



Notice of Intent to Adopt Rules

1. General Information

a. Agency/Board Name *See attached list for references*

Wyoming Department of Transportation

b. Agency/Board Address

5300 Bishop Boulevard

c. Agency/Board City

Cheyenne

d. Agency/Board Zip Code

82009-3340

e. Name of Contact Person

Matthew White

f. Contact Telephone Number

307-777-4161

g. Contact Email Address

Matthew.White@wyo.gov

h. Date of Public Notice:

June 27, 2012

i. Comment Period Ends:

August 10, 2012

j. Program(s) *See attached list for references*

Motor Vehicles and Licensing

2. Rule Type and Information

a. Choose all that apply: ☒ New Rules*

☐ Amended Rules

☐ Repealed Rules

* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.

If "New," provide the Enrolled Act number and year enacted: House Enrolled Act 0009 / enacted 2012

b. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed (if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)

Chapter Number:

1

Short Title:

Driver's Licenses

Chapter Number:

Short Title:

Chapter Number:

Short Title:

Chapter Number:

Short Title:

Chapter Number:

Short Title:

c. ☒ The Statement of Reasons is attached to this certification.

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: http://www.dot.state.wy.us/wydot/administration/rules_regs

* 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 person 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/repealed to comply with federal law or regulatory requirements. ☐ Yes ☒ No

If "Yes:"	Applicable Federal Law or Regulation Citation:
	Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> 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: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> 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 provide a statement explaining the reason the rules exceeds the requirements:

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	John F. Cox 
Title of Authorized Individual	Director
Date of Authorization	June 27, 2012

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).
- Secretary of State: Electronic version of Notice of Intent sent to rules@state.wy.us

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

MOTOR VEHICLES AND LICENSING SECTION

CHAPTER 1, DRIVER'S LICENSES

Chapter 1, Driver's Licenses, is a revised rule and regulation of the Wyoming Department of Transportation. This rule and regulation is promulgated by authority of W.S. 24-2-105, W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, and W.S. 31-7-401 to administer various matters relating to driver's licenses and commercial driver's licenses (CDL). This revised rule updates procedures relating to Ignition Interlock Device provisions, technical revisions, and other issues. This revised rule and regulation incorporates legislative changes from the 2012 Wyoming Legislature.

This rule replaces an emergency rule that goes into effect July 1, 2012.

Table of Contents

Driver's Licenses

Chapter 1

Section 1	Authority	1-1
Section 2	Purposes of the Rules	1-1
Section 3	Definitions	1-1
Section 4	Applications for Licenses, Permits, and Identification Cards	1-6
Section 5	Name Changes	1-9
Section 6	Commercial Driver's License (CDL) Exemptions	1-10
Section 7	Applications for Renewal by Mail	1-11
Section 8	"Valid Without Photo" Licenses	1-13
Section 9	Restricted Class "C" or "M" Licenses	1-14
Section 10	Oaths	1-14
Section 11	Examinations	1-15
Section 12	Third Party Testing	1-17
Section 13	Fees	1-19
Section 14	Driver License or Identification Card Not Delivered	1-20
Section 15	Grounds for Suspension	1-21
Section 16	Grounds for Cancellation, Denial, or Disqualification	1-22
Section 17	Surrender of License or Permit	1-27
Section 18	Right to Contested Case Hearings or Record Reviews	1-27
Section 19	Requests for Contested Case Hearings or Record Reviews	1-28
Section 20	Probationary Licenses	1-29
Section 21	Undue Hardship	1-30
Section 22	Appeals to the Office of Administrative Hearings	1-30
Section 23	Driver's License Records	1-31
Section 24	Prohibition on Disclosure and Use of Personal Information from State Motor Vehicle Records	1-31
Section 25	Required Disclosures	1-31
Section 26	Disclosure with Consent	1-32
Section 27	Permitted Disclosures	1-32
Section 28	Disclosure of Individual Records	1-34
Section 29	Additional Conditions	1-34
Section 30	Resale or Redisclosure	1-34
Section 31	Application for Handicap Placards	1-35
Section 32	Reinstatement After Child Support Suspensions	1-36
Section 33	Ignition Interlock Restricted Licenses	1-36

Wyoming Department of Transportation
Driver's Licenses

CHAPTER 1

Section 1. Authority.

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, and W.S. 31-7-401.

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 are also provided to implement the Federal Driver's Privacy Protection Act of 1994 (or DPPA) (Title 30 of Public Law 103-322), as amended and affirmed by the United States Supreme Court in *Reno v. Condon*, 528 U. S. 141 (2000), to protect the interest of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle records, except as authorized by such individuals or by law.

(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 privilege from the driver license.

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

(v) “Disclose” means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle record about a person or any other person, organization, or entity, by any means of communication.

(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) “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.

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

(ix) “Ignition interlock restricted license” means a restricted driver’s license issued by the Department pursuant to W.S. 31-7-401 through W.S. 31-7-405 and these rules.

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

(xi) “Individual record” means a motor vehicle record containing personal information about a designated person who is the subject of the record as identified in a request.

(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) “Motor vehicle record” means any record that pertains to a motor vehicle operator or driver’s license or permit, or identification document issued by the Department or other state or local agency authorized to issue any of such forms or credentials.

(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) “Personal information” means information that identifies a person, including an individual’s photograph or computerized image, signature, social security number, driver identification number, name, address, telephone number, and medical or disability information. This does not include information on vehicular accidents, driving or equipment-related violations, and driver’s license or registration status.

(xviii) “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.

(xix) “Record” includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials regardless of physical form or characteristics.

(xx) “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.

(xxi) “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 January 1, 1990, are Mechanical Aids (special brakes, hand controls, or other adaptive devices)–*H*; Commercial Driver’s License Intrastate Only–*I*; Valid Without Photo–*J*; Corrective Lenses–*L*; Daylight Driving Only–*N*; Outside Rearview Mirrors–*O*; Prosthetic Aids–*P*; Limited Others (the Department can be contacted for details about this restriction)–*U*; Automatic Transmission–*V*; Four-Year Vision–*W*; Four-Year Medical–*X*; Annual Vision–*Y*; or Annual Medical–*Z*.

(B) “Restrictions” for licenses issued on or after December 10, 1990, are Corrective Lenses–*B*; Mechanical Aid (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–*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 Vehicle Only–*R*; Annual Vision–*Y*; or Annual Medical–*Z*.

(C) “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*.

(I) An applicant for a commercial driver’s license who has not attained the age of 21 years shall be restricted to a commercial driver’s license (CDL) 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 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 (*O*).

(xxii) “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.

(xxiii) “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.

(xxiv) “Subject” means an individual or legal entity about whom personal information is maintained in an information system.

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

(xxvi) “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.

(xxvii) “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 or 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 (xviii) 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 documents(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 5 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 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) After January 1, 1994, any driver's license issued to an applicant under the age of 21 shall expire on the applicant's twenty-first birthday—other than a restricted Class "C" or Class "M" license, which shall expire 30 days after the licensee's sixteenth 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.

(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 may 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** 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; and

(iv) Used within 150 air miles of the farm or ranch.

(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” 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” Licenses.**

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

(b) The “valid without photo” 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” or “valid without signature” license but may be issued a “valid without photo” or “valid without signature” noncommercial license of the same class.

(d) Any person holding a “valid without photo” 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, 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 4-year 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.

(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 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.

(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;

(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 shows an applicant's vision to be 20/50 or worse in one eye, with or without correction, but at least 20/40 or better in the other eye, with or without correction, any vehicle the applicant operates shall be equipped with outside mirrors, and the license shall indicate that restriction; or

(E) If the vision screening shows the applicant has a progressive disease in one eye only and the vision in that eye is at least 20/40, with or without correction, any vehicle the applicant operates shall be equipped with outside rearview mirrors and the license shall indicate the *F* restriction;

(F) If the applicant has a total combined horizontal field of vision of at least 120 degrees.

(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; 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 5 tests within a 2-year period to maintain active examiner status.

(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 has 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.

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 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 bears 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 driving record shall be five dollars (\$5).
- (e) The fee for a driving record requested and searched by electronic medium shall be five dollars (\$5).
- (f) Any person who meets the requirements for “Permitted Disclosures” under Section 27 shall pay a minimum fee of two thousand five hundred dollars (\$2,500) for the entire driver data file. A partial file shall cost a minimum fee of one thousand two hundred fifty dollars (\$1,250).
- (g) The fee for “Permitted Disclosures” under Section 27(k) and “Disclosure of Individual Records” under Section 28 of this rules chapter shall be one thousand two hundred fifty dollars (\$1,250).
- (h) The fee for special jobs run for government agencies shall be a minimum of five hundred dollars (\$500).
- (i) 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 90 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) If the Department has good cause to believe someone is a repeated violator or otherwise not qualified to be licensed, it may require the person to submit to an investigation. When the result of the investigation is a recommendation to suspend:

(i) The Department shall suspend the license for 90 days; or

(ii) For up to 12 months, if recommended by the examiner.

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

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

(f) 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.

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 is worse than 20/100 in the carrier lenses or the bioptic, a telescopic, or other low-vision aid does not correct the visual acuity to at least 20/40 when attached to the carrier lenses; or,

(C) Total combined horizontal field of vision is less than 120 degrees.

(iv) Upon receipt by the Department of a medical statement from a qualified medical professional that the person is afflicted with a 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 doctor stating that:

(A) No loss of consciousness and/or motor function has occurred as the result of the affliction for at least one year; or

(B) The affliction no longer exists; or

(C) The affliction has been medically controlled for a minimum of 3 months.

(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 disorientation or 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) Violating a restriction on his or her license imposed by the Department as a result of an investigation. He or she cannot reapply for the license until 90 days after the date the license was canceled.

(viii) Giving false or fictitious information upon the application. Persons giving false or fictitious information on the application shall have their license or identification card canceled and cannot reapply until 90 days after the date of the cancellation.

(ix) 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) One year for a violation of a major offense as listed in W.S. 31-7-305 (a),

(II) Life for a second major offense as allowed by W.S. 31-7-305(c),

(III) Life for any violation of W.S. 31-7-305(e),

(IV) 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.

(V) 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, revocation, or cancellation.

(VI) 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 Class "C," "CM," or "M" 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) Obtain a current alcohol and/or controlled substance evaluation with a recommended course of treatment and/or counseling. This evaluation shall include information on whether the person is alcohol or substance free.

(ii) 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.

(iii) 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.

(iv) If investigation by the Department reveals any documented incidents or convictions of violating his or her revocation, disqualification, or ignition interlock requirements/restrictions, or any documented incidents involving alcohol consumption and/or controlled substance use within the 6 months immediately prior to the date of the scheduled investigation, the Department may:

(A) Deny issuance of a new license;

(C) 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; and

(II) Not receive any convictions 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; and

(d) Any person who has had a license revoked for a reason other than Section 16(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 shall consist of at least 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. Before conducting the driving skills test, the certified examiner shall verify that the person being tested has been issued or is covered by a valid motor vehicle liability policy as required and defined by Wyoming statutes.

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. To be considered timely, the request shall be postmarked within 20 days of the date the Department has given 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 or record review 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 Wyoming 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. The probationary driver's license shall be valid from the date of issuance through the remaining period of suspension.

(iii) Upon denial of a late request for a contested case hearing or a record review, 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 record review, 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 timely request for a record review, the Department shall issue an order granting a probationary license 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.

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.

(a) To assure compliance with W.S. 31-7-305(d), the Department shall maintain a permanent record of a person's driving history, unless otherwise provided by statute, for at least 10 years. This permanent record shall be for the use of and available only to individuals reviewing their own record, employers of commercial drivers, law enforcement, and other government agencies as authorized by the Department.

(b) Unless otherwise provided by statute, the Department shall make available a 3/5-year driving record in accordance with the provisions of W.S. 16-4-202(a) and the Driver's Privacy Protection Act (DPPA). The driving 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.

Section 24. Prohibition on Disclosure and Use of Personal Information from State Motor Vehicle Records.

(a) Despite any other provisions of state law to the contrary, except as provided in Section 25 to 28 of this rules chapter, neither the Department nor any of its officers, employees, agents, or contractors shall disclose personal information about any person obtained by the Department in connection with a motor vehicle record.

(b) Despite any other provisions of this law, under no circumstances shall a person's driver's license photo or computerized image, signature, social security number, or medical or disability information from a motor vehicle record be disseminated, except for the purposes permitted by Section 27, Subsections (a), (d), (f), and (i). This prohibition shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in this state.

Section 25. Required Disclosures.

Personal information referred to in Section 24 of this rules chapter shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft;

motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 USC 1231, et seq.; the Motor Vehicle Information and Cost Saving Act, 15 USC 1901, et seq.; the National Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381, et seq.; the Anti-Car Theft Act of 1992, 15 USC 2021, et seq.; and the Clean Air Act, 42 USC 7401, et seq., as amended; and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, the said acts of Congress.

Section 26. Disclosure with Consent.

Personal information referred to in Section 24(b) of this rules chapter may be disclosed to any requester, if such person demonstrates, in such form and manner as the Department prescribes, that written consent of the person who is the subject of the information has been obtained.

Section 27. Permitted Disclosures.

Personal information referred to in Section 24 of this rules chapter may be disclosed to any person by the Department, its officers, employees, or contractors, on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information shall be strictly limited to one or more of the following described purposes:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from original owner records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(i) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(ii) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court.

(e) For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles.

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section.

(i) For use by an employer or its agent or insurer to obtain or verify information required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC App. 2710, et seq.) relating to a holder of a commercial driver's license.

(j) For use in connection with the operation of private toll transportation facilities.

(k) For bulk distribution for surveys, marketing, or solicitations if the Department has obtained the express consent of the person to whom such personal information pertains.

(l) For any other use that is specifically authorized by law and is related to the operation of a motor vehicle or public safety.

Section 28. Disclosure of Individual Records.

Personal information referred to in Section 24 of this rules chapter that is contained in an individual record may be disclosed to any requesting person, without regard to intended use, if the Department has obtained the express consent of the person to whom such personal information pertains.

Section 29. Additional Conditions.

In addition to provision for payment of applicable fees, the Department may, before disclosing personal information as permitted under Sections 25 to 28 of this rules chapter, require the requesting person to meet conditions to obtain reasonable assurance concerning the identity of such requesting person, and, to the extent required, that the use shall be only as authorized or the consent of the person who is the subject of the information has been obtained. Such conditions may include, but need not be limited to, making and filing a written application in such form and containing such information and certification requirements as the Department may prescribe.

Section 30. Resale or Redisclosure.

(a) An authorized recipient of personal information, except a recipient under Subsection (k) of Section 27 or under Section 28 of this rules chapter, may resell or redisclose the information obtained to a third-party for any use permitted under Section 27—but not including the use for bulk distribution for surveys, marketing, or solicitations as set forth in Subsection (k) of Section 27.

(b) An authorized recipient of an individual record or records under Section 28 may resell or redisclose personal information for any purpose.

(c) An authorized recipient of personal information for bulk distribution for surveys, marketing, or solicitations under Subsection (k) of Section 27 may resell or redisclose personal information only in accordance with the terms of Subsection (k).

(d) Any authorized recipient (except a recipient of an individual record or records under Section 28) who resells or rediscloses personal information shall be required by the Department to

(i) Maintain for not less than 5 years records about the information obtained—and the permitted use for which it was obtained—and

(ii) To make such records available upon request for inspection by the

Department.

Section 31. 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) The license number, issuing state, and license class for the applicant's current driver's license. Any restriction to the applicant's current license shall also be listed.

(iii) Information about whether the applicant:

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

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

(iv) The applicant's signature and the date.

(b) The medical section shall be completed and signed by a physician or physician's assistant within 3 months of the date the application is 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 permanent handicap placard. If the eligible person is unable to appear but already exists as a client in the driver information system, a permanent placard 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.

Table of Contents

~~Motor Vehicles and Licensing~~ Driver's Licenses

Chapter 1

Section 1	Authority	1-1
Section 2	Purposes of the Rules	1-1
Section 3	Definitions	1-1
Section 4	Applications for Licenses, Permits, and Identification Cards	1-6
Section 5	Name Changes	1-9
Section 6	Commercial Driver's License (CDL) Exemptions	1-10
Section 7	Applications for Renewal by Mail	1-11
Section 8	"Valid Without Photo" Licenses	1-13
Section 9	Restricted Class "C" or "M" Licenses	1-14
Section 10	Oaths	1-14
Section 11	Examinations	1-15
Section 12	Third Party Testing	1-17
Section 13	Fees	1-19
Section 14	Driver License or Identification Card Not Delivered	1-20
Section 15	Grounds for Suspension	1-21
Section 16	Grounds for Cancellation, Denial, or Disqualification	1-22
Section 17	Surrender of License or Permit	1-27
Section 18	Right to Contested Case Hearings or Record Reviews	1-27
Section 19	Requests for Contested Case Hearings or Record Reviews	1-27 8
Section 20	Probationary Licenses	1-29
Section 21	Undue Hardship	1-30
Section 22	Appeals to the Office of Administrative Hearings	1-30
Section 23	Driver's License Records	1-31
Section 24	Prohibition on Disclosure and Use of Personal Information from State Motor Vehicle Records	1-31
Section 25	Required Disclosures	1-31
Section 26	Disclosure with Consent	1-32
Section 27	Permitted Disclosures	1-32
Section 28	Disclosure of Individual Records	1-34
Section 29	Additional Comments <u>Conditions</u>	1-34
Section 30	Resale or Redisclosure	1-34
Section 31	Application for Handicap Placards	1-35
Section 32	Reinstatement a After Child Support Suspensions	1-36
Section 33	Ignition Interlock Restricted Licenses	1-36

Wyoming Department of Transportation
Driver's Licenses

CHAPTER 1

Section 1. Authority.

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, and W.S. 31-7-401.

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 are also provided to implement the Federal Driver's Privacy Protection Act of 1994 (or DPPA) (Title 30 of Public Law 103-322), as amended and affirmed by the United States Supreme Court in *Reno v. Condon*, 528 U. S. 141 (2000), to protect the interest of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle records, except as authorized by such individuals or by law.

(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 privilege from the driver license.

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

(v) “Disclose” means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle record about a person or any other person, organization, or entity, by any means of communication.

(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) “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.

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

(ix) “Ignition interlock restricted license” means a restricted driver’s license issued by the Department pursuant to W.S. 31-7-401 through W.S. 31-7-405 and these rules.

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

(xi) “Individual record” means a motor vehicle record containing personal information about a designated person who is the subject of the record as identified in a request.

(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) “Motor vehicle record” means any record that pertains to a motor vehicle operator or driver’s license or permit, or identification document issued by the Department or other state or local agency authorized to issue any of such forms or credentials.

(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) “Personal information” means information that identifies a person, including an individual’s photograph or computerized image, signature, social security number, driver identification number, name, address, telephone number, and medical or disability information. This does not include information on vehicular accidents, driving or equipment-related violations, and driver’s license or registration status.

(xviii) “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.

(xix) “Record” includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials regardless of physical form or characteristics.

(xx) “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.

(xxi) “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 January 1, 1990, are Mechanical Aids (special brakes, hand controls, or other adaptive devices)–*H*; Commercial Driver’s License Intrastate Only–*I*; Valid Without Photo–*J*; Corrective Lenses–*L*; Daylight Driving Only–*N*; Outside Rearview Mirrors–*O*; Prosthetic Aids–*P*; Limited Others (~~assigned by the Department, can which must~~ be contacted for details about this restriction)–*U*; Automatic Transmission–*V*; Four-Year Vision–*W*; Four-Year Medical–*X*; Annual Vision–*Y*; or Annual Medical–*Z*.

(B) “Restrictions” for licenses issued on or after December 10, 1990, are Corrective Lenses–*B*; Mechanical Aid (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 (~~assigned by the Department; can which must~~ be contacted for details about this restriction)–*I*; Valid Without Photo–*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 Vehicle Only–*R*; Annual Vision–*Y*; or Annual Medical–*Z*.

(C) “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*.

(I) An applicant for a commercial driver’s license who has not attained the age of 21 years shall be restricted to a commercial driver’s license (CDL) 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 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 (*O*).

(xxii) “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.

(xxiii) “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.

(xxiv) “Subject” means an individual or legal entity about whom personal information is maintained in an information system.

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

(xxvi) “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.

(xxvii) “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 or 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 (xviii) 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 documents(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 5 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 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 ~~393~~ 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 ~~393~~ 390.3(f), 391.2, 391.68, or ~~393.9~~ 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) After January 1, 1994, any driver's license issued to an applicant under the age of 21 shall expire on the applicant's twenty-first birthday—other than a restricted Class "C" or Class "M" license, which shall expire 30 days after the licensee's sixteenth 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.

(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 may 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** 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; and

(iv) Used within 150 air miles of the farm or ranch.

(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” 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” Licenses.**

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

(b) The “valid without photo” 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” or “valid without signature” license but may be issued a “valid without photo” or “valid without signature” noncommercial license of the same class.

(d) Any person holding a “valid without photo” 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, 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 4-year 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.

(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 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.

(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;

(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 shows an applicant's vision to be 20/50 or worse in one eye, with or without correction, but at least 20/40 or better in the other eye, with or without correction, any vehicle the applicant operates shall be equipped with outside mirrors, and the license shall indicate that restriction; or

(E) If the vision screening shows the applicant has a progressive disease in one eye only and the vision in that eye is at least 20/40, with or without correction, any vehicle the applicant operates shall be equipped with outside rearview mirrors and the license shall indicate the *F* restriction;

(F) If the applicant has a total combined horizontal field of vision of at least 120 degrees, ~~or~~

(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; 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 5 tests within a 2-year period to maintain active examiner status.

(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 has 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.

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 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 bears 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 driving record shall be five dollars (\$5).
- (e) The fee for a driving record requested and searched by electronic medium shall be five dollars (\$5).
- (f) Any person who meets the requirements for “Permitted Disclosures” under Section 27 shall pay a minimum fee of two thousand five hundred dollars (\$2,500) for the entire driver data file. A partial file shall cost a minimum fee of one thousand two hundred fifty dollars (\$1,250).
- (g) The fee for “Permitted Disclosures” under Section 27(k) and “Disclosure of Individual Records” under Section 28 of this rules chapter shall be one thousand two hundred fifty dollars (\$1,250).
- (h) The fee for special jobs run for government agencies shall be a minimum of five hundred dollars (\$500).
- (i) 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 ~~renewed~~ 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 90 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) If the Department has good cause to believe someone is a repeated violator or otherwise not qualified to be licensed, it may require the person to submit to an investigation. When the result of the investigation is a recommendation to suspend:

(i) The Department shall suspend the license for 90 days; or

(ii) For up to 12 months, if recommended by the examiner.

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

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

(f) 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.

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 is worse than 20/100 in the carrier lenses or the bioptic, a telescopic, or other low-vision aid does not correct the visual acuity to at least 20/40 when attached to the carrier lenses; or,

(C) Total combined horizontal field of vision is less than 120 degrees.

(iv) Upon receipt by the Department of a medical statement from a qualified medical professional that the person is afflicted with a 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 doctor stating that:

(A) No loss of consciousness and/or motor function has occurred as the result of the affliction for at least one year; or

(B) The affliction no longer exists; or

(C) The affliction has been medically controlled for a minimum of 3 months.

(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 disorientation or 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) Violating a restriction on his or her license imposed by the Department as a result of an investigation. He or she cannot reapply for the license until 90 days after the date the license was canceled.

(viii) Giving false or fictitious information upon the application. Persons giving false or fictitious information on the application shall have their license or identification card canceled and cannot reapply until 90 days after the date of the cancellation.

(ix) 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) One year for a violation of a major offense as listed in W.S. 31-7-305 (a),

(II) Life for a second major offense as allowed by W.S. 31-7-305(c),

(III) Life for any violation of W.S. 31-7-305(e),

(IV) 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.

(V) 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, revocation, or cancellation.

(VI) 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 Class "C," "CM," or "M" 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) Obtain a current alcohol and/or controlled substance evaluation with a recommended course of treatment and/or counseling. This evaluation shall include information on whether the person is alcohol or substance free.

(ii) 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.

(iii) 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.

(iv) If investigation by the Department reveals any documented incidents or convictions of violating his or her revocation, disqualification, or ignition interlock requirements/restrictions, or any documented incidents involving alcohol consumption and/or controlled substance use within the 6 months immediately prior to the date of the scheduled investigation, the Department may:

(A) Deny issuance of a new license;

(C) 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; and

(II) Not receive any convictions 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; and

(d) Any person who has had a license revoked for a reason other than Section 16(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 shall consist of at least 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. Before conducting the driving skills test, the certified examiner shall verify that the person being tested has been issued or is covered by a valid motor vehicle liability policy as required and defined by Wyoming statutes.

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. To be considered timely, the request shall be postmarked within 20 days of the date the Department has given 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 or record review 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 Wyoming 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. The probationary driver's license shall be valid from the date of issuance through the remaining period of suspension.

(iii) Upon denial of a late request for a contested case hearing or a record review, 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 record review, 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 timely request for a record review, the Department shall issue an order granting a probationary license 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.

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.

(a) To assure compliance with W.S. 31-7-305(d), the Department shall maintain a permanent record of a person's driving history, unless otherwise provided by statute, for at least 10 years. This permanent record shall be for the use of and available only to individuals reviewing their own record, employers of commercial drivers, law enforcement, and other government agencies as authorized by the Department.

(b) Unless otherwise provided by statute, the Department shall make available a 3/5-year driving record in accordance with the provisions of W.S. 16-4-202(a) and the Driver's Privacy Protection Act (DPPA). The driving 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.

Section 24. Prohibition on Disclosure and Use of Personal Information from State Motor Vehicle Records.

(a) Despite any other provisions of state law to the contrary, except as provided in Section 25 to 28 of this rules chapter, neither the Department nor any of its officers, employees, agents, or contractors shall disclose personal information about any person obtained by the Department in connection with a motor vehicle record.

(b) Despite any other provisions of this law, under no circumstances shall a person's driver's license photo or computerized image, signature, social security number, or medical or disability information from a motor vehicle record be disseminated, except for the purposes permitted by Section 27, Subsections (a), (d), (f), and (i). This prohibition shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in this state.

Section 25. Required Disclosures.

Personal information referred to in Section 24 of this rules chapter shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft;

motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 USC 1231, et seq.; the Motor Vehicle Information and Cost Saving Act, 15 USC 1901, et seq.; the National Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381, et seq.; the Anti-Car Theft Act of 1992, 15 USC 2021, et seq.; and the Clean Air Act, 42 USC 7401, et seq., as amended; and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, the said acts of Congress.

Section 26. Disclosure with Consent.

Personal information referred to in Section 24(b) of this rules chapter may be disclosed to any requester, if such person demonstrates, in such form and manner as the Department prescribes, that written consent of the person who is the subject of the information has been obtained.

Section 27. Permitted Disclosures.

Personal information referred to in Section 24 of this rules chapter may be disclosed to any person by the Department, its officers, employees, or contractors, on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information shall be strictly limited to one or more of the following described purposes:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from original owner records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(i) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(ii) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court.

(e) For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles.

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section.

(i) For use by an employer or its agent or insurer to obtain or verify information required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC App. 2710, et seq.) relating to a holder of a commercial driver's license.

(j) For use in connection with the operation of private toll transportation facilities.

(k) For bulk distribution for surveys, marketing, or solicitations if the Department has obtained the express consent of the person to whom such personal information pertains.

(l) For any other use that is specifically authorized by law and is related to the operation of a motor vehicle or public safety.

Section 28. Disclosure of Individual Records.

Personal information referred to in Section 24 of this rules chapter that is contained in an individual record may be disclosed to any requesting person, without regard to intended use, if the Department has obtained the express consent of the person to whom such personal information pertains.

Section 29. Additional Conditions.

In addition to provision for payment of applicable fees, the Department may, before disclosing personal information as permitted under Sections 25 to 28 of this rules chapter, require the requesting person to meet conditions to obtain reasonable assurance concerning the identity of such requesting person, and, to the extent required, that the use shall be only as authorized or the consent of the person who is the subject of the information has been obtained. Such conditions may include, but need not be limited to, making and filing a written application in such form and containing such information and certification requirements as the Department may prescribe.

Section 30. Resale or Redisclosure.

(a) An authorized recipient of personal information, except a recipient under Subsection (k) of Section 27 or under Section 28 of this rules chapter, may resell or redisclose the information obtained to a third-party for any use permitted under Section 27—but not including the use for bulk distribution for surveys, marketing, or solicitations as set forth in Subsection (k) of Section 27.

(b) An authorized recipient of an individual record or records under Section 28 may resell or redisclose personal information for any purpose.

(c) An authorized recipient of personal information for bulk distribution for surveys, marketing, or solicitations under Subsection (k) of Section 27 may resell or redisclose personal information only in accordance with the terms of Subsection (k).

(d) Any authorized recipient (except a recipient of an individual record or records under Section 28) who resells or rediscloses personal information shall be required by the Department to

(i) Maintain for not less than 5 years records about the information obtained—and the permitted use for which it was obtained—and

(ii) To make such records available upon request for inspection by the

Department.

Section 31. 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) The license number, issuing state, and license class for the applicant's current driver's license. Any restriction to the applicant's current license shall also be listed.

(iii) Information about whether the applicant:

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

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

(iv) The applicant's signature and the date.

(b) The medical section shall be completed and signed by a physician or physician's assistant within 3 months of the date the application is 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 permanent handicap placard. If the eligible person is unable to appear but already exists as a client in the driver information system, a permanent placard 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 32. 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 33. 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.

(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 ~~the 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 \$100.00.

(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 (c) 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 ~~will~~ 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 32. 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 33. 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.

(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 \$100.00.

(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 (c) of this chapter of rules and regulations before the ignition interlock

restriction can be removed.

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(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.