



Certification Page
Regular and Emergency Rules
Revised August 2023

☐ **Emergency Rules** (Complete Sections 1-3 and 5-6)

☒ **Regular Rules**

1. General Information

a. Agency/Board Name*

Wyoming Department of Transportation

b. Agency/Board Address

5300 Bishop Blvd.

c. City

Cheyenne

d. Zip Code

82009

e. Name of Agency Liaison

John Davis

f. Agency Liaison Telephone Number

(307) 777-4158

g. Agency Liaison Email Address

john.davis@wyo.gov

h. Adoption Date

10/19/2023

i. Program

Motor Vehicles & Licensing

Amended Program Name (if applicable):

* ☐ By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☐ No.

☒ Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:

Chapter:
152

Year:
2021

3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number:

7

Chapter Name:

Motor Vehical Records and Privacy

☒ New

☐ Amended

☐ Repealed

Amended Chapter Name (if applicable):

Motor Vehicle Records

Chapter Number:

Chapter Name:

☐ New

☐ Amended

☐ Repealed

Amended Chapter Name (if applicable):

Chapter Number:

Chapter Name:

☐ New

☐ Amended

☐ Repealed

Amended Chapter Name (if applicable):

Chapter Number:

Chapter Name:

☐ New

☐ Amended

☐ Repealed

Amended Chapter Name (if applicable):

Chapter Number:

Chapter Name:

☐ New

☐ Amended

☐ Repealed

Amended Chapter Name (if applicable):

Chapter Number:

Chapter Name:

☐ New

☐ Amended

☐ Repealed

Amended Chapter Name (if applicable):

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☒ Yes. ☐ N/A

b. A public hearing was held on the proposed rules. ☒ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

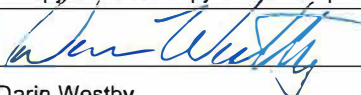
5. Checklist

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

b. ☐ For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Darin Westby
Signatory Title	WYDOT Director
Date of Signature	10/19/2023

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

MOTOR VEHICLE AND LICENSING SECTION

CHAPTER 7, MOTOR VEHICLE RECORDS

Chapter 7, *Motor Vehicle Records*, is a new rule and regulation of the Wyoming Department of Transportation. These rules of practice and procedure are promulgated by authority of W.S. 16-4-202(a) 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.

Proposed revisions to the former rule adjust third-party fees in response to Enrolled Act No. 94 of the 2021 Wyoming Legislature. Section 3(b) of this act states that, “[t]he department of transportation shall determine by rule and regulation fees for third party use of the replacement revenue information computer system.” In this draft rule, fees established when the department originally promulgated the rule in the 1997 have been increased by amounts less than Consumer Price Index inflation rate since 1997. These increases have been updated to partially off-set increased costs associated with designing, implementing, and maintaining the department’s new motor vehicle records computer system, which multiple government agencies rely on to meet their statutory functions.

Other changes have been made to improve or simplify language and remove references no longer needed as relevant federal law is now long established.

COMMENT SUMMARY
CHAPTER 7
MOTOR VEHICLE RECORDS
MOTOR VEHICLES AND LICENSING SECTION

The Wyoming Department of Transportation received no public comments for Chapter 7, Motor Vehicle Records, from the *Wyoming Department of Transportation Rules and Regulations* Motor Vehicles and Licensing Section. The public comment period occurred from June 19, 2023, to August 18, 2023.

Chapter 7

Motor Vehicle Records

Section 1. Authority and Purpose. These rules of practice and procedure are promulgated by authority of W.S. 16-4-202(a) to protect the personal privacy of individuals by prohibiting the disclosure and use of personal information contained in their motor vehicle records, except as authorized by such individuals or by law.

Section 2. Definitions.

- (a) “Department” means the Wyoming Department of Transportation.
- (b) “Expressed consent” means written consent, including consent conveyed electronically that bears an electronic signature.
- (c) “Highly restricted personal information” means an individual’s image, social security number, or medical or disability information.
- (d) “Motor vehicle record” means a record pertaining to a motor vehicle operator’s permit, motor vehicle title or registration, or Department-issued identification card.
- (e) “Person” means an individual, organization, or entity, but does not include this state or an agency thereof.
- (f) “Personal information” means identifying information, including, but not limited to, an individual’s image, social security number, driver identification number, name, address, email address, phone number, or medical or disability information. This type of information does not include information on vehicular accidents, driving violations, or driver’s status.
- (g) “Subject” means an individual or a legal entity about whom personal information is maintained in an information system.

Section 3. Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records.

- (a) Despite other provisions of state law to the contrary, except as provided in Sections 4 through 6 of this chapter, the Department and its officers, employees, agents, or contractors shall not release personal information the Department obtained from motor vehicle records.

(b) Despite other provisions of this chapter, under no circumstances shall highly restricted personal information the Department obtained from motor vehicle records be released, except as permitted by Section 5, 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 the state.

Section 4. Required Disclosures. Personal information referred to in Section 3 of this chapter shall be disclosed to carry out the purposes of the following:

- (a) Anti-car Theft Act of 1992, Titles I and IV;
- (b) Automobile Information Disclosure Act (Title 15 United States Code (U.S.C.) § 1231, *et seq.*);
- (c) Clean Air Act (42 U.S.C. § 7401, *et seq.*) as amended;
- (d) 49 U.S.C. § 30101, *et seq.*; § 32101, *et seq.*; and § 33101, *et seq.*; and
- (e) All statutes and agency regulations enacted or adopted pursuant to the authority of or to attain compliance with the preceding Congressional acts.

Section 5. Permitted Disclosures. The Department and its officers, employees, or contractors may disclose personal information referred to in Section 3 of this chapter, subject to the exception in Section 3(b), to any person requesting such records if the requestor provides proof of identity and demonstrates that the requested information shall be used strictly for one or more of the following purposes:

- (a) For use by government agencies—including courts, law enforcement agencies, or private persons or entities acting on a government agency's behalf—in carrying out agency functions.
- (b) For use in 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, or dealers; motor vehicle market research activities, including survey research; and removal of motor vehicle manufacturer non-owner records from original owner records.
- (c) For use by a legitimate business or its agents, employees, or contractors, but only:
 - (i) To verify the accuracy of personal information an individual submitted to the business or its agents, employees, or contractors; and
 - (ii) To obtain correct information if the submitted information is incorrect or is no longer correct for the sole purpose of preventing fraud by pursuing legal remedies against the individual or recovering on a debt or security interest against the individual.

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

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

(f) For use by any insurer; insurance support organization; or self-insured entity or its agents, employees, or contractors regarding 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 licensed private investigative agencies or licensed security services for any purpose permitted under this section.

(i) For use by employers or their agents or insurers to obtain or verify information required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. § 2710, *et seq.*) relating to commercial driver's license holders.

(j) For use in operating private toll transportation facilities.

(k) For any other use specifically authorized by law and related to motor vehicle operation or public safety.

Section 6. Individual Records Disclosure. Personal information referred to in Section 3 of this chapter that is contained in an individual record may be disclosed to any requestor, without regard to intended use, if the Department obtained the express consent of the individual to whom such personal information pertains.

Section 7. Additional Conditions. In addition to provisions for payment of applicable fees, the Department may, before releasing personal information as permitted under Sections 4 through 6 of this chapter, require requestors to identify themselves and certify that the released information shall be used only as authorized or that the subject of the requested information has provided express consent. 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 8. Resale or Redisclosure.

(a) Authorized recipients of personal information, except recipients under Section 5(k) or Section 6 of this chapter, may resell or redisclose such information for uses permitted under Section 5.

(b) Authorized recipients of personal information under Section 6 may resell or redisclose personal information for any purpose.

(c) The Department shall require authorized recipients, except recipients of individual records under Section 6, who resell or redisclose personal information to:

(i) Maintain, for not less than five years, records identifying each person or entity that receives information and the permitted use for which the information will be used; and

(ii) Upon request, make such records available for inspection by the Department.

Section 9. Fees.

(a) Motor Vehicle Registration or Title Records. **All requests for motor vehicle registration or title records shall meet the requirements of Sections 3 through 8 of this chapter.** The Department shall collect the following fees when filling such record requests:

(i) For the entire title and registration file: \$4,250.

(ii) For a partial title and registration file: \$2,250.

(iii) For each individual record supplied in written format: \$15.

(iv) The Department shall charge contractor cost plus \$1,000 for each request for records maintained pursuant to International Registration Program (IRP), International Fuel Tax Administrators (IFTA), or special fuel tax provisions.

(v) Additional fees shall be assessed for any requests requiring programming changes or additions.

(b) Driver's License Records. The Department shall collect the following fees when filling requests for driver's license records:

(i) Any person who meets the requirements for permitted disclosures under Section 5 shall pay a \$3,250 minimum fee for the entire driver data file. A partial file fee shall be \$1,750 minimum.

(ii) For permitted disclosures of individual records under Section 6 of this chapter, the fee shall be \$3,250.

(iii) For special job runs for government agencies, the fee shall be \$750 minimum.

(iv) For individual driving records, the fee shall be \$10 per record request.

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

Wyoming Department of Transportation
Chapter 7

Motor Vehicle Records

CHAPTER 7

~~Section 1.~~ **Section 1.** **Authority and Purpose.** These rules of practice and procedure are promulgated by authority of W.S. 16-4-202(a) to protect the personal privacy of individuals by prohibiting the disclosure and use of personal information contained in their motor vehicle records, except as authorized by such individuals or by law.

~~These rules of practice and procedure are promulgated by authority of W.S. 16-4-202(a) to implement the Federal Driver's Privacy Protection Act (or DPPA) (Title 18 USC Chapter 2721, et seq.), as amended and affirmed by the United States Supreme Court in 2000 in *Reno vs. Condon*, 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.~~

~~Section 2.~~ **Section 2.** **Definitions.**

- (a) "Department" means the Wyoming Department of Transportation.
- (b) "Expressed consent" means written consent ~~in writing~~, including consent conveyed electronically that bears an electronic signature.
- (c) "Highly restricted personal information" means an individual's ~~photograph or~~ image, social security number, or medical or disability information.
- (d) "Motor vehicle record" means ~~any~~ a record ~~that pertains~~ pertaining to a motor vehicle operator's permit, motor vehicle title or registration, ~~motor vehicle registration~~, or Department-issued identification card ~~issued by the Department~~.
- (e) "Person" means an individual, organization, or entity, but does not include this state or an agency thereof.
- (f) "Personal information" means identifying information ~~that identifies an individual~~, including, but not limited to, an individual's photograph image, social security number, driver identification number, name, address, email address, telephone phone number, or medical or disability information; ~~but~~ This type of information does not include information on vehicular accidents, driving violations, or driver's status.
- (g) "Subject" means an individual or a legal entity about whom personal information is maintained in an information system.

~~Section 3.~~ **Section 3.** **Prohibition on Release and Use of Certain Personal**

Information from State Motor Vehicle Records.

(a) Despite ~~any~~ other provisions of state law to the contrary, except as provided in Sections 4 through 6 of this ~~rules~~ chapter, ~~neither the Department nor any of~~ and its officers, employees, agents, or contractors shall not release personal information ~~about any person obtained by the Department in connection with a~~ obtained from motor vehicle ~~record~~ records.

(b) Despite ~~any~~ other provisions of this chapter, under no circumstances shall highly restricted personal information ~~about any individual obtained by the Department~~ obtained from ~~in connection with a~~ motor vehicle ~~record~~ records be released, except for purposes ~~as~~ permitted by Section 5, ~~Subsections~~ 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 the state.

~~Section 4.~~ **Section 4. Required Disclosures.** Personal information referred to in Section 3 of this chapter shall be disclosed to carry out the purposes of the following:

~~Personal information referred to in Section 3 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 Titles I and IV of the Anti-car Theft Act of 1992; the Automobile Information Disclosure Act, (15 USC 11231, *et seq.*); the Clean Air Act, (42 USC 7401, *et seq.*) as amended; and Chapters 301, 305, and 321-331 of Title 49 (49 USC 30101, *et seq.*; 32101, *et seq.*; and 33101, *et seq.*); and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, the said acts of Congress.~~

(a) Anti-car Theft Act of 1992, Titles I and IV;

(b) Automobile Information Disclosure Act (15 U.S.C. § 1231, *et seq.*);

(c) Clean Air Act (42 U.S.C. § 7401, *et seq.*) as amended;

(d) 49 U.S.C. § 30101 *et seq.*; § 32101, *et seq.*; and § 33101, *et seq.*; and

(e) All statutes and agency regulations enacted or adopted pursuant to the authority of or to attain compliance with the preceding Congressional acts.

~~Section 5.~~ **Section 5. Permitted Disclosures.** The Department and its officers, employees, or contractors may disclose personal information referred to in Section 3 of this chapter, subject to the exception in Section 3(b), to any person requesting such records if the requestor provides proof of identity and demonstrates that the requested information shall be used strictly for one or more of the following purposes:

~~Personal information referred to in Section 3 of this rules chapter, subject to the exception~~

~~in Section 3(b), 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, agencies—including any court or courts,~~ law enforcement ~~agency agencies,~~ agencies, ~~in carrying out its functions,~~ or ~~any private person persons or entity entities~~ acting on ~~behalf of a government agency agency's behalf—in carrying out its agency~~ 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, or dealers; motor vehicle market research activities, including survey research; and removal of ~~nonowner motor vehicle manufacturer non-owner~~ 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 an individual 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~~ To obtain the correct information, but only if the submitted information is incorrect or is no longer correct for the ~~purposes~~ sole purpose of preventing fraud by, pursuing legal remedies against, the individual or recovering on a debt or security interest against, the individual.

(d) For use ~~in connection with any~~ regarding civil, criminal, administrative, or arbitral ~~proceeding in proceedings before~~ 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~~ regarding any court order.

(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; insurance support organization; or self-insured entity or its agents, employees, or contractors ~~in connection with~~ regarding 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 agencies~~ or licensed security ~~service services~~ for any purpose permitted under this section.

(i) For use by ~~an employer employers~~ or ~~its agent their agents~~ or ~~insurer insurers~~ to

obtain or verify information required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC U.S.C. App. § 2710, *et seq.*) relating to a ~~holder of a commercial driver's license~~ holders.

(j) For use in ~~connection with the operation of~~ operating 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~~ k) For any other use ~~that is specifically authorized by law and related to the operation of a motor vehicle~~ operation or public safety.

~~Section 6:~~ **Section 6. Individual Records Disclosure of Individual Records.** Personal information referred to in Section 3 of this chapter that is contained in an individual record may be disclosed to any requestor, without regard to intended use, if the Department obtained the express consent of the individual to whom such personal information pertains.

~~Personal information referred to in Section 3 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 7:~~ **Section 7. Additional Conditions.** In addition to provisions for payment of applicable fees, the Department may, before releasing personal information as permitted under Sections 4 through 6 of this chapter, require requestors to identify themselves and certify that the released information shall be used only as authorized or that the subject of the requested information has provided express consent. 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.

~~In addition to provisions for payment of applicable fees, the Department may, before releasing personal information as permitted under Sections 4 to 6 of this rules chapter, require requesting persons to identify themselves and certify that the use of the released information shall be used only as authorized, or that the express 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 8:~~ **Section 8. Resale or Redisclosure.**

(a) ~~An authorized recipient~~ Authorized recipients of personal information, except a ~~recipient~~ recipients under ~~Subsection (k) of Section 5(k) or under~~ Section 6 of this ~~rules~~ chapter, may resell or redisclose the such information for ~~any use~~ uses permitted under Section 5.

(b) ~~An authorized recipient~~ Authorized recipients of personal information under Section 6 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 5 may resell or redisclose personal information only in accordance with the terms of Subsection (k).~~

~~(d c) Any authorized recipient (The Department shall require authorized recipients, except a recipient of an recipients of individual record or records under Section 6), who resells resell or rediscloses redisclose personal information shall be required by the Department to:~~

~~(i) Maintain, for not less than 5 five years, records identifying each person or entity that receives information and the permitted use for which the information will be used; and~~

~~(ii) To Upon request, make such records available upon request for inspection by the Department.~~

Section 9: **Section 9. Fees.**

(a) Motor Vehicle Registration or Title Records. **All requests for motor vehicle registration or title records shall meet the requirements of Section 3 through 8 of this chapter.** The Department shall collect the following fees when filling such record requests ~~for motor vehicle registration or title records:~~

~~(i) For the entire title and registration file: \$3,500 \$4,250. For a partial title and registration file: \$1,750. All requests shall meet the requirements of Section 3 through 8 of this rules chapter.~~

~~(ii) For a partial title and registration file: \$2,250.~~

~~(ii iii) For each individual record supplied in written format: \$5 \$15. All requests shall meet the requirements of Sections 3 through 8 of this rules chapter.~~

~~(iii) Additional fees shall be assessed for any requests requiring programming changes or additions.~~

~~(iv) The Department shall charge contractor cost plus \$750 \$1,000 for each request for records maintained pursuant to International Registration Program (IRP), International Fuel Tax Administrators (IFTA), or special fuel tax provisions. All requests shall meet the requirements of Sections 3 through 8 of this rules chapter.~~

~~(v) Additional fees shall be assessed for any requests requiring programming changes or additions.~~

(b) Driver's License Records. The Department shall collect the following fees when filling requests for driver's license records: ;

(i) Any person who meets the requirements for permitted disclosures under

Section 5 shall pay a ~~minimum fee of \$2,500~~ \$3,250 minimum fee for the entire driver data file. A partial file ~~fee shall cost a minimum of \$1,250~~ be \$1,750 minimum.

(ii) ~~The fee for permitted disclosures under Section 5(k) and disclosure~~ For permitted disclosures of individual records under Section 6 of this ~~rules~~ chapter, the fee shall be ~~\$2,500~~ \$3,250.

(iii) ~~The fee for~~ For special job runs for government agencies, the fee shall be a ~~minimum of \$500~~ \$750 minimum.

(iv) For individual driving records, the fee shall be \$10 per record request.

(~~iv~~ v) Additional fees shall be assessed as needed for programming costs.