 31-7-305(a) shall not be reduced to 10 years.

(II) A lifetime disqualification for using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance shall not be reduced to 10 years.

(E) Any person whose commercial driver's license has been canceled because of disqualification, but is otherwise eligible, may be issued a non-commercial driver's license.

(F) All applicants shall pass all required knowledge and skills tests and pay the required fees.

(x) Upon receipt by the Department of a report from the Bureau of Citizen and Immigration Services (BCIS) indicating that a non-U.S. citizen is not complying with immigration laws, the license shall remain canceled; and the person shall not be allowed to reapply until the Department receives evidence from the BCIS that his or her status is acceptable for licensing.

(xi) Holds a commercial driver's license and fails to comply with W.S. 31-7-304(f). The person's privilege to hold a commercial driver's license shall be canceled, and the person may be issued a non-commercial class license.

(b) The Department shall investigate the driving ability, character, and habits of an individual when he or she applies for reinstatement after completing a revocation and/or disqualification period if this person had a license or driving privilege revoked or disqualified as the result of involvement with alcohol and/or a controlled substance. An investigation shall be conducted when the Department has documented evidence that the person has an alcohol and/or substance abuse problem. In both instances, the license shall be denied until each requirement set out below is satisfied. The individual shall:

(i) Submit a current alcohol and/or controlled substance evaluation with a recommended course of treatment and/or counseling, by a counselor certified by the Wyoming Department of Health, Substance Abuse Division. This evaluation shall include information on whether the person is complying with the following:

(A) Submit evidence of satisfactory completion of, or current attendance in, a recommended course of treatment or counseling program. This evidence shall include information that the individual is complying with the counselor's recommended course of treatment.

(B) Provide verifiable evidence that the person has demonstrated compliance with an alcohol and/or controlled substance treatment or counseling program, or has been in substantial compliance with W.S. 31-7-401 through W.S. 31-7-404, for the previous six months.

(ii) If investigation by the Department reveals any documented incidents in an IIR provider's report or convictions of violating his or her revocation, disqualification, or ignition interlock requirements/restrictions, within the 6 months immediately prior to the date of the scheduled investigation, the Department may:

(A) Deny issuance of a new license;

(B) Deny application for at least 6 months; and

(C) Require the person to do the following:

(I) Provide evidence of completion of an approved alcohol and/or controlled substance treatment or counseling program within the six month denial period;

(II) Not receive any convictions/violations involving the use of alcohol or drugs during the four year term of any license issued after the investigation is completed; and

(III) Observe any other restrictions or conditions imposed by the Department.

(c) Any person who violates a restriction imposed by the Department under Section 16(b) shall have the license canceled and cannot apply for a new license until proof is submitted that:

(i) The person has completed an approved inpatient alcohol and/or controlled substance program since the last known incident; or

(ii) Is currently enrolled in and making satisfactory progress in an alcohol and/or controlled substance treatment program since the last known incident.

(d) Any person who has had a license revoked for a reason other than Section 16 (a) or (b) shall be denied a license until after the Department conducts an investigation and the person complies with any restrictions the Department imposes as a result of the investigation.

(e) An investigation may consist of a driving skills test in a vehicle representative of the type and class of license the person holds or for which he or she is applying, and any requirements or restrictions from an investigation completed under subsection (a) or (b) of this section.

Section 17. Surrender of License or Permit.

A license or permit that is suspended, canceled, or revoked shall be considered surrendered when given to any Wyoming Department of Transportation Driver Services employee, any law enforcement officer, or addressed and mailed to the Wyoming Department of Transportation, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340, with an "Attention: Driver Services" line.

Section 18. Right to Contested Case Hearings or Record Reviews.

(a) Every person whose driver's license is disqualified, suspended, revoked, canceled, or denied shall be notified of the right to request a contested case hearing or record review. The notification shall advise the person that:

(i) If the only reason for requesting a hearing is to receive limited driving privileges, then the request shall initiate a record review conducted by the Department.

(ii) If the request is for any purpose other than to receive limited driving privileges, then it shall initiate a contested case hearing before the Office of Administrative Hearings.

(b) Requests for record reviews of disqualifications, suspensions, revocations, cancellations, or denial actions for which limited driving privileges are not granted pursuant to W.S. 31-7-105 shall be denied.

Section 19. Requests for Contested Case Hearings or Record Reviews.

(a) Every request for a contested case hearing or record review arising from any driver's license-related action shall be made in writing and addressed to the Wyoming Department of Transportation, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340. Upon the Department giving notice of intent to suspend, revoke, cancel, disqualify, or deny a request for a contested case hearing or record review shall be considered timely if received or postmarked within 20 days of the date the Department gave the person notice of the Department's intended action and shall be accompanied by the required fee.

(b) "Computation of Time." The Department shall allow 5 days from the date the notice of intent was mailed to the person's last known address on file with the Department. The Department considers the order as received 5 days after mailing it. The 20-day period to request a contested case hearing or record review therefore shall begin on the sixth day after the Department gives notice of its intent, and the period shall conclude at midnight on the twentieth day thereafter—unless that day is a Saturday, Sunday, or legal holiday. In such cases, the period runs until midnight on the following business day.

(c) "Late Request." Except as provided in this Subsection (c), no contested case hearing shall be granted unless the request is made in a timely manner.

(i) Upon receiving a late request for a contested case hearing, the Department may grant a late contested case hearing if satisfactory written evidence and documentation is submitted showing that the lateness was not caused by the petitioner but instead by some external factor beyond his or her control.

(ii) Upon receiving a late request for a record review, the Department may grant a probationary driver's license for limited driving privileges if the person holds a permanent driver's license that is not expired, if he or she is otherwise entitled to limited driving privileges, and if the Department receives satisfactory written evidence indicating that failure to grant the limited driving privileges would cause an undue hardship.

(iii) Upon denial of a late request for a contested case, the Department shall refund the required fee.

(d) "Stay of Action." When a contested case hearing or timely record review is granted, the proposed action shall be stayed. The stay shall be effective the day the Department grants a contested case hearing or record review. Stays shall not be granted retroactively. Stays shall continue as follows:

(i) For a contested case, until a contested case hearing is conducted before the Office of Administrative Hearings and a final order has been entered; or

(ii) For a timely record review, the suspension dates are stayed for up to 30 days from the date the record review is granted or a probationary driver's license for limited driving privileges is issued, as long as the individual still holds a permanent driver's license that is not expired or has otherwise been withdrawn.

Section 20. **Probationary Licenses.**

(a) Upon receiving a request for a record review, the Department shall issue an order granting a probationary license, for one suspension action in a 5 year period, if:

(i) The person holds a permanent driver's license that is not expired and is otherwise eligible for a probationary license, pays the required fee; and

(ii) When required, the person files and maintains an SR-22 for a 3-year period. An SR-22, when required, shall be on file with the Department before a probationary license is issued. The probationary license shall be canceled if the Department receives an SR-26.

(iii) When required, the person shall submit a current alcohol and/or controlled substance evaluation by a counselor certified by the Wyoming Department of Health, Substance Abuse Division. The evaluation shall recommend, at a minimum, an alcohol and drug class that meets the Wyoming Substance Abuse Standards. The probationary license shall be issued when the person is enrolled in a class to be completed no later than 30 days after the start date of the suspension and/or upon proof the class was completed successfully. Instead of the class, the counselor may recommend more extensive treatment. If treatment is recommended, the person shall submit proof of current enrollment and satisfactory progress in an alcohol and/or controlled substance treatment program since the last known incident.

(iv) Upon receiving an adverse counselor's report, the Department shall deny or cancel the probationary license.

(b) The order granting a probationary driver's license shall include the following information, terms, and conditions:

(i) The starting and ending dates for which the probationary license is valid; and

(ii) The days, times, and reasons when the person is authorized to drive. An applicant shall pay an additional fee for any probationary license that must be changed or reissued because of his or her need to drive for circumstances not contained in the original application.

(iii) The probationary license and the order shall be carried by the person at all times when operating a motor vehicle.

(iv) Conviction for violating any traffic law, other than for parking, shall result in the immediate cancellation of the probationary license without further hearing.

(c) The Department shall issue a probationary license upon receiving an order from the Office of Administrative Hearings if the person is otherwise entitled to hold such a license and all fees have been received.

Section 21. Undue Hardship.

(a) Subject to W.S. 31-7-105, an undue hardship exists if the person establishes that being unable to drive shall result in the inability to provide the person or the person's dependents with the basic necessities of life, to include (but not limited to) food, clothing, and shelter.

(b) Undue hardship may also include the need to drive for educational purposes.

(c) An undue hardship does not exist if another licensed driver in the household is able to do the required driving.

(d) The undue hardship can only apply to a person having the hardship for purposes of driving in the state of Wyoming if:

(i) The person holds a current Wyoming driver's license, or

(ii) The person holds a current out-of-state license and is suspended in this state.

(e) If the undue hardship occurs in a state other than Wyoming, the probationary license may be denied if the other state does not honour a Wyoming probationary license.

Section 22. Appeals to the Office of Administrative Hearings.

Any person denied a probationary license as the result of a Department record review or adversely affected by a record review decision of the Department is entitled to appeal the decision to the Office of Administrative Hearings. The person has 20 days from the date the Department denies the probationary license or gives notice of its record review decision to request a hearing before the Office of Administrative Hearings, or the opportunity for a hearing is waived. An appeal under this section shall be treated as an appeal for a contested case under W.S. 31-7-105(e).

Section 23. Driver's License Records.

Driver's license records include only those records as defined in Section 3 of these rules.

(b) Unless otherwise provided by statute, the Department shall make available a 3/10 year driving record in accordance with the provisions of W.S. 31-5-1214(f), W.S. 31-7-120, W.S. 16-4-202(a), and the Driver's Privacy Protection Act (DPPA). The driving history record shall reflect at least the following actions:

- (i) All mandatory convictions, suspensions, revocations, or disqualifications;
- (ii) Uninsured accidents and accident suspensions; and
- (iii) Moving violations, moving violation suspensions, administrative per se suspensions, implied consent suspensions, financial responsibility requirements, and any other authorized administrative actions.

(c) No "Driving History Record," as defined under "Driver License Records" in Section 3 of these rules, shall be released except upon expressed written request by the individual record holder; or to a third party except upon presentation of a signed release from the record holder; or upon written request by law enforcement, or government agency, or court to carry out their official functions, or those permitted disclosures allowed in *Wyoming Department of Transportation Rules & Regulations, Motor Vehicles and Licensing, Chapter 7*.

(d) A record defined in these rules as "Verification record" under Driver License Records in Section 3 of these rules, shall not be released as part of any other record request, except upon expressed written consent of the record holder as allowed in *Wyoming Department of Transportation Rules & Regulations, Motor Vehicles and Licensing, Chapter 7*.

(e) A record defined in these rules as a “Medical Record” under Driver License Records in Section 3 of these rules, shall not be released as part of any other record request, except upon expressed written consent of the record holder as allowed in *Wyoming Department of Transportation Rules & Regulations, Motor Vehicles and Licensing, Chapter 7*.

Section 24. **Application for Handicap Placards.**

(a) Any application for a handicap placard shall be completed by an eligible person—as defined by W.S. 31-2-213(d)(ii)—or by a person or an agency responsible for transporting eligible persons. Proof of the identity for the eligible person shall be required when the placard is issued. The application shall include the following:

- (i) The applicant’s name, date of birth, address, and telephone number.
- (ii) Information about whether the applicant:
 - (A) Is requesting placards (and the number of placards); or
 - (B) Will obtain vehicle plates from the county treasurer.
- (iii) The applicant’s signature and the date.

(b) The medical section shall be completed and signed by a physician, ~~or physician’s assistant, or nurse practitioner~~ and the application submitted to the Department.

(c) Issuance of a handicap placard may result in a driver’s license review to determine the eligible person’s ability to operate a motor vehicle safely and to verify that the license reflects the proper restrictions for the stated condition. The medical information submitted on the application for a handicap placard is subject to the terms and conditions set forth in Section 16 of this rules chapter.

(d) Any eligible person may appear in person at a driver’s license exam office or apply by mail when applying for a handicap placard. If the eligible person is unable to appear but already exists as a client in the driver information system, a placard(s) may be issued on his or her behalf to a family member or a representative. The eligible person shall sign the handicap application, which shall be presented at the exam office ~~along with a form of legal identification for the eligible applicant.~~

Section 25. Reinstatement After Child Support Suspensions.

Upon receiving notice from the court or the Department of Family Services, this Department shall reinstate the obligor's Wyoming driver's license and/or driving privilege upon payment of the \$5 reinstatement fee if the license and/or privilege is not suspended, canceled, disqualified, or revoked for any other reason. The Department shall send the license, if valid and on file, to the obligor's last known address on record with this Department.

Section 26. Ignition Interlock Restricted Licenses.

(a) An ignition interlock restricted license shall not be issued to any person holding a commercial driver's license (CDL) or who is otherwise ineligible by statute to have an ignition interlock restricted license.

(b) Anyone applying for an ignition interlock restricted license must complete an application provided by the Department. For offenses on or after July 1, 2009, an application for an ignition interlock restricted license shall be made only after the Department has received and entered a disposition from a court of an alcohol related conviction for W.S. 31-5-233 or W.S. 31-5-234.

(c) When an eligible applicant has completed all requirements for an ignition interlock restricted license, and has provided the Department with a certificate of installation from the ignition interlock service provider, the Department may issue the license if the applicant is otherwise eligible. Such license shall contain:

(i) An expiration date with a period not to exceed 4 years.

(ii) The restriction *IIR* on the license, which states: "Must operate a vehicle equipped with an approved Ignition Interlock Device."

(d) The applicant shall pay any required reinstatement fees at the time the ignition interlock restricted license is issued and provide proof of financial responsibility.

(i) In addition to any required reinstatement fees, the applicant will be required to pay a fee of \$100.

(ii) This fee does not apply to any person applying for an ignition interlock restricted license who has qualified as an indigent person as allowed in subsection (f) of this section.

(e) Any person applying for removal of the ignition interlock restriction after completing a revocation period must meet the requirements of preceding Section 16, Subsection (b) of this chapter of rules and regulations before the ignition interlock restriction can be removed.

(f) Indigent persons may be eligible for partial payment by the Department. All the following shall apply:

(i) Anyone requesting assistance under W.S. 31-7-401(b)(vii), at the time of application, shall be an active participant in the federal food stamp program of the Wyoming Department of Family Services at the time of installation.

(ii) After an individual has complied with section 33(c) of this rule, the Department may reimburse the individual one half the cost of installation if presented with a receipt from the ignition interlock service provider for the total costs to the individual. This receipt shall be processed through the Department's Financial Services Program for payment to the individual.

(iii) The Department may also reimburse the individual one half the cost of monthly service fees if presented with a receipt from the ignition interlock services provider for the total costs to the individual. This receipt shall be processed through the Department's Financial Services Program for payment to the individual.

(iv) The individual shall remain an active participant with the Department of Family Services to receive this payment.

(v) Eligibility for this payment shall be for the period of time an individual remains an active participant in the federal food stamp program with the Wyoming Department of Family Services.

(vi) When the Department becomes aware of an individual's ineligibility, the Department shall notify the individual that he or she is no longer eligible.

Section 27. **Temporary Motorcycle License.**

Upon application to the department, the department may issue a ~~ninety (90)~~ day temporary motorcycle license, subject to the following restrictions and conditions:

(a) The applicant must pass a written examination;

(b) The applicant will be issued a paper temporary for a period of ~~ninety (90)~~ days;

- (c) The applicant must pay a fee of \$3;
- (d) The applicant may renew the temporary motorcycle license one time for an additional fee of \$3;
- (e) After having held ~~two~~ 2 temporary motorcycle licenses an applicant must retake any required written test(s) before being issued another temporary motorcycle license.

Section 28. Motor Vehicle Safety Responsibility.

(a) Proof of Financial Responsibility.

In addition to mandatory revocations or suspensions under W.S. 31-7-127 and W.S. 31-7-128, proof of financial responsibility shall be required and maintained for all suspensions under W.S. 31-9-202.

(b) Insurance Cards.

(i) In addition to the requirements established in W.S. 31-8-201, all insurance providers shall indicate and identify on the face of the insurance card:

(A) The insurance provider's National Association of Insurance Commissioners (NAIC) code, and

(B) If the provider uses a bar code on its insurance cards, the bar code shall comply with American National Standards Institute (ANSI) 2-dimensional bar code standards available through the following: <http://www.ansi.org>. This rule includes no amendments to the standard subsequent to the effective date of July 1, 2008.

(ii) In addition to the requirements established in W.S. 31-8-201, all commercial insurance providers shall also include on the face of the insurance card a statement indicating Commercial, Commercial Exempt, or other similar language indicating that the vehicle is covered under a commercial or fleet policy.

(iii) The insurance card may be carried in an electronic form as provided in W.S. 31-8 201(c).

(c) Insurance Verification System.

(i) Sellers of motor vehicle liability policies for vehicles owned in Wyoming shall comply with the provisions of the State of Wyoming Financial Responsibility Verification Program Web Services Program Guide for Insurers. This guide is available at cost by contacting the Wyoming Department of Transportation, Driver Services Program, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340.

(ii) This compliance requirement does not apply to:

- (A) Self-insurers pursuant to W.S. 31-9-414,
- (B) Self-insurers pursuant to W.S. 31-9-415,
- (C) Government vehicles as described by W.S. 31-4-103(d)(ii),
- (D) Vehicles meeting the requirements of W.S. 31-9-408 and W.S. 31-9-409, or
- (E) Commercial vehicles as described by W.S. 31-4-103(d)(iv).

(d) Right to Hearing.

Any party entitled to a contested case hearing in a matter involving the Wyoming Department of Transportation shall proceed under the provisions of the Wyoming Administrative Procedures Act, W.S. 16-3-101 through W.S. 16-3-115, as amended, and the provisions of Chapter 3, Appeals and Hearings, of the General Section of Wyoming Department of Transportation Rules and Regulations, as amended.

Section 29. Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reductions

(a) W.S. 26-14-105(C) requires the Wyoming Department of Transportation to approve motor vehicle accident prevention courses for liability insurance premium reductions. This section sets forth the requirements for the approval of such courses.

(b) In order to be approved, a motor vehicle accident prevention course must:

(i) Provide a minimum of ~~six~~(6) hours of classroom instruction. Such instruction must address the following subject areas:

- (A) Accident preventability;

- (B) Defensive Driving Techniques;
- (C) Alcohol and substance abuse;
- (D) The aging process;
- (E) Driver attitude; and
- (F) Traffic laws of the State of Wyoming.

(ii) The course may include audio-visual and electronic aids.

(iii) The course should include a student manual for each student.

(c) The instructor must present the student with a completion certificate upon completion of the course that is acceptable to the insurance provider.